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PART I

December 18, 1974—Pages 43707–43809

HIGHLIGHTS OF THIS ISSUE

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

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Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER G—ANIMAL BREEDS

PART 151—RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

Recognized Breeds and Books of Record; Correction

In FR Doc. 74-26675 (39 FR 40165), appearing in the FEDERAL REGISTER of Thursday, November 14, 1974, the effective date statement was inadvertently omitted. Accordingly, the effective date statement is added after the statutory authorities to read:

Effective date. This amendment shall become effective November 14, 1974.

The amendment was in the nature of a relief of restrictions in that it provides for the duty-free entry of certain purebred animals.

Done at Washington, D.C., this 12th day of December 1974.

R. P. JONES,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74-29404 Filed 12-17-74;8:45 am]

Title 12—Banks and Banking

CHAPTER I—COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

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

Statement of Business Interests

Correction

In FR Doc. 74-27976, appearing at page 41735 in the issue for Monday, December 2, 1974, in § 23.1(a), in the ninth line, the date "January 31, 1975", should be changed to read "March 1, 1975."

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 74-1245]

PART 545—OPERATIONS

Branch Office Applications

DECEMBER 5, 1974.

The following summary of the amendment adopted by this resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to the specific provisions of the regulation.

I. *Regulations prior to present amendment.* If a Federal association has had two branch office applications disapproved to serve any substantial part of the same savings service area within a 12 month period, 12 months must elapse before the association may reapply.

II. *Amended regulations.* Permit a Federal association that has had two branch applications disapproved within the preceding 12 months to refile either of the disapproved applications in cases where any other savings and loan association, savings bank or similar institution has filed for any substantial part of the same savings service area.

III. *Reason for changing the regulations.* To prohibit inequities from arising where a savings service area's economic profile changes after a Federal association has had two applications denied to such an extent tha another thrift institution files an application for a branch office there.

The Federal Home Loan Bank Board, by Resolution No. 74-930, dated September 13, 1974, proposed an amendment to § 545.14 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.14) in order to permit a Federal savings and loan association that has had two branch applications denied within the preceding twelve months to refile in cases where another thrift institution has filed for any substantial part of the same savings service area. By a companion resolution (Resolution No. 74-931; dated September 13, 1974), the Board also proposed a similar amendment to Part 582 of the regulations for District of Columbia Savings and Loan Associations and Branch Offices (12 CFR Part 582).

Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on September 23, 1974 (39 FR 34080-34081), with an invitation for interested persons to submit written comments by October 9, 1974. On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board considers it desirable to adopt the proposed amendment, as set forth below.

Prior to the present amendment, § 545.14(b)(1)(ii) required that before a Federal association could have a branch application considered 12 months must have elapsed since the date of disapproval by the Board of an application to serve any substantial part of the same savings service area. However, this requirement was applicable only if such Federal association had filed two applications to serve any substantial part of such savings service area within the 12 months preceding such date of disapproval and both such applications were disapproved by the Board. The amendment allows such a Federal association which would otherwise be prohibited from filing an application 12 months to do so if another savings and loan association, savings bank, or similar institution has filed an application to establish a branch in any substantial part of the same savings service area. An additional result of the amendment is a clarification of the present language in § 545.14(b)(1)(ii).

Accordingly, the Federal Home Loan Bank Board hereby amends Part 545 by revising § 545.14(b)(1)(ii) thereto to read as set forth below, effective January 20, 1975.

§ 545.14 **Branch office.**

* * * * *

(b) *Eligibility.* (1) Except as provided in paragraph (b)(2) of this section, a Federal association shall be eligible to have an application for permission to establish a branch office (including an application for a limited facility branch office) considered and processed only if at the date on which such application is filed with the Board:

* * * * *

(ii) Two such applications, whereby such association proposes to serve any substantial part of the same savings service area (as determined by the Supervisory Agent) have not been disapproved by the Board during the 24 months preceding such date unless at least 12 months have elapsed since the most recent disapproval. However, if two such applications by such association have been disapproved during the 24 months preceding such date, either of such disapproved applications will be considered and processed upon refiling if any other savings and loan association, savings bank, or similar institution files such an application whereby it proposes to serve any substantial part of the same savings service area (as determined by the Supervisory Agent) within 12 months since the most recent disapproval.

* * * * *

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

By the Federal Home Loan Bank Board.

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

[FR Doc.74-29435 Filed 12-17-74;8:45 am]

[No. 74-1299]

PART 545—OPERATIONS

Stock Bonus, Pension or Profit Sharing Plans

DECEMBER 12, 1974.

The following summary of the amendment adopted by this resolution is provided for the reader's convenience and is subject to the full provisions of this resolution, including the provisions in the preamble thereof and in the amended regulation set forth below.

I. *Regulations prior to present amendment.* Certain Federal associations are authorized to act as trustees of certain trusts that form part of a stock bonus, pension or profit sharing plan which qualifies or qualified for specific tax treatment under section 401(d) of the Internal Revenue Code of 1954 (relating to trusts and plans benefiting owner-employees).

II. *Amended regulations.* Authorize certain Federal associations to also act as trustee of certain trusts that form part of a stock bonus, pension or profit sharing plan which qualifies or qualified for specific tax treatment under section 408(a) of the Internal Revenue Code of 1954 (relating to individual retirement accounts).

III. *Reason for changing the regulations.* Implement section 4(d) of the Emergency Home Purchase Assistance Act of 1974 (Pub. L. 93-449).

Section 4(d) of the Emergency Home Purchase Assistance Act of 1974 amended the first sentence of the pertinent paragraph of section 5(c) of the Home Owners' Loan Act of 1933, as amended, (12 U.S.C. 1464(c)) by adding the phrase "or section 408(a)" after the phrase "section 401(d)". This portion of section 5(c), as so amended, reads as follows:

> Any such association is authorized to act as trustee of any trust created or organized in the United States and forming part of a stock bonus, pension, or profit-sharing plan which qualifies or qualified for specific tax treatment under section 401(d) or section 408(a) of the Internal Revenue Code of 1954, if funds of such trust are invested only in savings accounts or deposits in such association or in obligations or securities issued by such association.

Section 408(a) of the Internal Revenue Code of 1954 is a new section, relating to individual retirement accounts, which was added to the Code by section 2002(b) of the Employee Retirement Income Security Act of 1974 (Pub. L. 93-406) and which applies to taxable years beginning after December 31, 1974.

The Federal Home Loan Bank Board considers it desirable to amend § 545.17-1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.17-1) for the purpose of implementing section 4(d) of the Emergency Home Purchase Assistance Act of 1974 relating to certain bonus, pension, or profit-sharing which qualify for specific tax treatment under section 408(d) of the Internal Revenue Code of 1954. Accordingly, the Board hereby amends this § 545.17-1 to read as set forth below. Since this amendment relieves restriction, the Board hereby finds that notice and public procedure are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and the Board hereby provides that the amendment shall become effective January 1, 1975.

§ 545.17-1 Stock bonus, pension, or profit-sharing plan.

A Federal association which has a charter in the form of Charter K (rev.) or Charter N may act as trustee, and may receive reasonable compensation for so acting, of any trust created or organized in the United States and forming part of a stock bonus, pension, or profit-sharing plan which qualifies or qualified for specific tax treatment under section 401(d) or section 408(a) of the Internal Revenue Code of 1954, if the funds of such trust are invested only in savings accounts or deposits in such association or in obligations or securities issued by such association. All funds held in such fiduciary capacity by any such association may be commingled for appropriate purposes of investment, but individual records shall be kept by the fiduciary for each participant and shall show in proper detail all transactions engaged in under the authority of this section.

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

By the Federal Home Loan Bank Board.

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

[FR Doc.74-29437 Filed 12-17-74;8:45 am]

SUBCHAPTER E—DISTRICT OF COLUMBIA SAVINGS AND LOAN ASSOCIATIONS AND BRANCH OFFICES

[No. 74-1246]

PART 582—OFFICES

Branch Office Applications

DECEMBER 5, 1974.

The following summary of the amendment adopted by this resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to the specific provisions of the regulation.

I. *Regulations prior to present amendment.* If a District of Columbia association has had two branch office applications disapproved to serve any substantial part of the same savings service area within a 12 month period, 12 months must elapse before the association may reapply.

II. *Amended regulations.* Permit a District of Columbia association that has had two branch applications disapproved within the preceding 12 months to refile either of the disapproved applications in cases where any other savings and loan association, savings bank or similar institution has filed for any substantial part of the same savings service area.

III. *Reason for changing the regulations.* To prohibit inequities from arising where a savings service area's economic profile changes after a District of Columbia association has had two applications denied to such an extent that another thrift institution files an application for a branch office there.

The Federal Home Loan Bank Board, by Resolution No. 74-931, dated September 13, 1974, proposed an amendment to § 582.1 of the regulations for the District of Columbia Savings and Loan Associations and Branch Offices (12 CFR 582.1) in order to permit a savings and loan association that has had two branch applications denied within the preceding 12 months to refile in cases where another thrift institution has filed for any substantial part of the same savings service area. By a companion resolution (Resolution No. 74-930; dated September 13, 1974), the Board also proposed a similar amendment to Part 545 of the rules and regulations for the Federal Savings and Loan System.

Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on September 23, 1974 (39 FR 34080-34081), with an invitation for interested persons to submit written comments by October 9, 1974. On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board considers it desirable to adopt the proposed amendment, as set forth below.

Prior to the present amendment, § 582.1(b)(ii) required that before an association could have a branch application considered 12 months must have elasped since the date of disapproval by the Board of an application to serve any substantial part of the same savings service area. However, this requirement was applicable only if such association had filed two applications to serve any substantial part of such savings service area within the 12 months preceding such date of disapproval and both such applications were disapproved by the Board. The amendment allows such an association which would otherwise be prohibited from filing an application for 12 months to do so if another savings and loan association, savings bank, or similar institution has filed an application to establish a branch in any substantial part of the same savings service area. An additional result of the amendment is a clarification of the present language in § 582.1(b)(ii).

Accordingly, the Federal Home Loan Bank Board hereby amends Part 582 by revising § 582.1(b)(1)(ii) thereto to read as set forth below, effective January 20, 1975.

§ 582.1 Branch offices.

* * * * *

(b) *Eligibility.* (1) Except as provided in paragraph (b)(2) of this section, an association shall be eligible to have an application for permission to establish a branch office (including an application for a limited facility branch office) considered and processed only if, at the date on which such application is filed with the Board:

* * * * *

(ii) Two such applications, whereby such association proposes to serve any substantial part of the same savings service area (as determined by the Supervisory Agent) have not been disapproved by the Board during the 24 months preceding such date unless at least 12 months have elapsed since the most recent disapproval. However, if two such applications by such association have been disapproved during the 24 months preceding such date, either of such disapproved applications will be considered and processed upon refiling if any other savings and loan association, savings bank, or similar institution files such an application whereby it proposes to serve any substantial part of the same savings service area (as determined by the Supervisory Agent) within 12 months since the most recent disapproval.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; Sec. 8, 48 Stat. 132, as added by Sec. 913, 84 Stat. 1815; 12 U.S.C. 1464, 1466a. Reorg. Plan No. 8 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071).

By the Federal Home Loan Bank Board.

[SEAL] GREENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.74-29436 Filed 12-17-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-EA-60; Amdt. 39-2050]

PART 39—AIRWORTHINESS DIRECTIVE

Bendix

On Page 38668 of the FEDERAL REGISTER for November 1, 1974, the Federal Aviation Administration published a proposed rule so as to issue an airworthiness directive applicable to Bendix Scintilla S-20, S-200, S-1200 series magnetos.

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

In view of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 [31 FR 13697], § 39.13 of the Federal Aviation Regulations is amended hereby and the airworthiness directive adopted as published.

This amendment is effective December 24, 1974.

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

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

JAMES BISPO,
Deputy Director.

BENDIX ELECTRICAL COMPONENTS DIVISION: Applies to certain Bendix (Scintilla) S-20, S-200 and S-1200 Series Magnetos listed on Bendix Service Bulletin No. 556B.

a. Red nameplate magneto models listed in the Equipment Affected section, excepting those with change designations as shown in Table No. 1 or later.

b. Blue nameplate (Bendix remanufactured) magneto models listed in the Equipment Affected section excepting those having serial number 349001 or higher.

c. Black nameplate magnetos bearing a part number listed in the Equipment Affected section.

Compliance required as indicated unless already accomplished. Within 200 hours in service or 90 days after the effective date of this AD, whichever occurs first, insure that the affected magnetos incorporate a solid steel drive shaft bushing by complying with all provisions, except the compliance paragraph, of Bendix Electrical Components Division Service Bulletin No. 556B or subsequent FAA approved revision or an equipment procedure approved by the Chief, Engineering & Manufacturing Branch, FAA, Eastern Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Bendix Electrical Components Division, Sidney, New York 13838. These documents may also be examined at FAA Eastern Region, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430, and at FAA headquarters, 800 Independence Avenue SW., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C. and at the Eastern Region.

As permitted by FAR's 21.197 and 21.199, aircraft may be flown to a base where maintenance required by this Airworthiness Directive can be accomplished.

[FR Doc.74-29380 Filed 12-17-74;8:45 am]

[Docket No. 74-WE-50-AD; Amdt. 39-2051]

PART 39—AIRWORTHINESS DIRECTIVES

Rockwell-International Sabreliner Models NA265-40, NA265-60, NA265-70 (CT-39E and CT-39G) Series Airplanes

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted on November 26, 1974, and made effective immediately as to all known United States operators of Rockwell-International Sabreliner Models NA265-40, NA265-60, NA265-70 (CT-39E and CT-39G) Series Airplanes. The directive requires adoption of an inspection procedure, removal of potentially defective pressure switches, interim corrective action and installation of cockpit placard until an improved pressure switch is installed.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Rockwell-International Sabreliner Models NA265-40, NA265-60, NA265-70 (CT-39E and CT-39G) series airplanes by individual air mail letters dated November 27, 1974. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

ROCKWELL-INTERNATIONAL. Applies to NA265-40, NA265-60, NA265-70 (CT-39E, CT-39G) series airplanes certificated in all categories.

Compliance required as indicated.

To preclude inflight engine shutdown due to loss of oil quantity because of an unknown incipient failure condition in the engine oil low pressure switch, (Hydra-electric, P/N 12252), accomplish the following:

(1) Within ten flight hours after receipt of this AD, unless already accomplished, inspect each engine installation to determine if Hydra-electric P/N 12252, is installed. If found installed remove Hydra-electric P/N 12252 and;

(a) Replace with Hydra-electric P/N 12252-1, or,

(b) Install Aero Instruments Co. P/N 1B2522-230, or Century Electronics and Instrument Inc. P/N 1B2522-230; or

(c) Install O-ring NAS 617-4 and plug MS 9015-04 or an 814-4L. Safety wire with proper lockwire. Disconnect the electric connector cap, and stow in accordance with good maintenance practice. See (d)(ii) and (e) below for placard installation.

(d) If both engine oil low pressure switches are removed and plugged;

(i) The amber "OIL PRESS LOW" caution light must be modified by either removing the light cover and replacing with a blank cover or installing an "INOPERATIVE" placard over the light cover, and,

(ii) Install, in front of and in full view of the crew, a placard which reads: "ENGINE LOW OIL PRESSURE WARNING SYSTEM INOPERATIVE. MONITOR OIL PRESSURE GAGES."

(e) If one engine oil low pressure switch is removed and plugged, install in front of and in full view of the crew, a placard which reads:

(LEFT OR RIGHT) ENGINE LOW OIL PRESSURE WARNING SYSTEM INOPERATIVE. MONITOR (LEFT OR RIGHT) OIL PRESSURE GAGE."

NOTE. Sabre Gram, dated November 15, 1974, covers this subject.

(2) Within sixtey days after receipt of this AD, install new engine oil low pressure switch, Hydra-electric P/N 12252-1 or Aero Instruments Co. or Century Electronics and Instrument Inc. P/N 1B2522-230, in those positions where Hydra-electric P/N 12252 was removed, and plugs have been installed. Reconnect the electrical connector and accomplish functional check before return to service.

(3) Remove placecards and reactivate "OIL PRESS LOW" caution light when (2), above, has been accomplished.

(4) Airplanes may be flown to a base for the performance of the inspections and installations required by paragraph one of this AD, per FAR's 21.197 and 21.199.

(5) Return P/N 12252 switches removed from service to Rockwell-International, Aviation Service Division, Lambert Field, St. Louis, Mo. 63145.

(6) Equivalent inspections and installations may be approved by the Chief, Aircraft Engineering Division, FAA Western Region, upon submission of adequate substantiating data.

This amendment is effective December 24, 1974, for all persons except those to whom it was made effective immediately by airmail letter dated November 27, 1974.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421

and 1423) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in Los Angeles, California, on December 9, 1974.

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

[FR Doc.74-29379 Filed 12-17-74;8:45 am]

[Docket No. 74-EA-76; Amdt. 39-2052]

PART 39—AIRWORTHINESS DIRECTIVE

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend AD 72-22-5 applicable to PA-24 type aircraft.

It is intended that aircraft which install the alteration proposed by the manufacturer may return to operating the aircraft at its designed speed of VNE 227 mph (CAS).

Since this amendment presents an option under the requirements of the AD, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 [31 FR 13697] § 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending AD 72-22-5 as follows:

Insert the following as paragraph 3, and change the present paragraph 3 to paragraph 4:

3. For PA-24-250 and PA-24-260 type airplanes, a Vne of 227 mph (CAS) may be used upon altering the stabilator in accordance with Piper Service Kit No. 760747, or an approved equivalent, and by altering the rudder as in paragraph 2(b) above.

(Piper Service Bulletin No. 687, dated June 19, 1974, refers to this subject.)

This amendment is effective December 26, 1974.

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

Issued in Jamaica, N.Y., on December 11, 1974.

JAMES BISPO,
Deputy Director,
Eastern Region.

[FR Doc.74-29381 Filed 12-17-74;8:45 am]

[Docket No. 74-EA-84; Amdt. 39-2053]

PART 39—AIRWORTHINESS DIRECTIVE

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Piper PA-31 and PA-31P type airplanes.

There have been reports of pilots inadvertently shutting off the rocker-type magneto switch located on the overhead panel. Since this deficiency exists in other similar type aircraft, an airworthiness directive is being issued so as to require the installation of a safety guard over the switch.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 [31 FR 13697] § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

PIPER AIRCRAFT—applies to Magneto Switch Guard Installation on Piper PA-31 and PA-31-300 S/N 31-2 to 31-7300969 incl; PA-31-350 S/N 31-5001 to 31-7305091 incl; and PA-31P S/N 31P-1 to 31P-7300161 incl.

To prevent inadvertently or accidentally shutting down an engine, perform the following:

1. Within the next 100 hours time in service, after the effective date of this Airworthiness Directive, install a protective guard over the magneto switches in accordance with Piper Service Letter No. 675, dated September 17, 1973.

2. Equivalent installations must be approved by the Chief, Engineering and Manufacturing Branch, Eastern Region, Jamaica, New York.

3. Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, may adjust the compliance time specified in this A.D.

This amendment is effective December 26, 1974.

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

Issued in Jamaica, N.Y., on December 11, 1974.

JAMES BISPO,
Deputy Director,
Eastern Region.

[FR Doc.74-29382 Filed 12-17-74;8:45 am]

[Docket No. 73-WA-6]

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

Designation of Terminal Control Area at Philadelphia, Pennsylvania

On May 2, 1974, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (39 FR 15307) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a Group II Terminal Control Area (TCA) for Philadelphia, Pa.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The only comment received reflected concurrence with the proposed establishment of the TCA.

In consideration of the foregoing and for reasons stated in Docket No. 9880 (35 FR 7782), Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 27, 1975, by adding the following to § 71.401(b) Group II Terminal Control Areas.

Philadelphia, Pa., Terminal Control Area
Primary Airport

Philadelphia International Airport (Lat. 39°52'23" N., Long. 75°14'58" W.)

Boundaries.

Area A.

That airspace extending upward from the surface to and including 7,000 feet MSL within a 6-mile radius of the Philadelphia International Airport, excluding that airspace within and underlying Areas B and C.

Area B.

That airspace extending upward from 300 feet MSL, to and including 7,000 feet MSL, beginning at the east tip of Tinicum Island, along the south shore of Tinicum Island to its westernmost point, thence direct to the outlet of Darby Creek at the north shore of the Delaware River, thence along the north shore of the river to Chester Creek, thence eastward direct to Thompson Point, thence eastward along the south shore of the Delaware River to Bramell Point, thence direct to the point of beginning.

Area C.

That airspace extending upward from 600 feet MSL, to and including 7,000 feet MSL, beginning at Bramell Point, along the south shore of the Delaware River to Thompson Point, thence direct to the outlet of Chester Creek at the Delaware River, thence southwestward along the north shore of the Delaware River, to the 6-mile arc of the Philadelphia International Airport, thence counterclockwise along the 6-mile arc to Kings Highway (Route 551), thence northward direct to Bramell Point.

Area D.

That airspace extending upward from 1,500 feet MSL to and including 7,000 feet MSL within an 11-mile radius of the Philadelphia International Airport, excluding Areas A, B, and C.

Area E.

That airspace extending upward from 3,000 feet MSL to and including 7,000 feet MSL within a 15-mile radius of Philadelphia International Airport, excluding that airspace southeast of a line extending from Lat. 39°32'50"N., Long. 75°10'30"W., to Lat. 40°00'00"N., Long. 74°50'45"W., and Areas A, B, C, and D.

Area F.

That airspace extending upward from 4,000 feet MSL to and including 7,000 feet MSL within a 20-mile radius of Philadelphia International Airport, excluding that airspace southeast of a line extending through Lat 39°32'50"N., Long. 75°10'30"W., and Lat. 40°00'00"N., Long. 74°50'45"W., and Areas A, B, C, D, and E.

(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 December 12, 1974.

EDWARD J. MALO,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.74-29377 Filed 12-17-74;8:45 am]

[Docket No. 74-SO-20]

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

Designation of Transition Area

On March 11, 1974, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (39 FR 9456), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Homerville, Ga., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 27, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the following transition area is added:

HOMERVILLE, GA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Homerville Airport (latitude 31°-03'00" N., longitude 82°46'30" W.); within 3 miles each side of the 310 bearing from the Homerville RBN (latitude 31°03'17" N., longitude 82°46'16" W.), extending from the 6.5-mile radius area to 8.5 miles northwest of the RBN.

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

Issued in East Point, Ga., on December 6, 1974.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.74-29378 Filed 12-17-74;8:45 am]

Title 17—Commodities and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-11124]

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Rescission of EDP Attachments

The Securities and Exchange Commission today announced the rescission of the EDP attachment heretofore required to be filed in certain instances with reports on Forms 10-Q (17 CFR 249.310) and 10-K (17 CFR 249.308a) under the Securities Exchange Act of 1934 ("Exchange Act"), and the withdrawal of a proposed amendment to Form 10-K under the Act.

RESCISSION OF EDP ATTACHMENTS

In Securities Exchange Act Release Nos. 9443 (January 10, 1972) (37 FR 601) and 9502 (February 22, 1972) (37 FR 4331), the Commission adopted amendments to Forms 10-Q and 10-K to elicit information concerning recent transactions by the issuer in unregistered securities. The information included transactions in securities, debt as well as equity, issued in reliance upon the exemption from registration provided by section 4(2) of the Securities Act of 1933. For statistical purposes, the Commission also then adopted an EDP attachment to be filed in certain situations as Exhibit I to Form 10-K and 10-Q.

The EDP attachment was intended as a current compilation of information generally reflected in the report of which it was an exhibit, and it has been utilized by the Commission to gather information for various purposes. At this time, the Commission has determined that the functional justification for the preparation and filing of the EDP attachment no longer warrants its use, and accordingly the Commission has rescinded the requirement that the EDP attachment be filed as Exhibit I to Form 10-K and Form 10-Q.

WITHDRAWAL OF PROPOSED AMENDMENT TO FORM 10-K

In Securities Exchange Act Release No. 9576 (April 20, 1972), (37 FR 9045) the Commission announced a proposal to amend Form 10-K by adding a new Item 16. The proposed amendment would have required identification of the information contained in the annual report to security holders. In view of the Commission's recent action to improve the dissemination of annual reports to security holders, (Securities Exchange Act Release No. 11079 (October 31, 1974) (39 FR 40766)), the Commission hereby withdraws the proposed amendment to Form 10-K.

The Commission has found that the rescission of the EDP attachment relieves a restriction and that publication for comment is not required under the Administrative Procedure Act. The foregoing action is taken pursuant to the Securities Exchange Act of 1934, particularly sections 13, 15(d) and 23(a) thereof, and shall become effective December 18, 1974; however, after the date of this release, no objection will be raised by the staff of the Commission if an EDP attachment required to be filed prior to such effective date is not filed.

(Secs. 13, 15(d), 23(a), 48 Stat. 894, 895, 901; secs. 3, 8, 49 Stat. 1377, 1379; secs. 4, 6, 78 Stat. 569, 570; (15 U.S.C. 78m, 78o(d), 78w(a)))

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 6, 1974

[FR Doc.74-29445 Filed 12-17-74;8:45 am]

Title 20—Employees' Benefits

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

[Reg. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950-.....)

Child's Insurance Benefits

On July 8, 1974, there was published in the FEDERAL REGISTER (39 FR 24915) a Notice of Proposed Rule Making with proposed amendments to Subparts D, E, H, and L of Regulations No. 4. The proposed amendments incorporate therein the sections of Public Law 92-603, enacted October 30, 1972, and Public Law 93-66, enacted July 9, 1973, affecting eligi 93-66, enacted July 9, 1973, affecting eligibility requirements for child's benefits. The substance of these provisions is as follows:

(a) Section 108 (P.L. 92-603) (1) Permits an individual who is under a disability which began before age 22 (rather than before age 18) to qualify for child's benefits; and

(2) Permits reentitlement of an individual to child's benefits whose entitlement to such benefits ended because he was not disabled and who later became disabled after age 18 and before age 22; and

(3) Permits reentitlement of an individual to child's benefits whose entitlement to such benefits ended because he ceased to be under a disability, provided that he again becomes disabled before the end of the 84th month following the month in which his most recent entitlement to childhood disability benefits ended due to cessation of his disability; and

(4) Provides that no payment may be made to an individual entitled to childhood disability benefits who has attained age 55 and who meets the definition of disability on the basis of "statutory blindness" for any month in which that individual engages in substantial gainful activity.

(b) Section 109 (P.L. 92-603) provides that where a student child is in full-time attendance and has not completed the requirements for or received an undergraduate degree in the month in which he attains age 22, his entitlement will not end until the month after the month in which the quarter or semester ends. If the school does not operate on a quarter or semester system, the student's entitlement will continue through the month in which the course of study ends or until the third month after the month in which he attains age 22, whichever occurs first.

(c) Section 111 (P.L. 92-603) sets out the dependency requirements for a child adopted by an individual after the individual became entitled to old-age or disability insurance benefits.

(d) Section 112 (P.L. 92-603) provides for the continued entitlement of a child who has been adopted and for reentitlement of a child whose benefits were terminated due to adoption.

(e) Section 113 (P.L. 92-603) sets out the conditions and requirements for entitlement of a child on the account of a grandparent, stepgrandparent, or the spouse of a grandparent or stepgrandparent.

(f) Section 115 (P.L. 92-603) provides for the waiver of the duration-of-relationship requirement for qualifying as a "widow," "widower," "mother," or "stepchild" of the insured individual where the surviving spouse (in the case of the "widow," "widower," or "mother") or the stepchild's parent (in the case of the

"stepchild") had previously been married to the insured individual, such marriage had ended in divorce, and the duration-of-relationship requirements would have been satisfied at the time of the divorce if the previous marriage had ended in the death of the insured individual rather than in divorce.

(g) Section 145 (P.L. 92603) modifies the provisions for waiving the duration-of-relationship requirements for a "widow," "widower," "mother," or "stepchild" where the insured individual's death was accidental or occurred in the line of duty while serving on active duty as a member of a uniformed service.

(h) Section 240 (P.L. 93–66) provides for an alternative support period for an adopted child where the child is adopted by an insured individual after insured individual's entitlement to retirement or disability benefits and the child is the grandchild of the insured individual or his spouse.

Interested persons were given the opportunity to submit, within 30 days, data, views or arguments with regard to the proposed changes.

The time period permitted for comment has passed and no comments have been received. Accordingly, the proposed amendments are hereby adopted without change as set forth below.

(Secs. 202, 205, and 1102 of the Social Security Act, as amended; 49 Stat. 623, as amended, 53 Stat. 1368, as amended, 49 Stat. 647, as amended; (42 U.S.C. 402, 405, and 1302))

Effective date. The amendments shall be effective December 18, 1974.

(Catalog of Federal Domestic Assistance Program Nos. 13.802, Social Security—Disability Insurance; 13.803, Social Security—Retirement Insurance; 13.805, Social Security—Survivors Insurance.)

Dated: December 5, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: December 12, 1974.

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

Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 404.320 is revised to read as follows:

§ 404.320 Child's insurance benefits; conditions of entitlement.

(a) *Entitlement.* A child is entitled to a child's insurance benefit if he:

(1) Is the child (as defined in § 404.1109) of:

(i) An individual entitled to old-age insurance benefits or disability insurance benefits; or

(ii) An individual who was fully insured (see §§ 404.108–404.113) or currently insured (see § 404.114) at the time of death; and

(2) Has filed application for, except as provided in § 404.353(d), the child's insurance benefits; and

(3) Is unmarried at the time such application is filed; and

(4) At the time such application is filed:

(i) Has not attained age 18, or

(ii) Has not attained the age of 22 (except as provided in paragraph (c)(4) of this section) and is a full-time student (as defined in paragraph (c)(1) of this section), or

(iii) Is under a disability which began before attainment of age 22, and

(5) Was dependent (see §§ 404.324–404.327a) at a time specified in § 404.323, upon the individual on whose earnings child's insurance benefits are claimed.

(b) *Reentitlement.* A child whose entitlement to benefits terminated with the month before the month in which he attained age 18 or later, may thereafter, provided he has not been married since his last entitlement (see § 404.321(b)(2)), again become entitled to such benefits upon filing application for such reentitlement beginning with:

(1) The first month after such termination in which he is a full-time student and has not attained the age of 22 (except as provided in paragraph (c)(4) of this section); or

(2) The first month after such termination in which he is under a disability if he became disabled prior to attainment of age 18; or

(3) The first month after such termination in which he is under a disability but no earlier than January 1973, if he became disabled prior to attainment of age 22, except that if he was not entitled to a monthly benefit under section 202 of the Act for December 1972, the application for reentitlement must be filed after September 1972; or

(4) The first month after such termination in which he is under a disability but no earlier than January 1973 if he became disabled before the close of the 84th month following the month in which his most recent entitlement to child's benefits terminated because his disability ceased, except that if he was not entitled to a monthly benefit under section 202 of the Act for December 1972, the application for reentitlement must be filed after September 1972; or

(5) November 1972 if such termination was due to the child's adoption, provided that the application for reentitlement is filed after October 30, 1972.

(c) *Definitions of terms*—(1) *Full-time student.* The term "full-time student" means a student who is in full-time attendance (as defined in subparagraph (2) of this paragraph) at an educational institution (as defined in subparagraph (5) of this paragraph), except that no student shall be considered a full-time student if he is paid by his employer while attending an educational institution at his employer's request or pursuant to a requirement of his employer.

(2) *Full-time attendance.* Ordinarily, a student is in "full-time attendance" at an educational institution if he is enrolled in a noncorrespondence course and is carrying a subject load which is considered full time for day students under the institution's standards and practices. However, a student will not be considered in "full-time attendance" (i) if he is enrolled in a junior college, college, or university in a course of study of less than 13 school weeks' duration; or, (ii) if he is enrolled in any other educational institution and either the course of study is less than 13 school weeks' duration or his scheduled attendance is at the rate of less than 20 hours a weeks. A student whose full-time attendance begins or ends in a month is in full-time attendance for that month except that a student will not be considered in full-time attendance in the month in which he graduates if he completed his course of study and ceased carrying a full-time subject load in a month before the month immediately preceding the month of graduation.

(3) *Deemed full-time student during period of nonattendance.* An individual will be deemed a full-time student during any period of nonattendance (including part-time attendance) at an educational institution if the period is 4 consecutive calendar months or less, and the individual:

(i) Establishes that he intends to be in full-time attendance at an educational institution in the month immediately following such period, or

(ii) Is in full-time attendance at an educational institution in the month immediately following such period.

However, an individual will not be deemed a full-time student during any period of nonattendance if the nonattendance is due to expulsion or suspension, notwithstanding such individual intends to, or does in fact, resume full-time attendance within 4 calendar months after the beginning of such period of nonattendance.

(4) *Attainment of age 22 while in full-time attendance.* A full-time student (as defined in subparagraph (1) of this paragraph) who, in the month in which he attains age 22, has not completed the requirements for, or received, a degree from a four-year college or university will be deemed, beginning January 1973, to attain age 22 on the first day of the month following the month in which ends the quarter or semester for which he was enrolled full-time in the month in which he attains age 22. If such college or university or other educational institution (as defined in subparagraph (5) of this paragraph) does not operate on a quarter or semester system, a full-time student will be deemed to attain age 22 on either the first day of the month following the completion of the course in which he was enrolled full-time in the month in which he attained age 22, or if earlier, the first day of the third month following the month in which he attained age 22.

(5) *Educational institution.* An educational institution, as used in this paragraph (c), is a school (including a technical, trade, or vocational school), junior college, college, or university which meets any of the conditions described in

the following subdivisions (i), (ii), and (iii) of this subparagraph (5):

(i) It is operated or directly supported by the United States or by any State or local government or political subdivision thereof; or

(ii) It is approved by a State or accredited by a State-recognized or nationally recognized accrediting agency or body. A nationally recognized accrediting agency or body is an agency or body that has been determined to be such by the U.S. Commissioner of Education. A State-recognized accrediting agency or body is an agency or body designated or recognized by a State as proper authority for accrediting schools, colleges, or universities as meeting educational standards. Approval by a State includes approval of a school, college, or university as an educational institution, or of one or more of the school's, college's, or university's courses, by a State agency or subdivision of the State. This approval may be indirect, as, for example, if attendance at the school satisfies the State's compulsory education laws, or if the school has a tax exemption as a school, or if the school receives financial aid, loans, or scholarship allowances; or

(iii) In the case of a nonaccredited school, college, or university, its credits are accepted, on transfer, by not less than three institutions which have been accredited by a State-recognized or nationally recognized accrediting agency or body, for credit on the same basis as if transferred from an institution so accredited. Acceptance of credits on transfer includes, in addition to acceptance of laterally transferred credits between similar educational institutions, acceptance of credits completed in an institution at a lower grade level for entrance into an institution at a higher grade level.

2. In § 404.321, paragraph (a)(6) is revised, new paragraphs (a)(7) and (a)(8) are added, and paragraph (b) is revised to read as follows:

§ 404.321 Child's insurance benefits; duration of entitlement.

(a) A child is entitled to a child's insurance benefit for each month beginning with the first month in which all of the conditions of entitlement described in § 404.320 (a) or (b) are met. However, no entitlement to child's benefits may be established for any month:

* * * * *

(6) Before January 1973, if the child's entitlement is based on his disability which began after attainment of age 18 and before attainment of age 22, or if the child's reentitlement is based on his disability which began before the close of the 84th month following the month in which his most recent entitlement to child's benefits terminated because his disability ceased.

(7) Before January 1973, if the child's entitlement is based on his status as a grandchild or stepgrandchild (as defined in § 404.1109(c)).

(8) Before the month of the child's birth.

(b) The last month for which a child is entitled to a child's insurance benefit is the month before the month in which any one of the following events first occurs:

(1) The child dies;

(2) The child marries (except as provided in paragraph (d) of this section);

(3) The child attains age 18, and

(i) Is not under a disability at that time, and

(ii) Is not a full-time student (as defined in § 404.320(c)) during any part of the month in which he attains age 18;

(4) If the child's entitlement is based on his status as a full-time student, the earlier of:

(i) The first month during no part of which he is a full-time student, or

(ii) The month in which he attains age 22, or a later month under the circumstances described in § 404.320(c)(4);

(5) If the child's entitlement is based on his disability, the third month following the month in which he ceases to be under a disability, unless he is a full-time student during any part of such third month and has not attained age 22 in or before such month. (See subparagraph (4) of this paragraph);

(6) The insured individual on whose earnings the child's entitlement to benefits is based ceases to be entitled to disability insurance benefits for reasons other than death or attainment of age 65.

* * * * *

Section 404.323 is revised to read as follows:

§ 404.323 Child's insurance benefits; time at which child must be dependent upon insured individual.

(a) *Months after September 1972 (or months after December 1967 based on an application filed after September 30, 1972, and before May 1, 1973).* For months after September 1972, the dependency requirements must be met:

(1) If the insured individual is living, at the time the application is filed, subject to the limitations in subparagraph (4) of this paragraph; or

(2) If the insured individual is deceased, at the time of such insured individual's death; or

(3) Subject to the limitations in subparagraph (4) of this paragraph, if the insured individual had established a period of disability which continued until he became entitled to disability or old-age insurance benefits (or, if he died, such period of disability continued until his death), at the beginning of such period of disability, or at the time he became entitled to such benefits.

(4) If the child of an insured individual was adopted after the insured individual became entitled to old-age or disability insurance benefits, the dependency of such child may not be established at the times specified in subparagraph (1) or (3) of this paragraph unless such child:

(i) Is the natural child or stepchild of such insured individual (including a natural child or stepchild who was legally adopted by such insured individual), or

(ii)(A) Was legally adopted by such insured individual in an adoption decreed by a court of competent jurisdiction within the United States, and

(B) Had not attained the age of 18 before he began living with such insured individual; and

(C) Was living with such insured individual in the United States and receiving at least one-half of his support from such insured individual:

(1) If the insured individual is an individual entitled to old-age insurance benefits (other than an individual refered to in subdivision (2) of this subparagraph (4)(ii)(C)), for the year immediately before the month in which such individual became entitled to old-age insurance benefits, or if such insured individual had a period of disability which continued until he became entitled to old-age insurance benefits, the month in which such period of disability began; or

(2) If the insured individual is an individual entitled to disability insurance benefits, or an individual entitled to old-age insurance benefits who was entitled to disability benefits for the month preceding the first month for which he was entitled to old-age insurance benefits, for the year immediately before the month in which began the period of disability of such individual which still exists at the time of the adoption (or, if such child was adopted by such individual after such individual attained age 65, the period of disability of such individual which existed in the month preceding the month in which he attained age 65), or the month in which such individual became entitled to disability insurance benefits; or

(3) Effective for months after July 1973 based on an application filed on or after July 1973, for the year immediately before the month in which the child's application is filed if the child is the grandchild (as defined in § 404.1109(c) but not including a stepgrandchild) of the individual upon whose wages and self-employment income his application is based or the grandchild (as defined in § 404.1109(c)) of that individual's spouse.

(4) If the child was born during the applicable 1-year period described in subdivision *(1)*, (2), or (3) of this subparagraph (4)(ii)(C), such child shall be deemed to meet the requirements of subdivision *(1)*, (2), or (3), of this subparagraph (4)(ii)(C) if, as of the close of such period, such child has lived with such insured individual in the United States and received at least one-half of his support from such individual for "substantially all" (as defined in subdivision *(5)* of this paragraph (a)(4)(ii)(C)) of the period which begins on the date of birth of such child.

(5) For purposes of § 404.327a(b) and subparagraph (4)(ii)(C)*(4)* of this

paragraph, the requirement that a child must have been living with an individual and receiving at least one-half support from such individual for "substantially all" of the period beginning with the date of birth of such child will be met if the period during which the child did not live with such individual or receive one-half support from such individual did not exceed the lesser of 3 months or one-half of the period beginning with the date of birth of such child, provided the child is living with such individual and receiving one-half support for such individual as of the close of such period.

(b) *Months after August 1958 and before October 1972.* For months after August 1958 and before October 1972, the dependency requirement must be met:

(1) If the parent is living, at the time the application for child's insurance benefits is filed, subject to the limitations in subparagraphs (4), (5), and (6) of this paragraph; or

(2) If the parent is deceased, at the time of the parent's death; or

(3) Subject to the limitation is subparagraph (5) of this paragraph, if the parent had a period of disability which continued until he became entitled to disability or old-age insurance benefits (or, if he had died, until the month of his death), at the beginning of such period of disability, or at the time he became entitled to such benefits.

(4) With respect to applications for child's insurance benefits filed before July 30, 1965, if the parent is entitled to disability insurance benefits, dependency of the child may not be established at the time specified in subparagraph (1) of this paragraph unless such child:

(i) Is the natural child or stepchild of such parent (including a natural child or stepchild of such parent who was legally adopted by such parent); or

(ii) Was legally adopted by such parent before the end of the 24-month period beginning with the month after the month in which the parent most recently became entitled to disability insurance benefits, and (A) proceedings for such adoption had been instituted by the parent in or before the month in which such parent's period of disability began, and such period of disability still existed at the time of such adoption, or (B) such adopted child was living with such parent in the month in which such period of disability began.

(5) Effective with applications for child's insurance benefits filed on or after July 30, 1965, but before October 1, 1972, if the parent is entitled to disability insurance benefits, or is entitled to old-age insurance benefits and was entitled to disability insurance benefits for the month preceding the first month for which he was entitled to old-age insurance benefits, and the child had been adopted by such parent after he became entitled to the disability insurance benefits, such child shall be deemed not to meet the dependency requirements at the times specified in subparagraphs (1) and (3) of this paragraph unless such child:

(i) Is the natural child or stepchild of such parent (including a natural child or stepchild who was legally adopted by such parent), or

(ii) Was legally adopted by such parent before the end of the 24-month period beginning with the month after the month in which such parent most recently became entitled to disability insurance benefits: *Provided,* (A) The proceedings for the adoption of the child had been instituted by such parent in or before the month in which such parent's period of disability began, and such period of disability still existed at the time of adoption (or, if such child was adopted by the parent after he attained age 65, such period of disability existed in the month before the month in which he attained age 65), or (B) such adopted child was living with such parent in the month in which the period of disability began; or

(iii) For benefits for months after January 1968, but only on the basis of an application for child's insurance benefits filed after January 2, 1968 and before October 1, 1972, was legally adopted by such parent at any time after he became entitled to disability insurance benefits, and provided that such adoption: (A) took place under the supervision of a public or private child-placement agency as defined in paragraph (d) of this section, and (B) was decreed by a court of competent jurisdiction within the United States and immediately preceding the date of the adoption such parent had continuously resided for not less than 1 year in the United States, and (C) took place at a time prior to such child's attainment of age 18.

(6) Effective with applications for child's insurance benefits filed on or after July 30, 1965, but before October 1, 1972, if the parent is entitled to old-age insurance benefits but is not a parent included under subparagraph (5) of this paragraph and the child had been adopted by such parent after he became entitled to the old-age insurance benefits, such child shall be deemed not to meet the requirements of subparagraph (1) of this paragraph unless such child:

(i) Is the natural child or stepchild of such parent (including a natural child or stepchild who was legally adopted by such parent), or

(ii) Was legally adopted by such parent before the end of the 24-month period beginning with the month after the month in which such parent became entitled to old-age insurance benefits (however, this time limit does not apply if the child was adopted before August 1966): *Provided,* (A) Such child had been receiving at least one-half of his support from such parent for the year before such parent filed his application for old-age insurance benefits, or if such parent had a period of disability which continued until he became entitled to old-age insurance benefits, for the year before such period of disability began, and (B) either the proceedings for the adoption of the child had been instituted by such parent in or before the month in which the parent filed his application for old-age insurance benefits, or such adopted child was living with such parent in the month he filed his application for old-age insurance benefits.

(c) *Months before September 1958.* For benefits for months before September 1958, the points in time at which the dependency requirement might be met were the time of filing of the application for child's insurance benefits, or, if the parent was deceased, the time of such parent's death.

(d) *Adoption under the supervision of a public or private child-placement agency.*—(1) *Public child-placement agency.* For the purposes of paragraph (b)(5)(iii) of this section, the term "public child-placement agency" means any governmental agency authorized by a State (including the District of Columbia and the Commonwealth of Puerto Rico), or local governmental agency or component of either to place children in a private home for adoption. The term does not include a court; it also does not include a court investigator, juvenile officer, probation officer, or other governmental official or agency appointed solely for the purpose of conducting an investigation for the court in an adoption proceeding unless such governmental official or agency has the authority to place children in private homes for adoption.

(2) *Private child-placement agency.* For the purposes of paragraph (b)(5)(iii) of this section, the term "private child-placement agency" means any individual, corporation, organization, or institution licensed or approved by a State or local governmental agency or component of either to place children in a private home for adoption. The term does not include any other individual, corporation, organization, or institution undertaking an investigation or appointed by a court in an adoption proceeding unless such individual or entity is authorized to place children in a private home for adoption.

(3) *Supervision by a child-placement agency.* For purposes of paragraph (b)(5)(iii) of this section, the term "supervision of a public or private child-placement agency" means that such agency as defined in subparagraphs (1) and (2) of this paragraph, prior to the final decree of adoption, was significantly involved in the adoption by making an investigation to determine the suitability of the adopting parent and the eligibility of the child for adoption, or by issuing a report of such suitability and eligibility, or by making recommendations based on such suitability and eligibility, to the court having jurisdiction of the adoption proceedings. This requirement is not met if such investigation, report, or recommendation by such an agency was not made, whether because it was waived, or because it is not required under applicable State law, or for other reason.

4. Section 404.324 is revised to read as follows:

§ 404.324 Child's insurance benefits; determining dependency upon insured individual; in general.

The test used in determining whether a child is dependent at one of the applicable times indicated in § 404.323, depends on the relationship between the child and the insured individual, i.e., whether the insured individual (or the insured individual's spouse in the case of a grandchild or stepgrandchild) is the child's father or mother, adopting father or adopting mother, stepfather or stepmother, or grandparent or stepgrandparent. The tests are described in § 404.325–404.327a.

5. Following § 404.327, a new § 404.327a is added to read as follows:

§ 404.327a Child's insurance benefits; dependency upon grandparent or stepgrandparent or spouse of grandparent or stepgrandparent.

(a) *Support period defined.* A child who is the grandchild or stepgrandchild of an individual or the grandchild or stepgrandchild of an individual's spouse (as defined in § 404.1109(c)) shall be deemed not to be dependent on such individual at the time determined under the provisions of § 404.323(a) unless:

(1) Such child was living with such individual in the United States and receiving at least one-half of his support from such individual for the year immediately preceding the month in which such individual became entitled to old-age insurance benefits or disability insurance benefits or died, or if such individual had a period of disability which continued until he had become entitled to old-age insurance benefits or disability insurance benefits or died, for the year immediately before the month in which such period of disability began, and

(2) The period during which such child was living with such individual began before the child attained age 18.

(b) *Exception to support period.* In the case of a child who was born in the 1 year period during which such child must have been living with and receiving at least one-half of his support from such individual, such child shall be deemed to meet such requirements prescribed in paragraph (a) of this section for such period if, as of the close of such period, such child has lived with such individual in the United States and received at least one-half of his support from such individual for "substantially all" (as defined in § 404.323(a)(5)) of the period which begins on the date of such child's birth.

6. Section 404.467 is revised to read as follows:

§ 404.467 Nonpayment of benefits; individual entitled to disability insurance benefits or childhood disability benefits based on statutory blindness is engaging in substantial gainful activity.

(a) *Disability insurance benefits.* An individual who has attained age 55 and who meets the definition of disability for disability insurance benefits purposes based on "statutory blindness," as defined in § 404.1501, may be entitled to disability insurance benefits for months in which he is engaged in certain types of substantial gainful activity. No payment, however, may be made to the individual or to beneficiaries entitled to benefits on his earnings record for any month in which such individual engages in any type of substantial gainful activity.

(b) *Childhood disability benefits.* An individual who has attained age 55 and who meets the definition of disability prescribed in § 404.1501(a)(1)(ii) for childhood disability benefits on the basis of statutory blindness may be entitled to childhood disability benefits for months in which he engages in certain types of substantial gainful activity. However, no payment may be made to such individual for any month after December 1972 in which such individual engages in substantial gainful activity.

7. Section 404.705 is revised to read as follows:

§ 404.705 Presumption of death.

(a) *General.* Whenever it is necessary to determine the death of an individual in order to determine the right of another to a monthly benefit or a lump-sum death payment under section 202 of the Social Security Act, and such individual has been unexplainedly absent from his residence and unheard of for a period of 7 years, the Administration, upon satisfactory establishment of such facts and in the absence of any evidence to the contrary, will presume that such individual has died.

(b) *Grandchild claims.* For purposes of § 404.1109(c)(1)(ii), the evidence required by § 404.704 or paragraph (a) of this section will be sufficient to determine that the grandchild's (or stepgrandchild's) parent is deceased provided the identity of the parent can be established. The identity of the parent will be established, absent information to the contrary, based on a statement of parentage by the grandchild's known parent, or by the applicant if the known parent is deceased, incompetent, or unavailable. However, where there is a question concerning the identity of the parent, additional evidence of parentage is required. If the identity of the grandchild's parent is unknown, the Social Security Administration will presume that such individual was deceased at the appropriate time as prescribed by § 404.1109(c)(1)(ii)(A) or (B).

8. In § 404.1109 paragraph (c) is revised and a new paragraph (d) is added to read as follows:

§ 404.1109 Definition of child.

The term "child" means a claimant who:

* * * * *

(c) Is the grandchild or stepgrandchild of the individual upon whose wages and self-employment income his application is based or the grandchild or stepgrandchild of that individual's spouse. For purposes of this paragraph a child is the grandchild or stepgrandchild of such individual or his spouse if:

(1) (i) The child is related to an individual as the individual's biological child, legally adopted child or stepchild by reason of a valid marriage between the child's biological or legally adopting parent and the individual, and this individual in turn, is a child (as defined in paragraphs (a), (b), or (d) of this section) of the individual upon whose wages and self-employment income the grandchild's application is based or who is a child (as defined in paragraphs (a), (b), or (d) of this section) of such individual's spouse (providing the spouse is assumed to be the insured individual); and

(ii) The child's natural mother and father or, if the child has been adopted, the child's adoptive mother and father are either deceased (see § 404.705(b) when the identity or whereabouts of one or both parents is in question) or disabled (as defined in § 404.1501):

(A) In the month in which the individual upon whose wages and self-employment income the grandchild's application is based became entitled to old-age insurance benefits or disability insurance benefits, or died; or

(B) In the month in which such individual's period of disability began, if such individual had a period of disability which continued until he had become entitled to old-age insurance benefits or disability insurance benefits or died; or

(2) The grandchild or stepgrandchild of the individual or his spouse meets the requirement of paragraph (c)(1)(i) of this section and the child was legally adopted by the surviving spouse of the individual upon whose wages and self-employment income the grandchild's application is based in an adoption decreed by a court of competent jurisdiction within the United States and the child's natural or adopting parent or stepparent was not living in the household of such individual and making regular contributions to the child's support at the time such individual died; or

(d) Is neither the stepchild, legally adopted child, grandchild, or stepgrandchild of the individual upon whose wages and self-employment income his application is based or the grandchild or stepgrandchild of such individual's spouse but has the status of a child of such individual under applicable State law as described in § 404.1101 (a) and (b)(1), or is deemed to have the status of a child of such individual pursuant to § 404.1101 (c) or (d).

9. In § 404.1113, paragraph (a) is revised and a new paragraph (c) is added to read as follows:

§ 404.1113 "Living with" and "living in such individual's household."

(a) *Defined.* "Living with" as used in sections 202(d)(3), 202(d)(4), 202(d)(8), 202(d)(9), and 216(h)(3) of the Act as amended and "living in such individual's household" as used in section 216(e) of the Act mean the parent and child are sharing the same residence and

that the parent is exercising or has the right to exercise parental control and authority over the child. As used in this section, the term "parent" includes a natural parent, legally adopting parent, stepparent, the foster parent as to whom the child-claimant has the status of "child" under a theory of "equitable adoption," and the grandparent or stepgrandparent.

* * * * *

(c) *Time when "living with" and "living in such individual's household" had to exist.* For purposes of sections 202(d)(3) and 202(d)(4) of the Act the determination as to whether the child was "living with" his parent shall be based on the facts and circumstances at the times prescribed in § 404.323(a). For purposes of section 216(h)(3) of the Act, the determination shall be based on the facts and circumstances at the times prescribed in § 404.1101(d). For purposes of section 216(e) of the Act the determination as to whether the child was "living in such individual's household" shall be based on the facts and circumstances at the time such individual died. For purposes of sections 202(d)(8) and 202(d)(9) of the Act, the determination as to whether the child was "living with" his parent (including his grandparent or stepgrandparent) shall be based on the facts and circumstances for the year immediately preceding the month prescribed in §§ 404.323(a)(4)(ii)(C) and 404.327a respectively, but only if "living with" began before the child attained age 18. If section 202(d)(8) or 202(d)(9) of the Act applies, the child must have been "living with" his parent in each month of the year except if the child were born during the applicable year, in which case the child must have been "living with" his parent for substantially all of the year prescribed in §§ 404.323(a)(4)(ii)(C) and 404.327a respectively.

10. In § 404.1114, paragraphs (a) and (c) are revised to read as follows:

§ 404.1114 Waiver of 9-month requirement for widow, stepchild, or widower.

(a) *General.* Except as provided in paragraph (c) of this section, the requirement in § 404.1104(e) or § 404.1107(e) that the surviving spouse of an individual have been married to such individual for a period of not less than 9 months immediately prior to the day on which such individual died in order to qualify as such individual's widow or widower, and the requirement in § 404.1109(b) that the stepchild of a deceased individual have been such stepchild for not less than 9 months immediately preceding the day on which such individual died in order to qualify as such individual's child, shall be deemed to be satisfied, where such individual dies within the applicable 9-month period if:

(1) His or her death is accidental (as defined in paragraph (b) of this section), or

(2) His or her death occurs in line of duty while he or she is a member of a uniformed service serving on active duty (as defined in § 404.1013(f)(2) and (3)), or

(3) The surviving spouse had been previously married to the individual for at least 9 months or the surviving stepchild had been the stepchild of such individual for at least 9 months during a previous marriage of such stepchild's parent to the individual; and (i) the previous marriage between the individual and the surviving spouse (or the stepchild's parent) ended in divorce, and (ii) the surviving spouse (or the stepchild's parent) had been remarried to the individual at the time of his death.

* * * * *

(c) *Applicability.* (1) The provisions of this section apply with respect to monthly benefits under title II of the Act for months after December 1972, except that such provisions shall not apply if the Social Security Administration determines that at the time of the marriage involved, the individual involved could not have reasonably been expected to live for 9 months.

(2) The provisions of paragraph (a)(i) and (2) of this section shall also apply for months after January 1968 and before January 1973 if, in the case of the surviving spouse, he or she was married to the individual for a period of not less than 3 months prior to the day on which such individual died or, in the case of the stepchild, he or she had been such stepchild for not less than 3 months immediately preceding the day on which the individual died. In either case, the provisions shall not apply if the Secretary determines that at the time of the marriage involved, the individual could not have reasonably been expected to live for 9 months.

[FR Doc.74-29431 Filed 12-17-74;8:45 am]

[Reg. No. 4]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Waiver of Overpayments and Student Reentitlement Situations

On August 5, 1974, there were published in the FEDERAL REGISTER (39 FR 28163), a Notice of Proposed Rule Making and a proposed amendment to Subpart F of Regulations No. 4 of the Social Security Administration providing in substance that where an individual incurs an overpayment because one or more beneficiaries on the same social security record were properly terminated and subsequently reentitled pursuant to a new provision of law (as where students were reentitled by the enactment of section 109(a) of Public Law 92-603 on October 30, 1972), such individual would be considered to be "without fault" for purposes of waiver.

Interested parties were given 30 days within which to submit their data, views, and comments. No comments were received. Accordingly, the amendment is adopted without change, and is set forth below.

(Secs. 205, 209, 210, 229, and 1102 of the Social Security Act, as amended, 53 Stat. 1368, as amended, 49 Stat. 625, as amended, 64 Stat. 502, as amended, 81 Stat. 833, as amended, 49 Stat. 647, as amended; (42 U.S.C. 405, 409, 410, 429, and 1302)

(Catalog of Federal Domestic Assistance Program No. 13.803, Social Security—Retirement Insurance)

Dated: December 5, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: December 12, 1974.

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

Subpart F, Regulations No. 4, of the Social Security Administration, as amended (20 CFR Part 404), is further amended as set forth below.

Section 404.510a is amended to read as follows:

§ 404.510a When an individual is "without fault" in an entitlement overpayment.

A benefit payment under title II or title XVIII of the Act to or on behalf of an individual who fails to meet one or more requirements for entitlement to such payment or a benefit payment exceeding the amount to which he is entitled, constitutes an entitlement overpayment. Where an individual or other person on behalf of an individual accepts such overpayment because of reliance on erroneous information from an official source within the Social Security Administration (or other governmental agency which the individual had reasonable cause to believe was connected with the administration of benefits under title II or title XVIII of the Act) with respect to the interpretation of a pertinent provision of the Social Security Act or regulations pertaining thereto, or where an individual or other person on behalf of an individual is overpaid as a result of the adjustment upward (under the family maximum provision in section 203 of the Act) of the benefits of such individual at the time of the proper termination of one or more beneficiaries on the same social security record and the subsequent reduction of the benefits of such individual caused by the reentitlement of the terminated beneficiary(ies) pursuant to a change in a provision of the law, such individual, in accepting such overpayment, will be deemed to be "without fault." For purposes of this section "governmental agency" includes intermediaries and carriers under contract pursuant to sections 1816 and 1842 of the Act.

[FR Doc.74-29430 Filed 12-17-74;8:45 am]

[Reg. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Nonpayments; Increases and Amount of Disability Insurance Benefit Reduction

On June 27, 1973, there was published in the FEDERAL REGISTER (38 FR 16911) a

Notice of Proposed Rule Making with a proposed amendment to Subpart E of Regulations No. 4 to reflect a change in the law with respect to a reduction in the amount of a disability insurance benefit.

The Social Security Act provides that under certain conditions a disability insurance benefit to which an individual is entitled is reduced if he is also entitled to a workmen's compensation benefit for the same month The amount of the reduction is the amount by which the total of the beneficiary's social security benefits exceeds the higher of (1) 80 percent of his average current earnings, or (2) the total of all social security benefits payable on his earnings record. The proposed amendment to the regulations reflects a change in the formula for figuring a beneficiary's average current earnings, provided by section 119 of the Social Security Amendments of 1972 (P.L. 92-603). Prior to the 1972 amendments to the Social Security Act the individual's average current earnings meant (1) the higher of the average monthly wage upon which his disability insurance benefit was based, or (2) his average monthly earnings for the 5 consecutive calendar years after 1950 for which his earnings were highest. The 1972 amendments provide a third alternative. For benefits for months after December 1972 "average current earnings" means the highest of three alternative amounts—the two applicable to benefits for months prior to January 1973 and, in addition, the average monthly earnings determined on the basis of one-twelfth of the individual's earnings for the calendar year of highest earnings during a period consisting of the year his disability began and the preceding 5 years.

Interested persons were given the opportunity to submit, within 30 days, data, views, or arguments with regard to the proposed amendment. The 30-day period has passed and no comments were received. Accordingly, the amendment as proposed is hereby adopted.

(Secs. 205, 224, and 1102, 53 Stat. 1368, as amended, 79 Stat. 406, as amended, 49 Stat. 647, as amended (42 U.S.C. 405, 424, and 1302)

Effective date. This amendment shall be effective December 18, 1974.

(Catalog of Federal Domestic Assistance Program No. 13.802, Social Security—Disability Insurance)

Dated: December 5, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: December 12, 1974.

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

Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is amended as set forth below.

Section 404.408 is amended by revising paragraph (c)(3) through subdivision (ii)(*a*) to read as follows:

§ 404.408 Reduction of benefits based on disability on account of receipt of workmen's compensation.

* * * * *

(c) *Amount of reduction.* * * *

(3) *Average current earnings defined*—(i) *In general*—(*a*) *For benefits for months prior to January 1973.* An individual's "average current earnings" for purposes of this section means the larger of:

(*1*) The average monthly wage used for purposes of computing the individual's disability insurance benefit under section 223 of the Act, or

(*2*) One-sixtieth of the total of such individual's wages and earnings from self-employment without the limitations under section 209(a) and 211(b)(1) of the Act for the 5 consecutive calendar years after 1950 for which such wages and earnings from self-employment were highest. The extent by which such individual's wages and earnings from self-employment exceed the limitations under sections 209(a) and 211(b)(1) of the Act for any calendar year after 1950 is computed in accordance with the provisions of subdivision (ii) of this subparagraph. Any amount so computed which is not a multiple of $1 is reduced to the next lower multiple of $1.

(*b*) *For benefits for months after December 1972.* An individual's "average current earnings" for purposes of this section means the largest of:

(*1*) The amount arrived at under paragraph (c)(3)(i)(*a*)(*1*) of this section, or

(*2*) The amount arrived at under paragraph (c)(3)(i)(*a*)(2) of this section, or

(*3*) One-twelfth of the total of such individual's wages and earnings from self-employment, without the limitations under sections 209(a) and 211(b)(1) of the Act, for the calendar year in which he had the highest such wages and earnings from self-employment during the period consisting of the calendar year in which he became disabled and the 5 years immediately preceding that year. The extent by which such individual's wages and earnings from self-employment exceed the limitations under sections 209(a) and 211(b)(1) of the Act is computed in accordance with the provisions of subdivision (ii) of this subparagraph. Any amount so computed which is not a multiple of $1 is reduced to the next lower multiple of $1.

(ii) *Method of determining calendar year earnings in excess of the limitations under sections 209(a) and 211(b)(1) of the Act*—(*a*) *In general.* For the purposes of paragraph (c)(3)(i)(*a*)(2) and (i)(*b*)(2) and (*3*) of this section the extent by which the wages or earnings from self-employment of an individual exceed the maximum amount of earnings credible under sections 209(a) and 211(b)(1) of the Act in any calendar year after 1950 will ordinarily be estimated on the basis of the earnings information available in the records of the Administration. (See Subpart I of this Part.) If an individual adduces satisfactory evidence of his actual earnings in any year, the extent, if any, by which his earnings exceed the limitations under sections 209(a) and 211(b)(1) of the Act shall be determined by the use of such evidence instead of by the use of estimates.

* * * * *

[FR Doc.74-29429 Filed 12-17-74;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

Delegations of Authority Relating to Certification of Insulin and Antibiotics; Correction

In FR Doc. 74-27980 appearing at page 41706 in the issue of Monday, December 2, 1974, the following correction is made on page 41707: In § 2.121(i), the phrase "pursuant to section 507(a)" is changed to read "pursuant to sections 507(a) and 512(n)."

Dated: December 10, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-29401 Filed 12-7-74;8:45 am]

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

REVISION OF DELEGATIONS OF AUTHORITY RELATING TO APPROVAL OF NEW-DRUG APPLICATIONS FOR DRUGS FOR HUMAN USE

The Commissioner of Food and Drugs is amending "Part 2—Administrative Functions, Practices, and Procedures" (21 CFR Part 2) to provide for revised delegations relating to authority to approve new-drug applications and new-drug application supplements for drugs for human use. The reorganization of the Bureau of Drugs, notice of which was published in the FEDERAL REGISTER of September 24, 1974 (39 FR 34316), abolished the Office of Scientific Evaluation making the revision of the delegation of authority necessary.

Further redelegation of the authority redelegated hereby is not authorized. Authority redelegated hereby to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis, unless prohibited by a restriction written into the document designating him as "acting" or unless not legally permissible.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 2

is amended in § 2.121 by revising paragraph (k) to read as follows:

§ 2.121 Redelegations of authority from the Commissioner to other officers of the Administration.

* * * * *

(k) *Delegations regarding approval of new-drug applications and new-drug application supplements for drugs for human use.* (1) The Director, Deputy Director, and Associate Director for New Drug Evaluation of the Bureau of Drugs are authorized to perform all the functions of the Commissioner of Food and Drugs with regard to the approval of new-drug applications and new-drug application supplements which are for drugs for human use and have been submitted pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act.

(2 The Directors of the Divisions of: Anti-Infective Drug Products; Cardio-Renal Drug Products; Surgical-Dental Drug Products; Metabolism and Endocrine Drug Products; Neuropharmacological Drug Products; Oncology and Radiopharmaceutical Drug Products; and Drug Advertising of the Bureau of Drugs are authorized to perform all the functions of the Commissioner with regard to the approval of new-drug application supplements which are for drugs for human use and have been submitted pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act.

* * * * *

Effective date. This order shall be effective on December 18, 1974.

(Sec. 701(a), 52 Stat. 1055; (21 U.S.C. 371(a))

Dated: December 10, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-29402 Filed 12-17-74;8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS
SUBCHAPTER C—DRUGS

MONENSIN

The Commissioner of Food and Drugs has evaluated supplemental new animal drug applications (38-878V, 41-500V), filed by Elanco Products Co., a Division of Eli Lilly & Co., Indianapolis, IN 46206, proposing certain technical changes in the drug's generic name, specifications, and concentration in complete feed. After due and careful consideration, the supplemental applications are approved. Accordingly, the regulations are being amended to delete certain references to the term "monensin sodium" and refer to the drug as "monensin," to delete or combine similar items, to delete reference to "monensic acid activity," and to incorporate certain technical changes.

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), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

PART 121—FOOD ADDITIVES

§ 121.262 [Amended]

1. In § 121.26 23-*Nitor-4-hydroxyphenylarsonic acid*, paragraph (c), table 1, by deleting item 1.14, by deleting from items 1.18 and 1.23 the word "sodium" in the third column headed "Combined with," the phrase "(as monensic acid activity)" in the fourth column headed "Grams per ton," and by inserting after the text in the fifth column headed "Limitations" the phrase "as monensin or monensin sodium" for item 1.18 and "as monensin sodium" for item 1.23.

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

2. In § 135e.50 by revising the specifications; revising, combining, and renumbering the approvals; and by revising, combining, and renumbering the conditions of use. As revised § 135e.50 reads as follows:

§ 135e.50 Monensin.

(a) *Specifications.* Monensin is the substance produced by the fermentation of *Streptomyces cinnamonensis* or the same substance produced by any other means. It is present as monensin or the sodium salt. A minimum of 90 percent of monensin activity is derived from monensin A.

(b) *Approvals.* Approvals for premixes containing the specified levels of monensin activity granted to firms identified by sponsor code numbers in § 135.501(c) of this chapter for the conditions of use indicated in paragraph (f) of this section are as follows:

(1) To 014: 44 or 45 grams per lb., item 1.

(2) To 014: 110 grams per lb., items 1, 3, 4, 5, 6, and 7.

(3) To 014: 44 grams per lb. with 18 grams per lb. of 3-nitro-4-hydroxyphenylarsonic acid, 110 grams per lb. with 45 grams per lb. of 3-nitro-4-hydroxypheylarsonic acid, item 2.

(4) To 006: 303.5 grams per ton, as monensin sodium, with .0138 percent 3-nitro-4-hydroxyphenylarsonic acid, item 2.

(5) To 110: 14.67 grams per lb., as monensin sodium, item 1.

(6) To 110: 11.786 grams per lb., as monensin sodium, with 1.063 percent 3-nitro-4-hydroxyphenylarsonic acid, 22 grams per lb., as monensin sodium, with 1.93 percent 3-nitro-4-hydroxyphenylarsonic acid, item 2.

(c) *Assay limits.* Finished feed not less than 75 percent nor more than 125 percent of labeled amount of monensin activity.

(d) *Special considerations.* Finished feed containing monensin shall bear an expiration date of 30 days after its date of manufacture.

(e) *Related tolerances.* See § 135g.68 of this chapter.

(f) *Conditions of use.* It is used as follows:

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. Monensin	90-110			For broiler chickens; do not feed to laying chickens; feed continuously as the soler ation; withdraw 72 hr before slaughter; as monensin or monensin sodium.	As an aid in the prevention of coccidiosis caused by *E. necatrix*, *E. tenella*, *E. acervulina*, *E. brunetti*, *E. mivati*, and *E. maxima*.
2. Monensin	90-110	3-Nitro-4-hydroxy-phenyl-arsenic acid.	[1] 45.4	For broiler chickens; do not feed to laying chickens; feed continuously as the sole ration; withdraw 5 d before slaughter; as sole source of organic arsenic; as monensin or monensin sodium.	Growth promotion and feed efficiency, improving pigmentation; as an aid in the prevention of coccidiosis caused by *E. necatrix*, *E. tenella*, *E. acervulina*, *E. brunetti*, *E. mivati*, and *E. maxima*.
3. Monensin	90-110	Lincomycin	2	For floor raised broiler chickens; do not feed to laying chickens; to be fed as a sole ration; withdraw 72 hr before slaughter; as monensin sodium.	For increase in rate of weight gain and improved feed efficiency; as an aid in the prevention of coccidiosis caused by *E. necatrix*, *E. tenella*, *E. acervulina*, *E. brunetti*, *E. mivati*, and *E. maxima*.
4. Monensin	90-110	Lincomycin and 3-nitro-4-hydroxy-phenyl-arsenic acid.	2 15-45	For floor-raised broiler chickens; do not feed to laying chickens; feed continuously as the sole ration; withdraw 5 d before slaughter; as sole source of organic arsenic; as 3-nitro-4-hydroxyphenyl-arsenic acid provided by code No. 031, § 135.501(c) of this chapter; as monensin sodium provided by code No. 014, § 135.501(c) of this chapter; as lincomycin provided by code No. 037, § 135.501(c) of this chapter; as a combination provided by code No. 037, § 135.501(c) of this chapter.	For increase in rate of weight gain; as an aid the prevention of coccidiosis caused by *E. necatrix*, *E. tenella*, *E. acervulina*, *E. brunetti*, *E. mivati*, and *E. maxima*.
5. Monensin	90-110	Bacitracin	5-10	For broiler chickens; do not feed to laying chickens; feed continuously as sole ration; withdraw 72 hr before slaughter; as bacitracin methylene disalicylate provided by code No. 028 in § 135.501(c) of this chapter; as monensin sodium.	For increased rate of weight gain and improved feed efficiency; as an aid in the prevention of coccidiosis caused by *E. necatrix*, *E. tenella*, *E. acervulina*, *E. brunetti*, *E. mivati*, and *E. maxima*.

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
6. Monensin	110	do	10	For broiler chickens; do not feed to laying chickens; feed continuously as sole ration; withdraw 72 hr before slaughter; as zinc bacitracin provided by code No. 009 in § 135.501(c) of this chapter; as monensin sodium.	For increased rate of weight gain and improved feed efficiency; as an aid in the prevention of coccidiosis caused by *E. necatrix, E. tenella, E. acervulina, E. brunetti, E. mivati,* and *E. maxima.*
7. Monensin	110	do	10-30	do	For improved feed efficiency; as an aid in the prevention of coccidiosis caused by *E. necatrix, E. tenella, E. acervulina, E. brunetti, E. mivati,* and *E. maxima.*

[1] 0.005 percent.

PART 135g—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

§ 135g.68 [Amended]

3. In § 135g.68 *Monensin* by deleting the phrase "calculated as monensic acid."

Effective date. This order shall be effective December 18, 1974.

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

Dated: December 9, 1974.

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

[FR Doc.74-29179 Filed 12-17-74;8:45 am]

[FRL 308-4]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

BENOMYL

A petition (FAP 5H5062) was filed (39 FR 34706) by E. I. du Pont de Nemours & Co., Wilmington DE 19898, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348), proposing establishment of a food additive tolerance for combined residues of the fungicide benomyl (methyl 1-(butylcarbamoyl) -2-benzimidazolecarbamate) and its metabolites containing the benzimidazole moiety (calculated as benomyl) in concentrated tomato products at 50 parts per million, resulting from application of the fungicide to the growing raw agricultural commodity tomatoes. (For a related document, see this issue of the FEDERAL REGISTER, page 43723.)

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

Having evaluated the data submitted in the petition and other relevant material, it is concluded that the tolerance should be established.

Therefore, pursuant to provisions of the Federal Food, Drug and Cosmetic Act (sec. 409(c) (1), (4), 72 Stat. 1786; 21 U.S.C. 348(c) (1), (4)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 121.1254 is revised to read as follows:

§ 121.1254 Benomyl.

Tolerances of 50 parts per million are established for combined residues of the fungicide benomyl (methyl 1-(butylcarbamoyl) - 2 - benzimidazolecarbamate) and its metabolites containing the benzimidazole moiety (calculated as benomyl) in raisins and concentrated tomato products when present therein as a result of application of the fungicide to growing grapes and tomatoes.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets SW., Waterside Mall, Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective December 18, 1974.

(Sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4))

Dated: December 11, 1974.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-29392 Filed 12-17-74;8:45 am]

PART 135—NEW ANIMAL DRUGS

Tylosin

Correction

In FR Doc. 74-28140 appearing on page 41840 in the issue of Tuesday, December 3, 1974 the amendment to § 135.501 should read as set forth below:

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

* * * * *

(c) * * *

Code No.	*Firm name and address*
*	*
131	Simonsen Mill-Rendering Plant, Inc. Quimby, IA 51049
*	*

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Amprolium

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (33-165V) filed by Merck & Co., Inc., Rahway, NJ 07065, proposing safe and effective use of 20 percent amprolium soluble powder in addition to use of 9.6 percent solution, in drinking water and as a drench, to aid in the treatment and/or prevention of coccidiosis in calves. The supplemental application is approved.

Section 135c.3(d) is amended to denote the use of 20 percent amprolium soluble powder for poultry, to include its use for calves and for preparation of the finished product as administered to calves, and to denote the medication used to prepare drinking water for poultry.

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), § 135c.3(d) is amended by revising tables 1 and 2 to read as follows:

§ 135c.3 Amprolium.

* * * * *

(d) * * *

TABLE 1.—*In drinking water*

Amount	Limitations	Indications for use
1. Amprolium 20% soluble powder.	For chickens and turkeys; administer at the 0.012% level in drinking water as soon as coccidiosis is diagnosed and continue for from 3 to 5 days (in severe outbreaks, give amprolium at the 0.024% level); continue with 0.006% amprolium-medicated water for an additional 1 to 2 weeks; no other source of drinking water should be available to the birds during this time; as sole source of amprolium.	Treatment of coccidiosis.
2. Amprolium 9.6% solution or 20% soluble powder.	For calves; add 16 fluid ounces of the 9.6% solution to each 100 gallons of drinking water; or 4 oz of the soluble powder to each 50 gal. of drinking water; at the usual rate of water consumption, this will provide an intake of approximately 10 milligrams per kilogram (2.2 lb) of body weight; offer this solution as the only source of water for 5 days; for a satisfactory diagnosis, a microscopic examination of the feces should be done by a veterinarian or diagnostic laboratory before treatment; when treating outbreaks, the drug should be administered promptly after diagnosis is determined; withdraw 24 hours before slaughter.	As an aid in the treatment of coccidiosis caused by *Eimeria bovis* and *E. zurnii*.
3. Amprolium do	For calves; add 8 fluid ounces of the 9.6% solution or 4 oz of the 20% soluble powder to each 100 gallons of drinking water; at the usual rate of water consumption, this will provide an intake of approximately 5 milligrams per kilogram (2.2 lb) of body weight; offer this solution as the only source of water for 21 days during periods of exposure or when experience indicates that coccidiosis is likely to be a hazard; withdraw 24 hours before slaughter.	As an aid in the prevention of coccidiosis caused by *Eimeria bovis* and *E. zurnii*.

TABLE 2.—*As a drench*

Amount	Limitations	Indications for use
1. Amprolium 9.6% solution or 20% soluble powder.	For calves; add 3 fluid ounces of the 9.6% solution to 1 pint of water or 3 oz of the 20% soluble powder to each qt of water and with a dose syringe administer 1 fluid ounce of this solution for each 100 pounds of body weight; this will provide a dose of approximately 10 milligrams per kilogram (2.2 lb) of body weight; administer daily for 5 days; for a satisfactory diagnosis, a microscopic examination of the feces should be done by a veterinarian or diagnostic laboratory before treatment; when treating outbreaks, the drug should be administered promptly after diagnosis is determined; withdraw 24 hours before slaughter.	As an aid in the treatment of coccidiosis caused by *Eimeria bovis* and *E. zurnii*.
2. Amprolium do	For calves; add 1½ fluid ounces of the 9.6% solution to 1 pint of water or 1½ oz of the 20% soluble powder to each qt of water and with a dose syringe administer 1 fluid ounce of this solution for each 100 pounds of body weight; this will provide a dose of approximately 5 milligrams per kilogram (2.2 lb) of body weight; administer daily for 21 days during periods of exposure or when experience indicates that coccidiosis is likely to be a hazard; withdraw 24 hours before slaughter.	As an aid in the prevention of coccidiosis caused by *Eimeria bovis* and *E. zurnii*.

Effective date. This order shall be effective December 18, 1974.

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

Dated: December 11, 1974.

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

[FR Doc.74-29259 Filed 12-17-74;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities; Correction

On December 7, 1971, in 36 FR 23215, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included New Castle County, Delaware, as an eligible community and included map No. H 10 003 0000 07 which indicates that Section Four of Fairfield Subdivision in the City of Newark, Delaware, approved January 13, 1969, and recorded in the Recorder of Deeds Office in New Castle County, Delaware, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after a further technical review of the above map in the light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective June 6, 1970 map No. H 10 003 0000 07 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (secs. 408-410, Public Law 91-152, December 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: November 20, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-29410 Filed 12-17-74;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities; Correction

On February 20, 1973, in 38 FR 4669, the Federal Insurance Administrator published a list of communities eligible for flood insurance and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the Village of Palatine, Illinois, as an eligible community and included map No. H 17 031 6650 02 which indicates that lot No. 217 of Willow Wood Subdivision, a part of section No. 14, Township 42 North, Range 10 East of the Third Principal Meridian in Cook County, Illinois (present address: 710 North Stark Drive, Palatine, Illinois) according to the plate thereof registered in the Office of the Registrar of Titles of Cook County, Illinois, on July 30, 1962, as Document Number 2046942, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after a further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective February 16, 1973, map No. H 17 031 6650 02 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (secs. 408-410, Public Law 91-152, December 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: November 22, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-29411 Filed 12-17-74;8:45 am]

Title 32—National Defense

CHAPTER XVI—SELECTIVE SERVICE SYSTEM

PART 1690—DETERMINATION OF AVAILABILITY OF MEMBERS OF THE STANDBY RESERVE OF THE ARMED FORCES FOR ORDER TO ACTIVE DUTY

Miscellaneous Amendments

Pursuant to section 672(a) of Title 10 U.S.C. and to implement that section, the Director of Selective Service has determined to amend Part 1690 of Selective Service regulations.

The amendment of § 1690.2 eliminates instructions to reservists that may appropriately be issued by the Armed Forces.

The revision of § 1690.4 eliminates reference to an obsolete form and administrative detail.

The revocation of §§ 1690.5, 1690.6, 1690.7, 1690.17, and 1690.20 eliminates administrative details.

The amendment of § 1690.18 eliminates the authority to determine by a telephone poll of local board members a reservist's availability and instructions to reservists that may appropriately be issued by the Armed Forces.

The revision of § 1690.12 clarifies the definition of Category IV–R reservists.

The amendment of § 1690.13 modifies the conditions under which a local board may reconsider and redetermine its determination of a reservist's availability.

The revision of § 1690.15 modifies the conditions under which a local board may reconsider and redetermine a determination by the Director of Selective Service of a reservists availability.

Section 1690.16 is amended to eliminate administrative detail.

These amendments are effective December 18, 1974.

The amendments follow:

§ 1690.2 [Amended]

1. Paragraphs (b), (c) and (d) of § 1690.2 *Local Board which has jurisdiction* are revoked.

2. Section 1690.4 is revised as follows:

§ 1690.4 Minutes of meetings of local board.

Each local board shall keep a record of each meeting of the board held for the purpose of determining the availability of a reservist for order to active duty. This record shall be filed by the local board as minutes of its meetings.

§ 1690.5 [Revoked]

3. Section 1690.5 *Standby reserve folder (SSS Form 90)* is revoked.

§ 1690.6 [Revoked]

4. Section 1690.6 *Standby reserve questionnaire (SSS Form 80)* is revoked.

§ 1690.7 [Revoked]

5. Section 1690.7 *Assignment of standby reserve number* is revoked.

6. Section 1690.8 is revised as follows:

§ 1690.8 Duty of local board to determine reservist's availability promptly.

Notwithstanding any previous determinations of availability, local boards shall determine the reservist's availability promptly by holding a special local board meeting if necessary. In determining the availability of a reservist for order to active duty and his category consideration shall be given to (a) the information furnished to the local board by the reservist, (b) such other written information as may be contained in his file, and (c) current instructions issued by the Director of the Selective Service.

7. Section 1690.12 is revised to read as follows:

§ 1690.12 Category IV–R: Reservist found not available for order to active duty who is not eligible for another category.

In Category IV–R shall be placed any reservist who is found to be not immediately available for order to active duty under such criteria as the Director of Selective Service may determine and who is not eligible for either Category II–R or Category III–R.

8. Paragraph (b) of § 1690.13 is revised as follows:

§ 1690.13 Reconsideration and redetermination by local board of reservist's availability and category.

* * * * *

(b) The local board may reconsider and redetermine a reservist's category upon his written request when, subsequent to an initial determination, circumstances beyond his control have changed the basis upon which his availability for order to active duty had been determined provided (1) the request is received within 10 days after the notice of his category was mailed to the reservist, and (2) the request is accompanied by written information presenting facts not considered in the initial determination, which, if true, would justify a change in the reservist's category.

9. Section 1690.15 is revised as follows:

§ 1690.15 Determination of availability and category by Director of Selective Service.

Notwithstanding any other provision of this part, the Director of Selective Service may at any time determine whether any reservist is available or not available for order to active duty and place the reservist in any category he may deem appropriate. Such action under this section by the Director of Selective Service shall be final unless it was taken prior to a determination of a local board and the Director of Selective Service requests the local board to reconsider and redetermine the reservist's category.

10. Section 1690.16 is amended to read as follows:

§ 1690.16 Notification of availability.

As soon as practicable after the local board has determined or redetermined the reservist's availability and category, or after the local board receives notice of the determination of a reservist's case by the Director of Selective Service, the local board shall inform the reservist and the armed force of which a reservist is a member as to the determination of his availability.

§ 1690.17 [Revoked]

11. § 1690.17 *Notifying armed force of availability of* reservist is revoked.

§ 1690.20 [Revoked]

12. § 1690.20 *Identification of records of reservists* is revoked.

BYRON V. PEPITONE,
Director.

DECEMBER 12, 1974.

[FR Doc.74-29361 Filed 12-17-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 298-5]

PART 120—WATER QUALITY STANDARDS

Colorado River System; Salinity Control Policy and Standards Procedures

The purpose of this notice is to amend 40 CFR Part 120 to set forth a salinity control policy and procedures and requirements for establishing water quality standards for salinity and a plan of implementation for salinity control in the Colorado River System which lies within the States of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming pursuant to section 303 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1313). A notice proposing such policy and standards procedures was issued on June 10, 1974 (39 FR 20703, 39 FR 24517).

High salinity (total dissolved solids) is recognized as a significant water quality problem causing adverse impacts on water uses. Salinity concentrations are affected by two basic processes: (a) Salt loading—the addition of mineral salts from various natural and man-made sources, and (b) salt concentrating—the loss of water from the system through stream depletion.

Studies to date have demonstrated that the high salinity of stream systems can be alleviated. Although further study may be required to determine the economic and technical feasibility of controlling specific sources, sufficient information is available to develop a salinity control program.

Salinity standards for the Colorado River System would be useful in the formulation of an effective salinity control program. In developing these standards, the seven States must cooperate with one another and the Federal Government to support and implement the conclusions and recommendations adopted April 27, 1972, by the reconvened 7th Session of the Conference in the Matter of Pollution of the Interstate Waters of the Colorado River and its Tributaries.

Public hearings on the proposed regulation were held in Las Vegas, Nevada, on August 19, 1974, and in Denver, Colorado, on August 21, 1974. Public comments were provided at the hearings and also by letter during the review period. A summary of major comments and Environmental Protection Agency response follows:

(1) The Colorado River Basin Salinity Control Forum stated that it did not object to the proposed regulation, and believed that it satisfied the requirements of section 303(b)(2) of P.L. 92–500 until October 18, 1975. The Forum reported that the seven Colorado River Basin States were actively working on the development of water quality standards and a plan of implementation for salinity control.

(2) The Colorado River Water Conservation District inquired as to whether

the definition of the Colorado River Basin contained in Article II(f) of the Colorado River Compact of 1922 would be followed in the development of salinity standards and the salinity control plan.

The requirement for establishing water quality standards and an implementation plan apply to the Colorado River System as defined in Part 120.5(a) of this regulation. This definition is consistent with the definition of the Colorado River System contained in Article II(a) of the Compact. The regulation states that the salinity problem shall be treated as a basinwide problem. Articles II(f) and II(g) define the Basin to include the System plus areas outside the drainage area which are served by the Colorado River System. The Environmental Protection Agency (EPA) will require that the standards and implementation plan consider the impacts of basinwide uses, e.g., transmountain diversions, on salinity effects in the System, but the establishment of standards and implementation plans pursuant to this regulation will not be required for streams located outside the System.

The District also questioned the feasibility of relying on irrigation improvement programs as a means of alleviating the salinity problem.

EPA believes that adequate information is available to initiate controls for irrigated agriculture, yet at the same time acknowledges that additional work is needed to demonstrate the efficacy of certain control measures. Projects presently being supported by EPA and others should demonstrate the adequacy of various control measures including management and non-structural techniques. These measures will be considered during the development of the implementation plan.

(3) The Environmental Defense Fund (EDF) testified that it believed that EPA was not complying with the requirements of the Federal Water Pollution Control Act, as amended, chiefly because of EPA's late response to the timetable delineated in the Act for establishing standards, and also because numerical standards still have not been set for the Colorado River System. EDF called upon EPA to withdraw the proposed regulation and promptly promulgate numerical limits for salinity.

EPA believes that a move to promulgate numerical standards at this time could cause even further delays in controlling salinity due to the problems involved with obtaining interstate cooperation and public acceptance of such a promulgation.

(4) The Sierra Club raised a number of objections to the proposed regulation, principally because, in its opinion, it permits further development of the waters of the Colorado River without requiring that adequate salinity controls be on line prior to development. Specific suggestions are:

(a) Section 120.5(c)(2). Shorten the deadline for submission of the standards and implementation plan to May 30, 1975.

EPA believes that this would not allow adequate time due to the complexities of the problem, the interstate coordination needed and the time requirements for public hearings. The October 18, 1975, date is consistent with the requirements of the Federal Water Pollution Control Act, as amended, for the three year review and revision of standards. The schedule set forth by the Colorado River Basin Salinity Control Forum calls for development of draft standards and an implementation plan by February 1975 in order to allow time for public participation prior to promulgation.

(b) Section 120.5(c)(2). Delete "as expeditiously as practicable."

The date of July 1, 1983, remains the goal for accomplishment of implementation plans as stated in § 120.5(c)(2)(iii). It is the purpose of this language to accelerate progress by the States toward this goal where possible.

(c) Section 120.5(c)(2)(ii). Delete "while the basin States continue to develop their compact apportioned waters."

In recognition of the provisions of the Colorado River Compact of 1922 and until such time that the relationship between the Compact and the Federal Water Pollution Control Act, as amended, is clarified, EPA believes that development may proceed provided that measures are taken to offset the salinity increases resulting from further development.

(d) Section 120.5(c)(2)(iv). Add language to describe conditions under which temporary increases above the 1972 levels will be allowed.

EPA believes that this matter should be addressed in further detail in the formulation, review and acceptance of the implementation plan, not in the regulation.

(e) Add a new subsection on financing of control measures.

EPA believes that this, too, is an issue that should be handled as part of the implementation plan.

(f) Add a new subsection delineating requirements for evaluating control plans and restricting consideration of controls for the Blue Spring on the Little Colorado River.

EPA believes these issues should also be addressed as part of the implementation plan. It should be noted that nothing in this regulation removes the requirement for assessing environmental impacts and preparing environmental impact statements for control measures.

(g) Add a new section requiring public hearings.

EPA's public participation regulations appear at 40 CFR 105 and apply to all actions to be taken by the States and Federal Government pursuant to the Act. States have provided for public participation throughout the initial water quality standards review process. We expect the States to do so in this situation and see no need to set forth additional requirements.

(h) Add a new section stating that the implementation plan will be published in the FEDERAL REGISTER.

EPA expects there will be substantial public participation at the State and local level prior to adoption of the plan. The salinity standards are expected to be published in the FEDERAL REGISTER, but the size and complexity of the plan may militate against its publication. At the very least, the plan will be available for review at appropriate EPA and State offices. Notice of its availability will be published in the FEDERAL REGISTER, and 60 days will be allowed for public review and comment.

(i) Add a new subsection stating that EPA will promulgate standards if the States fail to do so as prescribed in this regulation.

Section 303 of the Federal Water Pollution Control Act provides for promulgation by EPA where the States fail to adopt standards requested by the Administrator, or where the Administrator determines Federal promulgation is necessary to carry out the purposes of the Act. EPA's responsibility to promulgate standards if the States fail to do so is thus expressed in the statute itself; the Agency does not believe that recitation of the statutory duty in this particular rulemaking is necessary.

(5) The American Farm Bureau Federation, California Farm Bureau Federation, Nevada Farm Bureau Federation, and the New Mexico Farm and Livestock Bureau believe that standards should not be set until further evaluation of the problems and opportunities for control are completed.

EPA believes that adequate information is available for setting standards and formulating controls, and while it recognizes that additional work is needed on specific aspects of solutions, it believes that further delay without any action is not appropriate.

Records of the hearings and comments received by letter during the review period are available for public inspection at the regional offices of the Environmental Protection Agency at 1860 Lincoln Street in Denver, Colorado, at 100 California Street in San Francisco, California, at 1600 Patterson Street in Dallas, Texas, and at the Environmental Protection Agency Freedom of Information Center at 401 M Street SW in Washington, D.C.

This regulation sets forth a policy of maintaining salinity concentrations in the lower main stem of the Colorado River at or below 1972 average levels and requires the Colorado River System States to promulgate water quality standards and a plan for meeting the standards. The first step will be the establishment of procedures within 30 days of the effective date of these regulations which will lead to adoption on or before October 18, 1975, of water quality standards for silinity including numeric criteria and an implementation plan for salinity control.

Except as provided in this regulation, the interstate and intrastate standards previously adopted by the States of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming and approved by the Environmental Protection

Agency are the effective water quality standards under section 303 of the Act for interstate and intrastate waters within those States. Where the regulations set forth below are inconsistent with the referenced state standards, these regulations will supersede such standards to the extent of the inconsistency.

In consideration of the foregoing, 40 CFR Part 120 is amended as follows:

1. Section 120.5 is added to read as set forth below:

§ 120.5 Colorado River System Salinity Standards and Implementation Plan.

(a) "Colorado River System" means that portion of the Colorado River and its tributaries within the United States of America.

(b) It shall be the policy that the flow weighted average annual salinity in the lower main stem of the Colorado River System be maintained at or below the average value found during 1972. To carry out this policy, water quality standards for salinity and a plan of implementation for salinity control shall be developed and implemented in accordance with the principles of paragraph (c) below.

(c) The States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming are required to adopt and submit for approval to the Environmental Protection Agency on or before October 18, 1975:

(1) Adopted water quality standards for salinity including numeric criteria consistent with the policy stated above for appropriate points in the Colorado River System; and,

(2) A plan to achieve compliance with these standards as expeditiously as practicable providing that:

(i) The plan shall identify State and Federal regulatory authorities and programs necessary to achieve compliance with the plan.

(ii) The salinity problem shall be treated as a basinwide problem that needs to be solved in order to maintain lower main stem salinity at or below 1972 levels while the basin States continue to develop their compact apportioned waters.

(iii) The goal of the plan shall be to achieve compliance with the adopted standards by July 1, 1983. The date of compliance with the adopted standards shall take into account the necessity for Federal salinity control actions set forth in the plan. Abatement measures within the control of the States shall be implemented as soon as practicable.

(iv) Salinity levels in the lower main stem may temporarily increase above the 1972 levels if control measures to offset the increases are included in the control plan. However, compliance with 1972 levels shall be a primary consideration.

(v) The feasibility of establishing an interstate institution for salinity management shall be evaluated.

(d) The States are required to submit to the respective Environmental Protection Agency Regional Administrator established proceedures for achieving (c) (1) and (c) (2) above within 30 days of the effective date of these regulations and to submit progress reports quarterly thereafter. EPA will on a quarterly basis determine the progress being made in the development of salinity standards and the implementation plan.

§ 120.10 [Amended]

§ 120.10 is amended by adding to the paragraphs entitled "Arizona", "California", "Colorado", "Nevada", "New Mexico", "Utah", and "Wyoming" a salinity control policy and procedures and requirements for establishing water quality standards for salinity control in the Colorado River System.

(Sec. 303, Pub. L. 92-500, 86 Stat. 816 (33 U.S.C. 1313))

Effective date: December 18, 1974.

Dated: December 11, 1974.

JOHN QUARLES,
Acting Administrator.

[FR Doc.74-29384 Filed 12-17-74;8:45 am]

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 308-5]

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

Benomyl

A petition (PP 4F1452) was filed (39 FR 7484) by E. I. du Pont de Nemours & Co., Wilmington DE 19898, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for combined residues of the fungicide benomyl (methyl 1-(butylcarbamoyl)-2-benzimidazolecarbamate) and its metabolites containing the benzimidazole moiety (calculated as benomyl) in or on the raw agricultural commodity tomatoes at 5 parts per million. (For a related document, see this issue of the FEDERAL REGISTER, page 43719.)

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

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

(2) The established tolerances for residues in milk and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep are adequate to cover residues resulting from the proposed and existing uses, and § 180.6(a)(2) applies.

(3) There is no reasonable expectation of residues in eggs and poultry resulting from the proposed use, and § 180.6(a)(3) applies.

(4) The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; (21 U.S.C. 346a(d)(2))), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.294 is amended by revising the paragraph "5 parts per million * * *" to read as follows:

§ 180.294 Benomyl; tolerances for residues.

* * * * *

5 parts per million in or on strawberries and tomatoes.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before January 17, 1975 file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets SW., Waterside Mall, Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on December 18, 1974.

(Sec. 408(d)(2), 68 Stat. 512; (21 U.S.C. 347a(d)(2)))

Dated: December 11, 1974.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-29387 Filed 12-17-74;8:45 am]

[FRL 308-6]

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

Carboxin

A petition (PP 4F1499) was filed (39 FR 20842) by Uniroyal Chemical, Bethany, CT 06525, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for combined negligible residues of the fungicide carboxin (5,6-dihydro-2-methly-1,4-oxathiin-3-carboxanilide) and its metabolite 5,6-dihydro-3-carboxanilide-2-methyl-1,4-oxathiin-4-oxide (calculated as carboxin) in or on the raw agricultural commodities peanuts and peanut hay at 0.2 part per million. Subsequently, the petitioner amended the petition by adding peanut hulls to the list of commodities.

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

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

2. The established tolerances for residues in eggs, meat, milk, and poultry

are adequate to cover residues resulting from the proposed use, and § 180.6(a)(2) applies.

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

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; (21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.301 is amended by revising the paragraph "0.2 part per million (negligible residue) * *" to read as follows:

§ 180.301 Carboxin; tolerances for residues.

* * * * *

0.2 part per million (negligible residue) in or on cottonseed, peanuts, peanut hay, and peanut hulls.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before January 17, 1975, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularly the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on December 18, 1974.

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

Dated: December 11, 1974.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-29388 Filed 12-17-74;8:45 am]

[FRL 308-7]

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

Isobutyric Acid; Exemption From Tolerance

In response to a request by W. R. Grace & Co., Columbia, MD 21044, a notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of September 3, 1974 (39 FR 31919), proposing that residues of isobutyric acid resulting from the postharvest application of the fungicides ammonium isobutyrate and/or isobutyric acid as set forth in § 180.320 be exempted from the requirement of a tolerance and the restriction that limits application to grains and grasses intended for use as animal feed be deleted. No requests for referral to an advisory committee were received. One comment was received from Eastman Chemical Products, Inc., Kingsport, TN 37662, suggesting that the exemption be extended to allow for residues of isobutyric acid in or on alfalfa, Bermuda grass, brome grass, sorghum grain, and timothy from postharvest application of either ammonium isobutyrate or isobutyric acid.

Based on consideration given this comment and other information, it is concluded that the proposal should be adopted with an extension of the exemption to allow for residues of isobutyric acid in or on all the raw agricultural commodities set forth in § 180.320 resulting from postharvest application of either ammonium isobutyrate or isobutyric acid.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), Part 180 is amended as follows:

§ 180.320 [Deleted]

1. Section 180.320 *Isobutyric acid; tolerances for residues* is deleted from Subpart C.

2. The following new section is established in Subpart D:

§ 180.1030 Isobutyric acid; exemption from the requirement of a tolerance.

The fungicide isobutyric acid is exempted from the requirement of a tolerance for residues resulting from postharvest application of isobutyric acid or the fungicide ammonium isobutyrate in or on the following raw agricultural commodities: alfalfa; Bermuda grass; brome grass; clover; corn; fescue; grans of barley, oats, sorghum, and wheat; lespedeza; orchard grass; and timothy.

Any person who will be adversely affected by the foregoing order may at any time on or before January 17, 1975 file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW, Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on December 18, 1974.

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

Dated: December 11, 1974.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-29390 Filed 12-17-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

PART 5A-76—EXHIBITS

Miscellaneous Exhibits

This change to the General Services Administration procurement regulations (GSPR) updates and amplifies procedures related to miscellaneous exhibits.

Section 5A-76.307 is revised to reflect current paying offices' addresses to be entered on purchase orders.

Section 5A-76.321 is amended to clarify the guide for determination of billed office and consignee codes from incoming requisition data.

NOTE.—Copies of the exhibits illustrated in Part 5A-76 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: November 22, 1974.

M. J. TIMBERS,
Commissioner, Federal Supply Service.

[FR Doc.74-29363 Filed 12-17-74;8:45 am]

Title 45—Public Welfare

CHAPTER XII—ACTION

PART 1218—VISTA VOLUNTEERS—HEARING OPPORTUNITY

Adoption of Proposed Regulations

On September 19, 1974, there was published in the Federal Register (39 FR 33711) a notice of a proposed amendment to Chapter XII, Title 45. The proposed regulations establish a procedure for VISTA volunteers to express views in connection with terms and conditions of their service.

Interested persons were given 30 days in which to submit comments.

One written comment has been received and given due consideration. As a result of such comment the following change will be made:

Section 1218.4(d) is amended to read *Response to volunteer's views by appropriate ACTION officials in a prescribed period of time.* This change will make it clear that each proposed plan must set a definite time in which ACTION officials will respond to volunteers' views.

Accordingly, with this change and additions, the proposed amendments are adopted as set forth below and become effective December 18, 1974.

Sec.
1218.1 Introduction.
1218.2 Applicability.
1218.3 Policy.
1218.4 Standards for Regional Plans.
1218.5 Procedures for Approval of Plan.
1218.6 Freedom to Present Views.

AUTHORITY: Sections 104(d), 402(14) and 420 of Pub. L. 93-113, 87 Stat. 398, 407 and 414.

§ 1218.1 Introduction.

Section 104(d) of the Domestic Volunteer Service Act of 1973, Pub. L. 93-113, 87 Stat. 398 requires that the Director of ACTION establish a procedure, including notice and an opportunity to be heard, for VISTA volunteers to present views in connection with the terms and conditions of their service.

§ 1218.2 Applicability.

This part applies to all volunteers enrolled under Part A of Title I of the Domestic Volunteer Service Act of 1973, Pub. L. 93-113, 87 Stat. 396.

§ 1218.3 Policy.

It is ACTION's policy to encourage the free exchange of views between volunteers and staff members with respect to the terms and conditions of the volunteers' service. Ordinarily these exchanges occur in the day-to-day contact between volunteers and staff. However, there are occasions when it is desirable to provide volunteers with an opportunity to present their views with respect to the terms and conditions of their service in a more formal way. The differences between ACTION regions require that the means selected in each region to accomplish this result be appropriate to its particular needs. This regulation provides standards within which regions must establish a procedure to enable volunteers to present their views to be heard with respect to the terms and conditions of their service on a regular basis by appropriate ACTION officials and receive a timely response to their concerns.

§ 1218.4 Standards for regional plan.

Each ACTION Domestic Regional Director shall recommend, after consultation with representative volunteers, sponsors, and other interested persons, the specific procedures to be established for VISTA volunteers to present their views concerning the terms and conditions of their service. Each proposed plan must incorporate the following features:

(a) A free and open opportunity for volunteers to communicate their views to appropriate ACTION regional office officials.

(b) An opportunity for all volunteers to be heard with respect to their views in connection with the terms and conditions of their service by a responsible ACTION regional office official, either personally, or through democratically selected representatives, on a regular basis. The plan must provide such an opportunity to the volunteer at least twice in each year, and provide for notice to volunteers of the time and place of the meeting at which they may be heard.

(c) Appropriate provisions with respect to volunteers' or volunteers' representatives travel expense and per diem which enable the volunteers or their representatives to attend and present their views to the regional office officials at scheduled meetings.

(d) Response to volunteer's views by appropriate ACTION officials in a prescribed period of time.

(e) Sunmmary reports by each Regional Director to the Deputy Associate Director for VISTA and ACTION Education Programs of problems and concerns expressed by volunteers concerning terms and conditions of their service and action taken in response to such problems and concerns.

(f) An opportunity for any volunteer who feels that his/her concerns have not been properly addressed to communicate the same to the Regional Director. Such communication shall be included in the Regional Director's report to the Deputy Associate Director and shall be reviewed by him.

§ 1218.5 Procedures for approval of plan.

Each Regional Director shall submit the plan for his region to the Deputy Associate Director, VISTA and ACTION Education Programs for approval.

Approval by the Deputy Associate Director for VISTA and ACTION Education Programs of the proposed regional plan shall be based upon: (1) the adequacy of the procedures to provide for systematic and open communication of volunteers' views regarding terms and conditions of their service; and (2) the adequacy of the procedures to provide for effective and efficient resolution of volunteers' problems or concerns regarding terms and conditions of their service.

§ 1218.6 Freedom to present views.

The expression by a volunteer of his views with respect to the terms and conditions of his service shall not be construed as reflecting on a volunteer's standing, performance or desirability as a volunteer. ACTION intends that its programs be conducted in an atmosphere in which volunteers can speak freely, and frankly discuss problems. Nor shall a volunteer who represents such views be subjected to restraint, interference, coercion, discrimination or reprisal because of presentation of his views.

Issued at Washington, D.C. on December 12, 1974.

JOHN L. GANLEY,
Deputy Director, ACTION.

[FR Doc.74-29414 Filed 12-17-74;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER B—OTHER REGULATIONS RELATING TO TRANSPORTATION

[Ex Parte No. 55 (Sub-No. 10)]

PART 1100—GENERAL RULES OF PRACTICE

Shipper Certification Requirements

At a General Session of the Interstate Commerce Commission, Held at its office in Washington, D.C., on the 20th day of November 1974.

Notice of proposed rulemaking was published in the FEDERAL REGISTER on December 28, 1973. (38 FR 35495) setting forth a proposal to amend the regulations of the Interstate Commerce Commission with respect to Rule 247 in its General Rules of Practice in 49 CFR Part 1100.

Interested parties were invited to submit comments and suggestions for consideration pertaining to the proposed rulemaking by February 1, 1974, with statements in reply by February 15, 1974. Upon consideration of the comments received, the Commission has adopted amended Rule 247.

Since the decision in the Schaffer case in 1967 (106 MCC 100), as modified by subsequent decisions, the Commission has required applicants in motor carrier application cases to submit shipper certification of support pursuant to requirements set forth therein. A summary of these requirements appears as part of the application form. These requirements are now incorporated in the Commission's General Rules of Practice as substituted Section 1100.247, subparagraph (b) (1), as herein set forth.

The Commission has for some time been concerned with the extent to which applicants have evaded the purpose and proposal underlying the rules of the Schaffer case by the late submission and addition of shipper witnesses. In innumerable instances, this process of adding witnesses has continued even as late as the closing days of oral hearings. The Commission is of the view that the public interest and public convenience and necessity for a proposed operation should be the material and principal basis for the filing of an application and that the applicant should know at that time the need and support of shippers and the service. While some additional shipper support may reasonably be ascertained after the filing of an application, it is unfair to the Commission and to other parties to permit the process of adding witnesses to continue indefinitely. Substituted Rule 247(b) (1) limits the addition of shipper witnesses no later than thirty days prior to the date assigned for commencement of the hearing. This is accomplished by the insertion of a sentence in Section 247(b) (1) as amended and as shown below.

Additionally, by a notice issued November 4, 1971, (36 FR 21388, November 6, 1971), the Commission announced that restrictive amendments to operating authority applications would not be entertained following publication in the FEDERAL REGISTER of notice that the proceeding had been assigned for oral hearing. The purpose of this policy is to control the practice of certain applicants of filing applications for wide authority their subsequently submitting numerous amendments as necessary to eliminate opposing parties interest. The Commission is of the view that this process accentuates the ability of the applicant to negotiate with other carriers since the burden is upon the applicant to demonstrate the needs of the public for service. The policy of continuing these negotiations has continued through the course of oral hearings to the detriment and unnecessary expense of the public and other parties to the case. Accordingly, Rule 247

(c) (2) is amended herein to make the formally announced policy a part of the Commission's General Rules of Practice and in so doing to provide that restrictive amendments may not be submitted later than thirty days after the service date of a notice that the case has been assigned for oral hearing or not later than (1) thirty days after the service date, or (2) the date of a prehearing conference assigned to consider such amendments.

It appearing, That the Commission, on the date hereof, has made and filed its report in this proceeding setting forth its conclusions and findings and its reasons therefor, which report is hereby referred to and made a part hereof,

It is ordered, That petitions filed by National Tank Truck Carriers, Inc., and Contract Carrier Conference, seeking permission to file statements herein, be, and they are hereby, granted;

It is further ordered, That Subchapter B of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, amended as follows:

§ 1100.247 [Amended]

(1) Section 1100.247, paragraph (a) (2) is amended by inserting at the beginning thereof the following words "Except as otherwise provided herein,"

(2) Section 1100.247, paragraph (b) (1) in its present form be, and it is hereby, deleted and replaced by the following paragraph:

(b) *Applications.*—(1) *Form and content.* An application filed with the Commission under these special rules shall be prepared in accord with and contain the information called for in the form of application prescribed by the Commission or in instructions which may have been issued by the Commission with respect to the filing of such an application. An application for a certificate, permit, or license as defined in subparagraph (a) (1) must be accompanied by certifications of support on the prescribed form for each individual, corporation or partnership known to the applicant upon whose support applicant intends to rely. Except for good cause shown, no application will be accepted for filing unless it is accompanied by certifications as herein required. Upon request by any party, the applicant shall furnish such party with copies of all certifications filed with the application. If, subsequent to the filing of an application, additional witnesses become known to the applicant, applicant shall file a certification for each such witness with the Commission and shall concurrently serve copies thereof upon all parties of record. The total number of witnesses subject to this rule whose testimony is offered in support of the application may not exceed twice the number for whom certifications were filed with the application, whether the case is designated for oral hearing or for modified procedure. In cases designated for oral hearing, certifications of additions witnesses as provided above must be filed and served not later than 30 days prior to the date assigned for commencement of hearing: *Provided*, That, the presiding officer may authorize additional certifications for witnesses to be presented at a continued hearing to be filed and served not later than 30 days prior to the date of the continued hearing. No testimony will be received from witnesses for whom such certifications have not been timely received. *Provided*, however, that the provisions of this paragraph limiting the total number of witnesses and requiring certifications for subsequently discovered witnesses shall not be applicable to applications to transport passengers, and that certifications for subsequently discovered witnesses shall not be required in cases handled under modified procedure except when reassigned for oral hearing.

(3) Section 1100.247, subparagraph (c) (2) is amended by deleting the second sentence thereof and substituting in its place the following:

Restrictive amendments acceptable to the Commission may be submitted at any time: *Provided*, That, except as hereinafter provided, in cases assigned for oral hearing amendments must be received by the Commission not later than (1) 30 days after the service date of a notice that the case has been assigned for oral hearing, or (2) the date of a prehearing conference assigned to consider such amendments. Restrictive amendments submitted after such date may be considered by the Commission or presiding officer only if exceptional reason is shown why the amendment could not have been timely filed. Prehearing conferences assigned for the consideration of amendments shall be subject to the provisions of subparagraph (d) (6) of this rule respecting appearance at hearings.

It is further ordered, That this order shall become effective on January 20, 1975, and shall remain in effect until modified or revoked in whole or in part by further order of the Commission;

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 filing a copy with the Director, Office of the Federal Register. (49 U.S.C. 301, 302, 304, and 308, 5 U.S.C. 553 and 559.)

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-29466 Filed 12-17-74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE AND RECREATION

Bombay Hook National Wildlife Refuge, Delaware

The following special regulation is issued and is effective during the period January 1, 1975 through December 31, 1975.

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

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Travel by motor vehicle, bicycle, or on foot, is permitted from sunrise to sunset on designated routes unless prohibited by posting, for the purpose of nature study, photography, hiking, and sight-seeing. Pets are permitted if on a leash not over 10 feet in length.

The refuge area, comprising 15,111 acres, is delineated on maps available at refuge headquarters or from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1975.

RICHARD E. GRIFFITH,
Regional Director,
U.S. Fish and Wildlife Service.

DECEMBER 11, 1974.

[FR Doc.74-29365 Filed 12-17-74;8:45 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Prime Hook National Wildlife Refuge, Delaware

The following special regulation is issued and is effective during the period January 1, 1975 through December 31, 1975.

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

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

Travel by motor vehicle, bicycle, or on foot, is permitted from sunrise to sunset on designated routes unless prohibited by posting, for the purpose of nature study, photography, hiking, and sight-seeing. Pets are permitted if on a leash not exceeding 10 feet in length.

The refuge area, comprising 8,403 acres, is delineated on maps available at refuge headquarters, or from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

Provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1975.

RICHARD E. GRIFFITH,
Regional Director,
U.S. Fish and Wildlife Service.

DECEMBER 11, 1974.

[FR Doc.74-29364 Filed 12-17-74;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 1]

CUSTOMS FIELD ORGANIZATION

Notice of Proposed Change in Customs Region III

In order to provide better Customs Service in the Philadelphia, Pennsylvania, Customs district, it is proposed to establish a Customs port of entry at Wilkes-Barre/Scranton, Pennsylvania.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 9 (38 FR 17517), Wilkes-Barre/Scranton, Pennsylvania, is hereby proposed as a port of entry in the Philadelphia, Pennsylvania, Customs district (Region III).

The geographical limits of the proposed port of entry will include all of the area within the counties of Lackawanna, Luzerne, and Monroe.

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 ensure consideration, communications must be received not later than January 17, 1975.

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

DECEMBER 6, 1974.

[FR Doc.74-29406 Filed 12-17-74;8:45 am]

[19 CFR Part 1]

CUSTOMS FIELD ORGANIZATION

Notice of Proposed Change in Customs Region V

In order to provide better Customs service in the New Orleans, Louisiana, Customs district, it is proposed to establish a Customs port of entry at Knoxville, Tennessee.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 9 (38 FR 17517), Knoxville, Tennessee, is hereby proposed as a port of entry in the New Orleans, Louisiana, Customs district (Region V).

The geographical limits of the proposed port of entry will include all that area which is within the counties of Knox, Anderson, and Blount.

Data, views, or arguments with respect to the foregoing proposal my be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To insure consideration, communications must be received not later than January 17, 1975.

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

DECEMBER 6, 1974.

[FR Doc.74-29407 Filed 12-17-74;8:45 am]

[19 CFR Part 1]

CUSTOMS FIELD ORGANIZATION

Notice of Proposed Change in Customs Region IX

In order to provide better Customs service in the Chicago, Illinois, Customs district, it is proposed to establish a Customs port of entry at Des Moines, Iowa.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 9 (38 FR 17517), Des Moines, Iowa, is hereby proposed as a port entry in the Chicago, Illinois, Customs district (Region IX).

The geographical limits of the proposed port of entry will include that area in Polk County, Iowa, which is within the townships of Jefferson, Crocker, Douglas, Franklin, Webster, Saylor, Delaware, Clay, Walnut, Des Moines, Lee, Fourmile, Bloomfield, and Allen, and that area in Warren County, Iowa, which is within the townships of Linn, Greenfield, Allen, Richland, Jefferson, Lincoln, Palmyra, Union, and Washington (including the city of Indianola).

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, communications must be received not later than January 17, 1975.

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

DECEMBER 6, 1974.

[FR Doc.74-29405 Filed 12-17-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

UINTAH INDIAN IRRIGATION PROJECT, UTAH

Basic Water Charges

Pursuant to the authority vested in the Secretary of the Interior for issuance of irrigation operation and maintenance orders fixing per acre assessments against lands included in Indian Irrigation Projects, delegated to the Commissioner of Indian Affairs by 230 DM 1 and redelegated to the Area Directors by 10 BIAM 3.1, notice is hereby given that it is proposed to modify § 221.77 *Basic water charges*, of Title 25, Code of Federal Regulations, dealing with irrigation operation and maintenance assessments against lands of the Uintah Indian Irrigation Project, Utah, by increasing the annual basic assessment rate for the calendar year 1975 and subsequent years, unless changed by further order, from $4 to $5.49 per acre per annum, where not otherwise established by contract.

The revised section will read as follows:

§ 221.77 Basic water charges.

Pursuant to the provisions of the Acts of June 21, 1906 (34 Stat. 375), and March 7, 1928 (45 Stat. 210, 25 U.S.C. 387), the reimbursable costs expended in the operation and maintenance of the Uintah Indian Irrigation Project, Utah, are apportioned on a per-acre basis

against the irrigable lands of all units of the project, and for the calendar year 1975 and each succeeding year unless changed by further order, there shall be collected for each acre of irrigable land to which water can be delivered from the constructed works, a uniform basic charge of $5.49 per acre per annum, where not otherwise established by contract.

It is the policy of the Department of the Interior whenever practicable to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed revision to John Artichoker, Area Director, Phoenix Area Office, Post Office Box 7007, Phoenix, Arizona 85011, on or before January 17, 1975.

JOHN ARTICHOKER,
Area Director.

[FR Doc.74-29367 Filed 12-17-74;8:45 am]

Fish and Wildlife Service

[50 CFR Part 28]

DUNGENESS NATIONAL WILDLIFE REFUGE, WASHINGTON

Proposed Curtailment of Horseback Riding

It has been determined that a curtailment of horseback riding on Dungeness National Wildlife Refuge is necessary to protect the health and safety of the general public. In the past, horseback riding has been permitted year-round on Dungeness Spit and the trail leading to the Spit from Clallam County Parks Dungeness Recreation Area. To minimize conflict with the general public, horseback riding on the trail has been discouraged, but not specifically prohibited.

Increased use by both the horseback riders and the general public has led to an increased hazard to public health and safety. Incidents involving horseback riders and foot traffic have been observed by refuge personnel and have been reported by the public. The potential for conflicts is greatest on the trail and in the first linear mile of the Spit during the warmer portions of the year.

An evaluation of public use on the refuge has led to a recommendation that horses be permitted on the trail at all times and that horses be prohibited on the Spit during the principal public use season. Horses would be permitted on the Spit during the cooler months. Horse access to the Spit at this time could be gained along the shoreline bordering the Strait of Juan De Fuca or across adjoining private lands on the refuge's eastern boundary. These regulations should remain in effect until periodic reassessments indicate a need for further amendments.

Therefore, the Regional Director, Region 1, Portland, Oregon, proposes the following regulations under 50 CFR 28.28.

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

1. Horses are prohibited on all portions of Dungeness National Wildlife Refuge between April 15 and October 15 each year. Horses are permitted only on Dungeness Spit and adjoining beaches below the bluff from October 16 through April 14. Horses are prohibited at all times on all other portions of the refuge including the main trail leading from the Clallam County Parks Dungeness Recreation Area and the trail extending from Anderson Road to the base of Dungeness Spit.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed regulations to the Regional Director, Fish and Wildlife Service, P.O. Box 3737, Portland, Oregon 97208 on or before January 30, 1975.

LYNN A. GREENWALT,
Director, U.S. Fish and Wildlife Service.

DECEMBER 12, 1974.

[FR Doc.74-29393 Filed 12-17-74;8:45 am]

National Park Service

[36 CFR Part 7]

CAPE HATTERAS NATIONAL SEASHORE, NORTH CAROLINA

Proposed Fishing Regulations

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended, 16 U.S.C. 3), the Act of August 17, 1937 (50 Stat. 669; 16 U.S.C. 459) and 245 DM-I (34 FRI 3879, as amended), it is proposed to amend paragraph (c) to § 7.58 of Title 36 of the Code of Federal Regulations as set forth below.

Section 3 of the Act of August 17, 1937 (50 Stat. 669; 16 U.S.C. 459a-1) provides that the legal residents of the villages specified in section 1 shall have the right to earn a livelihood by fishing. Section 3 further provides, however, that the Secretary of the Interior shall protect the area for recreational use, with recreational fishing specifically referenced in other sections of this act. The purpose of this proposed amendment is to establish restrictions on the commercial fishing use of designated portions of the seashore beaches to balance the commercial and recreational use of the fishery resource. This proposed action has become necessary to provide for greater public safety and enhance recreational use of the seashore.

This notice specifies a period of the year when certain commercial fishing practices will be restricted on a small portion of the seashore beach. This action follows review of the testimony presented at public meetings of June 25, 1974, at Manteo, North Carolina, and June 26, 1974, and July 22, 1974, at Washington, D.C., and receipt of written comments by both sport-fishing and commercial fishing interests. In large part this testimony was to the effect that designating a specified portion of the seashore beaches for the enhancement of recreational sport-fishing use could eliminate confrontations between these competing user groups, and provide for a balanced use of the resource.

This proposed regulation would apply to the area from Beach Access Ramp No. 22, located approximately ¾ miles north of Cape Hatteras Lighthouse, southward and westward to Beach Access Ramp No. 30, approximately one mile west of Cape Point (Cape Hatteras) and near the west end of Cape Point Campground. Hauling of nets onto beaches by commercial fishermen would be prohibited in this posted zone Saturdays and Sundays effective 15 days after publication of final notice of rule making through April 30, 1975, and from October 1 through April 30 in subsequent years. During the remainder of the year (May 1 through September 30) and at all other locations commercial and sport-fishermen will have equal opportunity to operate under existing regulations on seashore beaches.

It is the policy of the Department of the Interior whenever practicable to afford the public an opportunity to participate in the rulemaking process. However, the full 30 day comment period cannot be followed in this notice of proposed rulemaking because the fishing season is already underway at the seashore. As discussed above, this matter has been under discussion for a substantial period of time with almost all members of the interested public. Furthermore, to delay immediate implementation of this rule could lead to serious confrontations between commercial and sport-fishing groups and unnecessarily endanger the public safety. Such a result is contrary to the public interest. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to the Superintendent, Cape Hatteras National Seashore, P.O. Box 457, Manteo, North Carolina 27954, on or before January 2, 1975.

Paragraph (c) of § 7.58 as proposed would be amended by the addition of subparagraph (6) as follows:

§ 7.58 Cape Hatteras National Seashore.

* * * * *

(c) * * *

(6) *Sport-fishing Zone.* A zone is established for the protection and enhancement of recreational sport-fishing commencing at Beach Access Ramp No. 22 and continuing south and west along the ocean shore, including Cape Point (Cape Hatteras), to Beach Access Ramp No. 30. Within this zone commercial fishing, as specified in the Act of August 17, 1937 (50 Stat. 669), is permitted, except between the hours of 12:01 am on Saturday to 11:59 pm on Sunday from

October 1 through April 30, commercial fishermen are not permitted to haul their nets on the beach within the Zone.

* * * * *

RUSSELL E. DICKENSON,
Deputy Director.

[FR Doc.74-29513 Filed 12-17-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 192]

STATE STUDENT INCENTIVE GRANT PROGRAM

Notice of Proposed Rulemaking

Pursuant to the authority contained in sections 415A–415D of Subpart 3 of Part A of Title IV of the Higher Education Act of 1965, as amended (20 U.S.C. 1070c through 1070–3), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, is proposing to issue the following amendments to the regulations governing the operation of the State Student Incentive Grant Program.

The purpose of the State Student Incentive Grant Program is to make incentive grants available to the States which will assist them in providing awards to eligible students with substantial financial need, thus enabling such students to attend or continue to attend institutions of higher education. The law provides funds separately for initial and continuation awards to such students. The proposed amendments to the regulations deal primarily with the allotment of funds among the States for continuation grants (§ 192.3(e)) and the criteria that will be used in determining a State approved level of funding for continuation grants (§ 192.6).

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed regulations to the State Student Incentive Grant Program Unit, Bureau of Postsecondary Education, U.S. Office of Education, Seventh and D Streets, SW., Room 4525, Washington, D.C. 20202. All relevant material must be received on or before January 16, 1975. Comments received in response to this notice will be available for public inspection at the above office Mondays through Fridays between 8:30 a.m. and 4:30 p.m.

Dated: November 12, 1974.

T. H. BELL,
Commissioner of Education.

Approved: December 12, 1974.

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

(Catalog of Federal Domestic Assistance No. 13.548; State Student Incentive Grant Program)

Part 192 of Chapter I of Title 45 of the Code of Federal Regulations is amended as follows:

1. In § 192.2, the definition of "clock hour" is amended to read as follows:

§ 192.2 Definitions.

* * * * *

"Clock hour" means a period of time which is the equivalent of a 50 to 60 minute class, lecture, or recitation, or a 50 to 60 minute period of faculty-supervised laboratory, shop training, or internship.

* * * * *

2. In § 192.3 is amended by adding paragraphs (e) and (f) to read as follows:

§ 192.3 Allotment and reallotment.

* * * * *

(e) *Allotment of funds for continuation awards.* The Commissioner will allot the sums appropriated for each fiscal year for continuation grants pursuant to § 415A(b)(2) of the Act among the States in such manner that each State will receive the same percentage of its request for continuation grant funds for that fiscal year.

(f) The Commissioner may require each State receiving an allotment of funds for continuation awards under this part to submit a report prior to June 1 of each year projecting the portion, if any, of such allotment that will not be needed to make continuation awards. Such unused funds may be redistributed among the other States in proportion to the original allotments to such States for continuation awards, provided that no State receives more than its request.

3. In § 192.4 is amended by adding the words "for initial grants" between the words "it" and "under" in the introductory clause of paragraph (a) as set forth below and is further amended by adding paragraph (b) to read as follows:

§ 192.4 State program requirements.

(a) A State may receive funds allotted to it for initial grants under § 192.3 for any fiscal year only if such funds will be expended pursuant to a State program which:

* * * * *

(b) A State may receive the funds allotted to it for continuation grants under § 192.3 for any fiscal year only if such funds will be expended pursuant to a State program which satisfies the requirements set forth in subparagraphs (1) through (4) and (6) through (8) of paragraph (a) of this section.

5. In § 192.5, paragraph (b), is amended by deleting the word "and" after the semicolon in subparagraph (3); changing the period in subparagraph (4) to a semicolon; and adding subparagraphs (5) through (9) to read as follows:

§ 192.5 State applications.

* * * * *

(b) * * *

(5) The amount of funds requested for continuation awards;

(6) The amount of funds the State received for initial and continuation awards for the current academic year;

(7) The number of students who have previously received initial and continuation awards under this part who will be eligible to receive continuation awards during the next academic year;

(8) The average initial award and the average continuation award made under this part for the current academic year; and

(9) If available, the projected attrition rate for students receiving assistance under this part for the current academic year.

6. Section 192.9 is amended by adding the word "initial" between the words "of" and "awards". As amended this section reads as follows:

§ 192.9 Maintenance of effort.

The amount of funds expended by the State for the non-Federal portion of initial awards made under this part for each fiscal year shall represent an additional expenditure for that year by that State over the amounts, if any, expended by such State for grants to all students attending institutions of higher education during the second fiscal year preceding the fiscal year in which such State initially received funds under this part.

[FR Doc.74-29433 Filed 12-17-74;8:45 am]

Social Security Administration

[20 CFR Part 404]

[Reg. 4]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Elective Social Security Coverage for Vow-of-Poverty Members of Religious Orders

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments reflect the provisions of section 123 of P.L. 92–603, enacted October 30, 1972 (86 Stat. 1354), regarding elective social security coverage for members of religious orders who have taken a vow of poverty. Under prior law, the services performed by a member of a religious order who is subject to a vow of poverty which were in the exercise of the duties required by the order were excluded from coverage under social security. Under section 123 such service will be covered under social security if the order (or an autonomous subdivision of the order) irrevocably elects coverage for its members subject to a vow of poverty, and if the order also makes an irrevocable election (or makes irrevocable a previous election) to cover its lay employees. The election may be made retroactive for a maximum of 20 calendar quarters preceding the quarter in which the certificate of election is filed.

The "wages" of these members of religious orders for social security purposes include the fair market value of any board, lodging, clothing, and other

perquisites furnished to the member, except that the amount included as such individual's remuneration shall not be less than $100 a month. The proposed regulations provide that where the fair market value of any board, lodging, clothing, and other perquisites furnished to all members of an electing religious order or subdivision (or to all in a group of members) does not vary significantly, such order or subdivision may treat all of its members (or all in such group of members) as having a uniform wage.

A member of a religious order (i.e., an individual whose "wages" are subject to tax) is defined as any individual who is subject to a vow of poverty as a member of such order, who performs tasks usually required (and to the extent usually required) of an active member of such order, and who is not considered retired because of old age or total disability. The proposed regulations provide that, in determining whether it is reasonable to consider an individual to be retired because of old age, consideration is first to be given to the nature of the services rendered by the individual to his religious order, the amount of time the individual devotes to the performance of services for his religious order, and the nature and extent of the services rendered by the individual before he "retired," as compared with the services performed thereafter. Where consideration of these factors does not establish whether an individual is or is not reasonably considered retired, all other factors are considered.

Under the proposed rules, an electing religious order or subdivision which determines that a member has retired must submit with its employment tax return a summary of the facts upon which the determination has been made.

The proposed regulations also provide that a religious order or an autonomous subdivision of such an order desiring to make an election of coverage shall file a certificate of election on Form SS–16, Certification of Election of Coverage. However, a document other than Form SS–16 may, under certain circumstances, constitute a certificate of election.

Consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before January 17, 1975. The regulation will be effective upon final publication in the FEDERAL REGISTER.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed regulations are to be issued under the authority of section 205, 210, and 1102 of the Social Security Act, as amended, and section 123 of the Social Security Amendments of 1972 (P.L. 92–603), 53 Stat. 1368, as amended, 64 Stat. 494, as amended, 49 Stat. 647, as amended, 86 Stat. 1354; 42 U.S.C. 405, 410, and 1302.

(Catalog of Federal Domestic Assistance Program No. 13.803, Social Security—Retirement Insurance)

Dated: November 22, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: December 12, 1974.

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

Subpart K, Regulations No. 4 of the Social Security Administration, as amended (20 CFR Part 404), is further amended as follows:

1. Section 404.1015 is amended by revising paragraph (a) to read as follows:

§ 404.1015 Ministers of churches and members of religious orders.

(a) *In general.* Services performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry, or by a member of a religious order not subject to a vow of poverty in the exercise of his duties required by such order, are excluded from employment, but are included under the self-employment provisions of the Act. However, services performed by a member of a religious order who has taken a vow of poverty which are in the exercise of duties required by such order (whether performed for the order or for another employer) are included in employment if an election of coverage under section 3121(r) of the Internal Revenue Code of 1954 is in effect with respect to such order or with respect to an autonomous subdivision thereof to which such member belongs. For provisions relating to the election available to certain ministers and members of religious orders not subject to a vow of poverty with respect to the extension of the Federal old-age, survivors, and disability insurance system established by title II of the Social Security Act to certain services performed by them, see §§ 404.1070(e), 404.1080, and 404.1086. See also section 1402(e) of the Internal Revenue Code of 1954 (26 U.S.C. 1402 (e)).

2. Section 404.1015a is added to read as follows:

§ 404.1015a Election of coverage by religious orders.

(a) *In general.* A religious order whose members are required to take a vow of poverty, or any autonomous subdivision of such an order, may elect to have the Federal old-age, survivors, and disability insurance system established by title II of the Social Security Act extended to services performed by its members which are in the exercise of duties required by such order or subdivision. See § 404.1026 (e) for provisions relating to the computation of the amount of remuneration of such members. For purposes of this section, a subdivision of a religious order is autonomous if it directs and governs its members, if it is responsible for its members' care and maintenance, if it is responsible for members' support and maintenance in retirement, and if the members live under the authority of a religious superior who is elected by them or appointed by higher authority.

(b) *Definition of member.* (1) *In general.* For purposes of this section, a member of a religious order means any individual who is subject to a vow of poverty as a member of such order and who performs tasks usually required (and to the extent usually required) of an active member of such order and who is not considered retired because of old age or total disability.

(2) *Retirement because of old age.* (i) *In general.* For purposes of this paragraph, an individual is considered retired because of old age if the order to which he belongs has an established retirement program, (e.g., all members are retired at age 70, or all members are retired when they become incapacitated by advanced age), and the member meets the criteria established by such retirement program. If an order does not have an established retirement program, an individual is considered retired because of old age if (A) in view of all the services performed by the individual and the surrounding circumstances it is reasonable to consider him to be retired, and (B) his retirement occurred by reason of old age. Even though an individual performs some services in the exercise of duties required by the religious order, the first test (the retirement test) is met where it is reasonable to consider the individual to be retired.

(ii) *Factors to be considered.* In determining whether it is reasonable to consider an individual to be retired, consideration is first to be given to all of the following factors:

(A) *Nature of services.* Consideration is given to the nature of the services performed by the individual in the exercise of duties required by his religious order. The more highly skilled and valuable such services are, the more likely the individual rendering such services is not reasonably considered retired. Also, whether such services are of a type performed principally by retired members of the individual's religious order may be significant.

(B) *Amount of time.* Consideration is also given to the amount of time the individual devotes to the performance of services in the exercise of duties required by his religious order. This time includes all the time spent by him in any activity in connection with services which might appropriately be performed in the exercise of duties required of active members by the order. Normally, an individual who, solely by reason of his advanced age, performs services of less than 45 hours per month shall be considered retired. In no event shall an individual who, solely by reason of his advanced age,

performs services of less than 15 hours per month not be considered retired.

(C) *Comparison of services rendered before and after retirement.* In addition, consideration is given to the nature and extent of the services rendered by the individual before he "retired," as compared with the services performed thereafter. A large reduction in the importance or amount of services performed by the individual in the exercise of duties required by his religious order tends to show that the individual is retired; absence of such reduction tends to show that the individual is not retired. Normally, an individually who reduces by at least 75 percent the amount of services performed shall be considered retired.

Where consideration of the factors described in paragraph (b)(2)(ii) of this section does not establish whether an individual is or is not reasonably considered retired, all other factors are considered.

(3) *Retirement because of total disability.* For purposes of this paragraph, an individual is considered retired because of total disability (i) if he is unable, by reason of a medically determinable physical or mental impairment, to perform the tasks usually required of an active member of his order to the extent necessary to maintain his status as an active member, and (ii) if such impairment is reasonably expected to prevent his resumption of the performance of such tasks to such extent. A physical or mental impairment is an impairment that results from anatomical, physiological, or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques. Statements of the individual, including his own description of his impairment (symptoms), are alone insufficient to establish the presence of a physical or mental impairment.

(4) *Evidentiary requirements with respect to retirement.* There shall be attached to the return of taxes paid pursuant to an election under section 3121(r) of the Internal Revenue Code of 1954 a summary of the facts upon which any determination has been made, by the religious order or autonomous subdivision, that one or more of its members retired during the period covered by such return. Each summary shall contain the name and social security number of each such retired member as well as the date of his retirement. Such order or subdivision shall maintain records of the details relating to each such "retirement" sufficient to show whether or not such member or members has in fact retired.

(c) *Certificates of election.* (1) *In general.* A religious order or an autonomous subdivision of such an order desiring to make an election of coverage pursuant to section 3121(r) of the Internal Revenue Code of 1954 and this section shall file Form SS–16, *Certificate of Election of Coverage Under the Federal Insurance Contributions Act*, with the Internal Revenue Service in accordance with the instructions applicable thereto. However, in the case of an election made before August 9, 1973, a document other than form SS–16 shall constitute a certificate of election if it purports to be a binding election of coverage and if it is filed with an appropriate official of the Internal Revenue Service. Such a document shall be given the effect it would have if it were a certificate of election containing the provisions required by paragraph (c)(2) of this section. However, it should subsequently be supplemented by a form SS–16.

(2) *Provisions of certificates.* Each certificate of election shall provide that:

(i) Such election of coverage by such order or subdivision shall be irrevocable,

(ii) Such election shall apply to all current and future members of such order, or in the case of a subdivision thereof to all current and future members of such order who belong to such subdivision.

(iii) All services performed by a member of such order or subdivision in the exercise of duties required by such order or subdivision shall be deemed to have been performed by such member as an employee of such order or subdivision, and

(iv) The wages of each member, upon which such order or subdivision shall pay the taxes imposed on employees and employers by sections 3101 and 3111 of the Internal Revenue Code of 1954, will be determined as provided in § 404.1026(e).

(d) *Effective date of election.* (1) *In general.* Services which are performed by members of orders as defined in §§ 404.1015a(b)(1) are covered during any period either retroactive or prospective for which an order has elected coverage provided the member is not considered retired because of old age or total disability. Except as provided in paragraph (e) of this section, a certificate of election of coverage filed by a religious order or its subdivision, pursuant to section 3121(r) of the Internal Revenue Code of 1954 and this section, shall be in effect, for purposes of section 3121(b)(8)(A) of the Internal Revenue Code of 1954 and for purposes of section 210(a)(8)(A) of the Act, for the period beginning with whichever of the following may be designated by the electing religious order or subdivision:

(i) The first day of the calendar quarter in which the certificate is filed,

(ii) The first day of the calendar quarter immediately following the quarter in which the certificate is filed, or

(iii) The first day of any calendar quarter preceding the calendar quarter in which the certificate is filed, except that such date may not be earlier than the first day of the 20th calendar quarter preceding the quarter in which such certificate is filed.

(2) *Retroactive elections.* Whenever a date is designated as provided in paragraph (d)(1)(iii) of this section, the election shall apply to services performed before the quarter in which the certificate is filed only if the member performing such services was a member at the time such services were performed and is living on the first day of the quarter in which such certificate is filed. Thus, the election applies to an individual who is no longer a member of a religious order on the first day of such quarter if he performed services as a member at any time on or after the date so designated and is living on the first day of the quarter in which such certificate is filed.

(e) *Coordination with coverage of lay employees.* If at the time the certificate of election of coverage is filed by a religious order or autonomous subdivision, a certificate of waiver of exemption under section 3121(k) of the Internal Revenue Code of 1954 (extending coverage to any lay employees) is not in effect, the certificate of election shall not become effective unless the order or subdivision files a Form SS–15, *Certificate Waiving Exemption from Taxes Under the Federal Insurance Contributions Act*, and a Form SS–15a, *List to Accompany Certificate on Form SS–15 Waiving Exemption from Taxes Under the Federal Insurance Contributions Act*, to accompany the certificate on Form SS–15, as provided by section 3121(k) of the Internal Revenue Code of 1954. The preceding sentence applies even though an order or subdivision has no lay employees at the time it files a certificate of election of coverage. The effective date of the certificate of waiver of exemption must be no later than the date on which the certificate of election becomes effective, and it must be specified on the certificate of waiver of exemption that such certificate is irrevocable. The certificate of waiver of exemption required under this paragraph shall be filed notwithstanding the provisions of section 3121(k)(3) of the Internal Revenue Code of 1954 (relating to no renewal of the waiver of exemption) which otherwise would prohibit the filing of a waiver of exemption if an earlier waiver of exemption had previously been terminated. If at the time the certificate of election of coverage is filed a certificate of waiver of exemption is in effect with respect to the electing religious order or autonomous subdivision, the filing of the certificate of election shall constitute an amendment of the certificate of waiver of exemption and make the latter certificate irrevocable.

3. Section 404.1016 is amended by revising paragraph (a) to read as follows:

§ 404.1016 Religious, charitable, educational, or certain other organizations exempt from income tax.

(a) *In general.* Services performed by an employee in the employ of a religious, charitable, educational, or other organization described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from income tax under section 501(a) of the Internal Revenue Code of 1954 (section 101 (6) of the Internal Revenue Code of 1939) are excepted from employment. However, this exception does not apply to services performed during the period for which a Form SS–15, *Certificate Waiving Exemption From Taxes Under the Federal Insurance Contributions Act*, or Form SS–15b, *Certificate for Retroactive Coverage*, filed pursuant to section

3121(k) or section 3121(r) of the Internal Revenue Code of 1954 or section 1426(l) of the Internal Revenue Code of 1939, is in effect if such services are performed by an employee (1) whose signature appears on form SS–15b or on the Form SS–15a, *List to Accompany Certificate on Form SS–15 Waiving Exemption from Taxes Under the Federal Insurance Contributions Act*, or Form SS–15a Supplement, *Amendment to List on Form SS–15a*, filed by such organization under section 3121(k) of the Internal Revenue Code of 1954 (section 1426(l) of the Internal Revenue Code of 1939); (2) who became an employee of such organization after the calendar quarter in which the form SS–15 was filed; or (3) who became a member of a group of employees as described in section 3121(k)(1)(E) of the Internal Revenue Code of 1954 after the calendar quarter in which the form SS–15 was filed with respect to such group. (See § 404.1015(b) and (d) relating to services performed by a minister of a church in the exercise of his ministry or by a member of a religious order not subject to a vow of poverty in the exercise of duties required by such order; § 404.1015a relating to services performed by a member of a religious order or subdivision thereof whose members are required to take a vow of poverty; § 404.1018 relating to services performed in the employ of an organization otherwise exempt from income tax under section 501 (a) of the Internal Revenue Code of 1954 (section 101 of the Internal Revenue Code of 1939); § 404.1019 relating to services performed in the employ of a school, college, or university by certain students; and § 404.1022 relating to services performed by certain student nurses and hospital interns. See 26 CFR § 31.3121(k)–1 relating to waiver of exemption from taxes with respect to certain services under section 3121(k) of the Internal Revenue Code of 1954 and 26 CFR § 31.3121(r)–1 relating to services with respect to which a certificate is in effect under section 3121(r) of the Internal Revenue Code of 1954.)

* * * * *

4. Section 404.1026 is amended by adding paragraph (e) to read as follows:

§ 404.1026 Wages.

* * * * *

(e) *Remuneration for service performed by certain members of religious orders.* In any case where an individual is a member of a religious order as defined in § 404.1015a(b) and performing service in the exercise of duties required by such order, and an election of coverage under section 3121(r) of the Internal Revenue Code of 1954 is in effect with respect to such order or the autonomous subdivision thereof to which such member belongs, the term "wages" shall, subject to the provisions of section 3121(a)(1) of the Internal Revenue Code of 1954 (relating to definition of wages), include as such individual's remuneration for such service the fair market value of any board, lodging, clothing, and other perquisites furnished to such member by such order or subdivision or by any other person or organization pursuant to an agreement (whether written or oral) with such order or subdivision. Such other perquisites shall include any cash either paid by such order or subdivision or paid by another employer and not required by such order or subdivision to be remitted to it. For purposes of this section, perquisites shall be considered to be furnished over the period during which the member receives the benefit of them. In no case shall the amount included as such individual's remuneration under this paragraph be less than $100 a month. All relevant facts and elements of value shall be considered in every case. Where the fair market value of any board, lodging, clothing, and other perquisites furnished to all members of an electing religious order or autonomous subdivision (or to all in a group of members) does not vary significantly, such order or subdivision may treat all of its members (or all in such group of members) as having a uniform wage.

[FR Doc.74–29432 Filed 12–17–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGD 74–189]

BEVERLY AND SALEM HARBORS, MASSACHUSETTS

Proposal To Establish Two Special Anchorage Areas

The Coast Guard is considering amending the anchorage regulations by establishing two additional special anchorage areas, one located in Beverly and Mackerel Coves, north side of Beverly Harbor and the second located in Collins Cove north of Salem Neck, Mass. The existing special anchorage areas in this locality are presently overcrowded and the establishment of the two proposed special anchorage areas would relieve this situation and enhance safety. In special anchorage areas, vessels under 65 feet in length, when at anchor, are not required to carry or exhibit anchor lights.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander, First Coast Guard District, 150 Causeway Street, Boston, Massachusetts 02114. Each person submitting comments should include his name and address, identify the notice (CGD 74–189), and give any reasons for any recommended change in the proposal. Copies of all submissions received will be available for examination by interested persons at the office of the Commander, First Coast Guard District.

The Commander, First Coast Guard District will forward any comments received before January 20, 1975, and his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters who will evaluate all communications received and take final action on this proposal. The proposed regulation may be changed in the light of comments received.

In consideration of the foregoing, it is proposed to amend Title 33 of the Code of Federal Regulations by adding new paragraphs (d) and (e) to § 110.25 to read as follows:

§ 110.25 Beverly and Salem Harbors, Mass.

* * * * *

(d) *Beverly and Mackerel Coves, north side of Beverly Harbor.* The water area enclosed by a line commencing at the southernmost point of Curtis Point in Beverly; thence bearing 238°, 1,400 yards to latitude 42°32'29.4" N., longitude 70°51'34" W.; thence 284°, 1,475 yards to the western shoreline of Mackerel Cove; thence north northeasterly to the point of beginning.

(e) *Collins Cove, Salem, Mass.* The water area enclosed by a line beginning at Monument Bar Beacon; thence 242°, 580 yards to latitude 42°32'14.5" N., longitude 70°52'46.3" W.; thence 284°, 220 yards to latitude 42°32'16" N., longitude 70°52'55" W.; thence 231°, 525 yards to a point on the shoreline; thence following the shoreline and the western boundary of the special anchorage area as described in 33 CFR 110.25(a) to the point of beginning.

(Sec. 1, 30 Stat. 98, as amended, sec. 6(g)(1)(B), 80 Stat. 937; 33 USC 180, 49 USC 1655(g)(1)(B), 49 CFR 1.46(c)(2), 33 CFR 1.05–1(c)(1))

Dated: December 9, 1974.

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

[FR Doc.74–29426 Filed 12–17–74;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74–SW–49]

FEDERAL AIRWAY

Proposed Revocation

The Federal Aviation Administration (FAA) is considering an amendment to 14 CFR Part 71 of the Federal Aviation Regulations that would revoke VOR Federal Airway V-79 which extends from Hobbs, N. Mex., to Lubbock, Tex.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or after January 17, 1975 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the

Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would delete all of V–79 as it is presently designated. The 1974 Peak Day Traffic Count and previous random samplings revealed no IFR request for the use of this route. Since it is not required for air traffic control, its continued designation as an airway can no longer be justified.

This amendment is proposed under the authority of 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 December 12, 1974.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74–29383 Filed 12–17–74;8:45 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 170]

FEES FOR FACILITIES AND MATERIALS LICENSES

Proposed Revision of License Fee Schedules; Extension of Comment Period

This notice extends the period for comments to the notice, published November 11, 1974 (39 FR 39734), proposing amendments to the Atomic Energy Commission's regulations to revise the Commission's schedule of fees for facilities and materials licenses.

Several requests for an extension of time have been received, and after consideration of the various factors involved, the Commission has decided to grant an extension of time for submitting comments, and the comment period is hereby extended to January 10, 1975.

Dated at Washington, D.C. this 12th day of December 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74–29395 Filed 12–17–74;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

Agency for International Development

RESEARCH ADVISORY COMMITTEE

Determination on Renewal

The RAC performs necessary and important advisory functions in connection with the formulation of AID research policy, the appraisal of central research projects and in evaluating and providing necessary advice concerning the progress and future potential of all centrally-funded research activities. There continues to be a need for such advisory functions.

Accordingly, I hereby determine, pursuant to the provisions of section 14(a)(1)(a) of the Federal Advisory Committee Act (Pub. L. 92-463) and paragraph 7 of OMB Circular A-63 (Revised) that renewal of the Research Advisory Committee for a two-year period beginning December 24, 1974, is in the public interest.

Dated: November 14, 1974.

DANIEL PARKER,
Administrator.

[FR Doc.74-29362 Filed 12-17-74;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON "SPECIFICATIONS AND STANDARDS IMPROVEMENT"

Advisory Committee Meeting

Pursuant to the provisions of Public Law 92-463, effective January 5, 1973, notice is hereby given that the Defense Science Board Task Force on "Specifications and Standards Improvement" will meet in open session on 16-17 January 1975 in Room 1E801, the Pentagon, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The primary responsibility of the Task Force is to provide an evaluation of current DoD Specifications and Standards and the related DoD organization, system and procedures to serve as a basis for DoD policy decisions to reduce costs in systems/equipment design and acquisition.

At this meeting, the Task Force will review the current activity of the Electronics and Materials Panel of the Defense Materiel Specifications and Standards Board; discuss and critique the Standardization Organization of the DoD; review the process for updating and maintaining specifications and standards current; review previous reports dealing with the subject; and discuss and review other pertinent and related subjects as may come before the group.

Due to limited time and space availability, it is requested that persons interested in attending the DSB Task Force meeting provide written notice to the address listed below by January 10, 1975. Notices should include information with respect to interest and degree of participation.

Mr. Lester Fox, Director
Defense Materiel Specifications
and Standards Office
Cameron Station
Alexandria, Virginia 22314

Telephone inquiries may also be made to Mr. Fox at (202) 274-7061.

Dated: December 13, 1974.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

[FR Doc.74-29438 Filed 12-17-74;8:45 am]

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order No. 586-74]

FREEDOM OF INFORMATION

Preliminary Guidance

Under date of December 11, 1974, the Justice Department has issued a memorandum to heads of all Federal departments and agencies providing preliminary guidance on application of the 1974 Freedom of Information Act Amendments, Pub. L. 93-502. These amendments will become effective February 19, 1975. Since the Memorandum is of special interest to the public, I am directing its publication in the FEDERAL REGISTER.

Dated: December 13, 1974.

WILLIAM B. SAXBE,
Attorney General.

MEMORANDUM TO HEADS OF ALL FEDERAL DEPARTMENTS AND AGENCIES

Re: *Preliminary Guidance* concerning the 1974 Freedom of Information Act Amendmtnts, P.L. 93-502, enacted November 21, 1974.

INTRODUCTION

DECEMBER 11, 1974.

By action of the Senate on November 21st in overriding the President's veto of the enrolled bill H.R. 12471, several important amendments have been made to the Freedom of Information Act, 5 U.S.C. 552. Most of these will have some effect upon your agency.

The new amendments (hereinafter the "1974 Amendments") will become effective on February 19, 1975. It is essential that every agency take certain actions as soon as possible, as discussed below, in order to be in compliance with the 1974 Amendments when they became effective.

OUTLINE OF DISCUSSION

(1) Time limits for agency determinations.
(2) Index publication.
(3) Uniform agency fees.
(4) Procedures on requests for classified records.
(5) Requirements for annual report.
(6) Assignment of responsibility.
(7) Substantive changes.
(8) Miscellaneous matters.
(9) Further actions.

ATTACHMENTS

A. Freedom of Information Act prior to 1974 Amendments.[1]
B. 1974 Amendments to the Act (P.L. 93-502).
C. Freedom of Information Act as now amended.
D. Summary of Principal Changes made by 1974 Amendments.

DISCUSSION

The discussion below is in the nature of advice and assistance rather than a directive. While it is intended to apply generally to all federal agencies (except to the extent an agency may be subject to unique provisions of law, e.g., 39 U.S.C. 410, 412),[2] some recommendations may not fit the circumstances of a particular agency.

1. *Time limits for agency determinations.* Agencies must amend their regulations to conform to the provisions in the 1974 amendments which prescribe administrative time limits for processing requests for access to their records. Basically, these provisions call for an initial determination to be made on any such request within 10 working days (usually two weeks) after its receipt. In case of an appeal from an initial denial, a determination on the appeal is to

[1] Appendices A, B, and C filed as part of the original document. Copies of Public Law 93-502 may be obtained through the Superintendant of Documents, Government Printing Office.

[2] These provisions modify the application of the Freedom of Information Act to records of the Postal Service.

be made by the agency within 20 working days (four weeks) after receipt of the appeal. After any agency determination to comply in whole or part with a request for records, whether made initially or on appeal, the records shall be made available "promptly."

These time limit provisions apply to requests and to appeals that are received by agencies on or after Wednesday, February 19, 1975. Agency regulations under the Act should be revised to reflect these provisions and the revisions should be published in the FEDERAL REGISTER and distributed to all concerned agency personnel before that date. The discussion which follows is chiefly concerned with the impact of the time limits on requests which, for one reason or another, an agency finds difficult to process properly within such periods.

It is important to note that these time limits run from the date of "receipt." The experience of the Justice Department with voluntarily adopted time limits for acting on requests and appeals for our own records has indicated that much time can be lost in mail rooms and elsewhere in routing requests and appeals to those who must act upon them. Such delays can be sharply reduced by explicit and well-conceived instructions to requesters on how to address their requests and their appeals. It is strongly recommended that such instructions be set forth in agency regulations, as well as in any other pertinent agency information and guidance materials that may be prepared. While failure to comply with such reasonable regulations will not necessarily disqualify a request from entitlement to processing under the Act, it will probably defer the date of "receipt" from which the time limitations are computed, to take account of the amount of time reasonably required to forward the request to the specified office or employee.[3] Such regulations designed to facilitate processing must not, of course, be used to protract or delay it.

Agencies should also consider the adoption of devices and the designing of procedures to speed processing of requests. It might be desirable, for example, to specify in agency regulations and guidance that FOIA requests be clearly identified by the requester as such on the envelope and in the letter. Similarly, agency personnel should be required to mark FOIA requests and appeals conspicuously so that they may be given expeditious treatment. Of course, the new time limits also mean that an efficient system of date-stamping for incoming matter is essential.

The 1974 amendments contain two provisions for extension of the foregoing time limits. One authorizes administrative extensions by giving requesters written notices with prescribed contents in three types of "unusual circumstances" which are specified in the amendments. It is clear that such extensions cannot exceed ten working days in the aggregate, so that only one ten-day extension can be invoked by the agency, either at the initial or the appellate stage. Neither the language of the statute, however, nor the legislative history specifically precludes the taking of more than one extension where the circumstances justify, so long as the ten-day maximum is not exceeded with respect to the entire request. Logic favors the latter interpretation, since the same circumstances which make a particular request difficult to process at the initial stage frequently complicate the appeal as well. Accordingly, we interpret the statute to permit more than one extension, either divided between the initial and appeal stages or within a single stage, so long as the total extended time does not exceed ten working days with respect to a particular request.

Agencies should carefully consider whether they should make some provisions in their regulations concerning (a) who controls the use of the 10-day extension and (b) its allocation to the initial stage, the appeal stage, or partly to one and partly to the other. Such provisions, of course, would only operate in the unusual circumstances specified in the statute. Subject to this condition it would appear permissible for agency regulations to provide for distribution of the ten days on a case-by-case basis, or by restricting any extension at the initial stage to five days absent special showing (so as to reserve five days for the appeal stage), or in some other manner. Agencies should also be prepared to instruct their staffs on the form, contents, and timeliness of extension notices in the light of the statutory requirements.

The second provision for time extension in the 1974 Amendments authorizes a court to allow an agency "additional time to complete its review of the records" if the government can show exceptional circumstances and that the agency is exercising due diligence in responding to the request. In cases where an agency believes that this provision would probably lead to a judicial extension of its time if the agency were to be sued immediately, the agency may in the interest of avoiding unnecessary litigation and exploring fully the scope of a possible administrative grant of access, wish to suggest to the requester the possibility of agreeing with the agency upon a specific extension of time. In preparing its regulations on time limits, an agency should consider (a) who within the agency should give attention to the considerations discussed in this paragraph, and (b) the extent to which communications or agreements with requesters under this paragraph should be recorded for such bearing as they may have on possible litigation.

The legal consequence provided in the 1974 Amendments for an agency's disregard of the prescribed administrative time limits (i.e., the 10 and 20 day limits and any up-to-10 days extension effected by notice to the requester) is that the requester may sue at once, without resort to further administrative remedies. The Act as amended expressly provides that the requester "shall be deemed to have exhausted his administrative remedies" in case the agency fails to comply with applicable time limits. This means that if the 10-day time limit for initial determinations (together with any permissible extension of this limit as discussed above) is not complied with, the agency may have lost the 20 days or more that would otherwise have been available to it in the event of a timely-issued denial and an appeal. Thus, every effort should be made to issue an initial determination—even one with qualifications or conditions[4]—within the required time. Where it is necessary to find and examine the records before the legality or appropriateness of their release can be assessed, and where, after diligent effort, this has not been achieved within the required period, the requester may be advised in substance that the agency has determined at the present time to deny the request because the records have not yet been found and/or examined; that this determination will be reconsidered as soon as the search and/or examination is complete, which should be within — days; but that the requester may, if he wishes, immediately file an administrative appeal.

In the event an agency fails to issue a timely determination and is sued, it should nevertheless continue to process the request. To the extent that the request is granted, the suit may become moot; to the extent the request is denied, the government will be able to prepare a defense on the merits.

If an initial denial in whole or part is issued by an agency after suit has been filed, and the requester administratively appeals, the agency should, unless otherwise instructed by its counsel or by the court, proceed to process the appeal. Moreover, agencies may wish to consider making provisions for the initiation of an appeal upon their own motions in such circumstances; otherwise, failing an appeal by the requester, the agency may be committed in litigation to a position it does not genuinely support. If suit is filed while an appeal is pending, whether or not the suit is premature, the agency should normally continue to process the appeal.

The time limit provisions of the 1974 amendments appear to presuppose that agencies will have a basically two-step, rather than a single-step, procedure in their regulations, i.e., that they will provide for an initial determination whether to grant or deny access, followed by an administrative appeal. While there is nothing in the 1974 amendments which expressly forbids an initial determination that is administratively final, it seems clear that the vast majority of agencies will continue to use some form of two-step procedure, not only because

[3] Where such delay has occurred, it would be desirable to provide for acknowledgment of effective receipt. Such acknowledgment should also be provided where delay is caused in the mails, or by any other means of which the requester is likely unaware.

[4] The qualifications or conditions cannot be so extensive as to render the response meaningless because such a response would not constitute the required "determination".

it permits the correction of errors and avoidance of unnecessary litigation but also because, under the 1974 amendments, it makes available an additional 20 days for agency consideration of the request. Agencies contemplating changes in their regulations from a single-step to a two-step procedure, or changes to a different form of two-step procedure, should note that the 1974 amendments contemplate an administrative "appeal". This means that the agency official charged with acting on appeals must be different from the official responsible for initial denials.

Some agency regulations now prescribe a period of time, such as 30 days, within which a requester must file an appeal, ordinarily running from the requester's receipt of the denial letter. The 1974 amendments contemplate that an initial determination to furnish records will be dispatched within the time limits discussed above, and that the records will be furnished either at the same time or "promptly" thereafter. At the time of the initial determination there may be some uncertainty on the part of the requester, or even on the part of the agency, as to the precise extent of the materials being made available and being denied. Accordingly, if an agency's regulations as revised contain a time limit for the filing of an appeal,[5] it is suggested that the period run from receipt of the initial determination (in cases of denials of an entire request), and from receipt of any records being made available pursuant to the initial determination (in cases of partial denials). Such a provision would relate only to the end, not to the beginning, of the period for the requester to file an appeal; it would in no way interfere with the right to file an appeal immediately after any initial determination involving any degree of denial. Such a provision should promote fairness, help reduce premature and unnecessary appeals, and minimize technical questions about the timeliness of appeals.

2. *Index publications.* Under subsection (a)(2) of the Act prior to the 1974 amendments, each agency has been required to "maintain and make available for public inspection and copying a current index providing identifying information for the public" as to the agency's so-called (a)(2) materials, i.e., certain final opinions and orders, statements of policy and interpretation, and administrative staff manuals and instructions. Under the 1974 amendments, this index will be required to be published promptly at quarterly or more frequent intervals and distributed, unless the agency determines by order published in the FEDERAL REGISTER that such publication would be unnecessary and impractical, in which case copies of the index shall be provided on request at duplication cost. Therefore, on or before February 19, 1975, or "promptly" thereafter, each agency must publish the required index, or must adopt and publish in the FEDERAL REGISTER an order containing the determination referred to above. As indicated in the Conference Report (Senate Report 93-1200 of October 1, 1974 at p. 7) commercial publication may satisfy the publication requirement if the agency makes the publication readily available for public use.

If an agency already publishes or plans to publish indexes to some of its (a)(2) materials in compliance with the above publication requirement, but determines that it is unnecessary and impractical to publish its indexes of the remainder, there is apparently no objection under the 1974 amendments to using a combination of publication and the statutory alternative just described.

Recent court decisions have left some confusion as to what constitutes (a)(2) materials.[6] If an agency reasonably maintains that certain types of records are not covered, it may of course properly decline to publish them. In case of doubt, it may accompany its publication of the index or its FEDERAL REGISTER statement with the disclaimer that its action is being taken for the convenience of possible users of the materials, and does not constitute a determination that all of them are within subsection (a)(2) of the Act. As to what constitutes an acceptable index, consult the prior Justice Department guidance.[7]

3. *Uniform agency fees for search and duplication.* The 1974 Amendments make significant changes in the law pertaining to the fees which an agency may charge for services performed for requesters under the Act. Each agency must "promulgate regulations, pursuant to notice and receipt of public comment, specifying a uniform schedule of fees applicable to all constituent units of such agency." This means that agencies should, in accordance with 5 U.S.C. 553, publish in the FEDERAL REGISTER a notice of proposed rule making before January 13, 1975, containing a proposed uniform schedule of fees to become effective on February 19th, 1975; and then, after consideration of public comment, publish the regulations themselves as they will become effective on February 19th.

Since by reason of these procedural requirements, the fees schedule regulations involve more "lead time" than the other regulation changes which the 1974 amendments make necessary, it may be desirable to handle them separately, under an accelerated timetable. Of course provisions assigning functions and prescribing procedures for administration of the fee schedule need not be contained in the schedule itself, and may be reserved for inclusion in the other Freedom of Information regulations.

In providing for the administration of fee schedules, agencies may wish to consider whether and when they will furnish estimates of fees, and the circumstances in which they will request payment of estimated or incurred fees before the work is done or the materials transmitted. Since requesters will be financially liable for fees after the requested services have been performed, there is a need for some device to protect members of the public from unwittingly incurring obligations which far exceed their expectations. It is of course not possible simply to advise requesters of substantial costs and await their permission to proceed, since this process would consume much of the 10-day reply period. The problem might be met by including a provision in the agency's regulations to the effect that, unless the request specifically states that whatever cost is involved will be acceptable, or acceptable up to a specified limit that covers anticipated costs, a request that is expected to involve assessed fees in excess of $_____ will not be deemed to have been received until the requester is advised (promptly on physical receipt of the request) of the anticipated cost and agrees to bear it. There is some question whether such a provision can be effective to toll the statutory time period, but in light of the need to protect the public against large unanticipated expenses, and in light also of the fact that the requester can avoid all delay by specifying in his request that all costs (or costs to a specified limit) will be accepted, our view is that such provisions are likely to be sustained.

A separate problem is the need in some cases for adequate assurance that the requester will pay the fees where they are substantial. Of course, if a substantial public good is accomplishd by the request, the agency may under the 1974 amendments simply waive the fees. But where that provision is not to be applied, means to assure payment should be considered. This might be achieved by a requirement in the regulation that when the anticipated fees exceed $ _____, a deposit for a certain proportion of the amount must be made within ____ days of the agency's advising the requester.

The kinds of services for which fees may be charged under the 1974 amendments are limited to search and duplication. Agencies may thus no longer seek reimbursement (a) for time spent in examining the requested records for the purpose of determining whether an exemption can and should be asserted, (b) for time spent in deleting exempt matter being withheld from records to be furnished, or (c) for time spent in monitoring a requester's inspection of agency records made available to him in this manner.

Search services are services of agency personnel—clerical or, if necessary, of a higher salary level—used in trying to find the records sought by the requester. They

[5] The establishment of an explicit time limit is not mandatory. In its absence, a "reasonable time" would presumably be allowed. Such a disposition, however, increases uncertainty and hence litigation.

[6] See, e.g., *Grumman Aircraft Engineering Corp.* v. *Renegotiation Board*, 482 F. 2d 710 (D.C. Cir. 1973), cert granted upon the government's petition and now pending; Tax Analysts and Advocates v. IRS, 362 F. Supp. 1298 (D.D.C. 1973), affirmed ____ F. 2d ____ (1974). See also Attorney General's Memorandum on the Public Information Section of the Administrative Procedure Act, June 1967, at pp. 20-22.

[7] Attorney General's Memorandum, *supra*, at pp. 20-22.

include time spent in examining records for the purpose of finding records which are within the scope of the request. They also include services to transport personnel to places of record storage, or records to the location of personnel for the purpose of search, if they can be shown to be reasonably necessary. The legislative history of the 1974 amendments indicate that, when computerized record systems are involved, "the term 'search' would * * * not be limited to standard record-finding, and in these situations charges would be permitted for services involving the use of computers needed to locate and extract the requested information." Senate Report No. 93-854, May 16, 1974, p. 12.

Search fees are assessable even when no records responsive to the request, or no records not exempt from disclosure, are found. It is recommended, however, that requesters be charged for unsuccessful or unproductive searches only where they have been given fair notice that this may occur. Such notice should be plainly set forth in an agency's regulations. Of course, where the cost of search is small its unproductiveness is persuasive ground for waiver.

Duplication includes costs associated with the paper and other supplies used to prepare duplicates made to comply with the request and the services of personnel used in such preparation.

Where an agency undertakes, either voluntarily or under some other statute, to perform for a requester services which are clearly not required under the Freedom of Information Act—e.g., the formal certification of records as true copies, attestation under the seal of the agency, creation of a new list, tabulation or compilation of information, translation of existing records into another language—the question of fees should be resolved in the light of the federal user charge statute, 31 U.S.C. 483a, and any other applicable law. If for reasons of convenience an agency elects to include charges for such services in the fee schedule required to be promulgated by the 1974 Amendments, it should make clear the authority other than the Freedom of Information Act upon which such charges rest.

The amount of fees is ordinarily to be expressed as a rate per unit of service. The 1974 amendments contain three general criteria: (a) The fees must provide for recovery of only the "direct costs" of search and duplication services, (b) they must be "reasonable standard" charges, and (c) they must be waived or reduced where the agency determines such action would be in the public interest because furnishing the information "can be considered as primarily benefiting the general public". The reference to "direct costs" should be taken to mean that no agency overhead expense should be allocated to the services used in conducting a search. This would exclude such items as utilities, training expenses and management costs (except for management personnel directly involved in performing or supervising the particular search). If, for example, air freight or air express is used to transfer records at field offices to the office processing the request in order that the search can be completed and a determination made within applicable time limits, the air haul charge, but probably not the cost of ordering such transportation and processing payment, may be considered to be direct costs.

The requirement for "reasonable standard" charges should be taken to mean that the actual rates to be charged must be stated in dollars and cents or otherwise definitively indicated—as, for example, by reference to publicly filed tariffs. It precludes special rates based upon negotiation,[8] upon increases in federal personnel pay rates not reflected in an amended schedule, or upon other factors not incorporated in the schedule. There is, however, no requirement that the schedule contain only a single rate for personnel time. Legislative reference to the "direct costs" of search indicates that where there are sharp differences in the salaries of the personnel needed to conduct various types of searches which the agency may conduct, the schedule may set forth separate scales—e.g., one for clerical time and one for supervisory or professional time. The applicable rates may be determined after considering the pay scales, converted to hourly rates, of the numbers and grades of the personnel who would be assigned to perform the required services. Recognizing that some mix of personnel may be involved, it would seem that reasonable approximations of costs will satisfy the legislative requirement for "reasonable" standard charges.

The remaining legislative factor in the amount of fees is the provision concerning waiver or reduction, noted above. Either the fee schedule or the other agency regulations under the Act as amended should clearly assign the function of determining, both in connection with initial actions and at the appeal stage, whether such waivers or reductions should be made and the amount of any such reduction.

4. *Procedures on requests for classified records.* Passing for the purposes of this memorandum any constitutional questions, requests for documents that raise questions under exemption 1, as amended, may often require more detailed administrative processing at both the initial and appeal stages than was required under the decision in Environmental Protection Agency v. Mink, 410 U.S. 73 (1973). Such processing will nonetheless be subject to the new statutory time limits. The scope of the problem which this presents is not entirely clear at this time. All agencies which generate or hold substantial amounts of classified documents should immediately begin considering a range of procedures for accommodating to the statutory changes. The Department of Justice solicits the views of affected agencies in this regard and anticipates issuing more detailed guidance for the processing of requests for classified documents under the 1974 Amendments prior to their effective date.

5. *Requirements for annual report.* The 1974 amendments require each agency to file with the Congress a detailed annual report on March 1 of each year, covering administration of the Freedom of Information Act during the prior calendar year. With respect to the report due on March 1, 1975, some of the information called for in the amendments will not be available, since the amendments were not in effect during calendar 1974. Agencies should make as complete a report as possible on the basis of the information at hand. It is not our view that the Congress intended agencies to conduct interviews or detailed historical research to develop information not recorded at the time. Agencies should begin at once to develop procedures for compiling the information which the annual reports must contain, and these should be in place no later than January 1, 1975 so that the report for calendar 1975 will be complete. We recommend that these procedures be designed to accumulate, in addition to the other information required, data on the costs of administering the Act.

6. *Assignment of responsibility to grant and deny.* Agency regulations should leave no uncertainty as to who has the responsibility for acting upon requests under the Act. Responsibility means the duty and the authority to act; an assignment of either the duty or the authority normally carrier with it the other, except as regulations may otherwise provide. When an agency employee or official receives a request which exceeds his authority to grant or deny, the requester should be referred to the official or unit which has authority under the agency's regulations.[9]

The employee or official who denies a request is referred to in several places in the 1974 Amendments. Any notification of denial of a request for records must "set forth the names and titles or positions of each person responsible for the denial of such request." Section 552 (a) (6) (C). The required annual report must include "the names and titles or positions of each person responsible for the denial of records requested, * * * and the number of instances of participation for each." Section 552(d) (3). The so called sanctions provision states that when a court makes a written finding as to possible arbitrary or capricious withholding by agency personnel, the Civil Service Commission shall promptly initiate a proceeding to determine

[8] This does not preclude a negotiated settlement of a dispute over the fees for a particular request.

[9] As a matter of courtesy, if a request is misdirected the agency employee receiving it should himself route it to the proper official under the agency's regulations. The requester should be informed of this action and advised that the time of receipt for processing purposes will be deemed to run from the receipt by the proper official.

"whether disciplinary action is warranted against the officer or employee who was primarily responsible for the withholding." Section 552(a)(4)(F).

The common element in these provisions is the characterization of an agency employee or official as the person "responsible" or "primarily responsible" for a denial. It is therefore incumbent upon an agency to fix such responsibility clearly in its regulations by confining authority to deny, both on initial determinations and on appeals, to specified officials or employees. In view of the time limits discussed above, it would appear impracticable to specify such officials or employees by name, thereby preventing action during their absence; specifications by organizational title should be so drawn as to include both regular incumbents and persons acting in their stead.

It is not necessary that the head of the agency be the official designated to determine all appeals. The reference to an "appeal to the head of the agency" in the provision concerning time limits for initial determinations must be read in conjunction with the three provisions concerning "responsible" officials referred to above, particularly the last two sentences of the sanctions provision.[10] Coupled with the impracticability of running all appeals through Cabinet officers in certain departments, these provisions indicate that the head of an agency may, by regulation, delegate to another high official the function of acting on his behalf with respect to appeals.

Care should be taken to provide safeguards against confusion between the person who is authorized to deny access and the individuals or committees which assist him by providing information, furnishing legal or policy advice, recommending action, or implementing the decision. Care should also be taken to avoid the situation in which the official or employee whose signature appears on a notification of denial as ostensibly the responsible person is in fact acting on the orders of his superior. In such a case, the notification should identify the superior as the responsible person, with the subordinate signing "by direction" or with other appropriate indication of his role.

7. *Substantive changes.* The 1974 amendments include three provisions whose nature is "substantive", in the sense that they affect what records are subject to compulsory disclosure under the Act, rather than how requests for records shall be processed or litigated. These are a revision of the 1st exemption (pertaining to documents classified under an Executive Order for reasons of defense or foreign policy), a revision of the 7th exemption (investigatory law enforcement records), and a provision on the availability of "reasonably segregable" portions of records from which exempt matter has been deleted.

While these three substantive changes, like the rest of the 1974 amendments, do not become effective until February 19, 1975, it would be parsimonious and ultimately unwise to act before that time as if they were not in prospect. Each agency should take these changes into account to the best of its ability even before they become effective, particularly in its processing of requests and appeals and in assisting in the conduct of litigation. The application of these revisions will be the subject of a subsequent Justice Department memorandum.

8. *Miscellaneous matters.* The 1974 amendments replace the requirement that a request be for "identifiable records" with the requirement that it be one which "reasonably describes such records". Section 552(a)(3)(A). Agency regulations which contain provisions that parallel the old "identifiable records" language should be revised accordingly. A broad categorical request may or may not meet the "reasonably describes" standard; an agency receiving such a request may communicate with the requester to clarify it.

The 1974 amendments require that any adverse initial determination set forth the reasons therefor and a notice of the requester's appeal rights, and that any adverse determination on appeal give notice of the requester's rights of judicial review. Section 552(a)(6)(A). Agency regulations should be amended to reflect these new requirements.

In the event of suit under the Act, the government's time to answer is reduced from the 60 days generally available to the government in civil actions to 30 days "unless the court otherwise directs for good cause shown". Section 552(a)(4)(C). Upon termination of a suit under the Act in which the requester has "substantially prevailed", the court may assess "reasonable attorneys fees and other litigation costs reasonably incurred". Section 552(a)(4)(E). While neither of these changes necessarily calls for a revision of agency regulations, each can have an impact on agency operations: If a judicial extension of the 30-day time period is to be sought, the agency is likely to be called upon to provide information as to the facts and circumstances believed to constitute "good cause"; and if attorney's fees are assessed, they will be normally charged to the agency whose withholding of records was at issue. Needless to say, the attorney's fee provision increases substantially the likelihood that an agency will be sued when it issues a denial having weak or doubtful justification.

Each agency should carefully examine the text of the 1974 amendments to see if there are impacts upon its own regulations or operations which may not apply to other agencies and which are not discussed herein. It should also be noted that the amendments include a redefinition of "agency" for purposes of the Act, set forth in the new section 552(e), which extends the Act's coverage to some entities not considered agencies for purposes of other provisions of the Administrative Procedure Act.

As a general policy in cases where difficult problems are encountered as to such matters as the scope of the request, the time to process it, or the fees involved, agencies are encouraged to consider telephoning the requester to seek an informal accommodation, which should ordinarily be promptly confirmed in writing.

9. *Further action.* The administrative and reporting requirements of the new amendments, together with the relatively brief time limits imposed, demand the closest internal coordination of agency efforts, both in designing compliance with the 1974 revisions and in administering the Act after they become effective. To achieve this, agencies should consider establishing, perhaps on a temporary or ad hoc basis, an internal board or committee which would include talent at appropriate levels in the areas of law, public information, program operations, records management, budget and training.

The Justice Department will distribute before the effective date of the 1974 amendments an interpretive and advisory "Analysis", primarily addressed to the three "substantive" provisions referred to in item 7 above, but perhaps containing further guidance on procedural questions such as those discussed herein. Until that is issued, it would be appreciated if requests from agencies for advice and assistance concerning the Act be kept to a minimum. However, comments on this preliminary guidance memorandum are solicited, with a view to making desirable additions and changes.

ATTACHMENT D—SUMMARY OF PRINCIPAL CHANGES IN FREEDOM OF INFORMATION ACT MADE BY 1974 AMENDMENTS

Changes	*Place in Amended Act*
1. Publication or alternative requirement concerning indexes of (a)(2) materials.	552(a)(2).
2. Administrative time limits and extensions, and contents of denial letters.	552(a)(6).
3. Uniform agency fees for search and duplication.	552(a)(4)(A).
4. Disciplinary proceedings for arbitrary or capricious denials.	552(a)(4)(F).
5. In camera inspection by court of requested documents.	552(a)(4)(B).
6. Shortened time to answer complaint in court.	552(a)(4)(C).
7. Attorney fees award for requesters who prevail.	552(a)(4)(E).
8. Revision of exemption 1 for defense and foreign policy records classified under Executive Order.	552(b)(1).
9. Revision of exemption 7 for investigatory law enforcement records.	552(b)(7).
10. Availability of "reasonably segregable portion" of record.	552(b) (at end of subsection).
11. Annual reports to Congress.	552(d).

[10] "The [Civil Service] Commission, after investigation and consideration of the evidence submitted, shall submit its findings and recommendations to the administrative authority of the agency concerned and shall send copies of the findings and recommendations to the officer or employee or his representative. The administrative authority shall take the corrective action that the Commission recommends." Section 552(a)(4)(F).

(In addition, the 1974 Amendments make a number of other changes in the Act which, for the purposes of most agencies, are believed to be generally less significant.)

[FR Doc.74-29415 Filed 12-17-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

BETTLES FIELD, ALASKA

Eligibility of Unlisted Village

This decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs, by § 2651.2(a) (6), (8), (9), and (10) of Subchapter B of Chapter II of Title 43 of the Code of Federal Regulations published on page 14223 of the May 30, 1973 issue of the FEDERAL REGISTER.

The Alaska Native Claims Settlement Act of December 18, 1971 (Pub. L. 92-203, 92nd Congress; 85 Stat. 688-716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, the Director, Juneau Area Office, Bureau of Indian Affairs, pursuant to the authority delegated him in the regulations in 43 CFR Part 2650, authorizing him to make final decisions on behalf of the Secretary of the Interior on the eligibility of Native villages for benefits under the Alaska Native Claims Settlement Act, subject to appeal to the Ad Hoc Board, published on February 21, 1974, his final decision determining the eligibility of the unlisted Native village of Bettles Field, said decision appearing in 39 FR 6625(1974).

The decision was appealed by the Alaska Wildlife Federation & Sportsmen's Council; Philip R. Holdsworth; and the Sierra Club, Alaska Chapter, (appellants herein). The appellants brought forth, to the Ad Hoc Board, a withdrawal of protest. The Board therefore dismissed the appeals and thereby notified the Director that his final decision certifying the unlisted village of Bettles Field as eligible for benefits under the Alaska Native Claims Settlement Act shall become final upon the personal approval by the Secretary of the Interior.

The Ad Hoc Board, also known as the Alaska Native Claims Appeal Board, on July 1, 1974 determined the unlisted Native village of Bettles Field, pursuant to section 11(b)(3) of said Act, 43 U.S.C. 1610(b)(3), is now eligible to receive land benefits under sections 14 (a) and (b) of the Act, 43 U.S.C. 1613 (a) and (b).

In accordance with the Ad Hoc Board's decision, approved on July 9, 1974 by the Secretary of the Interior, Rogers C. B. Morton, and by telegram dated September 16, 1974 from Assistant Secretary of the Interior, Royston C. Hughes, authorized the Director, Juneau Area Office, Bureau of Indian Affairs to certify the unlisted Native village of Bettles Field as eligible for benefits under the Alaska Native Claims Settlement Act, said Director hereby certifies the Native village of Bettles Field is eligible for benefits under said Act, said decision being not further appealable, therefore issues to the unlisted Native village of Bettles Field a certification of eligibility.

CLARENCE ANTIOQUIA,
Director.

DECEMBER 9, 1974.

[FR Doc.74-29368 Filed 12-17-74;8:45 am]

CHENEGA, ALASKA

Eligibility of Unlisted Village

This decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs, by § 2651.2(a) (6), (8), (9), and (10) of Subchapter B of Chapter II of Title 43 of the Code of Federal Regulations published on page 14223 of the May 30, 1973 issue of the FEDERAL REGISTER.

The Alaska Native Claims Settlement Act of December 18, 1971 (Pub. L. 92-203, 92d Congress; 85 Stat. 688-716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, the Director, Juneau Area Office, Bureau of Indian Affairs, pursuant to the authority delegated him in the regulations in 43 CFR Part 2650, authorizing him to make final decisions on behalf of the Secretary of the Interior on the eligibility of Native villages for benefits under the Alaska Native Claims Settlement Act, subject to appeal to the Ad Hoc Board, published on February 26, 1974, his final decision determining the eligibility of the unlisted Native village of Chenega, said decision appearing in 39 FR 7468 (1974).

The decision was appealed by the Alaska Wildlife Federation and Sportsmen's Council, Inc.; Philip R. Holdsworth; the Sierra Club, Alaska Chapter; and the U.S. Forest Service, Department of Agriculture. The Ad Hoc Board directed that a hearing be and was conducted on July 18, 1974, at Cordova, Alaska by an Administrative Law Judge.

The Ad Hoc Board, also known as the Alaska Native Claims Appeal Board, on September 10, 1974 determined the unlisted Native village of Chenega, pursuant to section 11(b)(3) of said Act, 43 U.S.C. sec. 1610(b)(3), is eligible to receive land benefits under section 14(a) 43 U.S.C. 1613 (a) and (b), of the Act.

The Ad Hoc Board thereby notified the Director that his final decision certifying the unlisted Native village of Chenega as eligible for benefits under the Alaska Native Claims Settlement Act shall become final upon the personal approval by the Secretary of the Interior.

In accordance with the Ad Hoc Board's decision, approval on September 24, 1974, by the Secretary of the Interior, Rogers C. B. Morton and by telegram dated September 16, 1974, from Assistant Secretary of the Interior, Royston C. Hughes, authorized the Director, Juneau Area Office, Bureau of Indian Affairs, to certify the unlisted Native village of Chenega as eligible for benefits under the Alaska Native Claims Settlement Act, said Director, hereby certifies the unlisted Native village of Chenega is eligible for benefits under the Alaska Native Claims Settlement Act, said decision being not further appealable, therefore issues to the unlisted Native village of Chenega a certification of eligibility.

CLARENCE ANTIOQUIA,
Director.

DECEMBER 9, 1974.

[FR Doc.74-29369 Filed 12-17-74;8:45 am]

COLVILLE INDIAN RESERVATION, WASHINGTON

Ordinance Governing the Sale, Distribution and Taxation of Tobacco Products

DECEMBER 10, 1974.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

Notice is hereby given that the Colville Business Council of the Confederated Tribes of the Colville Reservation, Washington, duly enacted the Colville Tobacco Ordinance (Ordinance No. 74-565) on August 23, 1974. The Ordinance was enacted under authority contained in Article V, section 1(a) of the Constitution of the Confederated Tribes of the Colville Reservation which was ratified by the Colville Indians on February 26, 1938, and approved by the Commissioner of Indian Affairs on April 19, 1938. The Colville Tobacco Ordinance (Ordinance No. 74-565) was approved by the Area Director, Portland Area Office, Bureau of Indian Affairs, on October 22, 1974, under authority redelegated to him in 10 BIAM 3. The Colville Tobacco Ordinance (Ordinance No. 74-565) reads as follows:

Whereas, the Colville Business Council is the duly constituted governing body of the Confederated Tribes of the Colville Indian Reservation, and,

Whereas, under the Constitution and By-Laws of the Tribes, the Colville Business Council is charged with the duty of protecting the health, security and general welfare of the Colville Confederated Tribes, and

Whereas, by virtue of their status as Indian tribes, the Colville Confederated Tribes are authorized by federal law to possess unstamped cigarettes and other tobacco products on the Colville Indian Reservation and to regulate their sale and distribution, and

Whereas, the Colville Business Council deems it essential to the health, security, and general welfare of the Colville Confederated Tribes to enact a comprehensive tobacco ordinance regulating sale and distribution of cigarettes and other tobacco products and levying an excise tax upon their distribution on the Colville Indian Reservation, and

Whereas, the Colville Business Council has heretofore adopted Resolution 1973-375, but now wishes to clarify some sections of that ordinance and to expand the remedies available for violation of the ordinance, and to increase the number of cartons of cigarettes which may be sold to non-Indians,

Now, therefore, the Colville Business Council does hereby promulgate and enact the following amended tobacco ordinance to supersede any previous tobacco ordinance heretofore enacted.

AN ORDINANCE

GOVERNING SALE, DISTRIBUTION AND TAXATION OF TOBACCO PRODUCTS WITHIN THE COLVILLE INDIAN RESERVATION

SECTION 1. *Title.* This ordinance shall be known as the Colville Tobacco Ordinance.

SEC. 2. *Definitions.* As used in this ordinance, the following words and phrases shall each have the designated meaning unless a different meaning is expressly provided or the context is clearly indicated:

(a) "Tribes" shall mean the Confederated Tribes of the Colville Indian Reservation.

(b) "Council" shall mean the Colville Business Council.

(c) "Cigarettes" shall mean any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and irrespective of the tobacco being flavored, adulterated, or mixed with any other ingredient where such roll has a wrapper or cover made of paper or any material, except where such wrapper is wholly or in the greater part made of natural leaf tobacco in its natural state.

(d) "Tobacco Products" shall mean cigarettes, cigars, smoking tobacco, snuff, chewing tobacco, and other kinds of forms of tobacco prepared in such manner as to be suitable for chewing or smoking.

(e) "Taxable Event" shall mean the sale, use, consumption, handling, possession, or distribution of each tobacco product.

(f) "Retail Selling Price" shall mean the ordinary, customary, or usual price paid by the consumer for each tobacco product, less the tax levied by this ordinance.

(g) "Wholesale Distribution Price" shall mean the price paid for each tobacco product by the Tribes together with all freight charges and other expenses incurred by the Tribes in their receipt and distribution.

(h) "Tobacco Outlet" shall mean a licensed tribal retail sales business selling tobacco products on trust land within the Colville Indian Reservation.

(i) "Operator" shall mean an enrolled member of the Colville Confederated Tribes licensed by the Tribes to manage a tobacco outlet.

SEC. 3. *Establishment of tobacco outlets.* The Council shall establish one or more tobacco outlets within the Colville Indian Reservation as the Council in its sole discretion deems necessary to provide adequate service to consumers of cigarettes and tobacco products.

SEC. 4. *Nature of outlet.* Each tobacco outlet established hereunder shall be a tribal tobacco outlet and shall be managed for the Tribes by an operator pursuant to a license granted by the Council hereunder, and shall also be managed pursuant to a Federal Indian Trader's License as provided in Section 7 hereof.

SEC. 5. *Application for tobacco outlet license.* Any enrolled member of the Colville Confederated Tribes may apply upon an application form provided by the Council for a tobacco outlet license. The application shall state the name and address of the applicant and shall be signed by the applicant under oath.

SEC. 6. *Tobacco outlet license.* Upon approval of an application, the Council shall issue the applicant a tobacco outlet license for a five-year period which shall entitle the operator to establish and maintain one tobacco outlet on the Colville Indian Reservation. The license shall be renewable in such manner as the Council shall prescribe and shall be nontransferable.

SEC. 7. *Trader's license.* No tobacco outlet license shall be issued to an operator until he has obtained a Federal Indian Trader's License from the Superintendent of the Colville Indian Agency. Revocation of the Federal Indian Trader's License shall be grounds for revocation of the operator's tobacco outlet license.

SEC. 8. *Excise tax imposed.* There is being levied and there shall be collected as hereinafter provided, a tax upon the sale, use, consumption, handling, possession or distribution of all cigarettes in the amount of three cents per package. The Council may levy an additional tax upon the distribution of cigarettes and other tobacco products as it deems desirable. The excise tax levied hereunder shall be a tax upon distribution of cigarettes and other tobacco products by the Tribes only and shall not constitute an assessment or license fee upon enrolled members of the Tribes doing business within the reservation or obtaining special rights or privileges.

The excise tax levied hereunder shall be first a tax upon distribution of cigarettes and other tobacco products by the Tribes pursuant to section 10 of this ordinance; provided, however, that failure to pay the tax at the time of such distribution shall not prevent tax liability from arising by reason of another taxable event. The excise tax levied hereunder shall be added to the retail price of tobacco products sold to the ultimate consumer.

SEC. 9. *Purchase by Tribes.* All tobacco products purchased by the Tribes pursuant hereto shall be purchased with federally-restricted tribal funds.

SEC. 10. *Wholesale distribution.* Wholesale distribution of tobacco products by the Tribes to a tobacco outlet shall be upon a cash basis for the wholesale distribution price which shall have added to it the excise tax levied in section 8 hereof.

SEC. 11. *Tobacco products Federally restricted Tribal property.* The entire stock of tobacco products distributed hereunder shall remain federally-restricted tribal property owned and possessed by the Tribes until sale to the ultimate consumer. Payment by the operator of the wholesale distribution price plus the excise tax as provided in section 10 hereof shall entitle the operator to custody of distributed tobacco products for sale to the ultimate consumer, at the operator's sole risk in the event of any loss whatsoever.

SEC. 12. *Remuneration to operator.* As remuneration for managing a tobacco outlet, an operator shall be entitled to the gross revenue derived from sale of tobacco products distributed hereunder in excess of the wholesale distribution price and the excise tax levied hereunder.

SEC. 13. *Restricted sales to non-Indians.* An operator may not sell more than three cartons of cigarettes per sale to a non-Indian. The Council may restrict sales of other tobacco products to non-Indians as it deems necessary.

SEC. 14. *Restricted sales to minors.* An operator may not sell any tobacco products to any person under the age of 18 years.

SEC. 15. *Other business by operator.* An operator may conduct another business simultaneously with managing a tobacco outlet for the Tribes. The other business may be conducted on the same premises and the operator shall not be required to maintain separate books of account for the other business.

SEC. 16. *Tribal immunity—liability-credit.* An operator shall not attempt or be authorized to waive the sovereign immunity of the Tribes from suit, nor shall such operator attempt or be authorized to create any liability on behalf of the Tribes or to utilize tribal credit.

SEC. 17. *Operating without license.* No person shall operate a tobacco outlet on the Colville Indian Reservation without having in effect a valid tobacco outlet license issued pursuant hereto.

SEC. 18. *Purchases.* An operator shall purchase all tobacco products sold in his tobacco outlet from the Tribes.

SEC. 19. *Liability insurance.* An operator shall maintain liability insurance upon his premises in the sum of $100,000.

SEC. 20. *Revocation of tobacco outlet license.* Failure of an operator to abide by the requirements of this ordinance and any additional requirement imposed by the Council will constitute grounds for revocation of the operator's tobacco outlet license as well as enforcement of the remedies provided in section 21 below.

SEC. 21. *Violation—remedies.* Upon application by the Chairman of the Council, the Tribal Judge shall issue an order directing the Tribal Law Enforcement Officer to seize all tobacco products from wherever purchased and by whomever owned from any tobacco outlet being operated in violation of this ordinance. Within three days of such seizure, after adequate notice to the operator of such outlet, a hearing shall be held in Tribal Court at which time the operator of such outlet shall be given an opportunity to present evidence in defense of his activities. If the Tribal Court shall determine by a preponderance of the evidence that such tobacco outlet was being operated in violation of this ordinance, the Judge shall impose a fine of not less than $50 nor more than $250 in addition to the forfeiture of tobacco products described above.

SEC. 22. *Recovery of taxes owed.* The Tribes shall have a cause of action in Tribal Court to recover any taxes owed and not paid to the Tribes in accordance with this or any previous ordinance.

SEC. 23. *Separability.* If any provision of this ordinance or its application to any person or circumstances is held invalid, the remainder of this ordinance, or the application of the provision to other persons or circumstances is not affected.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.74-29366 Filed 12-17-74;8:45 am]

KING ISLAND, ALASKA

Eligibility of Unlisted Village

This decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs, by § 2651.2(a) (6), (8), (9), and (10) of Subchapter B of Chapter II of Title 43 of the Code of Federal Regulations published on page 14223 of the May 30, 1973 issue of the FEDERAL REGISTER.

The Alaska Native Claims Settlement Act of December 18, 1971 (Pub. L. 92-203, 92nd Congress; 85 Stat. 688-716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, the Director, Juneau Area Office, Bureau of Indian Affairs, pursuant to the authority delegated him in the regulations in 43 CFR Part 2650, authorizing him to make final decisions on behalf of the Secretary of the Interior on the eligibility of Native villages for benefits under the Alaska Native Claims Settlement Act, subject to appeal to the Ad Hoc Board, published on February 21, 1974, his final decision determining the eligibility of the unlisted Native village of King Island, said decision appearing in 39 FR 6626 (1974).

The decision was appealed by the Alaska Wildlife Federation & Sportsmen's Council; Philip R. Holdsworth; and the Sierra Club, Alaska Chapter (appellants herein). The appellants brought forth, to the Ad Hoc Board, a withdrawal of protest. The Board therefore dismissed the appeals and thereby notified the Director that his final decision certifying the unlisted village of King Island as eligible for benefits under the Alaska Native Claims Settlement Act shall become final upon the personal approval by the Secretary of the Interior.

The Ad Hoc Board, also known as the Alaska Native Claims Appeal Board, on July 1, 1974 determined the unlisted Native village of King Island, pursuant to section 11(b)(3) of said Act, 43 U.S.C. 1610(b)(3), is now eligible to receive land benefits under sections 14 (a) and (b) of the Act, 43 U.S.C. 1613 (a) and (b).

In accordance with the Ad Hoc Board's decision, approved on July 9, 1974 by the Secretary of the Interior, Rogers C. B. Morton, and by telegram dated September 16, 1974, from Assistant Secretary of the Interior, Royston C. Hughes, authorized the Director, Juneau Area Office, Bureau of Indian Affairs to certify the unlisted Native village of King Island as eligible for benefits under the Alaska Native Claims Settlement Act, said Director, hereby certifies the Native village of King Island is eligible for benefits under said Act, said decision being not further appealable, therefore issues to the unlisted Native village of King Island a certification of eligibility.

CLARENCE ANTIOQUIA,
Director.

DECEMBER 9, 1974.

[FR Doc.74-29370 Filed 12-17-74;8:45 am]

PAULOFF HARBOR (SANAK), ALASKA

Ineligibility of Listed Village

This decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs, by § 2651.2(a) (1), (8), (9), and (10) of Subchapter B of the Chapter II of Title 43 of the Code of Federal Regulations published on page 14223 of the May 30, 1973, issue of the FEDERAL REGISTER.

The Alaska Native Claims Settlement Act of December 18, 1971 (Pub. L. 92-203, 92nd Congress; 85 Stat. 688-716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, the Director, Juneau Area Office, Bureau of Indian Affairs, pursuant to the authority delegated him in the regulations in 43 CFR Part 2650, authorizing him to make final decisions on behalf of the Secretary of the Interior on the eligibility of Native villages for benefits under the Alaska Native Claims Settlement Act, subject to appeal to the Ad Hoc Board, published on March 7, 1974, his final decision determining the eligibility of the listed Native village of Pauloff Harbor (Sanak), said decision appearing in 39 FR 8943 & 8944 (1974).

The decision was appealed by the Alaska Wildlife Federation & Sportsmen's Council, Inc.; Philip R. Holdsworth; the Sierra Club, Alaska Chapter; and the Bureau of Sports Fisheries & Wildlife.

The Ad Hoc Board, also known as the Alaska Native Claims Appeal Board, directed that a de novo hearing be and was conducted on May 15, 1974, at Anchorage, Alaska by an Administrative Law Judge.

The Ad Hoc Board then determined that the Native village of Pauloff Harbor (Sanak), listed in section 11(b)(1) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1610(b)(1), is hereby certified not eligible for benefits under section 14 (a) and (b), 43 U.S.C. 1613 (a) and (b), of the Act.

The Ad Hoc Board thereby notified the Director, Juneau Area Office, Bureau of Indian Affairs, that his final decision certifying the listed village of Pauloff Harbor (Sanak) as eligible shall become ineligible for benefits under the Alaska Native Claims Settlement Act which shall become final upon the personal approval of the Secretary of the Interior.

In accordance with the Ad Hoc Board's decision, approved on June 14, 1974 by the Secretary of the Interior, Rogers C. B. Morton and by telegram dated September 16, 1974 from Assistant Secretary of the Interior, Royston C. Hughes, authorized the Director, Juneau Area Office, Bureau of Indian Affairs, to certify the listed Native village of Pauloff Harbor (Sanak) as not eligible for benefits under the Alaska Native Claims Settlement Act, said Director, hereby certifies the listed Native village of Pauloff Harbor (Sanak) is not eligible for benefits under said Act, said decision being not further appealable, therefore issues to the listed Native village of Pauloff Harbor (Sanak) a certification of ineligibility.

CLARENCE ANTIOQUIA,
Director.

DECEMBER 9, 1974.

[FR Doc.74-29371 Filed 12-17-74;8:45 am]

SALAMATOFF, ALASKA

Ineligibility of Listed Village

This decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs, by § 2651.2(a) (1), (8), (9), and (10) of Subchapter B of the Chapter II of Title 43 of the Code of Federal Regulations published on page 14223 of the May 30, 1973, issue of the FEDERAL REGISTER.

The Alaska Native Claims Settlement Act of December 18, 1971 (Pub. L. 92-203, 92nd Congress; 85 Stat. 688-716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, the Director, Juneau Area Office, Bureau of Indian Affairs, pursuant to the authority delegated him in the regulations in 43 CFR Part 2650, authorizing him to make final decisions on behalf of the Secretary of the Interior on the eligibility of Native villages for benefits under the Alaska Native Claims Settlement Act, subject to appeal to the Ad Hoc Board, published on December 12, 1973, his final decision determining the eligibility of the listed Native village of Salamatoff, said decision appearing in 38 FR 34212 (1973).

The decision was appealed by the Bureau of Sport Fisheries & Wildlife. The Ad Hoc Board, also known as the Alaska Native Claims Appeal Board, directed that a de novo hearing be and was conducted on May 13, 1974, at Kenai, Alaska by an Administrative Law Judge.

The Ad Hoc Board, on June 10, 1974, determined that the listed Native village of Salamatoff, pursuant to section 11(b)(1), 43 U.S.C. 1610(b)(1) of the Act is not eligible to receive land benefits under sections 14 (a) and (b), 43 U.S.C. 1613 (a) and (b), of the Act.

The Ad Hoc Board thereby notified the Director that his final decision certifying the listed village of Salmatoff as eligible shall become ineligible for benefits under the Alaska Native Claims Settlement Act which shall become final upon the personal approval of the Secretary of the Interior.

In accordance with the Ad Hoc Board's decision, approved on June 14, 1974, by the Secretary of the Interior, Rogers C. B. Morton and by telegram dated September 16, 1974, from Assistant Secretary of the Interior, Royston C. Hughes, authorized the Director, Juneau Area Office Bureau of Indian Affairs, to certify the listed Native village of Salamatoff as not eligible for benefits under the Alaska Native Claims Settlement Act, said Director, hereby certifies the listed Native village of Salamatoff is not eligible for benefits under said Act, said decision is not further appealable, therefore issues to the listed Native village of Salamatoff a Certification of Ineligibility.

CLARENCE ANTIOQUIA,
Director.

DECEMBER 9, 1974.

[FR Doc.74-29372 Filed 12-17-74;8:45 am]

UYAK, ALASKA

Ineligibility of Listed Village

This decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs, by § 2651.2(a) (1), (8), (9), and (10) of Subchapter B of the Chapter II of Title 43 of the Code of Federal Regulations published on page 14223 of the May 30, 1973, issue of the FEDERAL REGISTER.

The Alaska Native Claims Settlement Act of December 18, 1971 (Pub. L. 92-203, 92d Congress; 85 Stat. 688-716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, the Director, Juneau Area Office, Bureau of Indian Affairs, pursuant to the authority delegated him in the regulations in 43 CFR Part 2650, authorizing him to make final decisions on behalf of the Secretary of the Interior on the eligibility of Native villages for benefits under the Alaska Native Claims Settlement Act, subject to appeal to the Ad Hoc Board, published on December 12, 1973, his final decision determining the eligibility of the listed Native village of Uyak, said decision appearing in 38 FR 34213 (1973).

The decision was appealed by the Bureau of Sport Fisheries & Wildlife. The Ad Hoc Board, also known as the Alaska Native Claims Appeal Board, directed that a de novo hearing be and was held on May 16, 1974, at Kodiak, Alaska by an Administrative Law Judge.

The Ad Hoc Board, on June 9, 1974, determined that the listed Native village of Uyak, pursuant to section 11(b)(1), 43 U.S.C. 1610(b)(1) of the Act is not eligible to receive land benefits under sections 14 (a) and (b), 43 U.S.C. 1613 (a) and (b), of the Act.

The Ad Hoc Board thereby notified the Director that his final decision certifying the listed village of Uyak as eligible shall become ineligible for benefits under the Alaska Native Claims Settlement Act which shall become final upon the personal approval of the Secretary of the Interior.

In accordance with the Ad Hoc Board's decision, approved on June 14, 1974, by the Secretary of the Interior, Rogers C. B. Morton, and by telegram dated September 16, 1974, from Assistant Secretary of the Interior, Royston C. Hughes, authorized the Director, Juneau Area Office, Bureau of Indian Affairs, to certify the listed Native village of Uyak as not eligible for benefits under the Alaska Native Claims Settlement Act, said Director, hereby certifies the listed Native village of Uyak is not eligible for benefits under the Alaska Native Claims Settlement Act, said decision is not further appealable, therefore issues to the listed Native village of Uyak a Certification of Ineligibility.

CLARENCE ANTIOQUIA,
Director.

DECEMBER 9, 1974

[FR Doc.74-29373 Filed 12-17-74;8:45 am]

Office of the Assistant Secretary

OIL SHALE ENVIRONMENTAL ADVISORY PANEL

Meeting

Notice is hereby given in accordance with Public Law 92-463 that a meeting of the Oil Shale Environmental Advisory Panel will be held on January 9 and 10, 1975, at the Denver Foothills Ramada Inn, 11595 West 6th Avenue, Lakewood, Colorado. The meeting will begin at 9:00 AM on Thursday, January 9, in the Merlin Room and conclude at 12:00 Noon on Friday, January 10.

The Panel was established to assist the Department of the Interior in the performance of functions in connection with the supervision of oil shale leases issued under the Prototype Oil Shale Leasing Program. The purpose of the meeting is to review progress of the prototype program since the Panel's October 1974 meeting; the coordination of already adopted guidelines; to receive reports from Departmental officials; and for technical briefiings on Interior Department research programs on water resources of the Piceance Basin, Colorado, oil-shale geology, and oil-shale extraction.

The meeting is open to the public. It is expected that space will permit at least 100 persons to attend the session in addition to the panel members. Interested persons may make brief presentations to the Panel or file written statements. Requests should be made to Mr. William L. Rogers, Chairman, Office of the Secretary, Department of the Interior, Room 688, Building 67, Denver Federal Center, Denver, Colorado 80225.

Further information concerning this meeting may be obtained from Mr. Henry O. Ash, Office of the Oil Shale Environmental Advisory Panel, Room 820-A, Building 67, Denver Federal Center, Denver, Colorado 80225, Telephone No. (303) 234-3275. Minutes of the meeting will be available for public inspection 30 days after the meeting at the Panel Office.

Dated: December 11, 1974.

JACK O. HORTON,
Assistant Secretary of the Interior for Land and Water Resources.

[FR Doc.74-29374 Filed 12-17-74;8:45 am]

National Park Service

[INT FES 74-64]

Availability of Final Environmental Statement

PROPOSED KLONDIKE GOLD RUSH NATIONAL HISTORICAL PARK, ALASKA AND WASHINGTON

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the master plan for the proposed Klondike Gold Rush National Historical Park, Alaska and Washington.

The statement considers the establishment, management, and use of the proposed Park.

Copies are available from, or for inspection at, the following locations:

Pacific Northwest Region
National Park Service
Fourth and Pike Building
Seattle, Washington 98101

Alaska State Office
National Park Service
Suite 250
334 West Fifth Avenue
Anchorage, Alaska 99501

Juneau Office
National Park Service
Room 602, Federal Building
Juneau, Alaska 99801

Dated: December 12, 1974.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.74-29491 Filed 12-17-74;8:45 am]

DEPARTMENT OF COMMERCE

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS COORDINATING AND ADVISORY COMMITTEE

Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that the Federal Information Processing Standards Coordinating and Advisory Committee (FIPSCAC) will hold a meeting from 9:00 a.m. to 12:00 noon on Wednesday, January 29, 1975, in Room B-255, Building 225, of the National Bureau of Standards in Gaithersburg, Maryland.

The purpose of the meeting is to review the actions of the Federal Information Processing Standards (FIPS) Task Groups and to consider other matters relating to Federal information processing standards.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify Joseph O. Harrison, Jr., Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, (Phone 301-921-3551).

Dated: December 12, 1974.

RICHARD W. ROBERTS,
Director.

[FR Doc.74-29417 Filed 12-17-74;8:45 am]

FEDERAL INFORMATION PROCESSING STANDARDS TASK GROUP 13 WORKLOAD DEFINITION AND BENCHMARKING

Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that the Federal Information Processing Standards Task Group 13 (FIPS TG-13), "Workload Definition and Benchmarking," will hold a meeting from 10:00 a.m. to 4:00 p.m. on Wednesday, January 22, 1975, in Room B-255, Building 225, of the National Bureau of Standards at Gaithersburg, Maryland.

The purpose of this meeting is to review the progress of four workgroups which are addressing the areas of Problem Definition, Benchmark Program Transferability, Preliminary Benchmarking Guidelines, and Workload Definition.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify the Executive Secretary, Mr. John F. Wood, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (Phone—301–921–3485).

Dated: December 12, 1974.

RICHARD W. ROBERTS,
Director.

[FR Doc.74–29416 Filed 12–17–74;8:45 am]

National Oceanic and Atmospheric Administration

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Notice of Open Meeting

DECEMBER 13, 1974.

The National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a meeting Monday and Tuesday, January 20 and 21, 1975. Both sessions will be open to the public and will be held in Room 6802 of the U.S. Department of Commerce Building, 15th and Constitution Avenue, NW., Washington, D.C., beginning at 9 a.m.

The Committee, consisting of 25 non-Federal members appointed by the President from State and local governments, industry, science, and other appropriate areas, was established by Congress by Public Law 92–125, on August 16, 1971. Its duties are to: (1) undertake a continuing review of the progress of the marine and atmospheric science and service programs of the United States, (2) submit a comprehensive annual report to the President and to the Congress setting forth an overall assessment of the status of the Nation's marine and atmospheric activities on or before June 30 of each year, and (3) advise the Secretary of Commerce with respect to the carrying out of the purposes of the National Oceanic and Atmospheric Administration.

The agenda will consist of briefings and discussion organized around the following topics:

Monday, January 20. Jurisdictional and regulatory issues in the management of offshore resources.

9:00 a.m. to noon. case studies by industry representatives.

1:30 to 5:00 p.m. views of representatives of State and Federal governments.

Tuesday, January 21, 9:00 a.m. to 1:00 p.m. progress reports from NACOA ad hoc working groups on such topics as coastal zone management, the future of the International Decade of Ocean Exploration, and military/civil weather services.

The public is welcome and will be admitted to the limit of the seating available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussion. Written statements may be submitted at any time.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Department of Commerce Building, Room 5225, Washington, D.C. 20230. Telephone: (202) 967–3343.

DOUGLAS L. BROOKS,
Executive Director.

[FR Doc.74–29476 Filed 12–17–74;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the licensing policy of each Agency-sponsor.

Copies of patents are available from the Commissioner of Patents, Washington, D.C. 20231, at $0.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161, at the prices cited. Requests for copies of patent applications must include the PAT-APPL-number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent Office. Claims and other technical data can usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. Atomic Energy Commission, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent application 474,549: Improved Thermal Battery; filed 30 May 1974, PC $3.25/MF $2.25.

Patent 3,801,358: Refuse and Sewage Polymer Impregnated Concrete; filed 22 May 1972, patented 2 April 1974; not available NTIS.

Patent 3,801,484: Fixation of Nitrogen to Form Nitrates; filed 13 October 1972, patented 2 April 1974; not available NTIS.

Patent 3,801,700: Preparation of (238) Pu (16)02; filed 28 March 1972, patented 2 April 1974; not available NTIS.

Patent 3,803,295: Method for Removing Iodine from Nitric Acid; filed 21 December 1972, patented 9 April 1974; not available NTIS.

Patent 3,804,940: Method of Separating Thorium from Yttrium and Lanthanide Rare Earths; filed 29 October 1972, patented 16 April 1974; not available NTIS.

Patent 3,806,248: Continuous Flow Condensation Nuclei Counter; filed 21 February 1973, patented 23 April 1974; not available NTIS.

Patent 3,808,097: Production of Fluorine-18 Labeled 5-Fluorouracil; filed 28 November 1972, patented 30 April 1974; not available NTIS.

Patent 3,809,731: Method of Fabricating a Nuclear Reactor Fuel Element; filed 31 March 1961, patented 7 May 1974; not available NTIS.

Patent 3,810,962: Method of Making a Carbide-Graphite Composite Nuclear Fuel; filed 25 August 1972, patented 14 May 1974; not available NTIS.

Patent 3,811,426: Method and Apparatus for the In-Vessel Radiation Treatment of Blood; filed 21 May 1973, patented 21 May 1974; not available NTIS.

Patent 3,814,355: Destructible Parachute; filed 1 August 1973, patented 4 June 1974; not available NTIS.

Patent 3,815,838: Gate Valve; filed 6 June 1973, patented 11 June 1974; not available NTIS.

Patent 3,820,038: Method and Apparatus for Producing Isolated Laser Pulses Having a Fast Rise Time; filed 9 February 1973, patented 25 June 1974; not available NTIS.

Patent 3,820,144: Electromechanical Shutter; filed 1 October 1973, patented 25 June 1974; not available NTIS.

Patent 3,820,435: Confinement System for High Explosive Events; filed 11 May 1972, patented 28 June 1974; not available NTIS.

Patent 3,821,356: Production of High Purity Halides; filed 8 March 1973, patented 28 June 1974; not available NTIS.

U.S. Department of Air Force, AF/JACP, Washington, D.C. 20314.

Patent application: 478,551: Aircraft/Spacecraft Ground Accelerator; filed 12 June 1974; PC $3.25/MF $2.25.

Patent application: 478,553: Liquid Cooled Runway; filed 12 June 1974; PC $3.25/MF $2.25.

Patent application: 478,810: Fragment Suppression Configuration; filed 12 June 1974; PC $3.25/MF $2.25.

Patent 3,794,473: Rare Earth beta-Ketoenolate Anti-Knock Additives in Gasoline; filed 20 September 1972, patented 26 February 1974; not available NTIS.

Patent 3,798,648: High Resolution Airborne Signal Processing System; filed 27 June 1972, patented 19 March 1974; not available NTIS.

Patent 3,803,394: Centroid Tracker; filed 14 February 1973, patented 9 April 1974; not available NTIS.

Patent 3,807,169: Integral Precombustor/Ramburner Assembly; filed 13 June 1973, patented 30 April 1974; not available NTIS.

Patent 3,807,216: Temperature Cycling Device; filed 15 September 1972, patented 30 April 1974; not available NTIS.

Patent 3,815,026: Radar Altimeters for Automatic Landing Systems; filed 15 November 1971, patented 4 June 1974; not available NTIS.

Patent 3,815,135: Direction Finding Interferometer for a Linear FM Signal; filed 26 October 1972, patented 4 June 1974; not available NTIS.

Patent 3,816,586: Method of Fabricating Boron Suboxide Articles; filed 21 March 1972, patented 11 June 1974; not available NTIS.

Patent 3,817,945: Curing System for Carboxy Terminated Polybutadiene Propellants; filed 4 March 1970, patented 18 June 1974; not available NTIS.

Patent 3,818,219: Non-Destructive Testing of Metal Structures by Measuring Exo-Electron Emission; filed 18 April 1972, patented 18 June 1974; not available NTIS.

Patent 3,822,792: Air Flotation Cargo Handling System; filed 28 November 1972, patented 9 July 1974; not available NTIS.

Patent 3,823,600: Pneumatic Linear Accelerator; filed 9 April 1973, patented 16 July 1974; not available NTIS.

Patent 3,823,668: Duplex Combustible Cartridge Case; filed 19 October 1972, patented 16 July 1974; not available NTIS.

U.S. Environmental Protection Agency, Room W513, 401 M Street SW., Washington, D.C. 20460.

Patent 3,664,940: Suspension Dewatering Method; filed 6 October 1969, patented 23 May 1972; not available NTIS.

Patent 3,701,486: Snagging Device for Inverted Grinder; filed 1 September 1970, patented 31 October 1972; not available NTIS.

Patent 3,803,920: Sample Dilution Device-Disc Diluter; filed 15 November 1972; patented 16 April 1974; not available NTIS.

U.S. Department of Health, Education, and Welfare, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, Maryland 20014.

Patent application 509,966: Nuclease-Resistant Hydrophilic Complex of Polyriboinosinic-Polyribocytidylic Acid; filed 27 September 1974; PC $3.25/MF $2.25.

U.S. Department of the Interior, Branch of Patents, 18th and C Streets NW., Washington, D.C. 20240.

Patent 3,767,782: Self-Destructing Pesticidal Formulations and Methods for Their Use; filed 23 December 1970, patented 23 October 1973; not available NTIS.

Department of the Navy, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Virginia 22217.

Patent 3,729,425: Porous Chemiluminescent Material and Method of Manufacture; filed 29 April 1969, patented 24 April 1973; not available NTIS.

Patent 3,727,570: Drag Reduction Method; filed 20 January 1970, patented 17 April 1973; not available NTIS.

Patent 3,727,718: Surface Wave Ambiguity Analyzer; filed 24 November 1971, patented 17 April 1973; not available NTIS.

Patent 3,727,863: Air-Venting Parachute; filed 23 June 1971, patented 17 April 1973; not available NTIS.

Patent 3,728,086: Method of Preparing Ammonium Perchlorate Crystals of Controlled Size; filed 17 April 1969, patented 17 April 1973; not available NTIS.

Patent 3,728,169: Encapsulation of Nitronium Perchlorate Employing Ammonia to Form Ammonium Perchlorate; filed 18 March 1963, patented 17 April 1973; not available NTIS.

Patent 3,728,170: Plastic-Bonded Explosive Compositions and the Preparation Thereof; filed 6 September 1962, patented 17 April 1973; not available NTIS.

Patent 3,728,270: Chemiluminescent Formulation Containing Inorganic Salt Solution; filed 30 July 1965, patented 17 April 1973; not available NTIS.

Patent 3,728,271: Chemiluminescent Formulation; filed 26 February 1969, patented 17 April 1973; not available NTIS.

Patent 3,728,525: Magnetic Navigation System; filed 19 October 1971, patented 17 April 1973; not available NTIS.

Patent 3,728,636: Inverse Logarithmic Function Generator; filed 28 December 1971, patented 17 April 1973; not available NTIS.

Patent 3,728,717: Digital to Time Interval Converter; filed 27 December 1971, patented 17 April 1973; not available NTIS.

Patent 3,728,719: R-2R Resistive Ladder, Digital-to-Analog Converter; filed 20 March 1972, patented 17 April 1973; not available NTIS.

Patent 3,728,734: Method of Resolving Multiple Sweep Ambiguities Encountered in High Resolution Graphic Recorders and the Like; filed 23 April 1971, patented 17 April 1973; not available NTIS.

Patent 3,728,748: Mooring Apparatus; filed 27 November 1970, patented 24 April 1973; not available NTIS.

Patent 3,729,350: Composition for Forming Cloud of Incapacitating Agent Upon Detonation; filed 2 February 1970, patented 24 April 1973; not available NTIS.

Patent 3,729,351: Flare Composition Comprising Dry Blend of Metal Fuel and Eutectic Mixture of Oxidizer Salts; filed 1 Ootober 1969, patented 24 April 1973; not available NTIS.

Patent 3,729,598: Earphone Receiver Attenuation Measurement Technique; filed 11 November 1971, patented 24 April 1973; not available NTIS.

Patent 3,729,679: Suppressed Carrier Single-Sideband Signal Detection; filed 30 August 1971, patented 24 April 1973; not available NTIS.

Patent 3,729,739: Instantaneous Frequency Diversity Radar System; filed 28 July 1966, patented 24 April 1973; not available NTIS.

Patent 3,729,742: Simultaneous Sum and Difference Pattern Technique for Circular Array Antennas; filed 14 August 1972, patented 24 April 1973; not available NTIS.

Patent 3,729,829: Double Cantilever Split-Pin Displacement Gage; filed 22 October 1971, patented 1 May 1973; not available NTIS.

Patent 3,729,902: Carbon Dioxide Sorbent for Confined Breathing Atmospheres; filed 21 April 1971, patented 1 May 1973; not available NTIS.

Patent 3,729,980: Hydrodynamic Shock Simulator; filed 2 March 1972, patented 1 May 1973; not available NTIS.

Patent 3,730,099: Controlled Descent System; filed 17 December 1970, patented 1 May 1973; not available NTIS.

Patent 3,730,789: Monopropellant Composition Including Hydroxylamine Perchlorate; filed 8 July 1969, patented 1 May 1973; not available NTIS.

Patent 3,731,075: Automatic Rate Tracker,; filed 29 June 1962, patented 1 May 1973; not available NTIS.

Patent 3,731,116: High Frequency Field Effect Transistor Switch; filed 2 March, 1972, patented 1 May 1973; not available NTIS.

Patent 3,731,264: Apparatus for Determining the Position of a Surface Vessel with Respect to a Signal Source; filed 24 January, 1972, patented 1 May 1973; not available NTIS.

Patent 3,731,304: Track-Before-Detect System; filed 8 September 1961, patented 1 May 1973; not available NTIS.

Patent 3,731,306: Sea State Analyzer Using Radar Sea Return; filed 24 January, 1972, patented 1 May 1973; not available NTIS.

Patent 3,731,315: Circular Array with Butler Submatrices; filed 24 April 1972, patented 1 May 1973; not available NTIS.

Patent 3,731,316: Butler Submatrix Feed for a Linear Array; filed 25 April 1972, patented 1 May 1973; not available NTIS.

Patent 3,731,743: Fire Control Apparatus Air Pollution Product Abatement; filed 20 October 1971, patented 8 May 1973; not available NTIS.

Patent 3,732,413: Light Producing Device; filed 30 September 1965, patented 8 May 1973; not available NTIS.

Patent 3,732,626: Spline Wear Measurement Gage; filed 22 January 1969, patented 15 May 1973; not available NTIS.

Patent 3,732,630: Visual Simulator; filed 21 October 1970, patented 15 May 1973; not available NTIS.

Patent 3,732,918: Bottom-Freezing Apparatus; filed 11 March 1971, patented 15 May 1973; not available NTIS.

Patent 3,733,073: Torsion Bar for Raising and Lowering a Target; filed 20 March 1972, patented 15 May 1973; not available NTIS.

Patent 3,733,542: Frequency Step Generator; filed 26 June 1972, patented 15 May 1973; not available NTIS.

Patent 3,733,545: Method for Locating Nonlinear Mechanical Junctions of Metallic Electrical Conductors; filed 13 April 1972, patented 15 May 1973; not available NTIS.

Patent 3,733,556: Compact Variable Time Base and Delayed Pulse Oscillator; filed 20 April 1972, patented 15 May 1973; not available NTIS.

Patent 3,733,629: Buoyant Matrix Materials; filed 27 May 1971, patented 22 May 1973; not available NTIS.

Patent 3,733,981: Lens Protective System for Deep Sea Camera; filed 17 July 1972, patented 22 May 1973; not available NTIS.

Patent 3,734,019: Vent and Destruct System; filed 29 September 1971, patented 22 May 1973; not available NTIS.

Patent 3,734,788: High Density Solid Propellants and Methods of Preparation Using Fluoropolymers; filed 17 April 1964, patented 22 May 1973; not available NTIS.

Patent 3,737,605: Switch Seal; filed 8 April 1971, patented 5 June 1973; not available NTIS.

Patent 3,743,932: Clipped Correlation to Signal-to-Noise Ratio Meter; filed 21 March 1972, patented 3 July 1973; not available NTIS.

Patent 3,743,942: Compressive Scanning Receiver; filed 16 June 1972, patented 3 July 1973; not available NTIS.

Patent 3,743,951: Voltage Controlled Up-Down Clock Rate Generator; filed 26 April 1972, patented 3 July 1973; not available NTIS.

Patent 3,743,961: Inclined Air Core Solenoid Fields for Lasers; filed 9 February 1972, patented 3 July 1973; not available NTIS.

Patent 3,743,995: Two Color Detector; filed 14 March 1972, patented 3 July 1973; not available NTIS.

Patent 3,744,014: SUS Cable Trolley; filed 3 December 1971, patented 3 July 1973; not available NTIS.

Patent 3,744,015: Automatic Electronic Filter System; filed 14 April 1972, patented 3 July 1973; not available NTIS.

Patent 3,744,718: Luminescent Aerosol Marker; filed 20 May 1970, patented 10 July 1973; not available NTIS.

Patent 3,745,474: High Speed Logarithmic Video Amplifier; filed 20 December 1971, patented 10 July 1973; not available NTIS.

Patent 3,745,517: Distance Measuring Device and Method; filed 11 May 1970, patented 10 July 1973; not available NTIS.

Patent 3,745,519: Small Craft Positioning System; filed 3 June 1971, patented 10 July 1973; not available NTIS.

Patent 3,745,566: Optical Radiation Detector; filed 14 June 1962, patented 10 July 1973; not available NTIS.

Patent 3,745,579: Double Mixing Doppler Simulator; filed 26 February 1969, patented 10 July 1973; not available NTIS.

Patent 3,745,584: Log Periodic Radial Arm-Coupled Loop Antenna; filed 9 June 1971, patented 10 July 1973; not available NTIS.

Patent 3,745,775: Underwater in situ Placement of Concrete; filed 22 November 1971, patented 17 July 1973; not available NTIS.

Patent 3,746,216: Fluid Mixer-Dispenser; filed 10 September 1971, patented 17 July 1973; not available NTIS.

Patent 3,746,454: Infrared Receiver for Optical Radar; filed 3 March 1971, patented 17 July 1973; not available NTIS.

Patent 3,746,782: Shrunken Raster with Image Insetting; filed 4 November 1971, patented 17 July 1973; not available NTIS.

Patent 3,746,799: Method and Apparatus for Encoding and Decoding Analog Signals; filed 27 September 1971, patented 17 July 1973; not available NTIS.

Patent 3,746,920: Lightweight Xenon Lamp Igniter; filed 24 November 1971, patented 17 July 1973; not available NTIS.

Patent 3,746,969: Three-Phase Power Control and Phase Shifter Therefor; filed 3 February 1972, patented 17 July 1973; not available NTIS.

Patent 3,747,021: Wide Range Continuously Tunable Thin Film Laser; filed 18 July 1969, patented 17 July 1973; not available NTIS.

Patent 3,747,046: Receptacle for Large Scale Integrated Circuit (L.S.I.) Package; filed 22 October 1971, patented 17 July 1973; not available NTIS.

Patent 3,747,100: Apparatus for Identifying Main Lobe Responses; filed 30 July 1970, patented 17 July 1973; not available NTIS.

Patent 3,747,342: Control System for Flexible Seal Movable Nozzle; filed 18 November 1970, patented 24 July 1973; not available NTIS.

Patent 3,747,474: Controlled Acceleration Ejector Piston; filed 23 August 1971, patented 24 July 1973; not available NTIS.

Patent 3,747,528: Aircraft Parachute Flare Having Tapered Core Candle; filed 25 February 1972, patented 24 July 1973; not available NTIS.

Patent 3,747,877: Load Equalizing Sling; filed 21 October 1971, patented 24 July 1973; not available NTIS.

Patent 3,747,167: Method for Applying an Acoustic Barrier; filed 9 August 1971, patented 24 July 1973; not available NTIS.

Patent 3,748,374: Multi-Color Periscope View Simulator; filed 7 February 1972, patented 24 July 1973; not available NTIS.

Patent 3,748,569: Regulated Short Circuit Protected Power Supply: filed 13 April 1972, patented 24 July 1973; not available NTIS.

Patent 3,748,751: Laser Machine Gun Simulator; filed 7 September 1972, patented 31 July 1973; not available NTIS.

Patent 3,748,904: Semiconductor Electromagnetic Radiation Isolated Thermocouple; filed 28 May 1971, patented 31 July 1973; not available NTIS.

Patent 3,749,017: Parachute Retarding Tail Assembly for Bomb; filed 7 December 1971, Patented 31 July 1973; not available NTIS.

Patent 3,749,024: Outgassing Technique; filed 26 April 1971, patented 31 July 1973; not available NTIS.

Patent 3,749,962: Traveling Wave Tube with Heat Pipe Cooling; filed 24 March 1972, patented 31 July 73; not available NTIS.

Patent 3,750,040: Transistor Delay Line Driver; filed 21 June 1972, patented 31 July 1973; not available NTIS.

Patent 3,750,163: IFF-System; filed 23 January 1962, patented 31 July 1973; not available NTIS.

Patent 3,750,173: Frequency Translating Repeater (Boomerang) Using Single-Sideband Techniques; filed 29 July 1970, patented 31 July 1973; not available NTIS.

Patent 3,750,243: Low Loss Electrical Conductive Coating and Bonding Materials Including Magnetic Particles for Mixing; filed 16 December 1968, patented 7 August 1973; not available NTIS.

Patent 3,751,476: Bis(2-Fluoro-2,2-Dinitroethyl) Nitrosamine; filed 29 January 1970, patented 7 August 1973; not available NTIS.

Patent 3,751,900: Remote Time Transfer System with Epoch Pulse; filed 23 April 1971, patented 14 August 1973; not available

Patent 3,752,078: Dispenser Cargo Section; filed 21 January 1972, patented 14 August 1973; not available NTIS.

Patent 3,752,591: Sextant with Digital Readout and Night Viewing Capability; filed 4 August 71, patented 14 August 1973; not available NTIS.

Patent 3,752,992: Optical Communication System; filed 28 May 1969, patented 14 August 1973; not available NTIS.

Patent 3,753,066: Digital Two-Speed Motor Control; filed 8 May 1972, patented 14 August 1973; not available NTIS.

Patent 3,753,132: Sample-and-Hold Circuit; filed 2 March 1972, patented 14 August 1973; not available NTIS.

Patent 3,753,215: Cable Connector; filed 12 April 1971, patented 14 August 1973; not available NTIS.

Patent 3,753,218: Electro-Mechanical Acoustic Filter; filed 21 September 1956, patented 14 August 1973; not available NTIS.

Patent 3,753,403: Static Discharge for Electro-Explosive Devices; filed 19 September 1968, patented 21 August 1973; not available NTIS.

Patent 3,753,422: Marine Mammal Automatic Float Locating and Restraining Device and Method; filed 26 June 1972, patented 21 August 1973; not available NTIS.

Patent 3,753,656: Gas Chromatograph; filed 7 April 1971, patented 21 August 1973; not available NTIS.

Patent 3,754,121: Solid State Instrument System for Digital Counting and Continuously Indicating Count Results; filed 28 July 1972, patented 21 August 1973; not available NTIS.

Patent 3,754,142: High Frequency Lad Line Using Low Frequency Detectors; filed 1 March 1971, patented 21 August 1973; not available NTIS.

Patent 3,754,257: Bi-Static Circularly Symmetric Retrodirective Antenna; filed 25 February 1972, patented 21 August 1973; not available NTIS.

Patent 3,754,258: Linear or Planar Retrodirective Antenna System; filed 25 February 1972, patented 21 August 1973; not available NTIS.

Patent 3,754,282: High Resolution Recorder; filed 22 December 1972, patented 21 August 1973; not available NTIS.

Patent 3,754,596: Cooling System for Multiple Electrical Equipments; filed 3 December 1971, patented 28 August 1973; not available NTIS.

Patent 3,755,698: Free-Flooded Ring Transducer with Slow Wave Guide; filed 25 April 1972, patented 28 August 1973; not available NTIS.

Patent 3,755,731: System for Detecting Drop-out and Noise Characteristics of Magnetic Tape with Switch Means to Select Which Characteristics to be Detected; filed 10 January 1972, patented 28 August 1973; not available NTIS.

Patent 3,755,750: Noise Suppression Filter; filed 30 March 1972, patented 28 August 1973; not available NTIS.

Patent 3,755,814: Precision Transponder System; filed 8 February 1971, patented 28 August 1973; not available NTIS.

Patent 3,771,065: Tunable Internal-Feedback Liquid Crystal-Dye Laser; filed 9 August 1972, patented 6 November 1973; not available NTIS.

Patent 3,771,150: Three Dimensional Optical Information Storage System; filed 30 April 1971, patented 6 November 1973; not available NTIS.

Patent 3,771,484: Inflatable Floating Island; filed 14 April 1972, patented 13 November 1973; not available NTIS.

Patent 3,771,880: Roughness Analyzer; filed 29 September 1971, patented 13 November 1973; not available NTIS.

Patent 3,773,284: Controllable Multi-Stage Increasing Drag Parachute; filed 25 February 1972, patented 20 November 1973; not available NTIS.

Patent 3,774,159: Apparatus and Method for Determining the Profile of an Underwater Target; filed 24 November 1972, patented 20 November 1973; not available NTIS.

Patent 3,774,165: Apparatus for Processing the Flow of Digital Data; filed 2 August 1972, patented 20 November 1973; not available NTIS.

Patent 3,774,207: Nadir Seeker Orientation of a Space Vehicle in Relation to the Planet Being Orbited; filed 25 April 1972, patented 20 November 1973; not available NTIS.

Patent 3,774,540: Terradynamic Brake; filed 1 December 1971, patented 27 November 1973; not available NTIS.

Patent 3,775,199: Nitrogen Generator; filed 13 October 1972, patented 27 November 1973; not available NTIS.

Patent 3,775,268: Use of Lead in a Nonorganic-Containing Copper Pyrophosphate Bath; filed 30 December 1971, patented 27 November 1973; not available NTIS.

Patent 3,775,558: Digital Phase Discriminators and Video Gate Generators; filed 13 December 1971, patented 27 November 1973; not available NTIS.

Patent 3,775,735: Apparatus for Scanning an Underwater Area; filed 1 May 1972, patented 27 November 1973; not available NTIS.

Patent 3,775,770: Method and Means for Performing Distribution-Free Detection of Signals in Noise; filed 31 March 1972, patented 27 November 1973; not available NTIS.

Patent 3,775,976: Lox Heat Sink System for Underwater Thermal Propulsion System; Filed 26 May 1972, patented 4 December 1973; not available NTIS.

Patent 3,776,058: Multi-Axis Hand Controller; filed 17 May 1972, patented 4 December 1973; not available NTIS.

Patents 3,734,480: Lamellar Crucible for Induction Melting Titanium; filed 8 February 1972, patented 22 May 1973; not available NTIS.

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Patent application 440,918: Photographic Film Restoration System; filed 8 February 1974; PC $3.25/MF $2.25.

Patent application 493,360: Field Sequential Stereo Television; filed 31 July 1974; PC $3.25/MF $2.25.

Patent application 500,981: Ion and Electron Detector for Use in an Icr Spectrometer; filed 27 August 1974; PC $3.25/MF $2.25.

Patent application 502,138: An Optical Process for Producing Classification Maps from Multispectral Data; filed 30 August 1974; PC $3.75/MF $2.25.

Patent 3,830,094: Method and Device for Detection of Surface Discontinuities or Defects; patented 20 August 1974; not available NTIS.

Patent 3,830,335; Noise Suppressor; patented 20 August 1974; not available NTIS.

Patent 3,830,673: Preparing Oxidizer Coated Metal Fuel Particles; Patented 20 August 1974; not available NTIS.

Patent 3,831,117: Capacitance Multiplier and Filter Synthesizing Network; patented 20 August 1974; not available NTIS.

Patent 3,832,764: Tool for Use in Lifting Pin Supported Objects; patented 3 September 1974; not available NTIS.

Patent 3,832,781: Measuring Probe Position Recorder; patented 3 September 1974; not available NTIS.

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

NATIONAL ADVISORY BODIES

Notice of Meetings

The Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, announces the meeting dates and other required information for the following national advisory bodies scheduled to assemble the month of January 1975:

Committee name	Date, time, place	Type of meeting and/or contact person
Continuing Education Training Review Committee.	Jan. 2 and 3, 9 a.m., Executive Room, Shoreham Hotel, Washington, D.C.	Open—Jan. 2, 9 to 10 a.m., closed—otherwise contact Jeanette Chamberlain, 301-443-4735, Parklawn Bldg., room 8C-22, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to training activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 10 a.m., January 2, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92-463.

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Committee name	Date, time, place	Type of meeting and/or contact person
Epidemiologic Studies Review Committee.	Jan. 6 and 7, 9 a.m., Conference Room G101, Sheraton Park Hotel, Washington, D.C.	Open—Jan. 6, 9—10 a.m., closed—otherwise contact Dr. Shirley Reif-Margolis, 301-443-3774, Parklawn Bldg., Room 10C-09, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research and training activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 10 a.m., January 6, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(4) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92-463.

Committee name	Date, time, place	Type of meeting and/or contact person
Mental Health Services Research Review Committee.	Jan. 6 to 8, 9 a.m., La Posada Motel, Santa Fe, N. Mex.	Open—Jan. 6, 9 to 10 a.m., closed—otherwise contact James T. Cumiskey, 301-443-3626, Parklawn Bldg., room 11-105, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 10 a.m., January 6, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(4) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92-463.

Committee name	Date, time, place	Type of meeting and/or contact person
Alcohol Research Review Committee.	Jan. 7 to 9, 9 a.m., Embassy Row Hotels, Washington, D.C.	Open—Jan. 7, 9 to 10 a.m., closed—otherwise contact J. C. Teegarden, 301-443-4223, Parklawn Bldg., room 6C-03,5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Alcohol Abuse and Alcoholism relating to research activities and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism for final review.

Agenda. From 9 to 10 a.m., January 7, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(4) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463.

Committee name	Date, time, place	Type of meeting and/or contact person
Juvenile Problems Research Review Committee.	Jan. 9 and 10, 8:45 a.m., Farragut Room, Washington Hilton Hotel, Washington, D.C.	Open—Jan. 9, 8:45 to 9:30 a.m., closed—otherwise contact Diana Souder, 301–443–3566, Parklawn Bldg., room 10–99, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 8:45 to 9:30 a.m., January 9, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(4) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463.

Committee name	Date, time, place	Type of meeting and/or contact person
Metropolitan Mental Health Problems Review Committee.	Jan. 9 and 10, 9 a.m., Ramsay Room, Ramada Inn of Alexandria, Alexandria, Va.	Open—Jan. 9, 9 to 10:30 a.m., closed—otherwise contact Joan Schulman, 301–443–3373, Parklawn Bldg., room 15–99, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research, fellowships, and training activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 10:30 a.m., January 9, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(4) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463.

Committee name	Date, time, place	Type of meeting and/or contact person
Minority Mental Health Programs Review Committee.	Jan. 9 and 10, 9 a.m., Statler-Hilton Hotel, Washington, D.C.	Open—Jan. 9, 9 to 10:30 a.m., closed—otherwise contact Edna Hardy Hill, 301–443–3724, Parklawn Bldg., room 7–103, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research and training activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 10:30 a.m., January 9, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(4) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463.

Committee name	Date, time, place	Type of meeting and/or contact person
Preclinical Psychopharmacology Research Review Committee.	Jan. 9 and 10, 9 a.m., Conference Room C, Parklawn Bldg., Rockville, Md.	Open—Jan. 9, 9 to 9:30 a.m., closed—otherwise contact Marion M. Miller, 301–443–3454, Parklawn Bldg., Room 9–97, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 9:30 a.m., January 9, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(4) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463.

Committee name	Date, time, place	Type of meeting and/or contact person
Clinical Projects Research Review Committee.	Jan. 9 to 11, 9 a.m., Monroe-West, Washington Hilton, Washington, D.C.	Open—Jan. 9, 9 to 10 a.m., closed—otherwise contact Julian J. Lasky, 301-443-4707, Parklawn Bldg., room 10C-23B, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 9:30 a.m., January 9, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(4) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463.

Committee name	Date, time, place	Type of meeting and/or contact person
Experimental Psychology Research Review Commitee.	Jan. 9 to 11, 9 a.m., Circle Room, Dupont Plaza Hotel, Washington, D.C.	Open—Jan. 9, 9 to 9:30 a.m., closed—otherwise contact John Hammack, 301-443-3936, Parklawn Bldg., room 10-95, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 9:30 a.m., January 9, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(4) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463.

Committee name	Date, time, place	Type of meeting and/or contact person
Social Sciences Research Review Committee.	Jan. 9 to 11, 9 a.m., Woodley Room, Sheraton Park Hotel, Washington, D.C.	Open—Jan. 9, 9 to 9:30 a.m., closed—otherwise contact Joyce B. Lazar, 301-443-3936, Parklawn Bldg., room 10-95, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 9:30 a.m., January 9, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(4) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463.

Committee name	Date, time, place	Type of meeting and/or contact person
Neuropsychology Research Review Committee.	Jan. 9 to 11, 9 a.m., New Jersey Room, Holiday Inn, Bethesda, Md.	Open—Jan. 9, 9 to 10 a.m., closed—otherwise contact Leonard Lash, 301-443-3942, Parklawn Bldg., room 10C-06, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 10 a.m., January 9, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(4) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463.

Committee name	Date, time, place	Type of meeting and/or contact person
Personality and Cognition Research Review Committee.	Jan. 10 to 12, 9 a.m., Holiday Inn, Bethesda, Md.	Open—Jan. 10, 9 to 10 a.m., closed—otherwise contact Niles Bernick, 301-443-3942, Parklawn Bldg., room 10C-06, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute

of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 10 a.m., January 10, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463.

Committee name	Date, time, place	Type of meeting and/or contact person
Crime and Delinquency Review Committee.	Jan. 15 to 17, 9 a.m., Dupont Plaza Hotel, Washington, D.C.	Open—Jan. 15, 9 to 10 a.m., closed—otherwise Contact Carol Beall, 301–443–3728, Parklawn Bldg., room 12C–16, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research and training activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 10 a.m., January 15, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(4) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463.

Committee name	Date, time, place	Type of meeting and/or contact person
Experimental and Special Training Review Committee.	Jan. 15–17, 9 a.m., Conference Room J, Parklawn Bldg., Rockville, Md.	Open—Jan. 15, 9 to 9:30 a.m., closed—otherwise contact Dr. Ralph Simon, 301–443–3893, Parklawn Bldg., room 8C–02, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to training activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 9:30 a.m., January 15, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(4) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463.

Committee name	Date, time, place	Type of meeting and/or contact person
Drug Abuse Research Review Committee.	Jan. 15 to 17, 9 a.m., Conference Rooms 845 and 873, Rockwall Bldg., Rockville, Md.	Open—Jan. 15, 9 to 9:30 a.m., closed—otherwise contact Ellen Simon Stover, 301–443–6747, Rockwall Bldg., room 513, 11400 Rockville Pike, Rockville, Md., 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Drug Abuse relating to research activities.

Agenda. From 9 to 9:30 a.m., January 15, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(4) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463.

Committee name	Date, time, place	Type of meeting and/or contact person
Clinical Psychopharmacology Research Review Committee.	Jan. 16 and 17, 9 a.m., Wellington Hotel, Parliament Room, Washington, D.C.	Open—Jan. 16, 9 to 10 a.m., closed—otherwise contact Solomon Goldberg, Ph. D., 301–443–3524, Parklawn Bldg., room 9–105, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 10 a.m., January 16, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(4) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463.

Committee name	Date, time, place	Type of meeting and/or contact person
Social Problems Research Review Committee.	Jan. 16-18, 9 a.m., Washington Hilton Hotel, Jackson Room, Washington, D.C.	Open—Jan. 16, 9 to 9:30 a.m., closed—otherwise contact Dr. Herbert H. Coburn, 301-443-4843, Parklawn Bldg., room 9C-14, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 9:30 a.m., January 16, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(4) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92-463.

Committee name	Date, time, place	Type of meeting and/or contact person
Mental Health Small Grant Committee.	Jan. 16 to 18, 1 p.m., The Sheraton-Park Hotel, Congressional Board Room, Washington, D.C.	Open—Jan. 16, 4 to 5 p.m., closed—otherwise contact Stephanie B. Stolz, 301-443-4337, Parklawn Bldg., room 10C-14, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 4 to 5 p.m., January 16, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(4) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92-463.

Committee name	Date, time, place	Type of meeting and/or contact person
Clinical Program-Projects Research Review Committee.	Jan. 17 and 18, 9 a.m., Pennsylvania Room, Holiday Inn, Bethesda, Md.	Open—Jan. 17, 9 to 10 a.m., closed—otherwise contact Julian J. Lasky, 301-443-4707, Parklawn Bldg., room 10C-23B, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 10 a.m., January 17, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(4) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92-463.

Committee name	Date, time, place	Type of meeting and/or contact person
Alcohol Training Review Committee.	Jan. 23 to 25, 9 a.m., Conference Room B, Parklawn Bldg., Rockville, Md.	Open—Jan. 23, 9 to 10 a.m., closed—otherwise contact Dr. Melvin Davidoff, 301-443-1056, Parklawn Bldg., room 16C-26, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Alcohol Abuse and Alcoholism relating to training activities and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism for final review.

Agenda. From 9 to 10 a.m., January 23, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(6), Title 5, U.S. Code, and section 10(d) of Pub. L. 92-463.

Substantive information may be obtained from the contact persons listed above.

The Information Officers who will furnish summaries of the meetings and rosters of the Committee members are located in the Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852. The NIAAA Information Officer is Mr. Harry C. Bell, Associate Director for Public Affairs, National Institute on Alcohol Abuse and Alcoholism, Room 6C-15, Telephone No. 443-3306. The NIDA Information Officer is Mr. James C. Helsing, Program Information Officer for Drug Abuse,

National Institute on Drug Abuse, Room 15C–12, Telephone No. 443–3783. The NIMH Information Officer is Mr. Edwin Long, Deputy Director, Division of Scientific and Technical Information, National Institute of Mental Health, Room 15–105, Telephone No. 443–3600.

Dated: December 11, 1974.

CAROLYN T. EVANS,
Committee Management Officer,
Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.74–29178 Filed 12–17–74;8:45 am]

Office of Education

STATE STUDENT INCENTIVE GRANT PROGRAM

State Applications; Closing Date for Receipt

Notice is hereby given that pursuant to the authority contained in section 415C of the Higher Education Act, as amended (20 U.S.C. 1070c–2), applications are being accepted from the 50 States, the District of Columbia, and outlying areas for initial and/or continuing grants under the State Student Incentive Grant Program (Title IV–A, HEA, 20 U.S.C. 1070c—1070c–3).

Applications must be received by the U.S. Office of Education, State Student Incentive Grant Program, on or before the dates indicated in paragraphs A through C, below, as appropriate:

A. For those 41 States and Territories (see list below) which are already active participants in the State Student Incentive Grant Program by reason of having received initial grants for Fiscal Year 1974, applications for Fiscal Year 1975 funds must be received on or before February 3, 1975:

California	North Dakota
Colorado	Ohio
Connecticut	Oklahoma
Delaware	Oregon
Florida	Pennsylvania
Georgia	Rhode Island
Idaho	South Carolina
Illinois	South Dakota
Indiana	Tennessee
Iowa	Texas
Kansas	Utah
Kentucky	Vermont
Maine	Virginia
Maryland	Washington
Massachusetts	West Virginia
Michigan	Wisconsin
Minnesota	American Samoa
Missouri	Puerto Rico
Nebraska	Trust Territory
New Jersey	Virgin Islands
New York	

B. For those 9 jurisdictions (see list below) for which Fiscal Year 1974 funds have been reserved contingent upon appropriations of State matching funds, applications for Fiscal Year 1975 funds must be received on or before April 15, 1975:

Arkansas	New Hampshire
District of Columbia	New Mexico
Mississippi	North Carolina
Montana	Wyoming
Nevada	

C. For those 6 jurisdictions (see list below) which did not receive Fiscal Year 1974 funds and thus have not previously participated in this program, applications for initial grants from Fiscal Year 1975 funds must be received on or before April 15, 1975:

Alabama	Hawaii
Alaska	Louisiana
Arizona	Guam

D. *Applications sent by mail.* An application sent by mail should be addressed as follows: Dr. Richard L. McVity, Director, State Student Incentive Grant Program (SSIGP), Bureau of Postsecondary Education, U.S. Office of Education, Regional Office Building #3, Room 4525, Washington, D.C. 20202. An application sent by mail will be considered to be received on time by the State Student Incentive Grant Program if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or, if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

E. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education, State Student Incentive Grant Program, Room 4525, Regional Office Building #3, 7th and D Streets, S.W., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

F. *Program information and forms.* Information and application forms may be obtained from the State Student Incentive Grant Program, Bureau of Postsecondary Education, Office of Education, Room 4525, 7th and D Streets, SW, Washington, D.C. 20202.

G. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulation (45 CFR Parts 100a and 100b) published in the FEDERAL REGISTER on November 6, 1973 at page 30654 and State Student Incentive Grant Program Regulations (45 CFR 192) published in the FEDERAL REGISTER on May 31, 1974 at page 19213 and the amendments published in this issue of the FEDERAL REGISTER.

(20 U.S.C. 1070c–1070c–3)

Dated: November 14, 1974.

T. H. BELL,
U.S. Commissioner of Education.

(Catalog of Federal Domestic Assistance Number 13.548; State Student Incentive Grant Program)

[FR Doc.74–29434 Filed 12–17–74;8:45 am]

BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Applications for Determination of Basic Grant Eligibility; Closing Date for Receipt

Pursuant to the authority contained in § 411 (b) (1) of Title IV, Part A, Subpart 1 of the Higher Education Act of 1965 as amended (20 U.S.C. 1070a(b)(1)), notice is hereby given that the United States Commissioner of Education has established a final cutoff date for the receipt of applications for the determination of expected family contributions (student eligibility index) under the Basic Educational Opportunity Grant Program. Under this program the calculation of an expected family contribution is a prerequisite to receiving a Basic Educational Opportunity Grant.

In order to be eligible to receive a Basic Educational Opportunity Grant for the academic year ending June 30, 1975 applications for determining expected family contributions for the academic year 1974–75 must be received by the Office of Education at the following address, BEOG, P.O. Box 2264, Washington, D.C. 20013 on or before March 15, 1975. Information and application forms may be obtained at institutions of higher education, high schools, or from the Office of Education at the following address, BEOG, P.O. Box 84, Washington, D.C. 20044.

Pursuant to §§ 190.15 and 190.16 of the Basic Educational Opportunity Grant Program Regulations (45 CFR 190.15, 16, 39 FR 39412, 39416, November 6, 1974), applicants may request a recomputation of their expected family contributions (student eligibility index) because of (1) clerical or arithmetic error (190.15), or (2) extraordinary circumstances affecting the expected family contribution determination (190.16). Request for such recomputations must be received by the Office of Education no later than five weeks after the processing date indicated on the latest Student Eligibility Report received. Requests for recomputation because of clerical or arithmetic error shall be submitted to the Office of Education at the following address: BEOG, P.O. Box 1842, Washington, D.C. 20013. Requests for recomputation based on extraordinary circumstances shall be submitted to the Office of Education at the following address: BEOG, P.O. Box 2264, Washington, D.C. 20013.

An application sent by mail will be considered received on time if the application was sent by registered or certified

mail not later than the fifth calendar day prior to the closing date (or if such fifth day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service.

It should be noted that in order to receive a Basic Grant for an academic year a student must apply for such a grant by submitting his Student Eligibility Report to the institution in which he is enrolled no later than May 31, 1975; except that if a student begins his enrollment after May 1, 1975, he must submit his Student Eligibility Report to the institution in which he is enrolled in no later than June 30, 1975. (45 CFR 190.76, 39 FR 41801, December 2, 1974).

((20 U.S.C. 1070a); 45 CFR 190.15–16, 76)

Dated: December 11, 1974.

T. H. BELL,
U.S. Commissioner of Education.

(Catalog of Federal Domestic Assistance No. 13.539, Basic Educational Opportunity Grant Program)

[FR Doc.74–29424 Filed 12–17–74;8:45 am]

EARLY EDUCATION FOR HANDICAPPED CHILDREN

Notice of Extension of Closing Date for Receipt of Applications

Notice is hereby given that the U.S. Commissioner of Education has extended the December 19, 1974 closing date for receipt of application for support of new and continuation early education projects under section 623 of the Education of the Handicapped Act (20 U.S.C. 1414), previously published in the FEDERAL REGISTER at 39 FR 38406 on October 31, 1974, to January 6th, 1975.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.444. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education).

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Program information and forms.* Information and applications may be obtained from the Program Development Branch, Bureau of Education for the Handicapped, U.S. Office of Education, 400 Maryland Ave., SW., Washington, D.C. 20202. (20 U.S.C 1414)

D. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Part 100a) published in the FEDERAL REGISTER on November 6, 1973, at 38 FR 30654 and the regulations governing the Early Education for Handicapped Children Program published in the FEDERAL REGISTER on May 25, 1973 at 38 FR 13744–13745 (45 CFR Part 121, Subpart C–3). A notice of proposed rulemaking which would revise these regulations was published in the FEDERAL REGISTER on October 11, 1973 at 38 FR 28234–28237, proposed 45 CFR Part 121d. When republished in final form, the proposed regulations will supersede 45 CFR Part 121, Subpart C.

(Catalog of Federal Domestic Assistance, No. 13.444 Early Education for Handicapped Children)

Dated: December 11, 1974.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.74–29425 Filed 12–17–74;8:45 am]

Office of the Secretary

SECRETARY'S ADVISORY COMMITTEE ON THE RIGHTS AND RESPONSIBILITIES OF WOMEN

Notice of Meeting

The Secretary's Advisory Committee on the Rights and Responsibilities of Women, which was established to review the policies, programs, and activities of the Department of Health, Education, and Welfare relative to women and to make recommendations to the Secretary on how to better the services of HEW's programs to meet these special needs of women, will meet on Thursday and Friday, January 23–24, 1975 from 9 a.m. to 5 p.m. in Room 1137, HEW North Building, 330 Independence Ave., S.W., Washington, D.C. The agenda includes the consideration of a new operational process for the Committee to work with the DHEW and the development of its work priority areas for 1975.

Interested persons wishing to address the Committee, should contact the Acting Executive Secretary by COB Monday, January 20th. Phone: 202–245–8454. Written statements received by January 20th will be duplicated and distributed to the members. Members of the public are invited to attend the meeting.

SANDRA S. KRAMER,
Acting Executive Secretary, Secretary's Advisory Committee on the Rights and Responsibilities of Women.

DECEMBER 12, 1974.

[FR Doc.74–29428 Filed 12–17–74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. 74–127]

ROYAL PALM BEACH COLONY

Notice of Hearing

Notice is hereby given that:

1. Royal Palm Beach Colony, Inc., Herbert L. Kaplan, President its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90–448) (15 U.S.C. 1701 et seq), received a Notice of proceedings and opportunity for hearing issued October 11, 1974, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR §§ 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Royal Palm Beach Colony Subdivision, located in Palm Beach County, Florida, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an answer received November 1, 1974, in response to the Notice of proceedings and opportunity for hearing.

3. In said answer the Respondent requested a hearing on the allegations contained in the Notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), it is hereby ordered that a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge Lewis F. Parker, in room 9260, Department of HUD, 451 7th Street, SW., Washington, D.C. on December 20, 1974, at 10 a.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington D.C., 20410 on or before December 13, 1974.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceeding shall be determined against Respondent, the allegations of which shall be deemed to be true, and an Order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: December 13, 1974.

LEWIS F. PARKER,
Administrative Law Judge.

[FR Doc.74-29409 Filed 12-17-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of Secretary

[Docket No. 74-37; Notice 6]

PUERTO RICO

Implementation of Interim Agreement

By notice of November 25, 1974, (39 FR 41196) I approved an interim agreement between the Commonwealth of Puerto Rico, the Federal Highway Administration, and the National Highway Traffic Safety Administration in the matter of highway safety sanctions proceedings instituted by notice of October 21, 1974 (39 FR 37411).

In accordance with the terms of the agreement I hereby direct (1) that upon apportionment of the highway safety funds for Fiscal Year 1976 the apportionment to Puerto Rico will be suspended pending the outcome of any subsequent proceedings in this matter, and (2) that upon apportionment of the Federal-aid highway construction funds for Fiscal Year 1976 the condition be inserted with respect to Puerto Rico that Puerto Rico's apportionment may be reduced upon an adverse determination in this matter.

(Sec. 101, Pub. L. 89-564, 80 Stat. 731, 23 U.S.C. 402; and 23 CFR 1206.9)

Issued on December 12, 1974.

CLAUDE S. BRINEGAR,
Secretary,
Department of Transportation.

[FR Doc.74-29478 Filed 12-17-74;8:45 am]

ATOMIC ENERGY COMMISSION

AD HOC ISOTOPES SUBCOMMITTEE GENERAL ADVISORY COMMITTEE

Notice of Meeting

DECEMBER 11, 1974.

In accordance with the purposes of section 26 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2036), the Isotopes Subcommittee of the General Advisory Committee will hold a meeting beginning at 9 a.m. at the Stanford Research Institute in Menlo Park, California, on January 3, 1975, for the purpose of discussing the laser isotopes separation program.

The meeting will be held in executive session and will include discussion of the laser isotopes separation (LIS) programs of both the Oak Ridge National Laboratory and the Department of Defense, in addition to considering the role of the AEC Division of Physical Research in LIS and the question of satisfying construction needs.

The meeting will not be open to the public under the authority of section 10(d) of Pub. L. 92-463 (Federal Advisory Committee Act). I have determined that it is necessary to close the meeting to discuss certain information that is classified and falls within exemptions (1) and (3) of 5 U.S.C. 552(b); information that is commercially privileged and falls within exemption (4) of 5 U.S.C. 552(b); and to exchange opinions and formulate recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the meeting will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close the meeting to protect such classified or privileged information and to protect the free interchange of internal views and avoid undue interference with Commission and Subcommittee operation.

JOE B. LA GRONE,
Acting Advisory Committee Management Officer.

[FR Doc.74-29237 Filed 12-16-74;8:45 am]

[Docket 40-6622]

UTAH INTERNATIONAL INC.

Shirley Basin Uranium Mill, Availability of Final Environmental Statement for the

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in 10 CFR Part 51, notice is hereby given that the final environmental statement prepared by the Commission's Directorate of Licensing, related to Utah International's Shirley Basin Uranium Mill currently operating under an interim license in Carbon County, Wyoming, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. and in the local Public Document Room established at the Carbon County Public Library, Rawlings, Wyoming. The final environmental statement is also being made available at the Wyoming State Clearinghouse, State Planning Coordinator, Office of the Governor, Capital Building, Cheyenne, Wyoming 82001.

The notice of availability of the draft environmental statement for the Shirley Basin Uranium Mill and requests for comments from interested persons was published in the FEDERAL REGISTER on June 6, 1974 (39 FR 20096). The comments received from Federal, State, local and interested members of the public have been included as appendices to the final environmental statement.

Single copies of the final environmental statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Acting Deputy Director for Fuels and Materials, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 10th day of December, 1974.

For the Atomic Energy Commission.

RICHARD B. CHITWOOD,
Chief, Technical Support Branch,
Directorate of Licensing.

[FR Doc.74-29104 Filed 12-17-74;8:45 am]

[Docket No. 50-255]

CONSUMERS POWER CO.

Receipt of Application of Facility Operating License

Notice is hereby given that the Atomic Energy Commission (the Commission) has received an application for a full-term facility operating license from the Consumers Power Company (the licensee) to possess, use, and operate the Palisades Plant (the facility), located in Covert Township on the licensee's site in Van Buren County, Michigan, at an increased power level of up to 2,638 megawatts thermal. The currently authorized full-power level is up to 2,200 megawatts thermal.

The licensee has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, a special environmental report which discusses environmental considerations related to the proposed operation of the facility.

The Commission will consider the licensee's special environmental report in accordance with the provisions of 10 CFR Part 51.

The Commission will consider the issuance of a full-term facility operating license to the Consumers Power Company which would authorize the licensee to possess, use, and operate the Palisades Plant in accordance with the provisions of the license and the technical specifications appended thereto upon: (1) The completion of a favorable safety evaluation on the application by the Commission's Directorate of Licensing; (2) the completion of the environmental review required by the Commission's regulations in 10 CFR Part 51; (3) the receipt of a report on the licensee's application by the Advisory Committee on Reactor Safeguards; and (4) a finding by the Commission that the application for a full-term facility operating license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter I. Construction of the facility was authorized by Construction Permit No. CPPR-25, issued by the Commission on March 13, 1967. The facility is presently being operated in accordance with Provisional Operating License No. DPR-20, as amended.

The full-term facility operating license will not be issued until the Commission has made the findings, reflecting its review of the application under the Act, which will be set forth in the proposed license and has concluded that the

issuance of the license will not be inimical to the common defense and security or to the health and safety of the public. The licensee has satisfied its obligation concerning indemnification as required by section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

On or before January 17, 1975, the licensee may file a request for a hearing with respect to issuance of the full-term facility operating license and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR § 2.714. As required in 10 CFR § 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner, including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., by January 17, 1975. A copy of the petition and/or request should also be sent to the Chief Hearing Counsel Office of the General Counsel, Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545 and to Judd L. Bacon, Senior Attorney, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201 and R. Rex Renfrow, III, Esquire, Isham, Lincoln & Beale, One First Natoinal Plaza, Chicago, Illinois 60670, attorneys for the licensee.

A petition for leave to intervene which is not timely will not be granted unless the Commission, the presiding officer, or the Atomic Safety and Licensing Board designated to rule on the petition determines that the petitioner has made a substantial showing of good cause for failure to file on time and after considering this factors specified in 10 CFR, §§ 2.714(a) (1)–(4) and 7.14(d).

For further details with respect to the matters under consideration, see the licensee's application dated January 22, 1974, which also contains the licensee's special environmental report (section 7), which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan. The Commission's Final Environmental Statement issued June 1972 is available for public inspection at the above locations, and as they become available, the following documents may be inspected at the above locations: (1) The safety evaluation report prepared by the Directorate of Licensing; (2) the Commission's consideration of the licensee's special environmental report pursuant to 10 CFR Part 51; and (3) the report of the Advisory Committee on Reactor Safeguards on the application for a full-term facility operating license.

Copies of the Commission's Final Environmental Statement issued June 1972 and copies of items (1) through (3), when available, may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 11th day of December 1974.

For the Atomic Energy Commission.

ROBERT A. PURPLE, *Chief,*
Operating Reactors Branch #1,
Directorate of Licensing.

[FR Doc.74-29397 Filed 12-17-74;8:45 am]

[Docket Nos. 50-327 and 50-328]

TENNESSEE VALLEY AUTHORITY (SEQUOYAH NUCLEAR PLANT, UNITS 1 AND 2)

Assignment of Members of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for these proceedings:

Richard S. Salzman, Chairman
Michael C. Farrar, Member
Dr. W. Reed Johnson, Member

Dated: December 11, 1974.

MARGARET E. DU FLO,
Secretary to the
Appeal Board.

[FR Doc.74-29400 Filed 12-17-74;8:45 am]

[Docket Nos. 50-338OL; 3390L]

VIRGINIA ELECTRIC AND POWER CO.

Order Rescheduling Prehearing Conference

Before the Atomic Safety and Licensing Board; In the matter of Virginia Electric and Power Company; (North Anna Power Station, Units 1 and 2).

By joint Motion dated December 10, 1974, the parties have requested the Board to postpone until after January 15, 1975, the prehearing conference now scheduled for December 17, 1974. The parties through counsel for Regulatory Staff state that they have agreed to a joint statement of issues and will proceed with informal discovery thereon.

For good cause shown, the Board grants the Motion and hereby cancels the prehearing conference for December 17, 1974. It will be rescheduled at a later date.

It is so ordered.

Dated at Bethesda, Maryland, this 12th day of December 1974.

ATOMIC SAFETY AND
LICENSING BOARD,

JOHN B. FARMAKIDES,
Chairman.

[FR Doc.74-29396 Filed 12-17-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 27212; Order 74-12-45]

AIR-SIAM AIR COMPANY LTD.

Statement of Tentative Findings and Conclusions and Order To Show Cause

DECEMBER 12, 1974.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 12th day of December, 1974.

In Order E-25071, approved by the President on April 27, 1967 (46 C.A.B. 433) the Board granted to VaranAIR-SIAM Air Company Limited, an airline of Thailand, a permit authorizing the carrier to engage in foreign air transportation with respect to persons, property, and mail between a point or points in Thailand; the intermediate points Hong Kong; Tokyo, Japan; and Honolulu, Hawaii; and the terminal point Los Angeles, California. The permit was reissued to the carrier in its present name by Order 70-6-74 dated June 11, 1970.

On November 29, 1974, Air-Siam Air Company Limited (Air-Siam) filed an application requesting the Board to amend its foreign air carrier permit so as to add Fukuoka, Japan, as an additional intermediate point on a temporary basis. Fukuoka is located on Kyushu Island approximately 550 miles southwest of Tokyo which is on Honshu Island.

In support of its request, Air-Siam states that: the bilateral agreement between the United States and Thailand provides authority for the designation of Fukuoka as an intermediate point on Air-Siam's route; that Air-Siam operates three round trips per week with B-747 aircraft between Bangkok and Honolulu via Hong Kong and Tokyo, and

plans the addition of two weekly round-trip flights with DC–10 aircraft between Bangkok and Los Angeles via Hong Kong, Tokyo and Honolulu; that the Japanese authorities will not permit both of the two additional DC–10 flights to land at Tokyo due to airport congestion; and that negotiations between Thailand and Japanese authorities, now in the process of being finalized, will provide for the operation of one additional weekly round-trip flight through Fukuoka, Japan, until a new airport at Narita, serving Tokyo, has become operational.

The Board has tentatively determined that the foreign air carrier permit of Air-Siam should be amended to add Fukuoka, Japan, as an additional intermediate point on the carrier's route for a period of two years. The carrier has been authorized by the Board to serve Tokyo, Japan, and is now serving the point. Its request to serve Fukuoka stems solely from the Japanese Government's prohibition of an additional DC–10 flight as a result of congestion at Tokyo. The authority to serve the point would be for a temporary period. The application is supported by the Government of Thailand. The Department of State, in transmitting the application to the Board, states that, insofar as scheduled air services are concerned, the authority being sought is consistent with the rights granted to the Government of Thailand under the bilateral agreement and that the applicant was designated by the Thai Government in 1966 to exercise these rights. No U.S. carrier operates scheduled service to Fukuoka.

Accordingly, upon consideration of the application, and all the relevant facts, the Board tentatively finds and concludes that it is in the public interest, subject to the approval of the President under section 801 of the Federal Aviation Act, to amend the foreign air carrier permit of Air-Siam so as to authorize the carrier for a period of two years to serve Fukuoka, Japan, as an additional intermediate point on its route between Thailand and the United States. The Board also tentatively finds that Air-Siam is fit, willing, and able properly to perform the foreign air transportation proposed to be authorized herein and to conform to the provisions of the Act and the rules, regulations and requirements of the Board thereunder.

Accordingly, *it is ordered*, That:

1. All interested persons be and they hereby are directed to show cause why the Board should not make final the tentative findings and conclusions herein and, subject to approval by the President pursuant to section 801 of the Federal Aviation Act of 1958, issue an amended foreign air carrier permit to Air-Siam Air Company Limited in the form attached hereto.[1]

2. Any interested person having objections to the tentative findings and conclusions set forth herein or to the issuance of the proposed foreign air carrier permit shall file such objections within 15 days after the date of adoption of this order, and file with the Board and serve on the persons specified in paragraph 5 below, a statement of objections specifying the part or parts of the tentative findings and conclusions objected to and stating the specific grounds of any such objections supported by statistical data and other materials and evidence relied upon to support the stated objections;[2]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board: *Provided*, That the Board may proceed to enter an order in accordance with the tentative findings and conclusions herein if it determines that there are not factual issues presented that warrant the holding of an evidentiary hearing;

4. In the event no objections are filed, all further procedural steps shall be deemed waived, and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. This order shall be served upon Air Siam Air Company Limited; Northwest Airlines, Inc.; Pan American World Airways, Inc.; Trans World Airlines, Inc.; The Flying Tiger Line Inc.; the Departments of State and Transportation; and the Ambassador of Thailand.

6. This order will be published in the FEDERAL REGISTER and will be transmitted to the President.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

PERMIT TO FOREIGN AIR CARRIER (AS AMENDED)

Air-Siam Air Company Limited is hereby authorized, subject to the provisions hereinafter set forth, the provisions of the Federal Aviation Act of 1958, and the orders, rules, and regulations issued thereunder, to engage in foreign air transportation with respect to persons, property, and mail, as follows:

Between a point or points in Thailand; the intermediate points Hong Kong; Fukuoka and Tokyo, Japan; and Honolulu, Hawaii; and the terminal point Los Angeles, California.

The holder shall be authorized to engage in charter trips in foreign air transportation, subject to the terms, conditions, and limitations prescribed by Part 212 of the Board's Economic Regulations.

The authority of the holder to serve the intermediate point Fukuoka, Japan, shall terminate two years after the effective date of this permit.

The holder shall not commence scheduled service between any of the points authorized herein, except pursuant to an initial tariff setting forth rates, fares and charges no lower than rates, fares or charges that are then in effect for any U.S. air carrier engaged in the same scheduled foreign air transportation.

The holder shall conform to the airworthiness and airman competency requirements prescribed by the Government of Thailand for Thai international air service.

This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and Thailand shall be parties.

The holder shall keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol approved by Board Order E–23680, May 13, 1966, and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board and to which the holder becomes a party.

The holder (1) shall not provide foreign air transportation under this permit unless there is in effect third-party liability insurance in the amount of $1,000,000 or more to meet potential liability claims which may arise in connection with its operations under this permit, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the third-party liability insurance provided, and (2) shall not provide foreign air transportation with respect to persons unless there is in effect liability insurance sufficient to cover the obligations assumed in C.A.B. Agreement 18900, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the passenger liability insurance provided. Upon request, the Board may authorize the holder to supply the name and address of an insurance syndicate in lieu of the names and addresses of the member insurers.

By accepting this permit, the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

The exercise of the privileges granted by this permit shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

This permit shall be effective on _____ Unless otherwise terminated at an earlier date pursuant to the terms of any applicable treaty, convention, or agreement, this permit shall terminate (1) upon the effective date of any treaty, convention, or agreement, or amendment thereto, which shall have the effect of eliminating the route hereby authorized from the routes which may be operated by airlines designated by

[1] We have included in the proposed permit the liability insurance condition normally imposed by the Board. The proposed permit also contains the rate condition which the Board currently includes in permits of foreign air carriers, for dealing with "initial tariffs" as to which Board suspension power is more limited under the recent amendments to the Federal Aviation Act authorizing the Board generally to suspend fares in foreign air transportation (P.L. 92–259, March 22, 1972.) In addition, we have modified the standard termination clause in the proposed permit to clarify that an amendment to the bilateral agreement eliminating only part of a carrier's route or routes will automatically terminate the carrier's authority to that extent. See, Jugoslovenski Aerotransport (JAT), Order 74–9–23. By Order to Show Cause, Order 74–3–71, March 15, 1974, Docket 26509, the Board proposed certain major revisions to Part 212 of its Regulations. Air Siam was made a party to that proceeding and the revised permit proposed to be issued herein will be subject to any revisions to Part 212 ultimately adopted in Docket 26509.

[2] Since provision is made for the filing of objections to this order, petitions for reconsideration of the order will not be entertained.

the Government of Thailand (or in the event of the elimination of any part of a route or routes hereby authorized, the authority granted shall terminate to the extent of such elimination), or (2) upon the effective date of any permit granted by the Board to any other carrier designated by the Government of Thailand in lieu of the holder hereof, or (3) upon the termination or expiration of the air Trnsport Agreement between the United States and Thailand, effective February 26, 1947, as amended by an exchange of notes, effective March 3, 1970: *Provided, however,* That clause (3) of this paragraph shall not apply if, prior to the occurrence of the event specified in clause (3), the operation of the foreign air transportation herein authorized becomes the subject of any treaty, convention, or agreement to which the United States and Thailand are or shall become parties.

In witness whereof, the Civil Aeronautics Board has caused this permit to be executed by the Secretary of the Board, and the seal of the Board to be affixed hereto, on the

[SEAL] ——— ———,
Secretary.

Issuance of this permit to the holder approved by the President of the United States on ——— in ———.

[FR Doc.74-29442 Filed 12-17-74;8:45 am]

[Docket 25513; Agreement C.A.B. 24663, R-1 through R-3; Agreement C.A.B. 24666, R-1 and R-2; Order 74-12-49]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreements Adopted by Traffic Conference 1 Relating to Increased Fuel Costs; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 13th day of December, 1974.

Orders 74-9-81, September 23, 1974 and 74-9-97, September 27, 1974, established procedural dates for the receipt of carrier justification, comments and/or objections pertaining to an agreement of the members of the International Air Transport Association (IATA) to increase various Western Hemisphere fares as a consequence of escalation in fuel costs. The increase in one-way U.S.-Mexico fares would be six percent of the applicable one-way normal economy fare, and twice that amount in all round-trip fares.[1] U.S.-Caribbean fares would be increased by four percent.[2] U.S.-Central/South America (long-haul) one-way and round-trip first-class fares would be increased by seven percent; all other one-way fares would be increased by a dollar amount equal to eight percent of the applicable specified one-way economy fare from Miami, and round trip fares would be increased by twice the amount applicable to one-way fares.

Statements of justification have been received from American Airlines, Inc. (American); Eastern Air Lines, Inc. (Eastern); Braniff Airways, Inc. (Braniff); Pan American World Airways, Inc. (Pan American) and Western Air Lines, Inc. (Western). The carriers generally assert that past fuel-related fare increases have simply not kept pace with the continuing, drastic escalation in fuel costs, and that accordingly a further adjustment in fares is necessary. The carriers have also submitted financial forecasts for the year ending September 30, 1975 and, except for Braniff's Central/South America operations, none anticipates excess earnings under either present or proposed fares. The submissions are summarized in greater detail in Appendix A.[3]

The Board has carefully reviewed the carriers' justifications, and finds them deficient in certain respects. In some cases, their forecasts appear to include anticipatory cost increases. In others, the forecast is not supported by historical background data, thereby making it difficult to ascertain the degree to which forecast operating costs are based on actual increases in unit costs as opposed to fluctuations in operational levels. Moreover, a comparison of the historical data which have been supplied with Form 41 reports for Latin American Division service discloses discrepancies which cannot be resolved with the information now available to the Board. For this reason, we are directing the carriers to submit additional data, as specified in Appendix C, relating to U.S.-Mexico, U.S.-Caribbean, U.S.-Puerto Rico/Virgin Islands and U.S.-Central/South America operations, respectively.

Pending receipt and analysis of this additional information, the Board has concluded to approve the proposed increase in most U.S.-Mexico fares for the reasons stated below. Action on the remaining agreements (Caribbean, long-haul and U.S. west coast-Mexico) will be deferred. Because U.S.-Mexico revenues and traffic are reported to the Board in Form 41 Statistical Market Reports, it is possible to evaluate the carriers' submissions against historical data, and this comparison shows them to be in line with recent experience. No such comparison is possible for the Caribbean and long-haul routes, and the Board does not have sufficient information from the justifications to act on those agreements.

With respect to the U.S.-Mexico fares, the justifications indicate that, on a composite basis, the carriers will experience a fuel cost increase of $15,033,000 during the forecast period, based on present costs as compared with prices in effect at September 30, 1973. Revenue recovery (including the proposed increase) is estimated at a total of $11,966,000, for a shortfall of $3,067,000. However, neither Eastern nor Pan American include the revenue flowing from the April 1, 1974 general fare increase on most U.S.-Mexico routes. Eastern contends that this exclusion is warranted since the April 1 increase was not exclusively related to escalation in fuel costs. In the Board's opinion, a portion of this revenue is a proper consideration in evaluating the instant proposal. Except for Eastern, the U.S. carriers serving Mexico included fuel as well as other cost increases in their forecasts supporting the April 1 fare increase (in some cases using anticipatory as well as experienced costs), stating that that fare increase was intended to cover escalation in all costs. We have reexamined the justifications for the April 1 fare increase, and estimated that $2,460,000 of the resultant revenue improvement is properly attributable to higher fuel costs. On this basis, total recovery from the previous fare increases plus that proposed here would amount to $14,004,000, for a shortfall of $1,029,000 from that needed to cover experienced fuel cost increases.[4] (See Appendix B). With the exception of Western, none of the U.S. carriers serving Mexico is presently realizing earnings above the 12 percent standard, and all of the carriers' return positions will be eroded by increases in fuel cost already experienced which, as explained above, will not be fully covered by the higher fares.

The Board cannot, however, conclude that the proposed increase is warranted with respect to U.S. west coast-Mexico fares. Western, the only U.S. carrier serving those markets, is currently realizing a 19.79 percent return on investment in Mexico, and appears quite capable of absorbing fuel cost increases to date. Western's own forecast, which predicts a decline in ROI to about 10 percent, reflects Western's anticipated traffic and capacity levels as well as escalations in unit costs, and it is uncertain to what degree the forecast is influenced by each of these two elements. For this reason action will be deferred pending receipt of data in the format prescribed herein.

Finally, the Board cannot approve the proposed restoration of individual return travel on U.S.-Mexico GIT fares. The Board has not favored liberalizing conditions on promotional fares, and approved a previous IATA agreement which required the tour group to travel together for the entire itinerary.[5] We recognize that the Government of Mexico disapproved this portion of the relevant agreement and prefers maintenance of the individual return facility.

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[1] The agreement also proposes to amend the U.S.-Mexico GIT fares to permit individual travel by tour group members from destination to point of origin during the period October 15, 1974 to January 9, 1975, and ties the effectiveness of this amendment and the proposed fare increase to government approval of both.

[2] The increase would not apply to travel between Baltimore / Boston / Hartford / New York/Philadelphia/Providence / Washington, D.C.-Bermuda/Bahamas and between New York-Port-au-Prince. Florida-Bahamas fares would be increased six percent, and the dollar increase for Miami-Jamaica/Venezuela fares would apply to Los Angeles/San Francisco-Jamaica/Venezuela fares.

[3] Appendices A, B, and C, filed as part of the original document.

[4] Braniff's revenue estimates reflect several fuel-related cargo rate increases since it does not separate fuel cost by type of service. Likewise, Western's forecast fuel consumption apparently includes allocation to cargo service, and, accordingly, the revenue recovery for Western includes an estimate of the revenue from the increased cargo rates.

[5] Order 74-4-144, April 26, 1974, dealing with the overall U.S.-Mexico fare structure.

In the Board's opinion, it would be preferable to replace all U.S.-Mexico GIT fares with individual inclusive tour (IIT) fares, as had already been done in the New York, Philadelphia, and Detroit markets. We expect the carriers to address this issue in connection with their consideration of the fare structure to apply after March 31, 1975. Accordingly, the resolution permitting individual returns will be disapproved.

While the Board will, upon receipt of the required data, process the fuel-related fare increases presently on file, we believe that the apparent leveling off in the price of fuel indicates there is no need for the carriers to continue to resort to this technique. We note that agreements establishing fares and rates in major IATA conference areas are shortly due to expire and suggest that fuel costs be taken into account along with all other costs in the carriers' negotiations to reestablish international fares and rates.

Pursuant to the Federal Aviation Act of 1958 and particularly sections 102, 204(a), and 412 thereof, the Board makes the following findings:

(1) It is not found that the following resolutions are adverse to the public interest or in violation of the Act to the extent they would establish fares other than between Los Angeles, San Francisco, San Diego, Portland, and Seattle, on the one hand, and Mexico City and Acapulco, on the other hand:

Agreement C.A.B.	IATA Resolution
24663:	
R-1	100(Mail 962)001b.
R-2	100(Mail 962)005v.

(2) It is found that the following resolution is adverse to the public interest and in violation of the Act:

Agreement C.A.B.	IATA Resolution
24663:	
R-3	100 (Mail 962)084ee (Insofar as it applies in air transportation as defined by the Act).

Accordingly, *it is ordered*, That:

1. Those portions of Agreement C.A.B. 24663, R-1 and R-2, set forth in finding paragraph (1) above, be and hereby are approved;

2. Action be and hereby is deferred with respect to Agreement C.A.B. 24666, R-1 and R-2, and with respect to Agreement C.A.B. 24663, R-1 through R-3, to the extent it would establish fares between Los Angeles, San Francisco, San Diego, Portland, and Seattle, on the one hand, and Mexico City and Acapulco on the other hand, pending receipt of the data specified in Appendix C, separately by market area, from the U.S. carrier members of the International Air Transport Association operating U.S.-Mexico, U.S.-Caribbean, U.S.-Puerto Rico/Virgin Islands and U.S.-Central/South America services, respectively, and from Western Air Lines, Inc. in the case of Mexico. The carriers are hereby directed to submit the required data within 30 days of the date of service of this order;

3. That portion of Agreement 24663, R-3, specified in finding paragraph (2) above be and hereby is disapproved;

4. Agreement C.A.B. 24663, R-3, be and hereby is approved insofar as it does not directly affect air transportation as defined by the Act;

5. The direct air carriers and foreign air carriers are hereby authorized to file tariffs reflecting the provisions of those portions of Agreement C.A.B. 24663, R-1 and R-2, set forth in finding paragraph 1 above on not less than one day's notice for effectiveness not earlier than December 16, 1974. The authority granted in this paragraph expires with January 16, 1975; and

6. Tariffs reflecting the provisions of Agreement C.A.B. 24663, R-1 and R-2, shall be marked to expire not later than March 31, 1975.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-29443 Filed 12-17-74;8:45 am]

[Docket 27166]

PAN AMERICAN WORLD AIRWAYS, INC.

Enforcement Proceeding, Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on January 20, 1975, at 10:00 a.m. (local time) in Room 1031, North Universal Building, 1875 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Henry Whitehouse.

Dated at Washington, D.C., December 13, 1974.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.74-29444 Filed 12-17-74;8:45 am]

[Docket 23080-2]

PRIORITY AND NONPRIORITY DOMESTIC SERVICE MAIL RATES INVESTIGATION

Reassignment of Proceeding

This proceeding is hereby reassigned from Administrative Law Judge Harry H. Schneider to Administrative Law Judge Thomas P. Sheehan. Future communications should be addressed to Judge Sheehan.

Dated at Washington, D.C., December 12, 1974.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.74-29440 Filed 12-17-74;8:45 am]

[Docket 26310]

ACCEPTANCE AND CARRIAGE OF LIVE ANIMALS IN DOMESTIC AIR FREIGHT TRANSPORTATION

Reassignment of Proceeding

This proceeding is hereby reassigned from Administrative Law Judge Louis W. Sornson to Administrative Law Judge Alexander N. Argerakis. Future communications should be addressed to Judge Argerakis.

Dated at Washington, D.C., December 12, 1974.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.74-29439 Filed 12-17-74;8:45 am]

[Docket 27181]

SERVICE TO STOCKTON CASE

Postponement

Notice is hereby given that all procedural dates in the above-entitled proceeding are postponed indefinitely.

Dated at Washington, D.C., December 12, 1974.

[SEAL] GREER M. MURPHY,
Administrative Law Judge.

[FR Doc.74-29441 Filed 12-17-74;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF DEFENSE

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Director, Mutual and Balanced Force Reductions Task Force, Immediate Office, GASD (International Security Affairs), Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.74-29459 Filed 12-17-74;8:45 am]

DEPARTMENT OF THE TREASURY

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Treasury to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Secretary, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.74-29458 Filed 12-17-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-32000/155; FRL 307-2]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before February 18, 1975, 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 February 18, 1975.

APPLICATIONS RECEIVED

EPA File Symbol 6233-RA. Amador Chemical Corp., 1640 N. Broadway St., Stockton CA 95205. AMADOR WESTO-RINSE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 241-EUL. American Cyanamid Co., Agricultural Div., PO Box 400, Princeton, NJ 08540. PROWL TECHNICAL HERBICIDE. Active Ingredients: [N-(1-ethylproxyl)-3,4-dimethyl-2,6-dinitrobenzenamine] 90.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 9601-I. Chardon Laboratories, Inc., 539 Stimmel Rd., PO Box 1004, Columbus OH 43216. SLIMEX-E. Active Ingredients: Disodium cyanodithioimidocarbonate 4.90%; Potassium N-methyldithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 11738-L. Chemical Water Treating Engineers, Inc., PO Box 9806, Dallas TX 75214. KEMCIDE-4. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 4715-GGO. Colorado International Corp., 5321 Dahlia St., Commerce City CO 80022. GREENHOUSE FOGGING SPRAY. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 3.000%; Related compounds 0.409%; Aromatic Petroleum Hydrocarbons 91.471%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2938-I. Culligan USA, One Culligan Pkwy., Northbrook IL 60062. CHEMICAL TREATMENT M-25. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 10810-L. Dacar Chemical Co., Inc., 1007 McCartney St., Pittsburgh PA 15220. DACARCIDE E-18. Active Ingredients: Disodium cyanodithioimidocarbonate 1.47%; Potassium N-methyldithiocarbamate 2.03%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 10810-U. Dacar Chemical Co., Inc., 1007 McCartney St., Pittsburgh PA 15220. DACARCIDE E-6. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34694-U. Dearborn Aqua-Serv of Wilson, N.C., Inc., PO Box 3897, Wilson NC 27893. TOWERCIDE 705. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 10163-TN. The Dune Co., Agricultural Chemicals, PO Box 458, 340 E. Main St., Calipatria CA 92233. PROKIL MALATHION B.T. 4-1.5 DUST. Active Ingredients: Malathion: O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate 4.00%; A pure culture containing ½ billion viable spores of the micro-organism Bacillus thuringiensis Berliner per gram of product. Each milligram of dust contains 320 international units of activity 0.05%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7048-RN. Edmar Chemical Co., 7800 Bessemer Ave., Cleveland, OH 44127. BIO-MAGIC RINSE G 100 LIQUID FABRIC SOFTENER-BACTFRIOSTAT. Active Ingredients: 2,4,4'-Trichloro-2'-Hydroxydiphenyl ether 2.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10854-G. Environmental Control Systems, Inc., 409 Washington Ave., Baltimore MD 21204. S-P CONCENTRATE. Active Ingredients: n-Alkyl (C14 60%, C16 30%, C12 5%, C18 5%) dimethyl benzylammonium chlorides 6.25%; n-Alkyl (C12 68%, C14 32%) dimethyl ethyl benzylammonium chlorides 6.25%; Tetrasodium ethylenediamine tetraacetate 3.60%; Essential oils 0.50%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 11529-T. Farris Chemical Co., Inc., PO Box 10126, Knoxville, TN 37919. BAF-70. Active Ingredients: Disodium cyanodithioimidocarbonate 4.90%; Potassium N-methyldithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 1598-124. F C X, Inc., PO Box 2419, Raleigh NC 27602. F C X 5% MALATHION DUST. Active Ingredients: Malathion (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate) 5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1763-E. Fields Point Mfg. Corp., Chem. Div., PO Box 2095 Edgewood Sta., Providence RI 02905. SODIUM HYPOCHLORITE 15%. Active Ingredients: Sodium Hypochlorite 15%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7053-EN. Fremont Industries, Inc., Valley Indus. Pk., PO Box 67, Shakopee MN 55379. FREMONT 9930 MICROBIOCIDE. Active Ingredients: Poly-[oxy-ethylene(dimethyliminio)ethylene (dimethyliminio)-ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 7053-RI. Fremont Industries, Inc. FREMONT 9927 MICROBIOCIDE. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 7053-RT. Fremont Industries, Inc. FREMONT 9929 MICROBIOCIDE. Active Ingredients: Disodium cyanodithioimidocarbonate 7.35%; Potassium N-methyldithiocarbamate 10.15%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 7053-RO. Fremont Industries, Inc. FREMONT 9928 MICROBIOCIDE. Active Ingredients: Disodium cyanodithioimidocarbonate 4.90%; Potassium N-methyldithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 8540-EN. Garratt-Callahan Co., One Eleven Rolling Rd., Millbrae CA 94030. GARRATT-CALLAHAN FORMULA 38-A. Active Ingredients: Disodium cyanodithioimidocarbonate 7.35%; Potassium N-methyldithiocarbamate 10.15%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 31964-T. Gessco Sales Div., Gulf Eng. Co., Inc., 4700 Tchoupitoulas St., New Orleans LA 70115. GESSCOCIDE 11. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 31964-A. Gessco Sales Div., Gulf Eng. Co., Inc., 4700 Tchoupitoulas St., New Orleans LA 70115. GESSCOCIDE 12. Active Ingredients: Disodium cyanodithioimidocarbonate 7.35%; Potassium N-methyldithiocarbamate 10.15%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 2693–RNU. International Paint Co., Inc., Elmwood & Morris Aves., Union NJ 07083. INTERLUX ANTIFOULING "62T" BOTTOM PAINT RED. Active Ingredients: Cuprous Oxide 30.7%; Tri-n-Butyitin Oxide 2.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2693–RNG. International Paint Co., Inc., Elmwood & Morris Aves., Union NJ 07083. INTERLUX ANTIFOULING "62C" BOTTOM PAINT RED. Active Ingredients: Cuprous Oxide 38.0%. Method of Support: Application proceeds under 2 (c) of interim policy.

EPA File Symbol 33370–E. Morton Herman Co., Inc., 207 W. University Dr., Arlington Hgts. IL 60004. CHLORINE DISINFECTANT GERMICIDE-DEODORIZER. Active Ingredients: Sodium Hypochlorite 5.25%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8001–L. Novelties Unlimited, Inc., 4 N 270 Randall Rd., St. Charles IL 60174. DOG & CAT RETARD WICKS. Active Ingredients: Oil of Lemongrass 1.320%; Allyl Isothiocyanate 0.003%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 12123–U. Sherwood Chemicals, Ltd., PO Box 25, Westville NJ 08093. SHERWOOD FORMULA P READY-TO-USE RODENTICIDE. Active Ingredients: 2-Pivalyl-1, 3-Indandione 0.025%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6720–EUE. Southern Mill Creek Products, Inc., PO Box 1096, Tampa FL 33601. SMCP DIAZINON 25E INSECTICIDE. Active Ingredients: O,O-diethyl O-(2 Isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 25.0%; Aromatic Petroleum derivative solvent 56%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 8850–4. Thuron Industries, Inc., 12200 Denton Dr., Dallas TX 75234. PET'M SHAMPOO KILLS FLEAS, TICKS, & LICE. Active Ingredients: Pyrethrins 0.050%; Piperonyl Butoxide Technical 0.500%; 5-Isopropyl-o-Cresol 0.100%; 6-Acetoxy-2,4-dimethyl-m-Dioxane 8.100%; Isooctyl Phenoxy Polyethoxy Ethanol 5.000%; Sodium Lauryl Sulfate 5.906%; Triethanolamine Lauryl Sulfate 1.969%; Coconut Monoethanolamide 2.625%. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: December 6, 1974.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.74–29097 Filed 12–17–74;8:45 am]

[FRL 308–8]

AREAWIDE WASTE TREATMENT MANAGEMENT PLANNING APPROVALS

Area and Agency Designations

Pursuant to section 208 of the Federal Water Pollution Control Act Amendments of 1972, notice is hereby given of approvals of designation of areawide waste treatment management planning areas and agencies for the period November 2, 1974 thru December 2, 1974.

The following area and agency designations have been approved by the Environmental Protection Agency:

Portland, Oregon (Columbia Regional Associgional Association of Governments, 6400 S.W. Canyon Court, Portland, Oregon 97221).

Salem, Oregon (Mid-Willamette Valley Council of Governments, 555 Liberty Street S.E., Salem, Oregon 97301).

Eugene-Springfield, Oregon (Lane Council of Governments, 135 Sixth Avenue East, Eugene, Oregon 97401).

Dated: December 12, 1974.

JAMES L. AGEE,
Assistant Administrator,
Water and Hazardous Materials.

[FR Doc.74–29391 Filed 12–17–74;8:45 am]

[FRL 308–2]

HAWAII

Program for Control of Discharges of Pollutants to Navigable Waters

Notice is given hereby that the U.S. Environmental Protection Agency has granted the State of Hawaii's request for approval of its program for controlling discharges of pollutants to navigable waters in accordance with the National Pollutant Discharge Elimination System (NPDES), pursuant to section 402(b) of the Federal Water Pollution Control Act, as amended (P.L. 92–500, 86 Stat. 816, 33 U.S.C. 1251; the Act).

Section 402 of the Act establishes a permitting system, known as the National Pollutant Discharge Elimination System, under which the Administrator of the U.S. Environmental Protection Agency (EPA) may issue permits for the discharge of any pollutant, upon condition that the discharge meets the applicable requirements of the Act. Section 402(b) provides that any State desiring to administer its own permit program for discharges into navigable waters within its jurisdiction may submit such program to the Administrator. If the Administrator determines that the State has adequate authority to carry out the requirements of the Act, he shall approve the submitted program and suspend the issuance of permits as to those navigable waters subject to such program, except with respect to agencies and instrumentalities of the Federal Government. Guidelines specifying procedural and other elements for State NPDES programs appear at 40 CFR Part 124 (as amended by 38 F.R. 18000, July 5, 1973, and 38 F.R. 19894, July 24, 1973).

On August 30, 1974, Hawaii submitted a program for carrying out the NPDES. On October 10, 1974, EPA conducted a public hearing on the proposed approval in Honolulu, Hawaii. After a thorough review of the Hawaii program, the accompanying legal certification, and all comments submitted by the public during and following the public hearing, the Administrator determined that the State's authority was adequate to carry out the requirements of the Act, and so informed Governor John A. Burns in a letter dated November 28, 1974.

As of November 29, 1974, the Hawaii NPDES permit program is being administered by the Hawaii State Department of Health, P.O. Box 3378, Honolulu, Hawaii 96801 (telephone (808) 548–2211). Dr. Walter B. Quisenberry is Director of the Department of Health. The Hawaii program is being administered in accordance with Hawaii statutes and regulations and a Memorandum of Agreement between Hawaii and the EPA Region IX office, 100 California Street, San Francisco, California 94111 (telephone (415) 556–2320). All pertinent documents are available for inspection at the Hawaii State agency and EPA Regional office at the addresses given above and EPA Headquarters in Room 3201, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

Dated: December 12, 1974.

ALAN G. KIRK II,
Assistant Administrator,
Enforcement and General Counsel.

[FR Doc.74–29385 Filed 12–17–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 20254, 20255, File Nos. 11–A–RL–104, 73–A–L–104]

LOWE AVIATION CO., INC. AND ARNOLD AVIATION CORP.

Order Designating Applications for Consolidated Hearing on Stated Issues

By the Chief, Safety and Special Radio Services Bureau: 1. Lowe Aviation Company, Inc. (hereinafter called Lowe) has filed an application for renewal of its license for aeronautical advisory station WIQ8 at the Lewis B. Wilson Airport, Macon, Georgia, and Arnold Aviation Corporation (hereinafter called Arnold) has filed an application for new aeronautical advisory facilities at the same airport. Section 87.251(a) of the Commission's rules provides that only one aeronautical advisory station may be authorized to operate at a landing area and, therefore, the above-captioned applications are mutually exclusive. Accordingly, it is necessary to designate the applications for a comparative hearing in order to determine which application should be granted. Except for the issues specified herein, each applicant is otherwise qualified.

2. By letter, dated September 25, 1974, Arnold has alleged that the present licensee (Lowe) has violated § 87.257(b) of the rules by not providing impartial information to incoming aircraft concerning available ground services.

3. In view of the foregoing, *it is ordered*, That, pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, and § 0.331(b)(21) of the Commission's rules, the above-captioned applications are hereby designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order on the following issues:

(a) To determine which applicant would provide the public with better aeronautical advisory service based on the following considerations:

(1) Location of the fixed-base operation and proposed radio station in relation to the landing area and traffic patterns;

(2) Hours of operation;

(3) Personnel available to provide advisory service;

(4) Experience of applicant and employees in aviation and aviation communications;

(5) Ability to provide information pertaining to primary and secondary communications as specified in § 87.257 of the Commission's rules;

(6) Proposed radio system including control and dispatch points; and

(7) The availability of the radio facilities to other fixed base operators;

(b) To determine whether Lowe has operated aeronautical advisory station WIQ8 in violation of § 87.257(b) by not providing impartial information concerning available ground services; and

(c) To determine in light of the evidence adduced on the foregoing issues which, if either, of the applications should be granted.

4. *It is further ordered,* That the burden of proof and the burden of proceeding with the introduction of evidence on issue (b) is on Arnold, and on all other issues, the burdens are on each applicant with respect to its application except issue (c) which is conclusory.

5. *It is further ordered,* That to avail themselves of an opportunity to be heard, Lowe and Arnold, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this Order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

Adopted: December 2, 1974.

Released: December 11, 1974.

[SEAL]

CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.74-29420 Filed 12-17-74;8:45 am]

[Docket Nos. 20055, 20056, 20057, 20059; File Nos. BPH-8066, BPH-8267, BPH-8351, BPH-8682; FCC74R-436]

PRAIRIELAND BROADCASTERS, ET AL

FM Broadcast Stations, Applications for Construction Permits

In re applications of Stephen P. Bellinger, Joel W. Townsend, Ben H. Townsend and Reynold Fischmann, d/b as Prairieland Broadcasters, Decatur, Illinois; WBIZ, Inc., Decatur, Illinois; Superior Media, Inc., Decatur, Illinois; L.E.G., Inc. and John G. Cheeks, d/b as Soy Communications Company, A Joint Venture, Decatur, Illinois, for construction permits.

1. This proceeding, involving the above-captioned mutually exclusive applications for authorization to construct a new FM broadcast station in Decatur, Illinois, was designated for hearing by Order of the Chief of the Broadcast Bureau, acting pursuant to delegated authority, 39 FR 19804, published June 4, 1974. Now before the Review Board is a motion to enlarge issues, filed July 30, 1974, by Prairieland Broadcasters (Prairieland) requesting the addition of financial, trafficking, legal disability, violation of law, misrepresentation, lack of candor, and § 1.514 issues against Superior Media, Inc. (Superior).[1] [2]

FINANCIAL ISSUE

2. Prairieland first questions whether Superior possesses the requisite financial ability to construct and operate its proposed FM facility in light of the allegedly incomplete balance sheets filed by two of Superior's stockholders, William L. Burdick and Clyde Copeland.[3] Prairieland contends that Burdick failed to list any personal liabilities on his balance sheet and that he did not reflect the assets and liabilities of Burdick Plumbing and Heating Co., of which he is President and 90 percent owner. Prairieland adds that Copeland's statement lists, as his only asset, $15,000 in "cash on hand or in banks" and $414 in accounts payable as his only liability. While conceding that the statement may, in fact, correctly reflect Copeland's financial status, Prairieland argues that further detail is necessary. Prairieland also alleges that Superior's $6,000 estimate for legal fees is inadequate for a four-party proceeding. According to Prairieland, Superior cannot rely on its surplus of $7,000 because its cash on hand was reduced by approximately $2,000 between the time the original application was filed and the filing of the amendment on September 5, 1973, and the interest rate on its bank loans (specified as 1 percent above a 10 percent prime rate) was underestimated. In addition, Prairieland asserts that Superior failed to provide for any contingencies. The Broadcast Bureau urges that the requested financial issue is without merit, observing that Burdick and Copeland have clearly listed any amounts owed as liabilities in their financial statements and that Burdick is not required to list corporate assets and liabilities in his personal statement. In its opposition, Superior includes affidavits from Burdick and Copeland reaffirming their ability to meet their commitments. Superior also indicates that it is amending its application to show an increase in its bank loans from $110,000 to a total of $125,000.[4] In reply, Prairieland argues that Superior has still not provided a fixed estimate of its legal expenses. Prairieland also questions a proposed loan of $10,000, included in Superior's recent amendment, to Milburn H. Stuckwish, Superior's Vice-President, from his brother, Donald Stuckwish.

3. The Review Board will deny the requested financial issue. First, Prairieland's allegations regarding the balance sheets of Burdick and Copeland are highly speculative and fail to set forth any basis for challenging the figures included therein.[5] Similarly, Prairieland has not provided the supporting documentation required by Rule 1.229(c) to support its claim that Superior's allowance for legal costs is inadequate. See WVOC, Inc., 32 FCC 2d 765, 23 RR 2d 371 (1971), and cases cited therein. In any event, as a result of Superior's amendment, filed September 13, 1974 and granted by the Presiding Judge on October 1, 1974, Superior now apparently has a total of $22,000 in available funds (a $15,000 increase in its bank loans plus its already existing $7,000 surplus)[6] beyond projected operating costs. Although Donald Stuckwish's balance sheet does raise questions regarding his ability to loan the applicant $10,000, a cushion of $12,000 would still be available even discounting the availability of the $10,000 loan, and thus there appear to be sufficient funds to meet any unexpected contingencies including increased legal expenses.

TRAFFICKING ISSUE.

4. In support of its requested trafficking issue, Prairieland alleges that Milburn Stuckwish, the Vice-President, director and 18.75 percent shareholder of Superior has engaged in a pattern of

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[1] Other related pleadings before the Board for consideration are: (a) request for late acceptance, filed July 30, 1974, by Prairieland; (b) opposition, filed September 13, 1974, by Superior; (c) partial opposition, filed September 13, 1974, by the Broadcast Bureau; and (d) reply, filed October 2, 1974, by Prairieland.

[2] The motion to enlarge issues was filed July 30, 1974, approximately six weeks late. (The designation Order in this case was published June 4, 1974, and the 15-day period for filing motions to enlarge expired June 19, 1974.) Although Prairieland has not pleaded sufficient good cause to warrant its acceptance, we are of the view that significant public interest questions have been raised, and therefore the motion will be considered on its merits. *See* The Edgefield-Saluda Radio Co. (WJES), 5 FCC 2d 148, 8 RR 2d 611 (1966).

[3] In an amendment to its application, filed September 5, 1973, Superior estimated its first-year operating costs to be $175,694 with $182,600 in available funds, consisting of cash on hand or in banks, totalling $2,900; new capital totalling $69,700; and loans from banks totalling $110,000. New capital is to be contributed by Superior's six stockholders pursuant to stock subscription agreements. Superior points out that it would have a surplus of $7,000 in available funds.

[4] The petition for leave to amend, filed September 13, 1974, was granted by the Administrative Law Judge on October 1, 1974 (FCC 74M-1268).

[5] *Warwick Broadcasting Corp.* 15 FCC 2d 1015, 15 RR 2d 331 (1969), cited by petitioner, is inopposite. In that case, each of the balance sheets submitted contained a statement that it did not include liabilities secured by unlisted assets, and the Board determined that without details as to the nature and value of the unlisted assets and liabilities, it could not conclude that the principals would be able to meet their respective commitments.

[6] Prairieland's allegation that Superior's surplus of $7,000 had been reduced by a decline in the cash on hand is erroneous. While the cash on hand dropped from $4,339.84 in the original application to $2,900 in the amendment, filed September 5, 1973, Superior showed an increase in its bank loan commitment from $100,000 to $110,000 in a letter from the Millikin National Bank of Decatur, dated August 17, 1973.

acquiring and selling broadcast properties in violation of the Commission's prohibition against trafficking in broadcast licenses. Specifically, Prairieland contends that Stuckwish has acquired FM permits or licenses in order to greatly enhance the market value of his existing AM facilities. A review of the broadcast activities of Stuckwish, as described in Prairieland's petition, will facilitate an understanding of the Board's disposition.

5. In 1962, WTIM(AM), Taylorville, Illinois, was purchased by Community Broadcasters, Inc. (Community), of which Stuckwish was a principal officer, director and stockholder, for $115,000, $15,000 of which was in consideration for a covenant-not-to-compete. It was represented at the time of the assignment, states Prairieland, that Milburn Stuckwish would supervise administrative duties at the station, would temporarily assist in supervising the Program Department, and would serve as manager. It was further represented that Stuckwish and another principal, John Ulz, would reside in Taylorville if the application were granted (BAL–4642). When WTIM filed its license renewal on September 3, 1964, Community stated that they proposed no change in the present staff operating WTIM and represented that Stuckwish, as General Manager, and Ulz, as Commercial and Promotion Manager, had integrated themselves into the community. On April 27, 1966, within 18 months after WTIM's license renewal was granted, an application was filed requesting Commission approval to the assignment of license of radio Station WCSJ(AM), Morris, Illinois, to Grundy County Broadcasters, Inc. (Grundy County), of which Stuckwish was and is President and 75.08 percent owner. According to the assignment agreement, three employees of WTIM were committed to leave Taylorville in order to devote full time to WCSJ, and Stuckwish proposed to devote a minimum of 50 percent of his time to the new acquisition. The acquisition was consummated on June 30, 1966 and the consideration paid by Grundy County for the assets of WCSJ(AM) was $105,000.

6. On September 27, 1967 (approximately 15 months after WCSJ was assigned to Grundy County), Community filed for a construction permit for a new FM station to be operated in conjunction with WTIM(AM) at Taylorville. The application was granted February 7, 1968. On October 28, 1968, before construction was completed, Community requested approval of the assignment of WTIM(AM) and the FM construction permit to Public Service Broadcasters (PSB) for $270,000.[7] The application was granted on or about December 19, 1968. Stuckwish indicated at the time that he desired to devote his full time to WCSJ which was ". . . in need of 100% management participation for a while" (BAL–6514). Subsequently, according to Prairieland, Grundy County proceeded to acquire WRMI(FM), Morris, Illinois. The application approving the assignment was granted August 23, 1971. Prairieland further notes that in April, 1973, Stuckwish filed for the FM construction permit in Decatur, Illinois, which is the subject of the instant proceeding, and proposed to serve as its general manager. Referring to a "letter of intent" executed on June 19, 1974, for the assignment of licenses of WCSJ (AM) and WRMI(FM), Morris, Illinois, Prairieland points out that Grundy County is now proposing to sell both of the Morris stations.

7. In addition to the above alleged pattern of acquisition and sale, Prairieland also bases its request for a trafficking issue on the fact that Decatur is located less than 30 miles from Taylorville, and Superior's Decatur proposal will place a 1 mV/m contour over Taylorville. Citing Edina Corp., 4 FCC 2d 36, 7 RR 2d 767 (1966), aff'd sub nom. Norseman Broadcasting Corp. v. FCC, 12 RR 2d 2007 (1968); and Harriman Broadcasting Co. (WXXL), 9 FCC 2d 731, 10 RR 2d 981 (1967), aff'd 399 F. 2d 569 (D.C. Cir. 1968), cert. denied, 393 U.S. 962 (1968), Prairieland argues that a trafficking issue is warranted where a licensee has sold a station at a substantial profit and later makes application for a facility in the same market. The Broadcast Bureau supports addition of an issue absent a satisfactory explanation by Superior.

8. Superior responds, in its opposition, that the $250,000 received for WTIM (AM) was less than two times station gross revenues which is a customary industry valuation standard and that the $20,000 received for WTIM(FM) was actually less than total equipment costs. According to Superior, the proposed total sales price of $250,000[8] for the Morris, Illinois, stations represents no substantial profit for Grundy County because the stations were purchased for $180,000 and $15,000 in improvements were made. In support of its contention that changed circumstances led to the assignment of the Taylorville licenses and proposed assignment of the Morris licenses, Superior attaches the affidavit of Milburn H. Stuckwish, dated September 6, 1974. Stuckwish avers that when he joined WCSJ in Morris, he proposed to divide his time between Morris and Taylorville, and that the decision to assign the Taylorville stations was made after his principal associate at Taylorville decided to go into the educational field. He further alleges that additional personnel problems at the Morris stations, in combination with declining sales revenues, led to their proposed assignment. Prairieland replies that Stuckwish represented in the Taylorville assignment application that he wished to devote full time and attention to WCSJ in Morris but, according to an affidavit from Prairieland's principal, Stephen P. Bellinger, submitted with the reply, from January, 1971 through November, 1971, Stuckwish worked as a full time accountant and on December 21, 1971, he undertook responsibilities as a broker of broadcast stations under an agreement with Chapman Company, Inc.

9. "Trafficking in broadcast operations occurs when a licensee (or its principals) acquires and/or operates a station for the primary purpose of selling or otherwise disposing of it for profit rather than for the primary purpose of serving the public interest. . . ." Harriman Broadcasting Co. (WXXL), *supra*, 9 FCC 2d at 733, 10 RR 2d at 983. The Board has pointed out on numerous occasions that intention, time and price are all important elements in determining whether there has been a trafficking violation. See *e.g.*, Phil D. Jackson, 33 FCC 2d 928, 23 RR 2d 1923 (1972). Ordinarily, the requisite intent is determined by considering all relevant circumstances, past and present. Romac Baton Rouge Corp., 7 FCC 2d 564, 9 RR 2d 1029 (1967). In the Board's view, the undisputed allegations set forth above suggest a course of conduct which warrants further examination in an evidentiary hearing. Within a period of approximately twelve years, Milburn Stuckwish purchased an AM station in Taylorville, Illinois, and, subsequently, an AM station at some distance away in Morris, Illinois. Shortly thereafter, Stuckwish purchased an FM facility in Taylorville, then sold the Taylorville AM–FM combination, purchased an FM facility in Morris, and then applied for the proposed FM facility in Decatur which would serve Taylorville—the community of his first AM–FM operation. Now Stuckwish intends to sell the Morris AM–FM combination. The sale of his first two facilities resulted in a substantial profit and the sale of the second AM–FM combination will apparently bring a modest profit. In addition to the fact that these transactions occurred within a relatively short period of time and for a profit, Stuckwish's reasons for the above transactions appear suspect, particularly in light of his intention to now devote time to the operation of the facility proposed at Decatur which will serve the community he originally left.[9] In view of this pattern of acquisition and sale, or

[7] The data submitted by Prairieland was allegedly obtained from Commission files. The substantial accuracy of the data has not been challenged by Superior with the exception of Prairieland's assertion that Community Broadcasters, Inc. (Community) never completed construction of WTIM(FM), Taylorville, Illinois. Superior attaches the affidavit of Milburn Stuckwish, dated September 6, 1974, which states that Community completed construction in late November, 1968, the Commission granted Program Test Authorization on December 3, 1968, and operation of the station commenced December 11, 1968. Prairieland acknowledges these facts in its reply pleading.

[8] In the motion to enlarge, Prairieland made no mention of the proposed sales price for the Morris, Illinois, stations.

[9] We are constrained to reject the supporting hearsay affidavit (relating to Stuckwish's other activities) from Prairieland's principal submitted with its reply pleading.

proposed sale, the Board will add a trafficking issue in order that these allegations may be more fully explored.[10]

LEGAL DISABILITY ISSUES

10. Petitioner next requests issues inquiring into the legal ability of Superior to operate its proposed station. In support, Prairieland refers to a covenant contained in Community's agreement to sell WTIM(AM) and FM to PSB, according to which the officers of Community (including Stuckwish) ". . . agree that they will not own or participate in the ownership of any other radio station in Christian County, Illinois for a period of ten years from and after the Closing Date." According to Prairieland, the assignment was consummated on or about January 3, 1969, and consequently, the covenant is not due to expire until January, 1979. Prairieland alleges that Superior's proposed station would be in direct competition with WTIM for audience and advertising revenues because its 1 mV/m and its 3.16 mV/m contours would encompass Taylorville. Even should the current licensee of WTIM decide not to seek enforcement of the covenant, Prairieland asserts that a cross-interest issue is warranted because the present licensee of WTIM(AM) and FM is still financially obligated to the former owners of the station, including Stuckwish,[11] and Stuckwish is an employee of Chapman Company, Inc. which acted as broker for the WTIM sale. In its partial opposition, the Broadcast Bureau asserts that the mere existence of the covenant is a factor that might inhibit full and effective competition and that substantial questions are raised warranting a cross-interest issue.

11. In opposition, Superior maintains that the covenant refers only to stations in Christian County and, therefore, does not apply to its proposed Decatur station (which is in Macon County). Superior supports this assertion by submitting a letter, dated August 19, 1974, from Donald G. Jones, President of PSB, to Milburn Stuckwish, stating that the covenant pertains to Christian County, Illinois, and does not limit or prevent Stuckwish's participation in the ownership and operation of a station in Decatur, Illinois. In response to Prairieland's other allegations, Superior argues that the payments by PSB will be completed in 1976, and, therefore, before his present proposal would become operational should he receive a grant. Stuckwish also states, in his affidavit of September 6, 1974, that he has never been an employee of Chapman Company, Inc., but, rather, that his association with Chapman has been on a minimal, part-time basis and that, therefore, no conflict exists. In reply, Prairieland reiterates its contention that appropriate issues are required.

12. The requested legal disability issue based on the covenant-not-to-compete will be denied. The covenant specifically refers to participation or ownership of a radio station in Christian County, Illinois (where Taylorville is situated), whereas Superior's studio and transmitter are to be located in Macon County (where Decatur is situated). Moreover, and of particular significance, the President of PSB, in his letter to Milburn Stuckwish, states that he has no objection to Superior's proposed FM facility. Since the beneficiary of the covenant has explicitly denied that any breach would occur as a result of the proposed operation, we see no reason for any further inquiry into this matter. We do agree, however, with the Bureau, that the addition of a cross-interest issue is warranted. According to the engineering map, submitted as Exh. E, p. 17 of Superior's application, Superior's proposed station lies midway between Decatur and Taylorville. The map reveals that the city-grade contour (3.16 mV/m) of the proposed Decatur station encompasses Taylorville and the WTIM(AM) and FM site. As noted *supra*, Stuckwish will remain a creditor of PSB until payments are completed in February 1976. The Commission's cross-interest policy, emanating from the overlap prohibitions (Section 73.240 of the Rules, in the case of FM stations) of the multiple ownership rules, applies when an applicant has a "meaningful relationship" with a station in the same service and there is a 1 mV/m overlap between the stations. Lexington County Broadcasters, Inc., 42 FCC 2d 581, 28 RR 2d 353 (1973). Since there is a 1 mV/m overlap between the Taylorville station and the proposed Decatur station and Stuckwish is a creditor of WTIM,[12] it is clear that the public interest considerations underlying the cross-interest policy are applicable and, therefore, warrant further exploration in an evidentiary hearing. Cf. KFRM, Inc., 5 FCC 2d 348, 8 RR 2d 903 (1966). Whether Stuckwish's alleged association with Chapman Company, Inc. is sufficient to preclude his participation in the instant proposal may also be explored under the cross-interest issue added herein.

"VIOLATION OF LAW" ISSUE

13. Prairieland bases its request for a "violation of law" issue on the fact that since May, 1971, Robert Beadles, an Assistant Secretary, director and 18.75 percent shareholder of Superior, has owned a franchise (with a book value of $7,000) of Koscot Interplanetary, Inc., a corporation organized by Mr. Glenn Turner. Citing various magazine articles, Prairieland asserts that legal action has been taken against Turner in 42 states and that in several states he has been indicted on various counts including conspiracy to cheat and defraud by false pretense. It is Prairieland's contention that Beadles' association with such a scheme is sufficient, in itself, to raise questions as to Beadles' and, thus, Superior's qualifications to be a licensee. The Board agrees with Superior and the Broadcast Bureau that the issue should be denied. First, petitioner has not supported its allegations with the requisite specificity. Rather, Prairieland relies on magazine articles which are clearly hearsay and, therefore, insufficient to support addition of an issue. See LeFlore Broadcasting Company, FCC 74R-361, released October 2, 1974; Jimmie H. Howell, 46 FCC 2d 50, 57-8, 29 RR 2d 1317, 1326-7 (1974). Second, the Board has frequently emphasized its position of declining to interfere in questions of alleged state law violations where there has been no challenge in the state courts and the determination is more appropriately a matter of state resolution. See Intercast, Inc., 43 FCC 2d 658, 28 RR 2d 367 (1973). In the instant case, no suit alleging misconduct has been filed against Beadles and no facts have been presented showing that Beadles has violated any law.[13] Thus, the requested issue is unwarranted.

MISREPRESENTATION, LACK OF CANDOR AND 1.514 ISSUES

14. Prairieland next alleges that Robert Beadles did not disclose his Koscot distributorship in Superior's application or in the license renewal application of Grundy County (of which he is an officer and 24.92 percent stockholder) for WCSJ and WRMI(FM), Morris, Illinois. In addition, Prairieland avers that Beadles failed to disclose that he was sued in May, 1972 for back rent on a building he leased for Koscot and that a judgment was entered against him and two other persons in October, 1972. These omissions, argues petitioner, raise questions of misrepresentation and lack of candor. Similar issues are required against Stuckwish, urges Prairieland, because Superior failed to disclose the covenant-not-to-compete and because Stuckwish did not reveal that he is a broker of communications media. Prairieland also contends that Superior failed to indicate

[10] There is no indication that Superior has concealed any facts from the Commission concerning its proposed site, as alleged in Prairieland's petition; Superior's application, Exhibit E, p. 17, shows the proximity of the proposed Decatur site to Taylorville. Accordingly, petitioner's request for a good faith issue and an issue as to whether Superior has misled the Commission will be denied.

[11] Reference is made by Prairieland to Paragraph 3(d) of the Sales Agreement requiring delivery by the buyer, at closing, of a promissory note for $150,000, payable (with interest) in 84 monthly installments. Since the closing took place in January, 1969, Prairieland notes that the final payment (if not prepaid or extended) would be due in February, 1976.

[12] Furthermore, the Broadcast Bureau points out that the sales agreement between Community and PSB is secured by a mortgage on the assets conveyed to the assignee.

[13] "While the Commission is not precluded, in appropriate circumstances, from considering a violation of law by an applicant, even where, as here, no suit alleging illegal conduct has been filed, the Commission must be in possession of facts showing that the applicant has violated the law." Sumiton Broadcasting Company, Inc., 15 FCC 2d 410, 412, 14 RR 2d 970, 973 (1968), citing Report on Uniform Policy as to Violation by Applicants of Laws of United States, 1 RR (Part 3) 91:495, 499 (1951).

Stuckwish's connection with an application for Centralia, Illinois, denied by the Commission on December 1, 1947,[14] and that his partner in that application, F. M. Lindsay, Jr., is now President of the licensee of WSOY and WSOY(FM) in Decatur which petitioner suggests may be the basis for a cross-interest issue and, therefore, should have been revealed. The Bureau contends, in its opposition, that a § 1.514 issue may be warranted concerning Stuckwish's failure to report the covenant and his employment as a media broker, absent a satisfactory response from Superior.

15. Superior opposes addition of the requested issues, arguing that the Koscot franchise was listed on Beadles' balance sheet submitted with Superior's application and, in any event, Beadles' participation in Koscot was minimal.[15] Furthermore, Superior states that it has listed the Koscot franchise in its amendment, filed September 13, 1974, and that it has also corrected, in its amendment, the inadvertent failure to include Stuckwish's connection with the Centralia, Illinois application, denied in 1947. With respect to the lawsuit, Superior states that the judgment against Beadles was satisfied immediately upon issuance. With regard to the Taylorville covenant, presents no legal disability, has been on Superior maintains that the covenant record with the Commission for five years and does not relate to any question in the application form. As to his alleged activities as media broker and/or his alleged association with Chapman Company, Inc., Stuckwish states that he is not an employee, owner or principal in Chapman Company, Inc.[16] Finally, Superior notes that there has been no attempt to conceal Stuckwish's relationship with Lindsay, as evidenced by Exhibit 2 to its application, which reveals that Stuckwish worked for the licensee of WSOY and WSOY(FM) until 1962.

16. The Board does not believe that any of the above omissions require addition of misrepresentation or § 1.514 issues. Although Beadles' failure to list his Koscot franchise in the appropriate place in Superior's application may amount to a technical violation of Section 1.514, the violation appears to have been unintentional, and the franchise was listed elsewhere, thereby indicating a lack of intent to deceive the Commission. See Payne of Virginia, Inc., 45 FCC 2d 170, 29 RR 2d 495 (1974). Therefore, no issue is warranted. The same is true of Superior's failure to disclose the covenant-not-to-compete. There is no reason to believe that Superior intended to conceal this matter since it had been previously reported to the Commission and the applicant's belief that the terms of the covenant were not relevant have been confirmed by a letter from the beneficiary of the covenant. Similarly, Superior's failure to indicate Stuckwish's association with the application for Centralia, Illinois, does not warrant inquiry since there appears to have been no motive for this inadvertent and insignificant omission. We have consistently denied requests for issues predicated on violations of the reporting requirements of the Commission's rules and regulations where the violations have been unintentional and not so numerous as to indicate a pattern of non-disclosure, and the information not reported is of questionable significance. See *Post-Newsweek Stations, Florida, Inc. (WPLG–TV)*, FCC 74R–365, __ FCC 2d __, released October 2, 1974, and cases cited therein. With respect to Superior's failure to report the judgment against Beadles (an 18.75 percent shareholder in Superior) for nonpayment of rent, the Board is of the view that such a judgment "[does] not sufficiently put in question the character of the applicant to warrant addition of a specific issue", Tri-Cities Broadcasting Company, FCC 65R–74, 4 RR 2d 642, 646 (1965), particularly when there is not showing of misconduct related to matters entrusted to the Commission. Regarding the allegations concerning Stuckwish's activities as a media broker, Prairieland offers nothing to rebut Stuckwish's statement denying that he is an employee of Chapman Company, Inc. The Board has no evidence that Stuckwish's activities as a media broker are anything other than minimal and part-time as he states in his affidavit of September 6, 1974. In any event, the significance of Stuckwish's activities can be explored under the cross-interest issue added herein. Finally, we note that Prairieland's request for an inquiry into Stuckwish's relationship with Lindsay is groundless. In his affidavit of September 6, 1974, Stuckwish states that he has had no business relationship with Lindsay since 1962.[17] Moreover, Stuckwish's association with WSOY and WSOY(FM) from 1937 to 1962 is set forth in Exhibit 2 to Superior's application. Thus, the requested issue will be denied.

17. Accordingly, it is ordered, That the request for late acceptance, filed July 30, 1974, by Prairieland Broadcasters, is granted; and

18. It is further ordered, That the motion to enlarge issues, filed July 30, 1974, by Prairieland Broadcasters, is granted to the extent indicated herein, and is denied in all other respects; and

19. It is further ordered, That the issues in this proceeding are enlarged to include the following issues:

(a) To determine whether the interests of Milburn H. Stuckwish, as a creditor of WTIM(AM) and FM, Taylorville, Illinois, as a media broker involved in the WTIM sale, and as Vice-President, director and shareholder in Superior Media, Inc., provide a potential for the impairment of open, arms length competition between broadcast stations serving substantially the same area, contrary to the principles underlying the Commission's cross-interest policy and, if so, the effect thereof on the basic and/or comparative qualifications of Superior Media, Inc. to be a Commission licensee.

(b) To determine whether Milburn H. Stuckwish has engaged in trafficking in broadcast licenses; and, if so, to determine the effect of such misconduct on the basic and/or comparative qualifications of Superior Media, Inc. to be a broadcast licensee.

21. It is further ordered, That the burden of proceeding with the introduction of the evidence and the burden of proof under issue (a) added herein shall be on Superior Media, Inc.; and that the burden of proceeding with the introduction of the evidence under issue (b) added herein shall be on Prairieland Broadcasters, and the burden of proof shall be on Superior Media, Inc.

Adopted: December 2, 1974.

Released: December 11, 1974.

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

[FR Doc.74-29418 Filed 12-17-74;8:45 am]

[FCC 74R 439; Docket Nos. 19866, 19867, 19868; File Nos. BPH-8105, BPH-8111, BPH-8234]

WILLIAM F. WALLACE, ET AL

FM Broadcast Stations, Applications for Construction Permits

In re Applications of William F. Wallance and Anne K. Wallace, Joint Tenants, Santa Paula, California; Clark Ortone, Inc., Fillmore, California; Class A Broadcasters, Inc., Fillmore, California; for construction permits.

1. The above-captioned mutually exclusive applications for new FM broadcast stations were designated for consolidated hearing by Commission Order,

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[14] FCC Form 301, Section II, p. 5, Question 19(c) requires the applicant or any party to the application to report any interest in or connection with "any application which has been denied" by the Commission.

[15] In support, Superior attaches the affidavit of Robert D. Beadles, dated September 6, 1974, and a copy of Beadles' claim of $4,300 against Koscot under Chapter XI of the Bankruptcy Act. Mr. Beadles states that his active participation in Koscot ended in early 1971, and he never regarded the franchise as a business and, therefore, did not list it as a business interest in the application. He notes that his "inadvertent failure" to list the franchise is being corrected by Superior's amendment.

[16] Table II of FCC Form 301 asks for the *principal* occupation and businesses in which each party named is engaged at the present time or has been engaged at any time during the past five years, and, in addition, any other business or financial enterprise in which such party has now or within the past 5 years has had either a 25 percent or greater interest or any official relationship. (Emphasis supplied.)

[17] Prairieland's assertion that the Commission's cross-interest policy is applicable to the relationship of Stuckwish and Lindsay is incorrect because Stuckwish is no longer associated with Lindsay. See Rosemor Broadcasting Co., Inc., 45 FCC 2d 920, 29 RR 2d 1113 (1974).

FCC 73-1198, 38 FR 32971, published November 29, 1973.[1] Presently before the Review Board is a petition for reconsideration or in the alternative for enlargement of issues, filed September 6, 1974, by William F. Wallace and Anne K. Wallace, Joint Tenants (Wallace).[2] The petition seeks reconsideration by the Review Board of its Memorandum Opinion and Order (Jerry Lawrence, 48 FCC 2d 373, 31 RR 2d 59, released August 13, 1974) to the extent that it denied the request of Class A Broadcasters, Inc. (Class A) to add a site availability issue against Clark Ortone, Inc. (Ortone).[3] Alternatively, should the Board decline to reconsider this matter, Wallace requests that the issues be enlarged to include site availability and misrepresentation issues against Ortone.

2. Petitioner contends that the Board, in denying the Class A request for a site availability issue, held, in effect, that because Ortone had not in fact conceded that its proposed site was not presently available, the hearsay affidavit of Class A's president, which was submitted with the petition, was insufficient to support the request.[4] Wallace states, however, that while Class A's petition to enlarge issues was before the Board, the affidavits of both the former and present owners of the site specified by Ortone[5] were before the Administrative Law Judge in connection with a petition for leave to amend filed by Ortone.[6] Wallace does concede, however, that the Board had not been requested to take official notice of the affidavits. Petitioner now requests the Board to take official notice of these affidavits and has attached them to its instant petition. Wallace submits that in Belo Broadcasting Corp., 44 FCC 2d 707, 29 RR 2d 323 (1974), the Board reconsidered its denial of a request for a site availability issue and added the issue, concluding that clarification of prior sworn statements controverted the basis for originally denying the request. Wallace argues that the Board should do likewise here. If the Board does not reconsider its earlier ruling, Wallace requests, in the alternative, that the issues be enlarged to include site availability and misrepresentation issues against Ortone. Petitioner argues that the affidavits of the present and former owners of the site proposed by Ortone, as well as the hearsay affidavit of Class A's president, clearly indicate that the site has not only been unavailable for at least a year and a half, but that Ortone has made no inquiry concerning the availability of that property for a proposed transmitter site. Wallace contends that the affidavit of Richard Quine, the owner of the site until December 31, 1973, establishes that no inquiry was made as to the availability of his property for a transmitter site until approximately December of 1973, when he was contacted once. Since the Ortone application was filed in 1972, argues Wallace, Ortone never contacted Quine before specifying Quine's property as a proposed transmitter site.[7]

3. Both Ortone and the Broadcast Bureau oppose Wallace's instant petition. Attached to Ortone's opposition is an affidavit of Clark Ortone, president of the applicant, describing a meeting with Julius Goldman, the present owner of the proposed transmitter site. Ortone contends that Goldman's statement in the presence of a real estate broker, Marjorie Dimmick, serves to indicate that the site is, in fact, available on reasonable terms. It is the Bureau's position that both the Quine and Goldman affidavits are very narrowly framed in terms of authorizing use of the land "as a transmitter site". The possibility is left open, contends the bureau, that a representative of Ortone contacted Quine or Goldman about lease of the land without specifying its proposed use and was told it was available. The bureau concludes that Wallace has not presented specific allegations of fact sufficient to support the requested issues as required by § 1.229(c) of the rules.

4. In reply to Ortone, Wallace contends that, since Clark Ortone's affidavit only concerns an alleged assurance of the present availability of the Ortone proposed site, it constitutes an admission that Ortone made no inquiry as to the availability of its proposed site prior to the filing of its application. Wallace also alleges that since Clark Ortone's affidavit is hearsay and no reasons for failing to submit the affidavit of Goldman were submitted, it cannot be accepted. Moreover, argues Wallace, it would appear that Ortone attempted to mislead the board into concluding, through the device of not specifying the meeting date between Clark Ortone and Julius Goldman, that it had some assurance that its proposed site would be available at the time the application was filed. Wallace also contends that the position taken by the bureau is not only highly speculative, but is legally in error. A general inquiry as to the availability of property without specifying the use intended, alleges Wallace, is insufficient to support a finding of reasonable assurance of the availability of a proposed site.

5. The review board will not reconsider its earlier Memorandum Opinion and Order; the Commission's Rules state explicitly that petitions for reconsideration of interlocutory actions of the Board will not be entertained. See §§ 1.102(b)(2), 1.106(a)(1) and 1.291(c)(3) of the rules. See also Broadcasters 7, Inc., 33 FCC 2d 277, 23 RR 2d 566 (1972).[8] However, the Wallace pleading will be considered as a petition to enlarge issues.[9]

6. The board will add both requested issues. In the Goldman affidavit, attached to Wallace's petition, it is stated that, as of June 25, 1974, the present owner of Ortone's proposed site had not

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[1] The mutually exclusive application of Jerry Lawrence was subsequently dismissed with prejudice by the Presiding Judge by Order, FCC 74M-1059, released August 26, 1974.

[2] Also before the Review Board for consideration are the following related pleadings: (a) opposition, filed September 25, 1974, by the Broadcast Bureau; (b) opposition, filed September 25, 1974, by Ortone; (c) reply, filed October 1, 1974, by Wallace; (d) request to file an additional pleading, filed October 11, 1974, by Wallace; (e) supplement to Wallace's reply to oppositions, filed October 11, 1974; and (f) comments on supplement, filed October 23, 1974, by the Broadcast Bureau. Supplemental pleadings are not authorized by the Commission's Rules, and the showing made by Wallace in its request does not warrant a departure from the Rules. Wallace's request to file an additional pleading will, therefore, be denied and the supplemental pleadings dismissed. See Filing of Supplemental Pleadings Before the Review Board, 40 FCC 2d 1026 (1972). See also Rosemor Broadcasting Co., Inc., 46 FCC 2d 1182, 30 RR 2d 360 (1974); and Rosemor Broadcasting Co., Inc., 45 FCC 2d 920, 29 RR 2d 1113 (1974).

[3] The request was made in a petition to enlarge issues, filed December 14, 1973, by Class A. A site suitability issue was added against Ortone, however, and that action is not being challenged.

[4] In our earlier memorandum opinion and order we stated the following: Class A alleges that Ortone's proposed transmitter-studio site will be unavailable to it. The site, Class A contends, is in an undeveloped hilltop area which is without water, power, or telephone facilities, and is inaccessible other than on foot. Furthermore, Class A asserts, the owner of the property, Richard Quine, told Class A's president, John J. Davis, that no one from Ortone had contacted him concerning lease of the land and that the property is in escrow and could not be leased at the present time in any case. Although Ortone states in its opposition that its recently tendered amendment specifies a new site, the Board must consider the originally proposed site to be the one of record because the Judge has not yet acted on Ortone's petition for leave to amend. See Edward G. Atsinger III, 38 FCC 2d 493, 499-500, 22 RR 2d 236, 244 (1971), and cases cited therein. We will not add an issue as to the availability of that site, however, because Class A offers no explanation for its failure to submit an affidavit from the owner of the property in support of its allegations. See Salem Broadcasting Co., Inc., 38 FCC 2d 170, 177, 25 RR 2d 755, 765 (1972). Nor does Ortone concede that the presently proposed site is now unavailable. 48 FCC 2d at 376-377, 31 RR 2d at 65.

[5] Ortone's proposed site was owned by Richard Quine from 1941 to December 31, 1973, and since that time has been owned by Julius Goldman.

[6] Although Ortone sought to amend its application to change its proposed site, that amendment was denied by the Presiding Judge by Memorandum Opinion and Order, FCC 74M-954, released August 7, 1974.

[7] The Ortone application was filed with the Commission on October 18, 1972.

[8] As previously indicated, petitioner relies on Belo Broadcasting Corp., supra, in support of its request for reconsideration. In that case, however, the Board reconsidered its earlier Memorandum Opinion and Order because it had misconstrued an affidavit of a person with personal knowledge of the facts. In this proceeding, however, no such misinterpretation had taken place. The request for a site availability issue had been denied because its only support had been a hearsay affidavit, not because there was any confusion over the significance of that affidavit. See note 4, supra.

[9] Although the Wallace petition is clearly untimely, as Wallace concedes, and good cause for the delay has not been shown, it raises serious public interest questions and will be considered on its merits. The Edgefield-Saluda Radio Co. (WJES), 5 FCC 2d 148, 8 RR 2d 611 (1966).

authorized anyone, other than his own business,[10] to place a transmitter on any property he owns. The affidavit of Clark Ortone does not dispute this, but states that during a meeting with Goldman to discuss the possibility of locating a transmitter on the latter's property, Goldman stated that "he could foresee 'no problem' " in Ortone locating on his property. Although an applicant need not have a binding agreement or absolute assurance of the availability of a proposed site, an applicant must show that it has obtained reasonable assurance that its proposed site is available. See Marvin C. Hanz, 21 FCC 2d 420, 18 RR 2d 310 (1970). Some indication by the property owner that he is favorably disposed toward making an arrangement is necessary. A mere possibility that the site will be available will not suffice. El Camino Broadcasting Corp., 12 FCC 2d 25, 12 RR 2d 720 (1968). In its opposition, Ortone has failed to show any likelihood of a lease agreement being reached between Goldman and itself. Thus, the board is of the opinion that a substantial question has been raised regarding the availability of the proposed site.

7. A misrepresentation issue will also be added. The specification of a site is an implied representation that an applicant has obtained reasonable assurance that the site will be available. A failure to inquire as to the availability of the site until after the application is filed is inconsistent with such a representation and, therefore, warrants a character qualifications issue. See Lake Erie Broadcasting Co., 31 FCC 2d 45, 22 RR 2d 647 (1971); Marbro Broadcasting Co., Inc., 4 FCC 2d 290, 3 RR 2d 51 (1966); and Geoffrey A. Lapping, 27 FR 6440, 23 RR 919 (1962). Richard Quine owned the site proposed by Ortone at the time the Ortone application was filed in October of 1972. However, according to the pleadings, it was not until December of 1973, that Quine was contacted as to the possible use of his property as an FM transmitter site. Therefore, an issue will be added.

8. *Accordingly, it is ordered,* That the request to file an additional pleading, filed October 11, 1974, by William F. Wallace and Anne K. Wallace, Joint Tenants, is denied; and that the supplement to Wallace's reply to oppositions, filed October 11, 1974, and the Broadcast Bureau's comments on supplement to Wallaces' reply, filed October 23, 1974, are dismissed; and

9. *It is further ordered,* That the petition for reconsideration or in the alternative for enlargement of issues, filed September 6, 1974, by William F. Wallace and Anne K. Wallace, Joint Tenants, is granted to the extent indicated herein, and is denied in all other respects; and

10. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issues: 1. To determine whether Clark Ortone, Inc. has reasonable assurance of the availability of its proposed transmitter site.

2. To determine whether Clark Ortone, Inc. made a willful misrepresentation to the Commission by proposing a site without having made adequate inquiries as to its availability, and, if so, the effect upon that applicant's basic and/or comparative qualifications to be a station licensee.

11. *It is further ordered,* That the burden of proceeding with the introduction of evidence under Issue 1 shall be on Clark Ortone, Inc., that the burden of proceeding with the introduction of evidence under Issue 2 shall be on William F. Wallace and Anne K. Wallace, joint tenants, and the burden of proof under both issues shall be on Clark Ortone, Inc.

Adopted: December 5, 1974.

Released: December 12, 1974.

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

[FR Doc.74-29419 Filed 12-17-74;8:45 am]

[10] A transmitter owned and operated by this business, which is known as Julius Goldman's Egg City, is used for the purpose of paging company personnel.

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED STATE NONMEMBER BANKS

Policy Statement on Gold

On December 31, 1974, Public Law 93-373, which removes the restrictions on a person "purchasing, holding, selling, or otherwise dealing with gold," becomes effective. The word "person" in the Act has been construed to include banks. Thus, to the extent authorized by state law, State nonmember banks will be permitted to deal in gold.

Trading in any commodity, including gold, is a highly speculative activity. The past experience of individuals and companies in the commodities markets indicates that, at minimum, commodities trading is a very risky activity for the novice. In the case of gold, moreover, the more than forty year old prohibition against U.S. citizens holding and trading in gold has meant that few persons have even a nominal degree of expertise in such activity. The Corporation therefore believes that insured State nonmember banks should consider confining their trading in gold to purchases and sales on a consignment or agency basis. Irrespective of the manner in which an insured nonmember bank intends to deal in gold, the Corporation should be notified of such intention.[1]

[1] Insured nonmember banks intending to trade in gold should submit written notice of such intent to the appropriate Regional Office of the Corporation at least 10 business days prior to the initiation of such trading. Such notice should include all information the bank deems relevant to its proposed activity including whether the bank will be trading for its own account or solely on an agency or consignment basis, the projected amount and purpose of any such trading, the experience of those individuals who will be engaged in the trading, insurance arrangements which will be in effect and, where applicable, the relation of the bank's capital and earnings to the projected amount of gold that the bank will acquire for its own account.

Insured nonmember banks which are considering dealing in gold for their own accounts should carefully evaluate the experience and ability of their present staffs in this regard before proceeding. Further, such banks should bear in mind that gold ownership exposes them to possible loss due to adverse fluctuations in market value. In order to minimize such exposure, banks may find it necessary to conduct limited trading in gold futures for hedging purposes. Banks considering holding inventories of their own gold are reminded that gold bears no yield or interest and that any such inventory should be reflected as "other assets" and should be periodically adjusted to current market value.

Even the sale of gold by a bank to its customers on a consignment basis, while not subjecting the bank to possible losses due to fluctuations in the price of gold, entails certain other risks of which insured State nonmember banks should be aware. These problems can also arise with respect to sales of a bank's own gold. First, banks may bear the risk of any loss with respect to gold which they hold, even when it is held on consignment. Banks considering holding gold should therefore evaluate the adequacy of their present security arrangements. Second, gold purchase or consignment agreements entered into by a bank may not provide it with the right to re-sell to the dealer any gold which the bank's customers ask the bank to repurchase. Thus a bank might be forced to refrain from repurchasing gold which it had previously sold to its customers. Third, banks should attempt to minimize the possibility of receiving, and ultimately selling, bogus gold by entering into agreements only with responsible, reputable dealers. In this connection, insured nonmember banks should be especially wary of proposals which purport to offer gold to them at or below the current market price. They should pay particular attention to the degree of fineness (purity) of the gold so offered. The inadvertent sale of gold which does not conform to a bank's representations may well expose the bank to unfavorable publicity or legal action. Fourth, banks engaging to repurchase gold from their customers should consider retaining possession of the gold pursuant to a sale/safekeeping agreement. Unless the gold has constantly remained in the possession or control of the bank, it may be necessary for the bank to acquire or utilize facilities for weighing and assaying gold it plans to repurchase.

Many insured nonmember banks, including banks which do not choose to offer gold for sale to their customers, may find themselves engaged in safekeeping arrangements for gold owned by their customers. Here too, banks contemplat-

ing providing such services should evaluate the adequacy of their security arrangements. Where the size or amount of the gold received cannot feasibly be held in normal safe deposit facilities, banks should take care to segregate such gold in their vaults and to issue receipts to their customers therefor. Such receipts, whether issued in connection with a sale/safekeeping transaction or otherwise, should be issued in non-negotiable form and should refer to a specifically identifiable amount of gold. Each receipt and any advertisement of gold safekeeping services should also state clearly and conspicuously that the gold held pursuant to the safekeeping arrangement is not a deposit insured by FDIC.

It is the opinion of the Secretary of the Treasury that Public Law 93-373 did not repeal or alter the so-called Gold Clause Resolution of 1933 (31 U.S.C. 463). The Resolution prohibits any contractual provision which purports to give the obligee the option of requiring payment of the obligation in money or a specified amount of gold. Deposit contracts which purport to give the bank's customer such an option are therefore rendered legally unenforceable by the terms of the Gold Clause Resolution. Contracts specifically payable only in gold may be similarly unenforceable where the parties to the contract view the gold as a medium of discharging a debt, such as a deposit liability, rather than as a commodity to be traded. Needless to say, sound banking practice dictates that insured nonmember banks not enter into legally unenforceable deposit contracts. Conversely, while contracts entered into by a bank treating gold as a commodity, rather than a currency, such as futures contracts, may be valid obligations of the bank, they do not give rise to "deposits" insured by FDIC.

Insured nonmember banks should exercise care so that the aggregate amount of gold held as collateral for loans does not become unduly large. Adequate margin requirements on such loans (such as valuing the gold at 50 percent of the current market price) should be maintained and banks should revalue gold held as collateral at least monthly. Banks considering making loans for the purpose of enabling the borrower to purchase gold should bear in mind that such loans, unless made for industrial or commercial purposes, are speculative and nonproductive. As in the cases of the sale and safekeeping of gold, banks should consider the adequacy of their facilities for authenticating and protecting gold held as collateral for loans.

In sum, the Corporation believes that insured nonmember banks should move cautiously in regard to dealing in gold. Those banks offering gold for sale should consider possible adverse customer reaction if the price of gold drops and endeavor to warn their customers of the highly speculative nature of such an investment. Banks should also check their security systems for compliance with the Corporation's Part 326 and any subsequent revisions thereof.

Similar policy statements are being issued by the other Federal bank regulatory agencies with respect to banks under their jurisdictions.

Effective date. The policy enunciated in the preceding statement shall be effective on the date of its publication.

By order of the Board of Directors, December 9, 1974.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.74-29457 Filed 12-17-74;8:45 am]

FEDERAL MARITIME COMMISSION

PACIFIC/STRAITS CONFERENCE

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 January 7, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed for Approval by:

H. R. Rollins, Secretary
Pacific/Straits Conference
635 Sacramento Street
San Francisco, California 94111

Agreement No. 5680-16, among the member lines of the Pacific/Straits Conference, modifies the basic agreement by (1) deleting and/or adding new language in Article 8(c) relative to the admission of common carrier members and, (2) amending Article 8(f) to provide for a deposit requirement of $1,-$500.00 as an admission fee in place of the present deposit requirement of $500.00.

By order of the Federal Maritime Commission.

Dated: December 13, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-29463 Filed 12-17-74;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 12/13/74 (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(s), 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 thru 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), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF AGRICULTURE

Economic Research Service: Survey of Pesticide Situation 1974 and Outlook 1975, single-time, business firms, Lowry, R. L., 395-3772.

DEPARTMENT OF COMMERCE

Bureau of the Census: National Longitudinal Study, Address Maintenance Survey, Address Correction Forms, PMS-18, PMS-19, single-time, national sample of scientists and engineers, Gonzalez, M., 395-3793.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration: Breast Cancer and Other Malignancies Following Multiple Fluoroscopies, FDA 1125, single-time, individuals, Hall, George, 395-4697.

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary: Self Assessment/Validation Form For Headstart Grantees, OS-55-74, annually, Head Start grantees, Caywood, D. L., 395-3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health: Lipid Research Clinics Family Study, NIH-HL-16, single-time, sample of LRC prevalence subjects and family members, Hall, George, 395-4697.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration:
Program Content of Statewide Travel Including Data Collection for Multi-Modal Demand, single-time, households, Strasser, A. 395-3880.

Traffic Engineering Service for Small Political Jurisdiction (State and small city and county), single-time, Government agencies, Strasser, A., 395-3880.

REVISIONS

SOCIAL SECURITY ADMINISTRATION

Request to Establish Eligibility in the Health Insurance for the Aged Program to Provide Outpatient Physical Therapy Services, SSA-1856, on Occasion, providers of outpatient physical therapy, Caywood, D.P., 395-3443.

Home Health Agency Request to Establish Eligibility in the Health Insurance for the Aged and Disabled Program, SSA-1515, on Occasion, home health agencies requesting eligibility, Caywood, D.P., 395-3443.

REVISIONS

Request for Approval as Supplier of Portable X-ray Services Under Medicare Program; Pre-Survey Questionnaire for Suppliers, SSA-1880, on occasion, suppliers or portable X-ray services, Caywood, D.p., 395-3443.

DEPARTMENT OF COMMERCE

Bureau of the Census:
Pulp, Paper and Board Production—Monthly Report, M26A, monthly, paper and paperboard mills, Peterson, M.O., 395-5631.

National Prisoner Statistics—Summary of Sentenced Population Movement, NPS 1, annually, State correctional agencies and institutions, Hall, George, 395-4697.

National Prisoner Statistics—Admission and Release Report, NPS-2, NPS-3, quarterly, State correctional agencies and institutions, Evinger, S.K., 395-3648.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social security administration: Medicare/Medicaid Skilled Nursing Facility Survey Report, SSA-1569, annually, skilled nursing facilities participating in medicare program, Caywood, D. P., 395-3443.

FEDERAL RESERVE SYSTEM

Federal Reserve System: Survey of Time and Savings Deposits, FR 296, quarterly, sample of commercial banks, Hulett, D. T., 395-4730.

EXTENSIONS

DEPARTMENT OF TRANSPORTATION

Coast Guard: Application of Owner for and Notice of Award of Official Number and Signal Letters (for vessels), CG-1320, on occasion, vessel owners or agents, Lowry, R. L., 395-3772.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-29580 Filed 12-17-74;8:45 am]

NATIONAL SCIENCE FOUNDATION

STATEMENT OF ORGANIZATION

Information for Guidance of the Public

A. *Creation and authority.* The National Science Foundation (NSF) is an independent agency of the U.S. Government, established by the National Science Foundation Act of 1950 (64 Stat. 149; 42 U.S.C. 1861-1875), as amended, and was given additional authority by the National Defense Education Act of 1958 (72 Stat. 1601; 42 U.S.C. 1876-1879). More recently, Reorganization Plan No. 1 of 1973, effective July 1, 1973, transferred to the Director of NSF the functions of the Office of Science and Technology which was abolished by the reorganization plan. The Foundation consists of the National Science Board of 24 members, and a Director, each appointed by the President with the advice and consent of the Senate. Other senior officials include a Deputy Director and five Assistant Directors.

The general functions of the National Science Foundation are to:

1. Initiate and support basic scientific research and programs to strengthen scientific research potential and programs at all levels; and to appraise the impact of research upon industrial development an the general welfare.

2. Award scholarships and graduate fellowships in the sciences.

3. Foster the interchange of scientific information among scientists in the United States and foreign countries.

4. Foster and support the development and use of computer and other scientific methods and technologies, primarily for research and education in the sciences.

5. Evaluate the status and needs of the various sciences and take into consideration the results of this evaluation in correlating its research and educational programs with other Federal and non-Federal programs.

6. Maintain a current register of scientific and technical personnel, and in other ways provide a central clearinghouse for the collection, interpretation, and analysis of data on scientific and technical resources in the United States.

7. Determine the total amount of Federal money received by universities, and appropriate nonprofit organizations for the conduct of scientific research, including both basic and applied but excluding development, and report annually thereon to the President and the Congress.

8. Initiate and support specific scientific activities in connection with matters relating to international cooperation, national security, and the effects of scientific applications upon society.

9. Initiate and support scientific research, including applied research, at academic and other nonprofit institutions and, at the direction of the President, support special applied research at other organizations.

10. Recommend and encourage the pursuit of national policies for the promotion of basic research and education in the sciences.

B. *Organization.* The Foundation is organized along functional and disciplinary lines corresponding to program support of science, engineering and science education.

National Science Board. The National Science Board consists of twenty-four members appointed by the President, by and with the advice and consent of the Senate, and of the Director ex officio. The Board exercises the authority granted it by the NSF Act, including establishing policies for carrying out the purposes of the Act.

Director. The Director of the National Science Foundation is appointed by the President, by and with the advice and consent of the Senate. The Director is the Chief Executive Officer of the Foundation. He serves as ex officio member of the National Science Board and as Chairman of its Executive Committee. The Director is responsible for the execution of the Foundation's programs in accordance with the NSF Act, and the powers and duties delegated to him by the Board; and for recommending policy considerations to the Board. By appointment of the President, the Director also serves as Science Adviser and as Chairman of the Federal Council for Science and Technology. The Director is assisted by a Deputy Director who is appointed by the President, by and with the advice and consent of the Senate.

C. *Activities of the Foundation.* The Activities of the Foundation are carried out by a number of Foundation components reporting to the Director through their respective senior officers:

Director, Science and Technology Policy Office. Responsible for providing cetral staff support to the Director in his role of Science Adviser and as Chairman of the Federal Council for Science and Technology (FCST). Responsible for matters of national civilian science technology policy, developing policy options for solution of national civilian problems, appraising effectiveness of Federal and National R&D efforts, interacting with the total science community on matters of science policy, and providing advice and assistance in furthering U.S. international science and technology objectives.

Director, Office of Energy R&D Policy. Responsible for providing the Director, in support of his role as Science Adviser to the President, an independent source of advice and analysis of energy research and development and other energy-related programs for use by the Executive Office of the President. Also responsible for assembling and mobilizing the wide range of information and advice in energy-related matters, and furnishing the Director with a capability to respond effectively to requests for policy analysis of energy issues.

Director, Office of National R&D Assessment. Responsible for providing an assessment capability, consonant with the expressed needs of Congress and the Executive Office of the President, to better understand R&D and innovation processes, the impact of science and technology on the various elements of the economy and on society, and the effects of Government policies and practices on technological innovation.

General Counsel. The General Counsel advises the Director and the National Science Board with respect to the substantive aspects of legislation and renders counsel and advice on policy and legal aspects of all phases of the Foundation's operations.

Director, Office of Government and Public Programs. The Office of Government and Public Programs is responsible for representing the Foundation, the Director, and his key associates in relationships with the Congress, State and local governments, various academic groups and professional societies, institutions and other NSF clientele, the communications media and the public. The Office is also responsible for administering a program to increase the public's understanding of science. This office is also responsible for coordinating NSF-related activities in preparation for America's Bicentennial celebration. This activity would focus upon the national and international role of science and technology, particularly as related to the future of the United States. The Office of Government and Public Programs carries out the above responsibilities through four major elements: the Congressional Liaison Office, the Public Understanding of Science Office, the Public Affairs Office, and the Publications Resource Office.

Director, Office of Planning and Resources Management. Responsible for the development, coordination and direction of programs, policies and systems in support of Foundation mission operations and the implementation of legislative and Executive requirements. This responsibility encompasses program planning, programming, and budgeting activities; the development of long-range planning estimates; and includes cognizance for functions associated with the appropriation and authorization process, and program evaluation and review.

Director, Equal Employment Opportunity Office. Provides agency-wide focus for equal employment activities in all areas of Foundation operations. Responsible for the administration of the NSF Equal Employment Opportunity Program, including the function of Coordinator for the Federal Women's Program and Opportunities for Spanish Speaking People.

Assistant Director for Research. The Assistant Director for Research is appointed by the President, by and with the advice and consent of the Senate. He serves as a principal advisor to the Director in the development of long-range plans, annual programs and on research policy as established under statutory and National Science Board authority and is responsible for developing and carrying out a program to accomplish the Foundation's research mission. One office and seven Divisions report to the Assistant Director for Research. Each Division is headed by a Division Director and is generally subdivided on a disciplinary and/or functional basis into Sections, and/or Programs.

Office of Energy-Related General Research. Responsible for coordinating the energy-related research sponsored by all Research Directorate Divisions. In addition, the Office serves as the focal point within the Directorate for coordinating program activities with other NSF directorates and Federal agencies.

Division of Biological and Medical Sciences. Responsible for supporting research in cellular biology, ecology and systematic biology, molecular biology, physiological processes, psychobiology and neurobiology. The Division is also responsible for providing support for specialized research facilities and equipment, for research workshops, symposia, and conferences, and for travel to international scientific meetings abroad.

Division of Engineering. Responsible for supporting research in Engineering Chemistry and Energetics, Mechanics (including civil and aeronautical engineering), Electrical Sciences and Analysis, and special areas such as bioengineering. The Division also provides support for specialized research equipment, and through its Research Initiation Grants provides support for young engineering faculty. In addition to its unstructured research programs, the Division supports a number of organized research programs on such topics as advanced automation, chemical process dynamics, optical communications, the planning and design of tall buildings, and wind engineering. The Division also provides support for travel to international scientific meetings abroad.

Division of Environmental Sciences. Responsible for supporting research in the atmospheric sciences, earth sciences, and oceanography; and for maintaining liaison with other Federal agencies and with the sector of the scientific community concerned with these fields. The Division also provides support for dissertation research; for travel to international scientific meetings abroad; and for specialized facilities and research equipment.

Division of Mathematical and Physical Sciences. Responsible for supporting research in the fields of Astronomy, Chemistry, Mathematical Sciences, and Physics. In addition, support is provided for university physics research facilities, chemistry research instruments, research facilities for astronomy and for travel to international scientific meetings abroad.

Division of Social Sciences. Responsible for supporting scientific research in the social sciences. The Division is also responsible for providing support for doctoral dissertation research and for travel to international scientific meetings abroad, as appropriate.

Division of Materials Research. Responsible for the support of research designed to extend and deepen our understanding of solids and liquids and to help discover ways to apply that understanding. Included is research in solid state physics, physical metallurgy, physical chemistry, ceramics, mechanics, and other areas of science and engineering necessary to improve basic understanding of materials and their engineering properties. This also includes research on the preparation, characterization, and understanding the properties of all classes of materials. The Division also provides support for travel to international scientific meetings abroad.

Division of Computer Research. Responsible for supporting research in computer science and engineering, advanced computer-based research techniques, and the impact of the computer on organizations and the individual. The Division also provides support for travel to international scientific meetings abroad.

Assistant Director for Education. The Assistant Director for Education is appointed by the President, by and with the advice and consent of the Senate. He serves as a principal advisor to the Director in the development of long-range plans, annual programs and on all science education policy as established under statutory and National Science Board authority. The Assistant Director for Education is responsible for the development, coordination, and direction of programs having three major objectives: improvement of education for professional careers in science and technology-based fields; the development of programs for the improvement of scientific literacy; and the development of programs for increasing the efficiency and effectiveness of educational processes. He is also responsible for institutional grants for science. One Office and three Divisions, three of which are organized by levels of education, report to the Assistant Director for Education. Each Division is headed by a Division Director and is further subdivided into Programs on a functional basis.

Office of Experimental Projects and Programs. Responsible for research and experimentation to discover new methods by which education in the sciences at all levels can be improved; responsible for the testing and evaluation of these new methods for the improvement of education in the sciences to determine their success and utility as Foundation program activities; and development and implementation of highly experimental activities to reform science instruction.

Division of Pre-College Education in Science. Responsible for developing and implementing means to improve science instruction from kindergarten through the twelfth grade; responsible for raising the level of the Nation's science literacy and for increasing the effectiveness and efficiency of the instructional process at the pre-college level.

Division of Higher Education in the Sciences. Responsible for developing and implementing means to improve science instruction at the post-secondary level, including post-secondary technician training and continuing education programs for career scientists and engineers; responsible for raising the level of the Nation's science literacy and for increasing the effectiveness and efficiency of the instructional process at the post-secondary level. This Division is also responsible for administering the institutional grants for science and the fellowship programs.

Division of Science Resources Studies. Responsible for the development of data and analyses dealing with the magnitude and utilization of the nation's resources for science and technology. Studies provide information on scientific and technical manpower, science education, scientific institutions, the funding of

research and development (R&D), the nature and interrelationship of different types of R&D activities, the economic impact of R&D, and related topics. Information is developed through sponsorship or conduct of recurring or periodic surveys and studies as well as through ad hoc studies carried out in response to special needs on the part of the Foundation or other Federal agencies or groups.

Assistant Director for National and International Programs. The Assistant Director for National and International Programs is appointed by the President, by and with the advice and consent of the Senate. He is responsible for the overall conduct of activities which involve management of large-scale scientific activities, and national programs and facilities, science information, and international programs. Additionally, he serves as a principal advisor to the Director in the development of long-range plans, annual programs, and national science policy for national and international programs. Seven Offices report to the Assistant Director for National and International Programs. Each Office is headed by an Office Head and is generally subdivided on a functional basis into Sections and/or Programs.

Office of Polar Programs. Responsible for developing and implementing an integrated U.S. program for Antarctica and for carrying out the Foundation's "lead agency" role in the extension of arctic research. The office promotes international scientific cooperation in the polar regions and maintains a clearinghouse of information on polar matters.

Office of International Programs. Administers the Foundation's Executive Agency responsibilities for bilateral research and exchange of scientists programs; supports effective U.S. scientific representation in international organizations; and has a coordination and oversight role concerning Foundation programs with international aspects, providing necessary guidance.

Office of National Centers and Facilities Operations. Responsible for the planning, coordination, and management of the Foundation's support of the National Research Centers: the National Center for Atmospheric Research, Boulder, Colorado; the National Astronomy and Ionosphere Center, Arecibo, Puerto Rico; the National Radio Astronomy Observatory, Green Bank, West Virginia; the Kitt Peak National Observatory, Tuscon, Arizona; and the Cerro Tololo Inter - American Observatory, Santiago, Chile. Coordinates and administers the Ocean Sediment Coring Program, under which the Deep Sea Drilling Project is managed. The office also facilitates national and international arrangements for the U.S. scientific effort related to total solar Eclipses and the Foundation's responsibilities on the part of the scientific community for radio frequency management.

Office of Science Information Service. Responsible for discharging the Foundation's mission to foster the interchange of scientific and technical information. The programs of this office are organized with focus on five priorities: research, economics of information transfer, user requirements, information systems, and national and international conditions.

Office for the International Decade of Ocean Exploration. Implements fulfillment of the Foundation's commitment as "lead agency" for the International Decade of Ocean Exploration (IDOE). This is accomplished by developing the U.S. contribution to the IDOE through research supported on major aspects of human interaction with the oceans through the Environmental Quality, Environmental Forecasting, Seated Assessment, and Living Resources Programs. The Office, through coordination within interagencyy and international mechanisms, ensures that the U.S. IDOE effort is identified with and is closely coupled to the Intergovernmental Oceanographic Commission's Long-Term and Expanded Program on Oceanic Exploration and Research.

Office for Oceanographic Facilities and Support. Responsible for planning, implementing, coordinating, and managing the support of operations, maintenance, and construction of ships and shore-based academic oceanographic facilities. The Office supports the University National Oceanographic Laboratory System and through it develops coordinated utilization and planning of oceanographic facilities operated by academic institutions.

Office for Climate Dynamics. Responsible for integrating a variety of climate research efforts and for developing from these efforts a balanced approach to the basic and applied problems of climate dynamics. Also responsible for providing support for research and coordinating the Foundation's efforts in international programs aimed at increasing understanding of the general circulation of the atmosphere and the physical basis of climate, including the Global Atmospheric Research Program (GARP).

Assistant Director for Research Applications. The Assistant Director for Research Applications is responsible for the Foundation's coordinated basic and applied research efforts focused on the solution of selected National problems. He is responsible for managing the research effort to respond to specific problems of national concern relating to energy, environmental and productivity for the assessment of new problem areas and the impact of technology on society and the environment; for experimenting in the development of incentives to innovation; and for strengthening the ability of State and local governments to utilize science and technology in meeting their problems. Additionally, he serves as principal advisor to the Director in the development of long-range plans, annual programs and national science policy for Research Applications. Three Divisions and six Offices report to the Assistant Director for Research Applications. This Directorate also operates a Western Projects Office responsible for improving the formulation and management of projects conducted under the Foundation's Research Applied to National Needs Program in the western United States.

Division of Advanced Productivity Research and Technology. Responsible for the support of research to provide technology and information necessary to increase performance and output in the public and private sectors and to identify the impacts of public policies on public and private sector productivity. The objectives of this research are to develop, test and assess alternative management techniques, organizational structures and technologies necessary to improve productivity in the public and private sectors.

Division of Advanced Environmental Research and Technology. Responsible for the support of research to provide greater understanding of how the Nation can most effectively manage and protect our environment, both natural and man-made. The objective of this research is to define the environmental problems caused by man and nature and evaluate the policy and management alternatives necessary to mitigate these problems. This research will enhance efforts to prevent environmental degradation by developing the appropriate technology for the maintenance and growth of resources and ecosystems while allowing an intelligent accommodation of man's activities.

Division of Advanced Energy Research and Technology. Responsible for the advanced research and technology programs in Solar Energy, Geothermal Energy, Energy Conversion, and storage, Energy Resources, Advanced Automotive Propulsion and Energy and Fuel Transportation. The objectives of this support program are to identify and investigate neglected or under-utilized technologies that have the potential for significant impact on the energy situation, and to contribute to the Nation's capability to produce, transport or store energy more efficiently, at less cost, or with minimal detriment to the environment.

Office of Intergovernmental Science and Research Utilization. Responsible for assisting State and local levels of government to develop organizational concepts and procedures, and planning and decision-making processes which will enhance the application of science and technology to governmental problems. Also, this Office serves as a scientific liaison between State and local governments and the Federal government. It is responsible for eliciting requirements from potential users of Research Applied to National Needs (RANN) research results and for assisting in the communication of those results to the users in both the public and private sectors.

Office of Exploratory Research and Problem Assessment. Responsible for the support of exploratory research projects to assess which national problems are amenable to solutions through the application of science and engineering capabilities. Also, this Office provides a continuous assessment of problems of society

and the environment through a series of systems-oriented studies, including all major NSF technology assessment functions.

Office of Programs and Resources. Responsible for aiding the Assistant Director in the management of personnel and financial resources, including planning, scheduling, budgeting, programming, analysis and reporting. Responsible for the development of management systems and procedures unique to the needs of the Research Applications Directorate. Also provides administrative services support for activities of the Directorate.

Office of Systems Integration and Analysis. Responsible for carrying out the overall systems integration and analysis functions which are essential for effective interdisciplinary research in the Research Applications Directorate program. Additionally this Office is responsible for the management of the Energy System Program.

Office of Public Technology Projects. Responsible for the management of major projects as they evolve from basic and applied research programs to the proof-of-concept experiment stage.

Office of Experimental R&D Incentives. Responsible for an experimental program to determine how the Federal Government can best provide incentives to improve and accelerate the application of results of new science and technology into the private and public service sectors of the economy; and to encourage increased investment in research and development from non-Federal sources.

Assistant Director for Administrative Operations. The Assistant Director for Administrative serves as the principal advisor to the Director on all administrative and general management activities of the National Science Foundation. This responsibility encompasses grants and contracts administration; analysis and audit activities; personnel management and employee-oriented programs; general administrative and logistic support functions; financial management systems and activities; and data management activities, including the development and implementation of a modern computer-based Management Information System for the entire Foundation. The organization consists of eight Offices: Health Service; Grants and Contracts Office; Audit Office; Management Analysis Office; Administrative Services Office; Financial Management Office; Personnel Office; and the Management Information Office.

INFORMATION FOR GUIDANCE OF THE PUBLIC

Inquiries and transaction of business. All inquiries, submittals or requests should be addressed to the National Science Foundation, Washington, D.C. 20550. A member of the public may call at the Foundation offices at 1800 G Street, NW., Washington, D.C., during normal business hours, which are 8:30 a.m. to 5 p.m., Monday through Friday. The statement of organization, set forth above, indicates the Offices with whom members of the public should deal on a particular matter. If an individual is not sure of which office to contact on a particular matter, he should forward his communication to the Foundation's mailing address, or he may, in person, visit the National Science Foundation, Public Affairs Office, Room 531, 1800 G Street, NW.

General method of functioning, procedures, forms, descriptions of programs. The Foundation accomplishes its mission primarily through the award of grants to universities, colleges, other nonprofit organizations, and to individuals as well as some profit-making organizations. In instances where NSF has a specially assigned mission, or where services are being procured, or for reasons of effecting management control, contracts are used rather than grants. The Foundation's general course and method of operations is to provide financial support for basic and applied research and education in the sciences in response to requests, applications and proposals submitted by the person or organization desiring support. In general, grants in support of scientific research or science education, and fellowship awards are made on a merit basis after a review process involving both the Foundation staff and qualified outside commentators acting individually or in review panels drawn from the scientific, educational, and industrial community and the public sector.

Pertinent NSF publications. The Foundation publishes a variety of booklets and other materials describing the programs of the Foundation and covering its procedures and the methods by which its functions are channeled. All publications and forms may be obtained by writing to or calling at the Foundation as indicated above. The following are key publications of the Foundation:

NSF Annual report. An annual presentation to the President for submission to the Congress highlighting the activities of the Foundation for the fiscal year. Accomplishments in each of the four basic program areas of research project support activities, national and international programs, research applications, and scientific education are reflected in a series of brief synopses illustrating and explaining recent undertakings and results which have been brought about through NSF grants. Other data relating to the Foundation staff, organization changes and appointments, financial report, patents, publications, research center contractors, and advisory committees and panels and their membership are also contained in the appendix.

Publications of the National Science Foundation. Provides a listing of issued NSF publications available to the public (annual reports, descriptive brochures and program announcements), with prices where copy costs apply.

Guide to Programs. Contains summary information about assistance support programs of the National Science Foundation and is intended as a source of general guidance to individuals interested in participating in these programs. Program listings describe the principal characteristics and basic purpose of each activity, eligibility requirements, closing dates (where applicable), and the address from which more detailed information, brochures, or application forms may be obtained.

Grants for Scientific Research. Provides basic guidelines and instructions directed specifically to the interests of investigators applying to the Foundation's program of scientific research project support and other closely related programs, such as the support of foreign travel, conferences, symposia and specialized research equipment and facilities. The contents indicate who may apply, when, where and what materials must be submitted. Additional information outlines the more detailed areas of how application data must be presented; and other various scientific areas for which NSF support funds may be granted and applied. Also provides information on the evaluation process concerning the merit review of proposals for support.

Guidelines for preparation of unsolicited proposals to research applied to National needs. Provides specific guidance and criteria in preparing unsolicited proposals for funding consideration by the Research Applications Directorate. These guidelines provide instructions in synthesizing a submission in accordance with the requirements of the Directorate and for use in evaluating the proposal's potential and relevance to National needs.

NSF Grant administration manual. A compendium of basic NSF grant administration policies and procedures which are generally applicable to most types of NSF grants, to most categories of recipients. Included are fiscal regulations regarding the use and expenditure reporting of NSF granted funds, and other specific administrative procedures and policies.

Science indicators, 1972. The Fifth Annual Report of the National Science Board, presents the first results of a newly initiated effort to develop indicators of the state of the science enterprise in the United States. These indicators contribute to the measurement and monitoring of U.S. Science—to identify its strengths and difficulties, and to chart its changing course. The indicators in this report deal principally with resources devoted to research and development, coupled with selected measures of the outputs produced from these resources. The indicators range from measures of basic research activity and industrial R&D, through indices of scientific and engineering personnel and institutional capabilities, to the U.S. balance of trade in high technology products and the general public's attitudes toward science and technology.

Individual program announcements. Detailed program publications are issued by individual program areas of the Foundation, announcing and describing award programs and containing critical

dates and application procedures for competitions. Examples: Program Solicitation—Research Applied to National Needs; Guide for Preparation of Proposals—Instructional Improvement Implementation; Guide to the Preparation of Proposals—International Decade of Ocean Exploration.

Important notices. Important notices are the primary means of general communication by the Director, NSF, with organizations receiving or eligible for NSF support. These notices convey important announcements of NSF policies and procedures or deal with other subjects determined to be of interest to the academic community and to other selected audiences.

NSF organization and functions manual. Describes in chart and narrative form the approved organizational structure of the Foundation and the functions and responsibilities of each major component.

Internal directives. The Foundation also maintains a system of internal issuances for communication within the agency on matters of policy, procedures, and general information. These internal directives are issued to establish organizations, define missions set objectives, assign responsibilities, delegate or limit authorities, establish program guidelines and delineate basic requirements affecting activities of the Foundation.

Staff memoranda. These are issuances reserved for use by the Director and the Deputy Director, for communication with the staff on subjects of their choice.

Circulars. A series of issuances to communicate agency policies, regulations, and procedures of a continuing nature.

Manuals. Developed to implement detailed information on operating procedures, requirements and criteria.

Bulletins. Issuances to communicate urgent information concerning changes to policy or procedure prior to their incorporation into a circular or manual, and to communicate information that is pertinent generally for a period of less than one year.

Availability of information. Persons desiring to obtain a Foundation record, statement of policy, or similar document which is legally available to the public should write to or call at the Foundation as described above. Records or documents will be made available for inspection or copying according to the terms of the current Foundation rules on this subject, (and upon payment of charges as prescribed therein), which may be obtained by writing to or calling at the Foundation as described above. The Foundation's substantive rules are published in Titles 41 and 45 of the Code of Federal Regulations.

SOURCES OF INFORMATION

Grants. Individuals or organizations who plan to submit grant proposals should refer to the NSF Guide to Programs and appropriate program brochures and announcements which may be obtained by writing to or calling at the Foundation.

Contracts. The Foundation publicizes contracting and subcontracting opportunities in the Commerce Business Daily and other appropriate publications. Organizations seeking to undertake contract work for the Foundation may contact the Contracts Branch, Grants and Contracts Office, Room 630. Phone (202) 632–5872.

Committee minutes. Summary minutes of open meetings of Foundation advisory groups may be obtained from the Management Analysis Office, 1800 G Street, NW., Washington, D.C. 20550.

Reading room. Persons who wish to inspect or copy records should contact the NSF Public Affairs Office, Room 531. Phone (202) 632–5728.

Employment. Inquiries may be directed to the National Science Foundation, Personnel Office, Room 212, 1800 G Street, NW., Washington, D.C. 20550. Junior colleges interested in the recruitment program for secretaries should contact the Personnel Office at the address indicated.

Dated: December 12, 1974.

ELDON D. TAYLOR,
Assistant Director for Administrative Operations, National Science Foundation.

[FR Doc.74–29477 Filed 12–17–74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[34–11131; File No. 4–173]

CENTRAL MARKET SYSTEM

Request for Comments

At the request of its Advisory Committee on the Implementation of a Central Market System (the "Committee"), the Securities and Exchange Commission today published for public comment the Committee's "Preliminary Statement of Characteristics and Principles of the Central Market System."

The Commission wishes to note that the views expressed in this preliminary statement are those of the Committee and that the Commission is simply making available its facilities to assist the Committee in soliciting public comment.

Dated: December 11, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

ADVISORY COMMITTEE ON THE IMPLEMENTATION OF A CENTRAL MARKET SYSTEM TO THE SECURITIES AND EXCHANGE COMMISSION

PRELIMINARY STATEMENT OF CHARACTERISTICS AND PRINCIPLES OF THE CENTRAL MARKET SYSTEM

I. Introduction. As the first step in carrying out its charge to recommend approaches for ". . . implementing proposals for a Central Market System and insuring that such a system will meet the future needs of this country's capital markets, consistent with the public interest and the protection of investors",[1] the Advisory Committee on the Implementation of a Central Market System to the Securities and Exchange Commission ("the Committee") is developing its views on the objectives, characteristics and critical operating principles of the Central Market System. To allow interested parties an opportunity to comment on this work, the Committee is publishing at this time its preliminary views on the overall objectives and characteristics of the System and the rules under which certain participants, primarily specialists and other market-makers, would be required to operate. Additional rules concerning the operation of brokers and agents are currently under consideration.

In reviewing this material, three points should be kept in mind. First, in designing the Central Market System, the Committee assumes that the identity and role of the participants in the capital markets of the future generally will be similar to what they have been in the past. However, some existing trends suggest this may not be true. For example, public participation in the markets has steadily eroded over the past several years and there appears to have been a greater concentration of holdings under the management of a relatively small number of institutions. Too great a concentration of investment decision centers may ultimately be both incompatible with an auction market and not in the public interest. This statement does not deal with this concern; however, the Committee expects to address itself to this as well as other issues of possible major economic impact on the future of the Central Market System.

Second, the Committee has as not yet addressed itself in depth to either the governance or the cost of implementation of the Central Market System, but intends to do so. The Committee is fully aware of the difficult economic environment in which the securities industry is presently operating, as well as the uncertainties as to its future, and will bear these in mind in reaching its final conclusions.

Third, in its initial discussions the Committee has focused on development of a plan for an ultimate system without being hampered by the pragmatic considerations of technology and hardware. In recognition of these considerations, the Committee will also suggest a phased program for implementing the Central Market System, reflecting the constraints of cost and technology.

The members of the Committee wish to emphasize that they are not in unanimous agreement on many of the views expressed in this statement and that they have not reached final conclusions on most of these matters. The Committee welcomes comments on its proposals and requests that written comments be submitted prior to February 1, 1975 to Andrew P. Steffan, Executive Secretary of the Advisory Committee on the Implementation of a Central Market System, Securities and Exchange Commission, Washington, D.C. 20549. Since the Committee wishes to consider these comments during its meetings on January 9th and 10th (Washington, D.C.) and February 6th and 7th (Los Angeles), comments should be supplied as soon as possible. Copies of all comments will be made available for examination at the Commission's Office of Public Reference, File No. 4–173.

Although the Committee does not plan to hold hearings, it will consider the possibility of providing time for oral presentations by those persons who have submitted written comments. Those interested in making oral presentations should notify the Executive Secretary.

II. The objectives and basic characteristics of the Central Market System. Our capital markets play an essential role in the national economy by allocating one of our most precious resources—investment capital. To insure efficient allocation and continuing

[1] Preamble to the Charter of the Advisory Committee on the Implementation of a Central Market System to the Securities and Exchange Commission.

availability of increasing quantities of investment capital, it is important that the markets value each security in a manner which reflects an accurate appraisal of overall supply and demand, affected as little as possible by temporary fluctuations therein. By linking together and facilitating effective competition among all market centers, the central market system should improve this valuation process.

Auction market principles must be preserved if the central market system is to achieve its objectives, since an auction market provides maximum interactive competition among buyers and sellers and the most effective and economic manner in which buyers and sellers can meet. This will be accomplished partly by building the system on the mechanisms developed by the various stock exchanges to provide the present auction markets. These mechanisms are operated through specialist-dealers and agent-brokers, the functions of which must be maintained to assure the effectiveness of the central market system. However, certain over-the-counter dealers have also played a role in the markets for listed securities, and the system will provide adequate opportunity and incentive for these dealers to participate.

The Central Market System shall be based on the following characteristics and principles:

(1) The best bid and offer, with size, of each specialist and other qualified market-maker shall be available to all members of the system at all times.

(2) There shall be maximum opportunity to improve on and displace the best bid and offer at all times.

(3) There shall be an opportunity for public customers to meet through brokers at the best execution price without a dealer necessarily participating in the process.

(4) Transactions for retail/individual customers shall be handled on an equitable basis with those for institutions.

(5) All orders at a given price shall be executed on a time sequence basis, subject to public order preference.

(6) All transactions in qualified listed securities shall pass through the Central Market System.

(7) All qualified broker-dealers shall be permitted to become members of the system and have economic access to all specialists and other qualified market-makers.

(8) All member broker-dealers shall have an affirmative obligation to execute orders at the best possible price.

(9) All participants shall be subject to equitable regulation and prescribed capital requirements.

III. Operating principles affecting specialists and other market-makers. The Central Market System will provide for the registration of specialists and other market-makers.

Specialists will be registered with an exchange to deal in specific securities allocated by the exchange, while market-makers will be registered with the Central Market System and may deal in any security in accordance with CMS regulations.

There will be no more than one specialist in a given security at each exchange location. It is expected that there will be competition among specialists and other market-makers dealing in the same securities.

Specific obligations of specialists and other market-makers are set forth below.

A. Net capital. All exchange specialists and over-the-counter market-makers shall be required to maintain minimum net capital of $100,000 at all times.

Net capital shall be defined broadly as the excess of assets over liabilities, subject to certain adjustments. These adjustments shall include:

(1) The elimination of fixed assets and assets not readily convertible into cash;

(2) The deduction (haircuts) of:

(a) 15% of the market value of the greater of the long or short positions in common stocks, and

(b) 30% of the amount by which the aggregate market value of the lesser of the long or short positions exceeds 25% of the market value of the greater of the long or short positions; and

(3) An undue concentration charge equal to 15% of the amount by which each long or short position exceeds 10% of net capital before haircuts.

NOTE: The Committee proposes that all the provisions of the "Alternative Net Capital Requirements" contained in proposed S.E.C. Rule 15c3-1 (Securities Exchange Act Release No. 11094, November 11, 1974, 39 FR 41540) apply to specialists and other market-makers in the Central Market System. This section simply highlights some of the more important provisions for specialists and other market-makers.

B. Market continuity. All specialists and other market-makers entering quotations in the Central Market System shall be required to make bona-fide two-sided markets, firm for one unit of trading; and in the event that they entered a bid or ask quotation in the system showing a size larger than one unit, they must make it good for the amount shown. However markets could be changed without a transaction being effected. Specialists and other market-makers must make a reasonable market (to be defined) in those stocks which they enter into the system for a period of one year; and if they drop out without cause, they would not be permitted to enter a quotation in that stock for a period of six months.

C. Public preference. All public orders entered as limit orders into the system shall take precedence over bids and offers by specialists or other market-makers, who shall not effect transactions for their own accounts before existing limit orders at the same or better prices are serviced. Priority for public limit orders at the same price shall be determined by the time of entry. In the event of a transaction at a price away from the market, all public limit orders at intervening prices shall be executed at the same price as the transaction.

Public orders are defined as those entered by any individuals or institutions, except broker-dealers, who must enter orders in the Central Market System through a member of the system.

Nothing in the above shall prevent anyone, including a specialist or other market-maker, from displacing the best bid or offer at any time.

D. Treatment of limit orders. Each specialist may maintain his own book of limit orders. When a transaction in the market results in execution of a limit order, the specialist will receive the floor brokerage associated with that limit order. All specialists' books shall be linked electronically and all transactions in the system shall clear all books.

Other market-makers shall be permitted to enter limit orders in the System only through specialists. Any member of the System may choose to hold limit orders instead of entering them through a specialist, but these orders will not be automatically executed when a transaction clears the books.

Each specialist shall have the right to inquire as to price and size of orders on all specialists' books and any member of the System wishing to effect a transaction at a price away from the market shall have the right to inquire of any specialist as to how much of the order would be lost to the books.

E. Limitations on trading. Specialists shall be prohibited from accepting orders for the purchase or sale of any stock in which they are registered as specialists directly (1) from the company issuing such stock; (2) from any officer, director or 10 percent stockholders of that company; (3) from any pension or profit-sharing fund; (4) from any institution, such as a bank, trust company, insurance company, or investment company. Other market-makers shall be permitted to deal for their own accounts with any customer.

Specialists and other market-makers are permitted to trade between and among each other, subject to the auction process.

F. Allocation of securities to dealers. Any exchange approving a security for listing shall allocate or assign to a specialist the responsibility to maintain a continuous, fair and orderly market in that security.

Other market-makers shall not be assigned responsibility for dealing in any security.

G. Affirmative obligations. All specialists and other market-makers will be subject to rules designed to insure they are maintaining continuous, fair and orderly markets. Rules to implement this principle will be developed subsequently.

[FR Doc.74-29452 Filed 12-17-74;8:45 am]

[File No. 500-1]

BBI, INC.

Suspension of Trading

DECEMBER 4, 1974.

The common stock of BBI, Inc., being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securites Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from December 5, 1974 through December 14, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-29450 Filed 12-17-74;8:45 am]

[Rel. No. 18709; 70-5501]

CONSOLIDATED NATURAL GAS CO. ET AL.

Post-Effective Amendment Regarding Proposed Intrasystem Financing

DECEMBER 11, 1974.

In the matter of Consolidated Natural Gas Company, 30 Rockefeller Plaza, New York, New York 10020; CNG Development Co., Ltd.; CNG Producing Co.; Consolidated Natural Gas Service Co., Inc.; Consolidated System LNG Co.; Consolidated Gas Supply Corp.; The East Ohio Gas Co.; The Peoples Natural Gas Co.; The River Gas Co.; West Ohio Gas Co.

Notice is hereby given that Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and its above-named subsidiary companies have filed with this Commission a second post-effective amendment to the application-declaration in this proceeding pursuant to sections 6(a), 7, 9(a), 10, and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 promulgated thereunder regarding the following proposed transactions. All interested persons are referred to the application-declaration, as now amended, which is summarized below, for a complete statement of the proposed transactions.

By orders in this proceeding dated June 20, 1974, and October 24, 1974 (HCAR Nos. 18466 and 18627), the Commission authorized Consolidated and its subsidiaries to engage in various security transactions in connection with the system's financing program for 1974. Increased financing is now proposed as described below.

CNG Producing Company ("Producing Company") now proposes to issue and sell, and Consolidated proposes to acquire at the par value thereof, an additional 30,750 shares of Producing Company's common stock, $100 par value. The proceeds will be used by Producing Company to reimburse Consolidated for $3,075,000 of advances made to enable Producing Company to pay its obligation resulting from its participation in group bids on leases offered by the U.S. Department of the Interior on acreage in the Gulf of Mexico. In order to accommodate the transactions in this proceeding and to have additional authorized shares available for future financing transactions, Producing Company proposes to amend its certificate of incorporation, which presently authorizes 150,000 shares of common stock, $100 par value, to provide for an authorization of 1,250,000 shares of such stock.

Consolidated also proposes to make open account advances up to an aggregate of $2,000,000 to Producing Company from time to time until May 31, 1975, to provide funds for working capital through said date. Such advances will be repaid on or before December 31, 1975, and will bear interest at substantially the same effective rate as the related commercial paper or bank borrowings of Consolidated.

CNG Development Company Ltd. ("Development Company") proposes to issue and sell, and Consolidated proposes to acquire at $100 par value (Canadian), such number of shares (not exceeding 7,000) of Development Company stock as shall, together with the 3,000 shares previously authorized in this proceeding, equal $1,000,000 (U.S.) on the date of issuance. The proceeds will be used to repay an advance by Consolidated to Development Company of $1,000,000 (U.S.) to enable it to meet unanticipated obligations in its Canadian operations.

It is also stated that because Development Company presently has limited cash flow, it will need funds for working capital requirements through May 31, 1975, and that, therefore, Consolidated proposes to make open account advances, without interest, from time to time through May 31, 1975, up to an aggregate of $2,000,000 (U.S.). Such advances will be repaid on or before December 31, 1975.

In its order of June 20, 1974, the Commission authorized Consolidated System LNG Company ("LNG Company") to sell 165,000 shares of its common stock, $100 par value, and $15,100,000 of long-term notes and Consolidated to acquire such shares and notes during 1974. It now appears that LNG Company will not require all of such financing during 1974 but will require part of it during the early months of 1975. Therefore, it is now proposed that the authorization contained in said order of June 20, 1974, be extended from December 31, 1974, to May 31, 1975. Additionally, in order to finance further capital expenditures of LNG Company through May 31, 1975, the following transactions are also proposed: (a) the issuance and sale by LNG Company of a maximum of 140,000 shares of its common stock, $100 par value, and the purchase thereof by Consolidated and (b) open account advances by Consolidated to LNG Company of amounts aggregating not more than $12,000,000, such open account advances to bear interest at the prime commercial rate of interest at The Chase Manhattan Bank, N.A., in effect from time to time, until such time as they are converted to long-term debt. Such conversion will be the subject of a future filing. Finally, LNG Company proposes to amend its Certificate of Incorporation to provide for 750,000 shares of authorized stock to accommodate the additional financing sought herein and to have additional authorized shares available for future transactions.

The Rule 24 certificates of notification with respect to the proposed transactions are to be filed on a quarterly basis. No State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Expenses to be incurred in connection with the proposed transactions are estimated not to exceed $750 and are to be paid by Consolidated.

Notice is further given that any interested person may, not later than January 2, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulation promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-29454 Filed 12-17-74;8:45 am]

[Rel. No. 8613; 811-44]

THE DOMINICK FUND, INC.

Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

DECEMBER 11, 1974.

Notice is hereby given that The Dominick Fund, Inc., 55 Water Street, New York, New York 10041 ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as a diversified, closed-end, management investment company, filed an application on November 29, 1974, pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was incorporated in 1929 under the laws of the State of Delaware as National Bond and Share Corporation and registered under the Act in 1941. Applicant assumed its present name in 1959.

The application states that at a Special Meeting of Stockholders of Applicant held on October 3, 1974, a resolution was adopted approving (1) an agreement and plan of reorganization, dated July 20, 1974 ("Agreement"), which provided, among other things, for the acquisition of substantially all the assets of Applicant by Putnam Investors Fund, Inc. ("Putnam Investors"), an open-end, diversified, management investment company registered under the Act, in exchange for common stock of Putnam Investors, and (2) the subsequent dissolution of Applicant.

On October 7, 1974, the exchange contemplated by the Agreement was consummated and the common stock of Putnam Investors issued in connection therewith has been distributed to Applicant's stockholders. Pursuant to the Agreement, Applicant retained assets estimated by it to be sufficient to pay its liabilities and costs of liquidation. Any such assets still in Applicant's possession been paid will be acquired, not later

after all such liabilities and costs have than December 31, 1975, by Putnam Investors in exchange for additional common stock of Putnam Investors. Any such common stock will be distributed to Applicant's former stockholders.

Applicant represents that it is not engaged in any investment company activity nor does it propose to engage in any investment company activity. The Certificate of Dissolution of Applicant was filed in the office of the Secretary of State of the State of Delaware on November 6, 1974.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than January 6, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–89446 Filed 12–17–74;8:45 am]

[File No. 500–1]

GREATER WASHINGTON INVESTORS, INC.

Suspension of Trading

DECEMBER 6, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Greater Washington Investors, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from December 7, 1974 through December 16, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–29448 Filed 12–17–74;8:45 am]

[Rel. No. 18708; 70–5597]

THE HARTFORD ELECTRIC LIGHT CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds

DECEMBER 12, 1974.

Notice is hereby given that The Hartford Electric Light Company, 176 Cumberland Avenue, Wethersfield, Connecticut 06109 ("HELCO"), an electric and gas utility subsidiary of Northeast Utilities ("Northeast"), a registered holding company, has filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a more complete statement of the proposed transaction.

HELCO proposes to issue and sell for the best price obtainable, at competitive bidding, up to $25,000,000 principal amount of its % First Mortgage Bonds, 1975 Series "Bonds"). HELCO will fix the principal amount of the Bonds to be issued by amendment filed with the Commission prior to the application-declaration becoming effective. HELCO will designate, by telegraphic or written notice (not less than 72 hours prior to the time designated for the presentation of bids) to the representatives of the bidding groups the maturity of the Bonds, which maturity shall be a date of not less than five nor more than thirty years from the first day of January, 1975. The interest rate (which shall be a multiple of ⅛ of 1%) and the price, exclusive of accrued interest, to be paid to HELCO (which shall not be less than 99% nor more than 102.75% of the principal amount thereof) will be determined by the competitive bidding. HELCO will publicly invite written proposals for the purchase of the Bonds at least six days prior to entering into any contract or agreement for their sale.

The Bonds will be issued under the First Mortgage Indenture and Deed of Trust dated as of January 1, 1958, between HELCO and The First National Bank of Boston, Successor Trustee, as heretofore supplemented and amended by various indentures supplemental thereto, and as to be further supplemented by a Fourteenth Supplemental Mortgage Indenture to be dated as of January 1, 1975, setting out the terms of the Bonds. The terms shall include a provision that no Bond shall be redeemed at the applicable general redemption price prior to January 1, 1980, if such redemption is for the purpose of or in anticipation of refunding such Bond through the use, directly or indirectly, of funds borrowed by HELCO at an effective interest cost to HELCO of less than the effective interest cost to HELCO of the Bonds.

The net proceeds from the issue and sale of the Bonds will be used to repay a portion of HELCO's short-term borrowings estimated to total $61,000,000 at the time of such sale. Such short-term borrowings, together with a capital contribution of $5,000,000 which Northeast made to HELCO in April, 1974, and the proceeds of the sale by HELCO in April, 1974 of $30,000,000 of First Mortgage Bonds, 1974 Series, and 300,000 shares of Preferred Stock, 1974 Series, were applied to finance HELCO's construction program.

HELCO's 1974–1975 construction program is expected to total about $135,500,000 ($70,600,000 in 1974 and $64,900,000 in 1975). HELCO estimates that it will require an additional $39,000,000 of funds from external sources to complete its 1975 construction program. It expects to obtain such funds temporarily through short-term borrowings. Additional long-term financing (first mortgage bonds or preferred stock, or both) will be undertaken by HELCO in 1975, although the nature, amount and timing of such financing has not been determined. In addition, Northeast may make a capital contribution to HELCO in 1975.

A statement of the fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment. It is stated that the Connecticut Public Utilities Commission must approve the proposed transaction, but that no other State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than January 6, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be

granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-29453 Filed 12-17-74;8:45 am]

[File No. 500-1]

I-T-E IMPERIAL CORP.

Suspension of Trading

DECEMBER 4, 1974.

The common stock of I-T-E Imperial Corp. being traded on the New York and Pacific Stock Exchanges and the preferred 4.6% cumulative being traded on the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of I-T-E Imperial Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above-mentioned exchanges and otherwise than on a national securities exchange is suspended, for the period from December 5, 1974 through December 14, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-29451 Filed 12-17-74;8:45 am]

[File No. 500-1]

NICOA CORP.

Suspension of Trading

DECEMBER 4, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Nicoa Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from December 5, 1974 through December 14, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-29449 Filed 12-17-74;8:45 am]

[Rel. No. 18711; 70-5590]

OHIO EDISON CO.

Proposed Amendment of Articles of Incorporation, Issue of First Mortgage Bonds; Order Authorizing Solicitation of Shareholders' Proxies

DECEMBER 11, 1974.

Notice is hereby given that Ohio Edison Company (47 North Main Street, Akron, Ohio 44308) ("Ohio Edison"), a registered holding company and an electric public utility company, has filed an application-declaration, and an amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(a), 7, and 12(e) of the Act and Rules 42, 50, 62 and 65 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

Ohio Edison proposes a series of transactions involving the proposed issuance and sale of a new series of preferred stock, the issuance of first mortgage bonds for sinking fund purposes and a proposed amendment to Ohio Edison's Articles of Incorporation ("charter"). As initial steps, Ohio Edison proposes the issuance of first mortgage bonds for sinking fund purposes and to amend the FOURTH Article of its charter to grant Ohio Edison's Board of Directors the authority to fix and establish a sinking fund for new series of Ohio Edison preferred stock.

The charter amendment would permit the Board of Directors to fix the purchase and/or redemption price of shares of a new series of preferred stock to be subject to a sinking fund. Sinking fund obligations would not be met under the charter provision if there is an arrearage on preferred dividends of any series, subject to the requirements of the Act.

The proposed amendment of the charter will be submitted for consideration and vote at a special meeting of shareholders expected to be held on or about January 13, 1975. Ohio Edison proposes to solicit, or engage a proxy solicitation firm to solicit, proxies from the holders of its outstanding preferred and common stock in connection with the vote to be taken at that special meeting.

Ohio Edison also proposes to issue on or about May 1, 1975, and November 1, 1975, a total of $10,906,000 principal amount of its First Mortgage Bonds, 3¼% Series of 1955 due 1985 ("bonds"). The bonds will be issued under the indenture of Ohio Edison to Bankers Trust Company, as Trustee, as amended and supplemented. The bonds are to be of the series provided for by the Twelfth Supplemental Indenture dated as of May 1, 1955, and will be identical with those authorized by the Commission on August 12, 1974 (Holding Company Act Release No. 18530).

Ohio Edison proposes to use the bonds solely to obtain the inclusion in its general funds of the sinking fund payments on deposit and required to be made during 1975. It is proposed that the bonds will be issued on the basis of unfunded property additions.

Fees and expenses to be incurred in connection with the proposed (1) amendment of the Articles of Incorporation are estimated at $63,575, including legal fees of $5,000; (2) bond issuance are estimated at $1,600. It is stated that the Public Utilities Commission of Ohio has jurisdiction over the proposed issue and sale of the bonds, and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than January 10, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulation promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing to the Commission that the application-declaration, as amended, insofar as it proposes the solicitation of proxies from Ohio Edison's common and preferred stockholders, should be granted and permitted to become effective forthwith pursuant to Rule 62:

It is ordered, That the application-declaration regarding the proposed solicitation of proxies from Ohio Edison's common and preferred stockholders be, and it hereby is, granted and permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and

conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-29455 Filed 12-17-74;8:45 am]

[Rel. No. 18710; 70-5591]

PENNSYLVANIA POWER CO.

Proposed Amendment of Articles of Incorporation; Order Authorizing Solicitation of Proxies

DECEMBER 11, 1974.

Notice is hereby given that Pennsylvania Power Company (1 East Washington Street, New Castle, Pennsylvania 16103) ("Pennsylvania"), an electric utility subsidiary company of Ohio Edison Company, a registered holding company, has filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 12(c) and 12(e) of the Act and Rules 42, 50, 62 and 65 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Pennsylvania proposes a series of transactions involving the proposed issuance and sale of a new series of preferred stock and a proposed amendment to Pennsylvania's Agreement of Merger and Consolidation ("charter"). As an initial step, Pennsylvania proposes to amend Article IV of its charter to grant Pennsylvania's Board of Directors the authority to fix and establish a sinking fund for new series of Pennsylvania preferred stock. The charter amendment would permit the Board of Directors, subject to the requirements of the Act, to fix the purchase and/or redemption price of shares of a series to be subject to a sinking fund. Sinking fund obligations would not be met under the charter provision if there is an arrearage on preferred dividends of any series.

Pennsylvania proposes to submit the proposed amendment for consideration and vote at a special meeting of stockholders expected to be held on or about January 13, 1975. In connection with the proposed meeting, Pennsylvania proposes to solicit proxies, or to engage a proxy solicitation firm to solicit proxies, from the holders of its outstanding preferred stock. Ratification of the proposed amendment requires the affirmative favorable vote of at least 66⅔% of Pennsylvania's outstanding 339,049 shares of preferred stock. Ratification also requires the favorable vote of Pennsylvania's common stock, all of which is owned by Ohio Edison Company. Ohio Edison Company has advised Pennsylvania that it intends to vote all Pennsylvania's common shares in favor of the proposed amendment.

Fees and expenses to be incurred in connection with the proposed amendment to the charter are estimated at $13,900, including attorney's fees of $5,000. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed charter amendment.

Notice is further given that any interested person may, not later than January 10, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issue of fact or law raised by said application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing to the Commission that the application-declaration, insofar as it proposes the solicitation of proxies from Pennsylvania's preferred stockholders, should be permitted to become effective forthwith pursuant to Rule 62:

It is Ordered, That the application-declaration regarding the proposed solicitation of proxies from Pennsylvania's preferred stockholders be, and it hereby is, granted and permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-29456 Filed 12-17-74;8:45 am]

[File No. 500-1]

ZENITH DEVELOPMENT CORP.

Suspension of Trading

DECEMBER 6, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Zenith Development Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from December 8, 1974 through December 17, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-29447 Filed 12-17-74;8:45 am]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

Committee Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, January 9, 1975
Thursday, January 16, 1975
Thursday, January 23, 1975
Thursday, January 30, 1975

The meetings will convene at 10 a.m. and will be held in Room 5A06A, Civil Service Commission Building, 1900 E Street, NW., Washington, D.C.

The committee's primary responsibility is to study the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At these scheduled meetings, the committee will consider proposed plans for implementation of Public Law 92-392, which law establishes pay systems for Federal prevailing rate employees.

The meetings will be closed to the public on the basis of a determination under section 10(d) of the Federal Advisory Committee Act (Public Law 92-463) and 5 U.S.C., section 552(b)(2), that the closing is necessary in order to provide the members with the opportunity to advance proposals and counter-proposals in meaningful debate on issues related solely to the Federal Wage System with the view toward ultimately formulating advisory policy recommendations for the consideration of the Civil Service Commission.

However, members of the public who wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Federal Prevailing Rate Advisory Committee, Room 5451, 1900 E Street, NW., Washington, D.C. 20415.

Dated: December 13, 1974.

DAVID T. ROADLEY,
Chairman, Federal Prevailing Rate Advisory Committee.

[FR Doc.74-29460 Filed 12-17-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

Office of Hearings

[Notice No. 656]

ASSIGNMENT OF HEARINGS

DECEMBER 13, 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 December 18, 1974.

MC 59367 Sub 89, Decker Truck Line, Inc., now being assigned February 19, 1975 (3 days), at Milwaukee, Wis., in a hearing room to be later designated.

MC-F-12257, International Carriers, Inc.—Purchase—Motor Dispatch, Inc., now being assigned February 24, 1975 (1 week), at Chicago, Ill., in a hearing room to be later designated.

I&S M 28009, Increased Fares, Between New York, N.Y., and New Jersey, now assigned January 13, 1975, at New York, N.Y., will be held in Court Room A238, Court of Claims, 26 Federal Plaza.

FF-C-54, Rea Express, Inc. V. Shulman Air Freight, Inc., now assigned January 16, 1975, at New York, N.Y., will be held in Court Room A238, Court of Claims, 26 Federal Plaza.

MC 123407 Sub 176, Sawyer Transport, Inc., now being assigned March 4, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 135185 Sub 19, Columbine Carriers, Inc., now being assigned March 5, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 135898 Sub 3, William Mirer, D.b.a. Mirer's Trucking Co., now being assigned March 11, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 123408 Sub 308, Diamond Transportation System, Inc., now being assigned March 12, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 119493 Sub 110, Monkem Co., Inc., now assigned January 16, 1975, at Chicago, Ill., is postponed indefinitely.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-29474 Filed 12-17-74;8:45 am]

FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

DECEMBER 13, 1974.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 55348, filed November 26, 1974. Applicant: MERRILL E. WOLKINS, doing business as CALIFORNIA MAIL DELIVERY SERVICE, 980 Brannon Street, San Francisco, Calif. 94107. Applicant's representative: Raymond A. Greene, Jr., 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General Commodities*, except as hereinafter provided: Part I.: (1) Between all points and places in the San Francisco Territory as described in Part II; (2) Between all points and places on or within 10 lateral miles of the following routes: (a) Interstate Highway 80 between San Francisco and Sacramento, inclusive; (b) State Highway 4 between its junction with Interstate Highway 80 near Pinole, and Stockton, inclusive; (c) Interstate Highway 580 between its intersection with State Highway 17 and its intersection with Interstate Highway 5, inclusive; (d) Interstate Highway 5 between its intersection with State Highway 4 at Stockton and its intersection with State Highway 198, inclusive; (e) State Highway 120 between its intersection with Interstate Highway 5 and its intersection with State Highway 99, inclusive; (f) State Highway 198 between its intersection with Interstate Highway 5 and its intersection with State Highway 99 near Visalia, inclusive; (g) State Highway 99 between Sacramento and Tulare, inclusive; (h) State Highway 152 between its intersection with Interstate Highway 5 and its intersection with State Highway 99, inclusive.

(i) State Highway 33 between its intersection with State Highway 152 at the Dos Palos Wye and its intersection with Interstate Highway 5, via Firebaugh, inclusive; (j) State Highway 180 between its intersection with State Highway 33 and its intersection with State Highway 99, inclusive; and (k) State Highway 140 between its intersection with Interstate Highway 5 and State Highway 99, inclusive; (l) U.S. Highway 101 between its intersection with Tully Road at San Jose and Salinas; (m) State Highway 17 between its intersection with Los Gatos-San Jose Road at Los Gatos and its intersection with State Highway 1 at Santa Cruz, inclusive; (n) State Highway 1 between its intersection with State Highway 17 at Santa Cruz and its intersection with State Highway 68 at Monterey, inclusive; (o) State Highway 156 West from its intersection with State Highway 1 at Castroville to its intersection with U.S. Highway 101, inclusive; (p) State Highway 68 between its intersection with State Highway 1 at Monterey and its intersection with U.S. Highway 101 at Salinas, inclusive; (q) State Highway 152 between its intersection with U.S. Highway 101 at Gilroy and its intersection with State Highway 1 at Watsonville, inclusive. In performing the service herein authorized, applicant may make use of any and all streets, roads, highways, and bridges necessary or convenient for the performance of said service.

Part II: San Francisco Territory includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs, northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive; Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to Berkeley-Oakland boundary line.

Northerly along said boundary line to the campus boundary of the University

of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue, northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning. Except that pursuant to the authority herein granted carrier shall not transport any shipments of: (1) Used household goods, personal effects and office, store, and institution furniture, fixtures and equipment not padded in accordance with the crated property requirements set forth in Item 5 of Minimum Rate Tariff 4–B; (2) Automobiles, trucks, and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis, freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis.

(3) Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine, or wethers; (4) Liquids, compressed gases, commodities in semi-plastic form, and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles; (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks; (6) Commodities when transported in motor vehicles equipped from mechanical mixing in transit; (7) Cement; (8) Logs; (9) Commodities of unusual or extraordinary value; (10) Commodities in vehicles not exceeding a licensed weight of five thousand pounds; (11) Commodities requiring mechanical refrigeration equipment; and (12) Shipments in excess of five hundred pounds. Intrastate, interstate, and foreign commerce authority sought.

HEARING: Date, time and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

Oklahoma Docket No. 31849 (Sub-No. 1), filed November 27, 1974. Applicant: HAROLD L. MANNING, doing business as MANNING FREIGHT LINES, 200 E. Garvin Street, Pauls Valley, Okla. 73075. Applicant's representative: Glen Ham, P.O. Box 198, Pauls Valley, Okla. 73075. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities*, from Marietta via U.S. No. 77 to Thackerville, thence to Bomer, thence to Marietta; From Sulphur via State Highway No. 7 to Scullin, thence to Mill Creek, thence to Troy, thence to Ravia, thence via State Highway No. 12 and U.S. No. 70 to Mannsville thence via U.S. No. 70 to Mannsville, thence to Dickson, serving the off-route point of Durwood; That all of above points be unitized with applicant's present authority which is as follows, to wit: Order No. 103111, Certificate No. MC 31849 dated February 12, 1974, "for the transportation of general commodities from Oklahoma City to Paoli via U.S. No. 77 to Marietta, thence to Ardmore, thence over U.S. No. 70 to Dickson, thence over State Highway No. 177 to Sulphur, thence over State Highway No. 7 to Davis, thence over U.S. No. 77 returning to Oklahoma City, serving the points of Oklahoma City, Paoli, Pauls Valley, Wynnewood, Davis, Springer, Ardmore, Overbrook, Marietta, Dickson, Baum, Nebo, Drake, and Sulphur, Okla." That applicant be granted the additional points of Wayne, Lexington, and Purcell on U.S. No. 77 and that these points be unitized with applicant's present authority set forth above. Intrastate, interstate and foreign commerce authority sought.

HEARING: January 20, 1975, at the Jim Thorpe Office Building, Oklahoma City, Okla. Request for procedural information should be addressed to the Oklahoma Corporation Commission, Jim Thorpe Office Building, Oklahoma City, Okla. 73105, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-29470 Filed 12-17-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY-ELIMINATION OF GATEWAY LETTER NOTICES

DECEMBER 13, 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 December 30, 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 37203 (Sub-No. E3), filed May 31, 1974. Applicant: MILLSTEAD VAN LINES, INC., P.O. Drawer 878, Bartlesville, Okla. 74003. Applicant's representative: Thomas F. Sedberry, Suite 1102, Perry-Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Montana, on the one hand, and, on the other, points in Texas on and east of U.S. Highway 283 from the Texas-Oklahoma border to its intersection with U.S. Highway 67, thence along U.S. Highway 67 to its intersection with U.S. Highway 277, thence along U.S. Highway 277 to Del Rio, Tex., on the United States-Mexico border; (2) between points in Wyoming, on the one hand, and, on the other, points in Missouri on and south of a line beginning at the Kansas-Missouri, thence along U.S. Highway 160 to Springfield, Missouri, thence along U.S. Highway 60 to its intersection with Missouri Highway 34, thence along Missouri Highway 34 to Jackson, Mo., thence along U.S. Highway 61 to Cape Girardeau, Mo., on the Missouri-Illinois border; (3) between points in Montana, on the one hand, and, on the other, points in Missouri on and south of a line beginning at the Missouri-Kansas line on U.S. Highway 66 to Joplin, thence along Interstate Highway 44-U.S. Highway 66 to St. Louis, Mo., on the Missouri-Illinois border; and (4) between points in Kansas, on the one hand, and, on the other, points in Texas. The purpose of this filing is to eliminate the gateway of points in Oklahoma.

No. MC 37203 (Sub-No. E4), filed May 31, 1974. Applicant: MILLSTEAD VAN LINES, INC., P.O. Drawer 878, Bartlesville, Okla. 74003. Applicant's representative: Thomas F. Sedberry, Suite 1102, Perry-Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Kansas on and south of a line beginning at the Kansas-Colorado line on Colorado Highway 96, to its intersection with U.S. Highway 183, thence along U.S. Highway 183 to its intersection with U.S. Highway 50, thence along U.S. Highway 50 to its intersection with U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Oklahoma line, on the one hand, and, on the other, points in Illinois, Indiana, and Kentucky (Coffeyville, Kans., and points within 25 miles thereof, and Shawnee, Okla., and points in that part of Oklahoma, Arkansas, Kansas, and Texas within 150 miles of Shawnee)*; (2) between points in Kansas on and south of a line beginning at the Kansas-Colorado line on Colorado Highway 96, to its intersection with U.S. Highway 183, thence along U.S. Highway 183 to its intersection with U.S. Highway 50, thence

along U.S. Highway 50 to its intersection with U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Oklahoma line, on the one hand, and, on the other, points in Michigan, Ohio, West Virginia, Pennsylvania, New York, New Jersey, Rhode Island, Massachusetts, and Maine (Coffeyville, Kans., and points within 25 miles thereof, McLean County, Illinois, and Shawnee, Okla., and points in that part of Oklahoma, Arkansas, Kansas, and Texas within 150 miles of Shawnee)*; (3) between points in Kentucky, on the one hand, and, on the other, points in Texas on and west of a line beginning at the Texas-Oklahoma border on U.S. Highway 75 to Dallas, Tex., thence along Interstate Highway 45 to Houston, Tex., thence along Interstate Highway 10-U.S. Highway 81 to San Antonio, Tex., thence along Interstate Highway 35-U.S. Highway 81 to Laredo, on the U.S.-Mexico border (points in Oklahoma)*; (4) between points in Colorado, on the one hand, and, on the other, points in Texas on and east of a line beginning at the Texas-Oklahoma border on U.S. Highway 283 to its intersection with U.S. Highway 87, thence along U.S. Highway 87 to Brady, Tex., thence along U.S. Highway 377 to Junction, Tex., thence along U.S. Highway 83 to the United States-Mexico border (points in Oklahoma)*; and (5) between points in Ohio, on the one hand, and, on the other, points in Texas on and west of a line beginning at the Texas-Oklahoma border on U.S. Highway 75 to Dallas, Tex., thence along Interstate Highway 35-U.S. Highway 81 to Laredo, Tex., on the U.S.-Mexico border (points in Oklahoma, and McLean County, Ill.)*. The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC 51146 (Sub-No. E14), filed November 2, 1974. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, Wisconsin 54306. Applicant's representative: Neil A. Du Jardin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products* (except commodities in bulk), from Plymouth, N.C., to points in North Dakota, South Dakota, Nebraska, Kansas, Missouri (except points south and east of a line beginning at the intersection of the Missouri-Arkansas State line and Missouri Highway 17, thence along Missouri Highway 17 to its intersection with U.S. Highway 60, thence along U.S. Highway 60 to its intersection with Missouri Highway 34, thence east along Missouri Highway 34 to Cape Girardeau, Mo.), Oklahoma (except point south and east of a line beginning at the intersection of the Oklahoma-Texas State line and U.S. Highway 69 thence along U.S. Highway 69 to its intersection with Interstate Highway 40, thence along Interstate 40 to the Arkansas-Oklahoma State line), and points in Texas (except points east of U.S. Highway 377). Restriction: Shipments of pulpboard and fibreboard will be limited to movements in mixed loads with the other commodities described above.

(2) *Disposable paper diapers* (except commodities in bulk), from Cheboygan, Mich., to Memphis, Tenn., and points in Arkansas, Louisiana, Mississippi, Alabama, South Carolina, North Carolina, Virginia, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, Vermont, New York (except points west of a line beginning at Oswego, N.Y., thence along New York Highway 57 to Syracuse, thence along U.S. Highway 11 to the New York-Pennsylvania State line), Missouri (except points north and east of a line beginning at St. Joseph, Mo., thence along U.S. Highway 36 to its intersection with U.S. Highway 65, thence along U.S. Highway 65 to its intersection with U.S. Highway 40, thence along U.S. Highway 40 to the Missouri-Illinois State line) and the District of Columbia. (3) *Paper and Paper products* (except commodities in bulk), from the plants and storage facilities of Menasha Corporation at or near Neenah and Menasha, Wisc., to points in Maine, New Hampshire, Vermont, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Maryland, Delaware, Virginia, North Carolina, South Carolina, Alabama, and points in Mississippi on and east of U.S. Highway 11, and the District of Columbia. (4) *Paper and paper products* (except commodities in bulk), from the plant and warehouse sites of the Personal Products Co. and Cel Fibre, Inc., at or near Wilmington, Ill., to points in South Carolina, North Carolina, Virginia, Maryland, Delaware, New Jersey, New York, Massachusetts, Rhode Island, Connecticut, Vermont, New Hampshire, Maine, and the District of Columbia. Paper and paper products (except commodities in bulk), from the plant site of the West Virginia Pulp and Paper Co. located at or near Wickliff, Ky., to points in Vermont, New Hampshire, and Maine.

(6) *Paper and paper products* (except commodities in bulk), from the plant and warehouse sites of Hoerner Waldorf Corporation at Columbus, Ind., to points in Maine, New Hampshire, Vermont, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Maryland, Delaware, North Dakota, The District of Columbia, Virginia, (except points west of U.S. Highway 52), North Carolina (except points west of a line beginning at the intersection of the Virginia-North Carolina State line and U.S. Highway 52 along U.S. Highway 52 to Winston Salem, N.C., thence U.S. Highway 311 to its intersection with U.S. Highway 220, thence along U.S. Highway 220 to Rockingham, N.C., thence along U.S. Highway 1 to the North Carolina-South Carolina State line), South Dakota (except points south and east of a line beginning at the intersection of the South Dakota-Nebraska State line and U.S. Highway 183, thence along U.S. Highway 183 to its intersection with Interstate Highway 90, thence along Interstate Highway 90 to the South Dakota-Minnesota State line), Nebraska (except points south and east of a line beginning at the intersection of the Nebraska-Kansas State line and U.S. Highway 183, thence along U.S. Highway 183 to Ansley, thence along Nebraska Highway 92 to its intersection with U.S. Highway 83, thence along U.S. Highway 83 to the Nebraska-South Dakota State line), and Texas (except points north and east of a line beginning at the intersection of the Oklahoma-Texas State line and U.S. Highway 287, thence and east along U.S. Highway 287 to Childress, Texas, thence along U.S. Highway 83 to Eden, thence along U.S. Highway 87 to the Gulf of Mexico). (7) *Paper and paper products* (except commodities in bulk), from the plant site of the United States Envelope Co. located at Williamsburg, Pa.; Springfield, Mass., and Enfield and Rockville, Conn., to Memphis, Tenn., and points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Missouri, Arkansas, Louisiana, Mississippi, and Alabama (except points east of a line beginning at the intersection of the Georgia-Alabama State line and U.S. Highway 11, thence along U.S. Highway 11 to its intersection with U.S. Highway 231, thence along U.S. Highway 231 to the Alabama-Florida State line).

(8) *Paper and paper products* (except commodities in bulk), from the plant site of Laminated and Coated Products Div. of St. Regis Paper Co. at Troy, Ohio, to points in Arizona, Nevada (except points north of a line beginning at the intersection of the California-Nevada State line and U.S. Highway 6, thence along U.S. Highway 6 to its intersection with Nevada Highway 25, thence along Nevada Highway 25 to the Nevada-Utah State line), and California (except points north and east of a line beginning at the origin of California Highway 299 on the Pacific Ocean then along California Highway 299 to its intersection with Interstate Highway 5, thence along Interstate Highway 5 to its intersection with California Highway 20, thence along California Highway 20, to its intersection with Interstate Highway 80, thence along Interstate 80 to the California-Nevada State line). (9) *Paper and paper products* (except commodities in bulk), from the plant or warehouse sites of Menasha Corporation at Air Lake Industrial Park, or near Lakeville, Minn., to points in Maine, New Hampshire, Vermont, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Alabama (except points west of a line beginning at the intersection of the Tennessee-Alabama State line and Interstate Highway 65, thence along Interstate Highway 65 to Birmingham, thence along U.S. Highway 11 to its intersection with Alabama Highway 5, thence along Alabama Highway 5 to its intersection with U.S. Highway 43, thence along U.S. Highway 43 to Mobile), and the District of Columbia. Restriction: The operating authority granted above is restricted to the transportation of traffic originating at the plant and warehouse sites of Menasha Corporation at Air Lake Industrial Park at or near Lakeville, Minn.

(10) *Paper and paper products* (except commodities in bulk), from the plant sites and warehouse facilities of Howard Paper Mills, Inc., at Dayton and

Urbana, Ohio; The Maxwell Paper Corporation at Franklin, Ohio, and the plant sites and warehouse facilities of Kimberley-Clark Corp. and Bergstrom Paper Co. at or near Dayton, Ohio, to Baltimore, Md., St. Louis, Mo., Memphis, Tenn., New York, N.Y., and points in Nassau and Suffolk Counties N.Y., and points in Alabama, South Carolina, North Carolina, New Jersey, and Connecticut. Restriction: The operations granted herein are restricted to the transportation of shipments originating at the named plant sites and warehouse facilities at Franklin, Dayton, and Urbana, Ohio. (11) *Paper and paper products* (except commodities in bulk), from the plant site of U.S. Envelope Co. at Worcester, Mass., and the plant site of Kimberly-Clark Corp. at New Milford, Conn., to Memphis, Tenn., and points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, and Alabama (except points south and east of a line beginning at the intersection of the Georgia-Alabama State line and U.S. Highway 78, thence along U.S. Highway 78 to its intersection with Alternate U.S. Highway 231, thence along Alternate U.S. Highway 231 to Sylacauga, thence along U.S. Highway 231 to Montgomery, thence along U.S. Highway 331 to the Alabama-Florida State line.) (12) *Paper and paper products* (except commodities in bulk), from the plant and warehouse sites of St. Regis Paper Co. at Marshall, Mich., to points in South Carolina, Arkansas, Oklahoma, and Texas. Restriction: The operations authorized above are restricted to the transportation of shipments originating at the above named plant and warehouse sites.

(13) *Paper and paper products* (except commodities in bulk), from Plattsburgh and Lyons Falls, N.Y., to Memphis, Tenn., and points in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Oklahoma, Arkansas, Texas, Louisiana, Mississippi, and Alabama. (14) *Paper and paper products* (except commodities in bulk), from the facilities of the Nekoosa Edwards Paper Co., Inc., at or near Potsdam, N.Y., to Memphis, Tenn., and points in Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Alabama, and points in North Carolina on and west of a line beginning at the intersection of the Tennessee-North Carolina State line and U.S. Highway 25 thence along U.S. Highway 25 to the North Carolina-South Carolina State line and U.S. Highway 176, thence along U.S. Highway 176 to its intersection with South Carolina Highway 12, thence along South Carolina Highway 121 to its intersection with U.S. Highway 25 near Trenton, S.C., thence along U.S. Highway 25 to the Georgia-South Carolina State line. (15) *Fibreboard and pulpboard products* (except commodities in bulk), from Elk Grove Village, Ill., Aurora and Chicago Heights, Ill., to points in New York, Massachusetts, New Hampshire, Vermont, Maine, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, District of Columbia, Virginia, North Carolina, South Carolina, and points in Alabama on, south, and east of a line beginning at the intersection of the Georgia-Alabama State line and Alabama Highway 21, thence along Alabama Highway 21 to its intersection with Alabama Highway 22 thence along Alabama Highway 22 to Selma, Alabama, thence along Alabama Highway 41 to the Alabama-Florida State line. Restriction: The authority granted above is restricted to shipments originating at the plant and warehouse sites of Georgia Pacific Corporation. (16) *Paper and paper products* (except commodities in bulk), from Glen Falls, N.Y., to Memphis, Tenn., and points in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, and Alabama. Restriction: The operations authorized above are restricted to the transportation of shipments originating at the plant site of Finch Pruen & Co., Inc., at Glen Falls, N.Y.

(17) *Paper and paper products* (except commodities in bulk), from points in Minnesota to points in New York, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, District of Columbia, Virginia, North Carolina, South Carolina, and points in Alabama on, south, and east of a line beginning at the intersection of the Georgia-Alabama State line and U.S. Highway 78 thence along U.S. Highway 78 to its intersection with U.S. Highway 231, thence along U.S. Highway 231 to Montgomery, thence along U.S. Highway 331 to the Florida-Alabama State line. Restriction: The authority granted above is restricted against the transportation of pulpboard, pulpboard products, and wastepaper. (18) *Paper and paper products* (except commodities in bulk), from points in Minnesota on, east, and north of a line beginning at International Falls, Minn., thence along U.S. Highway 71 to Bemidji, thence along U.S. Highway 2 to its intersection with Minnesota Highway 371, thence along Minnesota Highway 371 to Little Falls, thence along U.S. Highway 10 to Anoka, thence south along U.S. Highway 52 to Minneapolis, thence along U.S. Highway 12 to the Minnesota-Wisconsin State line, to those points in Alabama East of a line beginning at the intersection of the Tennessee-Alabama State line and Interstate Highway 65, thence along Interstate Highway 65 to its intersection with Alabama Highway 69, thence along Alabama Highway 69 to Tuscaloosa, thence along U.S. Highway 43 to Mobile, Ala. Restriction: The authority granted above is restricted against the transportation of pulpboard, pulpboard products, and wastepaper. (19) *Paper and paper products* (except commodities in bulk), from points in Iowa to points in Maine, New Hampshire, Vermont, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, Virginia, North Carolina and South Carolina, and the District of Columbia.

(20) *Paper and paper products* (except commodities in bulk), from points in Wisconsin to points in New York, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, and the District of Columbia. (21) *Paper and paper products* (except commodities in bulk), from points in Wisconsin on and east of U.S. Highway 51, to points in Alabama on, south, and east of a line beginning at the intersection of the Alabama-Georgia State line and U.S. Highway 11, thence along U.S. Highway 11 to Birmingham, thence along Interstate Highway 65 to its intersection with Alabama Highway 22, thence along Alabama Highway 22 to Selma, thence along Alabama Highway 41 to the Alabama-Florida State line. (22) *Paper and paper products* (except commodities in bulk), from points in Wisconsin on and east of U.S. Highway 41, to points in Alabama on, south, and east of a line beginning at the intersection of the Alabama-Tennessee State line and Interstate Highway 65, thence along Interstate 65 to its intersection with Alabama Highway 69, thence along Alabama Highway 69 to Tuscaloosa, thence along U.S. Highway 43 to its intersection with Alabama County Truck Highway 96 thence along Alabama County Truck Highway 96 to the Mississippi-Alabama State line and points in Mississippi on and south of a line beginning at the intersection of the Louisiana-Mississippi State line and Mississippi Highway 26, thence along Mississippi Highway 26 to Lucedale, thence along U.S. Highway 98 to the Mississippi-Alabama State line, and points in Louisiana on and west of a line beginning at the intersection of the Mississippi-Louisiana State line and Louisiana Highway 21, thence along Louisiana Highway 21 to its intersection with Louisiana Highway 22, thence along Louisiana Highway 22 to its intersection with U.S. Highway 51, thence along U.S. Highway 51 to its intersection with U.S. Highway 61, thence along U.S. Highway 61 to New Orleans, thence along U.S. Highway 90 to Houma, thence along Louisiana Highway 315 to its termination on the Gulf of Mexico.

(23) *Paper and paper products* (except commodities in bulk), from Muskegon, Mich., to Memphis, Tenn., and points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, the District of Columbia, Virginia, North Carolina, South Carolina, Alabama, Mississippi, Louisiana, Texas, and points in Kansas on, south, and west of a line beginning at the intersection of the Colorado-Kansas State line and U.S. Highway 50, thence along U.S. Highway 50 to Dodge City, thence along U.S. Highway 283 to the Oklahoma-Kansas State line, points in Oklahoma on, south, and west of a line beginning at the intersection of the Oklahoma-Kansas State line and U.S. Highway 177, thence along U.S. Highway 177 to its intersection with U.S. Highway 64, thence along U.S. Highway 64 to the Arkansas-Oklahoma State line, points in Arkansas on and south of

a line beginning at the intersection of the Oklahoma-Arkansas State line and Arkansas Highway 10, thence along Arkansas Highway 10 to Little Rock, thence along U.S. Highway 70 to the Arkansas-Tennessee State line, and points in New York on and east of a line beginning at Oswego, thence along New York Highway 57 to Syracuse, thence along U.S. Highway 11 to the New York-Pennsylvania State line. (24) *Paper and paper products* (except commodities in bulk), from Plainwell, Otsego, and Kalamazoo, Mich., to Memphis, Tenn., and points in Oklahoma, Texas, Louisiana, Arkansas, Mississippi, Alabama, South Carolina, North Carolina, Virginia, Maryland, Delaware, the District of Columbia, New Jersey, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, Vermont, and points in New York on and east of a line beginning at Clayton, thence along New York Highway 12 to Watertown, thence along U.S. Highway 11 to the Pennsylvania-New York State line, and points in Kansas on, south, and west of a line beginning at the intersection of the Colorado-Kansas State line and Kansas Highway 96, thence along Kansas Highway 96 to its intersection with U.S. Highway 283, thence along U.S. Highway 283 to its intersection with U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Missouri State line. Restriction: The authority granted above is restricted against the transportation of pulpboard, pulpboard products, and waste paper.

(25) *Paper and paper products* (except commodities in bulk), from Battle Creek, Mich., to Memphis, Tenn., and points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, District of Columbia, Virginia, North Carolina, South Carolina, Alabama, Mississippi, Arkansas, Louisiana, Texas, Oklahoma, and points in Kansas on and south of U.S. Highway 24, and points in New York on and east of a line beginning at the intersection of the International Boundary between Canada and the United States in New York and U.S. Highway 9, thence along U.S. Highway 9 to Poughkeepsie, thence along U.S. Highway 44 to its intersection with U.S. Highway 209, thence along U.S. Highway 209 to Port Jervis, N.Y. Restriction: The authority granted above is restricted against the transportation of pulpboard, pulpboard products, and waste paper. (26) *Paper and paper products* (except commodities in bulk), from Detroit, Mich., to Memphis, Tenn., and points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Missouri, Arkansas, Louisiana, Mississippi, Alabama, South Carolina, North Carolina, and points in Virginia on and south of a line beginning at the intersection of the West Virginia-Virginia State line and U.S. Highway 250, thence along U.S. Highway 250 to Richmond, thence along U.S. Highway 360 to its termination on the Chesapeake Bay, and points in Maine on and north of a line beginning at the intersection of the New Hampshire-Maine State line and Maine Highway 26, thence southeast along Maine Highway 26 to Portland, Me. Restriction: The authority granted above is restricted against the transportation of pulpboard, pulpboard products, and waste paper.

(27) *Paper and paper products* (except commodities in bulk), from points in the Lower Peninsula of Michigan on and north of a line beginning at Ludington, thence along U.S. Highway 10 to Bay City, Mich., to Memphis, Tenn., and points in Texas, Louisiana, Mississippi, Alabama, South Carolina, North Carolina, Virginia, Delaware, District of Columbia, Maine, points in Vermont north and east of a line beginning at the intersection of the International Boundary between Canada and United States and Vermont Highway 100, thence along Vermont Highway 100 to its intersection with Vermont Highway 12, thence along Vermont Highway 12 to Montpelier, thence along U.S. Highway 2 to the Vermont-New Hampshire State line, points in New Hampshire north and east of a line beginning at the intersection of the Vermont-New Hampshire State line and New Hampshire Highway 25, thence along New Hampshire Highway 25 to Plymouth, thence south along U.S. Highway 3 to the New Hampshire-Massachusetts State line, points in Maryland south and east of Interstate Highway 95, points in Arkansas on and south of a line beginning at Ft. Smith, along Arkansas Highway 10 to Little Rock, thence along U.S. Highway 70 to the Arkansas-Tennessee State line, points in Oklahoma south and west of a line beginning at the intersection of the Kansas-Oklahoma State line and U.S. Highway 177 thence along U.S. Highway 177 to its intersection with U.S. Highway 64, thence along U.S. Highway 64 to the Arkansas-Oklahoma State line, and points in Kansas on, south, and west of a line beginning at the intersection of the Colorado-Kansas State line and U.S. Highway 50, thence along U.S. Highway 50 to Dodge City, thence along U.S. Highway 283 to the Kansas-Oklahoma State line.

(28) *Paper and paper products* (except commodities in bulk), from Alpena, Mich., to Memphis, Tenn., and points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, District of Columbia, Virginia, North Carolina, South Carolina, Alabama, Mississippi, Louisiana, Arkansas, Oklahoma, Texas, Missouri, Kansas, points in Nebraska on and south of a line beginning at the intersection of the Wyoming-Nebraska State line and U.S. Highway 26, thence along U.S. Highway 26 to its intersection with U.S. Highway 30, thence along U.S. Highway 30 to its intersection with U.S. Highway 34, thence along U.S. Highway 34 to the Nebraska-Iowa State line, and points in New York on and east of a line beginning at the intersection of the International Boundary between Canada and the United States and U.S. Highway 9, thence along U.S. Highway 9 to its intersection with New York Highway 7, thence along New York Highway 7 to its intersection with New York Highway 30, thence along New York Highway 30 to the New York-Pennsylvania State line. (29) *Paper and paper products* (except commodities in bulk), from Port Huron, Mich., to Memphis, Tenn., and points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Missouri, Arkansas, Louisiana, Mississippi, Alabama, South Carolina, North Carolina, Maine, and points in Virginia on and south of a line beginning at the intersection of the West Virginia-Virginia State line, and U.S. Highway 33, thence along U.S. Highway 33 to Richmond, thence along U.S. Highway 360 to its termination on the Chesapeake Bay. Restriction: The authority granted above is restricted against the transportation of pulpboard, pulpboard products, and waste paper.

(30) *Paper and paper products* (except commodities in bulk), from points in the Upper Peninsula of Michigan, to points in Alabama, South Carolina, North Carolina, Virginia, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, Vermont, points in New York on and east of a line beginning at Oswego, thence along New York Highway 104 to its intersection with New York Highway 34, thence along New York Highway 34 to the New York-Pennsylvania State line, points in Mississippi on, south, and east of a line beginning at Natchez, thence along U.S. Highway 84 to Laurel, thence along U.S. Highway 11 to the Mississippi-Alabama State line, and the District of Columbia. (31) *Paper and paper products* (except commodities in bulk), from points in Indiana on, north, and west of a line beginning at the intersection of the Illinois-Indiana State line and U.S. Highway 24, thence along U.S. Highway 24 to Logansport, thence along Indiana Highway 25 to its intersection with U.S. Highway 31, thence along U.S. Highway 31 to the Michigan-Indiana State line, to points in Maine New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, points in New York on and east of a line beginning at Rochester, thence along U.S. Highway 15 to its junction with New York Highway 21, thence along New York Highway 21 to the Pennsylvania-New York State line, points in Texas on, south, and west of a line beginning at El Paso, thence along U.S. Highway 80 to Van Horn, thence along U.S. Highway 90 to Uvalde, thence along U.S. Highway 83 to its intersection with Texas Highway 44, thence along Texas Highway 44 to Corpus Christi, and the District of Columbia. Restriction: The authority granted herein is restricted against the transportation of pulpboard, pulpboard products and waste paper.

(32) *Paper and paper products* (except commodities in bulk), from points in Indiana on, north, and east of a line beginning at the intersection of the Michigan-Indiana State line and U.S. Highway 31, thence along U.S. Highway

31 to its intersection with Indiana Highway 25, thence along Indiana Highway 25 to Logansport, thence along U.S. Highway 24 to the Indiana-Ohio State line, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, and points in New York on and east of a line beginning at the intersection of the International Boundary between the United States and Canada and New York Highway 56, thence along New York Highway 56 to its intersection with New York Highway 3, thence along New York Highway 3 to Tupper Lake, thence along New York Highway 30 to the Pennsylvania-New York State line, points in Alabama on and south of a line beginning at the intersection of the Mississippi-Alabama State line and U.S. Highway 11, thence along U.S. Highway 11 to Tuscaloosa, thence along U.S. Highway 83 to its intersection with Alabama Highway 25, thence along Alabama Highway 25 to its intersection with Alabama Highway 76, thence along Alabama Highway 76 to its intersection with Alabama Highway 21, thence along Alabama Highway 21 to its intersection with U.S. Highway 78, thence along U.S. Highway 78 to the Alabama-Georgia State line, points in Mississippi on, south, and east of a line beginning at Natchez, Miss., thence along U.S. Highway 84 to U.S. Highway 11, thence along U.S. Highway 11 to the Mississippi-Alabama State line, points in Louisiana, on and south of a line beginning at the intersection of the Texas-Louisiana State line and U.S. Highway 80, thence along U.S. Highway 80 to Shreveport, thence along U.S. Highway 71 to its intersection with U.S. Highway 84, thence along U.S. Highway 84 to the Mississippi-Louisiana State line, and points in Texas south and west of a line beginning at the intersection of the Texas-Oklahoma State line and U.S. Highway 287, thence along U.S. Highway 287 to Ft. Worth, thence along U.S. Highway 80 to the Louisiana-Texas State line and the District of Columbia.

(33) *Paper and paper products* (except commodities in bulk), from points in Indiana on and within an area bordered on the east by the Ohio-Indiana State line and bordered on the north by U.S. Highway 24, and bordered on the west by a line beginning at Logansport, Ind., thence along Indiana Highway 29 to its intersection with U.S. Highway 421, thence along U.S. Highway 421 to Indianapolis, and bordered on the south by U.S. Highway 40, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, District of Columbia, Virginia, North Carolina, South Carolina, New York (except points west of U.S. Highway 219), points in Louisiana on, south, east of a line beginning at Cameron, thence along Louisiana Highway 82 to Abbeville, thence along U.S. Highway 167 to Opelousas, thence along U.S. Highway 190 to its intersection with U.S. Highway 90, thence along U.S. Highway 90 to the Louisiana-Mississippi State line, and points in Texas on, south, and west of a line beginning at the intersection of the Texas-Oklahoma State line and U.S. Highway 297, thence along U.S. Highway 287 to Childress, thence along U.S. Highway 83 to Abilene, thence along Texas Highway 36 to its intersection with Interstate Highway 10, thence along Interstate Highway 10 to the Texas-Louisiana State line. Restriction: The authority granted herein is restricted against the transportation of pulpboard, pulpboard products, and waste paper.

(34) *Paper and paper products* (except commodities in bulk), from Sodus, Mich., to points in Maine, New Hampshire, Vermont, Rhode Island, Massachusetts, Connecticut, New Jersey, Delaware, Maryland, District of Columbia, Virginia, North Carolina, South Carolina, Alabama, Louisiana, Texas, New York (except points west of New York Highway 19), Mississippi (except points north and west of a line beginning at Greenville, thence along U.S. Highway 82 to Columbus, thence along U.S. Highway 45 to the Mississippi-Tennessee State line), Arkansas (except points north and east of a line beginning at the intersection of the Oklahoma-Arkansas State line and U.S. Highway 270, thence along U.S. Highway 270 to Hot Springs, thence along U.S. Highway 70 to Little Rock, thence along U.S. Highway 65 to its intersection with U.S. Highway 82, thence along U.S. Highway 82 to the Mississippi-Arkansas State line), and points in Oklahoma (except points north and east of a line beginning at the intersection of Kansas-Oklahoma State line and U.S. Highway 83, thence along U.S. Highway 83 to its intersection with U.S. Highway 270, thence along U.S. Highway 270 to Seminole, thence along Oklahoma Highway 3 to Broken Bow, thence along U.S. Highway 70 to the Oklahoma-Arkansas State line). Restriction: The authority granted herein is restricted against the transportation of pulpboard, pulpboard products, and waste paper.

(35) *Paper and paper products* (except commodities in bulk), from Ypsilanti, Mich., to Memphis, Tenn., and points in North Carolina, South Carolina, Alabama, Mississippi, Louisiana, Arkansas, Missouri, Kansas, Oklahoma, Texas, North Dakota, South Dakota (except points east and south of a line beginning at the intersection of the South Dakota-Nebraska State line and U.S. Highway 281, thence along U.S. Highway 281 to its intersection with U.S. Highway 81, thence along U.S. Highway 81 to its intersection with U.S. Highway 12, thence along U.S. Highway 12 to the South Dakota-Minnesota State line), Nebraska (except points north and east of a line beginning at the intersection of the South Dakota-Nebraska State line and U.S. Highway 281, thence along U.S. Highway 281 to its intersection with Nebraska Highway 2, thence along Nebraska Highway 2 to the Missouri-Nebraska State line), Virginia (except points north of a line beginning at the intersection of the West Virginia-Virginia State line and U.S. Highway 33, thence along U.S. Highway 33 to Richmond, thence along U.S. Highway 360 to its termination on the Chesapeake Bay), and Maine (except points south and west of Maine Highway 26). Restriction: The authority granted herein is restricted against the transportation of pulpboard, pulpboard products, and waste paper. (36) *Paper and paper products*, (except commodities in bulk), from points in Illinois on, north and west of Illinois Highway 2, to points in South Carolina, North Carolina, Virginia, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia, Restriction: The authority granted herein is restricted against the transportation of pulpboard, pulpboard products, and waste paper. (37) *Paper and paper products* (except commodities in bulk), from points in Escambia County, Florida, to points in New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and New Jersey (except points south and west of a line beginning at Camden, then along U.S. Highway 30 to its intersection with New Jersey Highway 50, thence along New Jersey Highway 50 to its junction with U.S. Highway 9, thence along U.S. Highway 9 to Cape May) Restriction: The authority granted herein is restricted to transportation of traffic originating at Escambia Co., Florida, and further restricted against the transportation of pulpboard, pulpboard products, and waste paper.

(38) *Paper and paper products* (except commodities in bulk), from points in the Lower Peninsula of Michigan to points in South Carolina, North Carolina, points in Virginia on and south of a line beginning at the intersection of the Virginia-West Virginia State line and U.S. Highway 250, thence along U.S. Highway 250 to Richmond, thence along U.S. Highway 360 to its termination on the Chesapeake Bay, points in Alabama on and south of a line beginning at the intersection of the Alabama-Mississippi State line and U.S. Highway 82, thence along U.S. Highway 82 to Tuscaloosa, thence along U.S. Highway 11 to the Alabama-Georgia State line, points in Mississippi on and south of U.S. Highway 80, points in Louisiana on and south of U.S. Highway 80, points in Texas on, south, and west of a line beginning at the intersection of New Mexico-Texas State line and U.S. Highway 66, thence along U.S. Highway 66 to Amarillo, thence along U.S. Highway 287 to its intersection with U.S. Highway 283, thence along U.S. Highway 283 to its intersection with U.S. Highway 84, thence along U.S. Highway 84 to the Louisiana-Texas State line. Restriction: The authority granted above is restricted against the transportation of pulpboard, pulpboard products, and waste paper from points on and south of Michigan Highway 21. (39) *Paper and paper products* (except commodities in bulk), from points in the Lower Peninsula of Michigan north of Michigan Highway 21, to Memphis, Tenn., and points in Maine, North Carolina, South

Carolina, Alabama, Mississippi, Arkansas, Louisiana, Texas, Oklahoma, points in Virginia on and south of a line beginning at the intersection of the West Virginia-Virginia State line and U.S. Highway 33, thence along U.S. Highway 33 to Richmond, thence along U.S. Highway 360 to its termination on the Chesapeake Bay, points in Kansas on, south, and west of a line beginning at the intersection of the Colorado-Kansas State line and Kansas Highway 96, thence along Kansas Highway 96 to Great Bend, thence along U.S. Highway 281 to Pratt, thence along U.S. Highway 54 to Wichita, thence along U.S. Highway 81 to the Kansas-Oklahoma State line.

(40) *Paper and paper products* (except commodities in bulk), from points in the Lower Peninsula of Michigan on and west of U.S. Highway 27, to points in Maine, New Hampshire, Rhode Island, Delaware, Maryland, Virginia, North Carolina, South Carolina, Connecticut, Massachusetts (except points west of U.S. Highway 7), Vermont (except points west of U.S. Highway 7), New York (except points north and west of a line beginning at Hillburn, thence along Interstate Highway 87 to its intersection with U.S. Highway 44, thence along U.S. Highway 44 to the New York-Connecticut State line), New Jersey (except points north and west of a line beginning at the intersection of the Pennsylvania-New Jersey State line and Interstate Highway 78, thence along Interstate Highway 78 to its intersection with U.S. Highway 202, thence along U.S. Highway 202 to the New York-New Jersey State line), Alabama (except points north and west of a line beginning at the intersection of the Alabama-Mississippi State line and U.S. Highway 82, thence along U.S. Highway 82 to Tuscaloosa, thence along U.S. Highway 11 to the Alabama-Georgia State line), Mississippi (except points north of U.S. Highway 80), Louisiana (except points north of U.S. Highway 80), Texas (except points north and east of a line beginning at the intersection of the New Mexico-Texas State line and U.S. Highway 66, thence along U.S. Highway 566 to Amarillo, thence along U.S. Highway 287 to its intersection with U.S. Highway 83, thence along U.S. Highway 83 to its intersection with U.S. Highway 84 thence along U.S. Highway 84 to the Texas-Louisiana State line), and the District of Columbia. Restriction: The authority granted above is restricted against the transportation of pulpboard, pulpboard products and waste paper from points in Michigan on and south of Michigan Highway 21.

(41) *Paper and paper products* (except commodities in bulk), from points in the Lower Peninsula of Michigan on and east of U.S. Highway 27, to Memphis, Tenn., and points in Texas, Oklahoma, Arkansas, Louisiana, Mississippi, Alabama, North Carolina, South Carolina, Virginia (except points north of a line beginning at the intersection of the West Virginia-Virginia State line and U.S. Highway 250, thence along U.S. Highway 250 to Richmond, thence along U.S. Highway 360 to its termination on the Chesapeake Bay), Kansas (except points north of U.S. Highway 24), and Missouri (except points north and east of a line beginning at Kansas City, Mo., thence along U.S. Highway 71 to its junction with Missouri Highway 7, thence along Missouri Highway 7 to its intersection with U.S. Highway 66, thence along U.S. Highway 66 to Rolla, thence along Michigan Highway 72 to its intersection with Missouri Highway 51, thence along Missouri Highway 51 to the Missouri-Illinois State line). Restriction: The authority granted above is restricted against the transportation of pulpboard, pulpboard products, and waste paper from points in Michigan on and south of Michigan Highway 21. (42) *Paper and paper products* (except commodities in bulk), from Niles, Mich., to Memphis, Tenn., and points in Texas, Louisiana, Mississippi, Alabama, South Carolina, North Carolina, Virginia, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, Vermont, New York (except points west of New York Highway 19), Arkansas (except points north of a line beginning at Fort Smith, thence along U.S. Highway 71 to its junction with Arkansas Highway 10, thence along Arkansas Highway 10 to Little Rock, thence along U.S. Highway 70 to the Arkansas-Tennessee State line), Oklahoma (except points north and east of a line beginning at the intersection of the Kansas-Oklahoma State line and U.S. Highway 77, thence along U.S. Highway 77 to Ponca City, thence along U.S. Highway 177 to its intersection with U.S. Highway 64, thence along U.S. Highway 64 to the Arkansas-Oklahoma State line), and points in Kansas (except points north and east of a line beginning at the intersection of the Colorado-Kansas State line along U.S. Highway 283 to the Oklahoma-Kansas State line) the District of Columbia. Restriction: The authority granted herein is restricted against the transportation of pulpboard, pulpboard products, and waste paper.

(43) *Paper and paper products*, (except commodities in bulk), from Watervliet, Mich., to points in Texas, Louisiana, Alabama, South Carolina, North Carolina, Virginia, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, Vermont, New York (except points west of New York Highway 19), Mississippi (except points north and west of a line beginning at Greenville, thence along U.S. Highway 82 to its intersection with U.S. Highway 61, thence along U.S. Highway 61 to its intersection with Mississippi Highway 6, thence along Mississippi Highway 6 to Tupelo, thence north along U.S. Highway 45 to the Mississippi-Tennessee State line), Arkansas (except points north and east of a line beginning at the intersection of the Oklahoma-Arkansas State line and U.S. Highway 270, thence along U.S. Highway 70 to Little Rock, thence along U.S. Highway 65 to the Arkansas-Louisiana State line), Oklahoma (except points north and east of U.S. Highway 270), and the District of Columbia. Restriction: The authority granted herein is restricted against the transportation of pulpboard, pulpboard products, and waste paper.

(44) *Paper and paper products* (except commodities in bulk), from points in Illinois (except Chicago, Illinois and points in its Commercial Zone, as defined by the Commission, points in that part of the St. Louis-East St. Louis Commercial Zone within Illinois and points in Illinois on and south of U.S. Highway 460) to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, New York (except points west of a line beginning at Westfield, thence along New York Highway 17 to Jamestown, thence along U.S. Highway 62 to the New York-Pennsylvania State line), Virginia (except points south and west of a line beginning at the intersection of the West Virginia-Virginia State line and U.S. Highway 250, thence along U.S. Highway 250 to Richmond, thence along U.S. Highway 301 to the Virginia-North Carolina State line), North Carolina (except points west of a line beginning at the intersection of the Virginia-North Carolina State line and U.S. Highway 301, thence along U.S. Highway 301 to Rocky Mount, thence along North Carolina Highway 43 to its junction with U.S. Highway 17, thence along U.S. Highway 17 to its intersection with U.S. Highway 70, thence along U.S. Highway 70 to Morehead City, and the District of Columbia. Restriction: The authority granted above is restricted against the transportation of pulpboard, pulpboard products, and waste paper. (45) *Paper and paper products* (except commodities in bulk), from points in Illinois on and north of a line beginning at the intersection of the Iowa-Illinois State line and U.S. Highway 34, thence along U.S. Highway 34 to its junction with Illinois Highway 116, thence along Illinois Highway 116 to Peoria, thence along U.S. Highway 24 to the Illinois-Indiana State line (except points in Chicago, Ill., and its Commercial Zone, as defined by the Commission), to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, points in New York (except points west of a line beginning at Buffalo, thence along U.S. Highway 62 to the New York-Pennsylvania State line), and the District of Columbia. Restriction: The authority granted herein is restricted against the transportation of pulpboard, pulpboard products, and waste paper.

(46) *Paper and paper products* (except commodities in bulk), from points in Illinois on and within an area bordered on the east by the Indiana-Illinois State line, on the north by U.S. Highway 24, on the west by a line beginning at Peoria, thence along Illinois Highway 29 to Springfield, thence along U.S. Highway 66 to Litchfield, and on the south by a line beginning at Litchfield, thence along Illinois Highway 16 to Paris, thence along U.S. Highway 150 to the Indiana-Illinois State line, to points in

Maine, Vermont, New Hampshire, New York, Connecticut, Rhode Island, Massachusetts, New Jersey, Delaware, Maryland, Virginia (except points west of U.S. Highway 21), North Carolina (except points west of U.S. Highway 21), points in South Carolina (except points west and south of a line beginning at the intersection of the North Carolina-South Carolina State line U.S. Highway 21, thence south along U.S. Highway 21 to Columbia, thence along U.S. Highway 176 to Charleston, and the District of Columbia. Restriction: The authority granted above is restricted against the transportation of pulpboard, pulpboard products, and waste paper. (47) *Paper and paper products* (except commodities in bulk), from points in Illinois on and within an area bordered on the north by Illinois Highway 116 on the east and south by a line beginning at Peoria, thence along Illinois Highway 29 to Springfield, thence along U.S. Highway 66 to the Illinois-Missouri State line, and on the west by the Illinois State line (except points in the St. Louis-East St. Louis Commercial Zone which lie in Illinois), to points in New York, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Maryland, Delaware, Virginia (except points west of U.S. Highway 21), points in North Carolina (except points west of U.S. Highway 21), points in South Carolina (except points west of U.S. Highway 521), and the District of Columbia. Restriction: The authority granted herein is restricted against the transportation of pulpboard, pulpboard products, and waste paper.

(48) *Paper and paper products* (except commodities in bulk), from points in Illinois on and within an area bordered on the east by the Illinois-Indiana State line, on the southwest by U.S. Highway 460, and on the northwest by a line beginning at St. Louis, thence along U.S. Highway 66 to Litchfield, thence along Illinois Highway 16 to Paris, thence along U.S. Highway 50 to the Illinois-Indiana State line (except points in the St. Louis-East St. Louis Commercial Zone, as defined by the Commission, which lie in Illinois, and except points in U.S. Highway 460), to points in New York, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, Virginia (except points west of a line beginning at the intersection of the West Virginia-Virginia State line and U.S. Highway 33, thence along U.S. Highway 33 to its intersection with U.S. Highway 15, thence along U.S. Highway 15 to the Virginia-North Carolina State line), and the District of Columbia. Restriction: The authority granted above is restricted against the transportation of pulpboard, pulpboard products, and waste paper. (49) *Paper and paper products* (except commodities in bulk), from Chicago, Ill., to points in South Carolina, North Carolina, Virginia, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, Vermont, New York (except points west of a line beginning at Buffalo, thence along U.S. Highway 62 to the New York-Pennsylvania State line), Alabama (except points west of a line beginning at the intersection of the Georgia-Alabama State line and U.S. Highway 11, thence along U.S. Highway 11 to Birmingham, thence along U.S. Highway 31 to Montgomery, thence along Interstate Highway 65 to Mobile), and the District of Columbia. Restriction: The authority granted above is restricted against the transportation of pulpboard, pulpboard products, and waste paper.

(50) *Paper and paper products* (except commodities in bulk), from points in Indiana (except Evansville), to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, New York (except points west of a line beginning at Clayton, thence along New York Highway 12 to Watertown, thence along U.S. Highway 11 to the New York-Pennsylvania State line), Virginia (except points west of a line beginning at the intersection of the West Virginia-Virginia State line and U.S. Highway 522, thence along U.S. Highway 522 to its intersection with U.S. Highway 33, thence along U.S. Highway 33 to Richmond, thence along U.S. Highway 301 to its junction with Virginia Highway 35, thence along Virginia Highway 35 to the North Carolina-Virginia State line), and the District of Columbia. Restriction: The authority granted above is restricted against the transportation of pulpboard, pulpboard products, and waste paper. (51) *Paper and paper products* (except commodities in bulk), from points in Indiana on and within an area bordered on the west by the Indiana-Illinois State line, on the north by U.S. Highway 24, on the east by a line beginning at Logansport, thence along Indiana Highway 29 to its junction with U.S. Highway 421, thence along U.S. Highway 421 to Indianapolis, and on the south by U.S. Highway 40, to points in New York, Maine, Vermont, Massachusetts, New Hampshire, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, Virginia (except points southwest of a line beginning at the intersection of the Kentucky-Virginia State line, thence along U.S. Highway 23 to Norton, thence along alternate U.S. Highway 58 to its junction with U.S. Highway 58, thence along U.S. Highway 58 to Briston), North Carolina (except points west of a line beginning at the intersection of the Virginia-North Carolina State line and U.S. Highway 21, thence along U.S. Highway 21 to its intersection with North Carolina Highway 18, thence along North Carolina Highway 18 to its intersection with U.S. Highway 64, thence along U.S. Highway 64 to its intersection with U.S. Highway 221, thence along U.S. Highway 221 to the North Carolina-South Carolina State line), South Carolina (except points west of a line beginning at the intersection of the North Carolina-South Carolina State line and U.S. Highway 221, thence along U.S. Highway 221 to its intersection with Interstate Highway 85, thence along Interstate Highway 85 to the Georgia-South Carolina State line), and the District of Columbia. Restriction: The authority granted above is restricted against the transportation of pulpboard, pulpboard products, and waste paper.

(52) *Paper and paper products* (except commodities in bulk), from points in Kentucky (except Florence and points in the Cincinnati, Ohio Commercial Zone, as defined by the Commission, which are in Kentucky), to points in New York on and north of a line beginning at Otsego, thence along New York Highway 57 to Syracuse, thence along New York Highway 5 to Schenectady, thence along New York Highway 7 to the New York-Vermont State line), points in Vermont on and north of U.S. Highway 4, points in New Hampshire on and north of a line beginning at the intersection of the New Hampshire-Vermont State line and U.S. Highway 4, thence along U.S. Highway 4 to Concord, thence along U.S. Highway 3 to Meredith, thence along New Hampshire Highway 25 to the New Hampshire-Maine State line, and points in Maine on and north of a line beginning at the intersection of the Maine New Hampshire State line and U.S. Highway 302, thence along U.S. Highway 302 to its intersection with Maine Highway 11, thence along Maine Highway 11 to Lewiston, thence along Maine Highway 196 to Brunswick, and thence along Maine Highway 123 to the Atlantic Ocean. Restriction: The authority granted above is restricted against the transportation of pulpboard, pulpboard products, and waste paper. (53) *Paper and paper products* (except commodities in bulk), from points in Kentucky on and west of U.S. Highway 41, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Points in Virginia on and north of U.S. Highway 50, points in Maryland on and north of U.S. Highway 50, and the District of Coulmbia. Restriction: The authority granted above is restricted against the transportation of pulpboard, pulpboard products, and waste Paper.

(54) *Paper and paper products* (except commodities in bulk), from points in Kentucky on and within an area bordered on the north by the Indiana-Kentucky State line, on the west by U.S. Highway 40, on the south by the Tennessee-Indiana State line, and on the east by Interstate Highway 65, to points in New York, Maine, Vermont, New Hampshire, Connecticut, Massachusetts, Rhode Island, New Jersey, points in Virginia on and north of U.S. Highway 50, points in Maryland on and north of U.S. Highway 50, points in North Dakota on, north, and east of a line beginning at the intersection of the Montana-North Dakota State line and U.S. Highway 2, thence along U.S. Highway 2 to its intersection with U.S. Highway 281, thence along U.S.

Highway 281 to the International Boundary between Canada and the United States, and the District of Columbia. Restriction: The authority granted above is restricted against the transportation of pulpboard, pulpboard products, and waste paper, (55) *Paper and paper products* (except commodities in bulk), from points in Kentucky on and within an area bordered on the south by U.S. Highway 60, on the east by U.S. Hignway 25, and on the northwest by the Kentucky-Indiana State line (except Florence, Kentucky, and points within the Cincinnati Commercial Zone, as defined by the Commission, which lie within Kentucky), to points in New York, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, those points in Virginia on and north of U.S. Highway 50, those points in Maryland north and east of a line beginning at the intersection of the Pennsylvania-Maryland State line and U.S. Highway 220, thence along U.S. Highway 220 to Cumberland, thence following the Maryland State line east and south to its intersection with U.S. Highway 50, thence along U.S. Highway 50 to the Atlantic Ocean, points in North Dakota, South Dakota, points in Nebraska on, north, and west of a line beginning at the intersection of the Colorado-Nebraska State line and U.S. Highway 30, thence along U.S. Highway 30 to Columbus, thence along U.S. Highway 81 to its intersection with U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Nebraska State line, points in Texas on and west of a line beginning at the intersection of the New Mexico-Texas State line and U.S. Highway 285, thence along U.S. Highway 285 to Pecos, thence along Texas Highway 17 to the intersection with Texas Highway 118, thence along Texas Highway 118 to Boquillas, and the District of Columbia. Restriction: The authority granted above is restricted against the transportation of pulpboard, pulpboard products, and waste paper.

(56) *Paper and paper products* (except commodities in bulk), from points in Kentucky on and within an area bordered on the west by Interstate Highway 65, on the north by U.S. Highway 60, on the east by U.S. Highway 25, and on the south by the Tennessee-Kentucky State line, to points in North Dakota, Maine, New Hampshire, Vermont, South Dakota (except points south and east of a line beginning at the intersection of the Nebraska-South Dakota State line and U.S. Highway 83, thence along U.S. Highway 83 to its intersection with U.S. Highway 16, thence along U.S. Highway 16 to its intersection with U.S. Highway 77, thence along U.S. Highway 77 to the South Dakota-Minnesota State line), New York (except points south of a line beginning at Narrowsburg, thence along New York Highway 52 to its intersection with U.S. Highway 209, thence along U.S. Highway 209 to its junction with U.S. Highway 44, thence along U.S. Highway 44 to the Connecticut-Massachusetts State line), and Massachusetts (except points south and east of a line beginning at the intersection of the Connecticut-Massachusetts State line and U.S. Highway 7, thence along U.S. Highway 7 to its junction with U.S. Highway 20, thence along U.S. Highway 20 to Springfield, thence along U.S. Highway 5 to its intersection with U.S. Highway 202, thence along U.S. Highway 202 to its intersection with Massachusetts Highway 9, thence along Massachusetts Highway 9 to Boston. Restriction: The authority granted above is restricted against the transportation of pulpboard, pulpboard products, and waste paper.

(57) *Paper and paper products* (except commodities in bulk), from Nicholasville, Ky., to points in North Dakota, South Dakota, Nebraska, New York, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, points in Virginia on and north of U.S. Highway 50, points in Maryland on, north, and east of a line beginning at the intersection of the Pennsylvania-Maryland State line and U.S. Highway 20, thence along U.S. Highway 20 to Cumberland, thence along the Maryland-Pennsylvania State line to its intersection with U.S. Highway 50, thence along U.S. Highway 50 to its termination on the Atlantic Ocean, points in Kansas on, north, and west of a line beginning at the intersection of the Missouri-Kansas State line and U.S. Highway 36, thence along U.S. Highway 36 to its intersection with Kansas Highway 99, thence along Kansas Highway 99 to its intersection with Interstate Highway 35, thence along Interstate Highway 35 to its intersection with U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Oklahoma State line, points in Oklahoma on and west of a line beginning at the intersection of the Kansas-Oklahoma State line and U.S. Highway 77, thence along U.S. Highway 77 to Oklahoma City, thence along U.S. Highway 277 to the Oklahoma-Texas State line, points in Texas on and west of a line beginning at the intersection of the Oklahoma-Texas State line and U.S. Highway 277, thence along U.S. Highway 277 to Abilene, Texas, thence along U.S. Highway 80 to its intersection with Texas Highway 163, thence along Texas Highway 163 to its intersection with U.S. Highway 90, thence along U.S. Highway 90 to DelRio, thence southwest along unnumbered highway to the Rio Grande and the District of Columbia. Restriction: The authority granted above is restricted against the transportation of pulpboard, pulpboard products, and waste paper.

(58) *Paper and paper products* (except commodities in bulk), from points in Kentucky on and within an area bordered on the west by U.S. Highway 25, on the southwest by U.S. Highway 68, and on the northeast by the Ohio-Kentucky State line (except points in the Cincinnati, Ohio, Commercial Zone, as defined by the Commission, which are in Kentucky), to points in North Dakota, South Dakota, Nebraska, Maine, New Hampshire, Vermont, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, those points in Maryland on and north of a line beginning at the intersection of the Maryland-Pennsylvania State line and U.S. Highway 11, thence along U.S. Highway 11 to Hagerstown, thence along U.S. Highway 40 to Baltimore, thence along Maryland Highway 2 to Annapolis, thence along U.S. Highway 50 to its termination on the Atlantic Ocean, points in Kansas on and west of a line beginning at Atchison, thence along Kansas Highway 4 to Topeka, thence along Interstate Highway 35 to its intersection with U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Oklahoma State line, those points in Oklahoma on and west of a line beginning at the intersection of the Kansas-Oklahoma State line and U.S. 77, thence along U.S. Highway 77 to its intersection with Oklahoma Highway 19, thence along Oklahoma Highway 19 to its intersection with U.S. Highway 277, thence along U.S. Highway 277 to the Oklahoma-Texas State line, and points in Texas on and west of a line beginning at the intersection of the Texas-Oklahoma State line and U.S. Highway 277 thence along U.S. Highway 277 to Eagle Pass, Texas. Restriction: The authority granted above is restricted against the transportation of pulpboard, pulpboard products, and waste paper.

(59) *Paper and paper products* (except commodities in bulk), from points in Kentucky on and east of a line beginning at Maysville, thence along U.S. Highway 68 to Lexington, thence along U.S. Highway 25 to the Kentucky-Tennessee State line, to points in North Dakota, South Dakota, Nebraska, points in Maine, on, north, and east of a line beginning at the intersection of the New Hampshire-Maine State line and Maine Highway 2, thence along Maine Highway 2 to its intersection with Maine Highway 26, thence along Maine Highway 26 to Portland, points in Kansas on and west of a line beginning at the intersection of the Missouri-Kansas State line and U.S. Highway 36, thence along U.S. Highway 36 to its intersection with Kansas Highway 99, and along Kansas Highway 99 to Emporia, thence along U.S. Highway 50 to its intersection with U.S. Highway 81, thence along U.S. Highway 81 to the Kansas-Oklahoma State line, points in Oklahoma on and west of a line beginning at the intersection of the Kansas Oklahoma State line and U.S. Highway 81, thence along U.S. Highway 81 to Enid, thence along U.S. Highway 60 to its intersection with U.S. Highway 183, thence along U.S. Highway 183 to its intersection with U.S. Highway 62, thence along U.S. Highway 62 to the Texas-Oklahoma State line, and points in Texas on and north of a line beginning at the intersection of the Texas-Oklahoma State line and U.S. Highway 62, thence along U.S. Highway 62 to Lubbock, thence along U.S. Highway 84 to the New Mexico-Texas State line, and points in El Paso and Hudspeth Counties, Tex. Restriction: The authority granted

above is restricted against the transportation of pulpboard, pulpboard products, and waste paper.

(60) *Paper and paper products* (except commodities in bulk), from points in Indiana on and within an area bordered on the north by U.S. Highway 40, on the west by U.S. Highway 31, on the south by U.S. Highway 50, and on the east by the Indiana-Ohio State line, to points in Maine, New Hampshire, Vermont, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, points in Virginia on and east of a line beginning at the intersection of the Virginia-West Virginia State line and U.S. Highway 250, thence along U.S. Highway 250 to its intersection with U.S. Highway 11, thence along U.S. Highway 11 to its intersection with U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line, points in North Carolina on and east of a line beginning at the intersection of the Virginia-North Carolina State line and U.S. Highway 220 to Greensboro, thence along U.S. Highway 421 to Wilmington, points in Texas on and west of a line beginning at the intersection of the Oklahoma-Texas State line and U.S. Highway 287, thence along U.S. Highway 287 to its intersection with U.S. Highway 83, thence along U.S. Highway 83 to its intersection with U.S. Highway 87, thence along U.S. Highway 87 to its termination on the Gulf of Mexico, and the District of Columbia. Restriction: The authority granted above is restricted against the transportation of pulpboard, pulpboard products, and waste paper. (61) *Paper and paper products* (except commodities in bulk), from points in Indiana on and within an area bordered on the north by U.S. Highway 40, on the east by U.S. Highway 31, on the south by the Kentucky-Indiana State line, and on the west by the Indiana-Illinois State line (except Evansville), to points in New York, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland (except points east of Interstate Highway 81), points in Virginia on and east of a line beginning at the intersection of the Virginia-District of Columbia State line and U.S. Highway 1, thence along U.S. Highway 1 to Richmond, thence along U.S. Highway 60 to Hampton, thence along U.S. Highway 17 to the Virginia-North Carolina State line, and the District of Columbia. Restriction: The authority granted above is restricted against the transportation of pulpboard, pulpboard products, and waste paper.

(62) Paper and paper products (except commodities in bulk), from points in Indiana on and within an area bordered on the north by U.S. Highway 50, on the west by U.S. Highway 31, and on the southeast by the Indiana-Kentucky State line, to points in New York, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland (except points west of Interstate Highway 81), points in Virginia on and east of a line beginning at the intersection of the Virginia-District of Columbia State line and U.S. Highway 1, thence along U.S. Highway 1 to Richmond, thence along U.S. Highway 60 to Hampton, thence along U.S. Highway 17 to the Virginia-North Carolina State line, and the District of Columbia. Restriction: The authority granted above is restricted against the transportation of pulpboard, pulpboard products, and waste paper. (63) *Paper and paper products* (except commodities in bulk), from points in Tennessee on and west of a line beginning at the intersection of the Kentucky-Tennessee State line and U.S. Highway 641, thence along U.S. Highway 641 to Paris, thence along U.S. Highway 79 to its intersection with Tennessee Highway 22, thence along Tennessee Highway 22 to the Tennessee-Mississippi State line (except Memphis, Tenn.), to points in Maine, New Hampshire, Vermont, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland (except points south of U.S. Highway 50), Virginia (except points south of U.S. Highway 50), and the District of Columbia. Restriction: The authority granted above is restricted to against the transportation of cardboard cartons.

(64) *Paper and paper products* (except commodities in bulk), from points in Tennessee on and within an area bordered on the west by a line beginning at the intersection of the Kentucky-Tennessee State line and U.S. Highway 641, thence along U.S. Highway 641 to Paris, thence along U.S. Highway 79 to its intersection with Tennessee Highway 22, thence along Tennessee Highway 22 to the Tennessee-Mississippi State line, bordered on the north by the Kentucky State line, on the east by U.S. Highway 41, and on the south by the Tennessee-Georgia State line, to points in New York, New Hampshire, Vermont, Maine, Connecticut, Massachusetts, Rhode Island, and points in New Jersey on and north of a line beginning at the intersection of the Pennsylvania-New Jersey State line and New Jersey Highway 57, thence along New Jersey Highway 57 to its junction with New Jersey Highway 24, thence along New Jersey Highway 24 to Newark, thence along U.S. Highway 1 to the Hudson River. Restriction: The authority granted above is restricted against the transportation of Cardboard cartons. (65) *Paper and paper products* (except commodities in bulk), from points in Tennessee on and within an area bordered on the north by the Tennessee-Kentucky State line, on the southwest by U.S. Highway 41, and on the east by U.S. Highway 127, to points in New York, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, North Dakota, those points in New Jersey on and north of a line beginning at the intersection of the Pennsylvania-New Jersey State line and New Jersey Highway 57, thence along New Jersey Highway 57 to its junction with New Jersey Highway 24, thence along New Jersey Highway 24 to Newark, thence along U.S. Highway 1 to the Hudson River, and points in South Dakota on, north, and west of a line beginning at the intersection of the Wyoming-South Dakota State line and U.S. Highway 212, thence along U.S. Highway 212 to its intersection with South Dakota Highway 47, thence along South Dakota Highway 47 to its intersection with U.S. Highway 12, thence along U.S. Highway 12 to Aberdeen, thence along U.S. Highway 281 to the North Dakota-South Dakota State line. Restriction: The authority granted above is restricted against the transportation of cardboard cartons.

(66) *Paper and paper products* (except commodities in bulk), from points in Tennessee on and within an area bordered on the west by U.S. Highway 127, on the north by the Kentucky-Tennessee State line, on the east by a line beginning at the intersection of the Kentucky-Tennessee State line and U.S. Highway 25E, thence along U.S. Highway 25E to its intersection with Tennessee Highway 33, thence along Tennessee Highway 33 to Knoxville, thence south along U.S. Highway 29 to the Tennessee-North Carolina State line, and on the south by the Tennessee-Georgia State line, to points in North Dakota, South Dakota, Maine, Vermont, New Hampshire (except points east and south of a line beginning at the intersection of the New Hampshire-Massachusetts State line and New Hampshire Highway 10, thence along New Hampshire Highway 10 to Keene, thence along New Hampshire Highway 9 to its intersection with New Hampshire Highway 114, thence along New Hampshire Highway 114 to Manchester, thence along New Hampshire Highway 101 to the Atlantic Ocean), New York (except points south and east of a line beginning at the intersection of the Pennsylvania-New York State line and New York Highway 79, thence along New York Highway 79 to its intersection with New York Highway 7, thence along New York Highway 7 to the New York-Vermont State line), and Nebraska (except points south and east of a line beginning at the intersection of the Wyoming-Nebraska State line and U.S. Highway 30, thence along U.S. Highway 30 to North Platte, thence along Nebraska Highway 70 to its junction with Nebraska Highway 92, thence along Nebraska Highway 92 to its intersection with U.S. Highway 81, thence along U.S. Highway 81 to its intersection with U.S. Highway 20, thence along U.S. Highway 20 to the Nebraska-Iowa State line). Restriction: The authority granted above is restricted against the transportation of cardboard cartons.

(67) *Paper and paper products* (except commodities in bulk), from points in Tennessee on and east of a line beginning at the intersection of the Kentucky-Tennessee State line and U.S. Highway 25E, thence along U.S. Highway 25E to its intersection with Tennessee Highway 33, thence along Tennessee Highway 33 to Knoxville, thence along U.S. Highway 129 to the Tennessee-North Carolina State line, to points in North Dakota, South Dakota, Nebraska (except

points south and east of a line beginning at the intersection of the Kansas-Nebraska State line and U.S. Highway 77, thence along U.S. Highway 77 to its intersection with Nebraska Highway 2, thence along Nebraska Highway 2 to the Nebraska-Iowa State line), and points in Kansas north and west of a line beginning at the intersection of the Colorado-Kansas State line and U.S. Highway 24, thence along U.S. Highway 24 to its intersection with U.S. Highway 81, thence along U.S. Highway 81 to the Kansas-Nebraska State line. Restriction: The authority granted above is restricted against the transportation of cardboard cartons.

(68) *Paper and paper products* (except commodities in bulk), from Kingsport, Tenn., to points in North Dakota, South Dakota, Nebraska, Kansas (except points south and east of a line beginning at the intersection of the Oklahoma-Kansas State line and U.S. Highway 75, thence along U.S. Highway 75 to its intersection with U.S. Highway 160, thence along U.S. Highway 160 to the Kansas-Missouri State line), Missouri (except points south and east of a line beginning at the intersection of the Kansas-Missouri State line and U.S. Highway 160, thence along U.S. Highway 160 to its intersection with Missouri Highway 39, thence along Missouri Highway 39 to its intersection with Missouri Highway 32, thence along Missouri Highway 32 to Lebanon, thence along Missouri Highway 5 to its intersection with U.S. Highway 54, thence along U.S. Highway 54 to Louisiana, Mo.), points in Oklahoma on, north, and west of a line beginning at the intersection of the Oklahoma-Texas State line and Oklahoma Highway 33, thence along Oklahoma 33 to its intersection with U.S. Highway 77, thence along U.S. Highway 77 to the Oklahoma-Kansas State line, those points in Texas on and north of a line beginning at the intersection of the New Mexico-Texas State line and U.S. Highway 60, thence along U.S. Highway 60 to Amarillo, thence along U.S. Highway 66 to the Texas-Oklahoma State line, points in El Paso and Hudspeth Counties, Texas. Restriction: The authority granted above is restricted against the transportation of cardboard cartons.

(69) *Paper and paper products* (except commodities in bulk), from Tullahoma, Tenn., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, North Dakota, South Dakota (except points south and east of a line beginning at the intersection of the Nebraska-North Dakota State line and South Dakota Highway 47, thence along South Dakota Highway 47 to its intersection with U.S. Highway 16, thence along U.S. Highway 16 to the Minnesota-South Dakota State line), points in Nebraska on, north, and west of a line beginning at the intersection of the Wyoming-Nebraska State line and U.S. Highway 26 thence along U.S. Highway 26 to its intersection with U.S. Highway 385, thence along U.S. Highway 385 to the Nebraska-South Dakota State line, and points in New York. Restriction: The authority granted above is restricted against the transportation of cardboard cartons. (70) *Paper and paper products* (except commodities in bulk), from Nashville, Tenn., to points in North Dakota, Maine, New Hampshire, Vermont, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, points in Virginia on and north of U.S. Highway 50, points in Maryland on and north of U.S. Highway 50, points in South Dakota on, north, and west of a line beginning at the intersection of the South Dakota-Nebraska State line and U.S. Highway 385, thence along U.S. Highway 385 to its intersection with U.S. Highway 16, thence along U.S. Highway 16 to Chamberlain, thence along South Dakota Highway 47 to Highmore, thence along U.S. Highway 14 to the South Dakota-Minnesota State line, and the District of Columbia. Restriction: The authority granted above is restricted against the transportation of cardboard cartons. The purpose of this filing is to eliminate the gateways of the plant site of Laminated and Coated Products Division of St. Regis Paper Co., at Troy, Ohio in 1–7, 9–36, 38–48, and 50–70 above. Lexington, Ky., and the plantsite of Laminated and Coated Products Division of St. Regis Paper Co., at Troy, Ohio in 37. Points in Little River County, Ark., in 8. Chicago Heights, Ill., and the plant site of Laminated and Coated Products Division of St. Regis Paper Co., at Troy, Ohio in 49.

No. MC 52793 (Sub-No. E1), filed June 4, 1974. Applicant: BEKINS VAN LINES, INC., P.O. Box 109, LaGrange, Ill. 60525. Applicant's representative: Robert McClure (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Household goods*, as defined by the Commission, between points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, Wyoming, Nebraska (except points within 50 miles of Sioux City, Iowa), Iowa (except points within 50 miles of Omaha, Nebr.), the District of Columbia, Washington, Utah, Idaho, and Montana, on the one hand, and, on the other, points in Maine; (2) *Household goods* as defined by the Commission, between points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, Wyoming, Nebraska (except points within 50 miles of Sioux City, Iowa), Iowa (except points within 50 miles of Omaha, Nebr.), the District of Columbia, Washington, Utah, Idaho, and Montana, on the on the hand, and on the other, points in New Hampshire; (3) *Household goods*, as defined by the Commission, between points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Wyoming, Nebraska (except points within 50 miles of Sioux City, Iowa), Iowa (except points within 50 miles of Omaha, Nebr.), the District of Columbia, Washington, Utah, Idaho, and Montana, on the one hand, and, on the other, points in Vermont; (4) *Household goods*, as defined by the Commission, between points in Nebraska within 50 miles of Sioux City, Iowa, on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming (points in Colorado)*; and (5) *Household* goods, as defined by the Commission, between points in Maine, on the one hand, and, on the other, points in New York (except points north of a line from Sachets Harbor along New York Highway 3 to Tupper Lake, thence along New York Highway 30 to the junction of New York Highway 28, thence along New York Highway 28 to the junction of U.S. Highway 4, thence along U.S. Highway 4 to the New York-Vermont State line (points in Essex County, Mass.)*. The purpose of this filing is to eliminate the gateways of points in Essex County, Mass., in 1, 2, 3, and 5 above, and points in Colorado in 4 above.

No. MC 83539 (Sub-No. E1), (Correction), filed May 31, 1974, published in the FEDERAL REGISTER November 25, 1974. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Week (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight, require the use of special equipment, from points in Delaware to points in Indiana. The purpose of this filing is to eliminate the gateways of Philadelphia and Braddock, Pa. The purpose of this correction is to correct a typographical error.

No. MC 83745 (Sub-No. E5), filed June 4, 1974. Applicant: BOND TRANSPORT, INC., 4620 Rolling Road, Pittsburgh, Pa. 15236. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and such commodities* generally requiring rigging, special equipment, or specialized handling (except articles requiring special vehicular equipment for over-the-road movements), between points in Fayette

County, Pa., within 25 miles of Pittsburgh, Pa., west of Pennsylvania Highway 51, on the one hand, and, on the other, points in Ohio on, north, and west of a line beginning at the Ohio-West Virginia State line extending along Ohio Highway 30 to junction Ohio Highway 3, thence along Ohio Highway 3 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction U.S. Highway 33 to the Ohio-West Virginia State line, points in West Virginia on and west of Interstate Highway 77, and Baltimore, Md. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC 88368 (Sub-No. E55), filed August 9, 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*, as defined by the Commission: (1) from points in Georgia to points in Illinois (Birmingham, Ala., and points within 100 miles thereof, and points in Mississippi and Missouri)*, and points in Michigan (points in Harlan County, Ky., Florence, Sheffield, and Tuscumbia, Ala., points in Missouri and Mississippi, and Bloomington, Ill., and points within 25 miles thereof)*; (2) from points in Georgia in and north of Muscogee, Chattahoochee, Stewart, Randolph, Terrell, Dougherty, Worth, Tift, Berrien, Atkinson, Ware, and Charlton Counties to points in Texas on, north, and west of a line from the Texas-New Mexico State line along U.S. Highway 80 to Midland, thence along Texas Highway 349 to Lamesa, thence along U.S. Highway 87 to Lubbock, thence along U.S. Highway 82 to Guthrie, thence along U.S. Highway 83 to Paducah, thence along Texas Highway 104 to Quanah, thence along Texas Highway 283 to the Texas-Oklahoma State line (Florence, Sheffield, and Tuscumbia, Ala., points in Mississippi and Missouri, and Waurika or Altus, Okla.)*; (3) from points in Georgia in and north of Carroll, Coweta, Spaulding, Pike, Upson, Crawford, Peach, Houston, Pulaski, Dodge, Telfair, Jeff Davis, Bacon, Appling, Wayne, and Glynn Counties to points in Texas on, north, and west of a line from the Texas-New Mexico State line along U.S. Highway 80 to Dallas, thence along U.S. Highway 75 to the Texas-Oklahoma State line (Florence, Sheffield, and Tuscumbia, Ala., points in Mississippi, points in Missouri, and Broken Bow or Altus, Okla.)*.

(4) From points in Georgia to points in Texas on, north, and west of a line from the Texas-New Mexico State line along U.S. Highway 80 to Dallas, thence along U.S. Highway 75 to the Texas-Oklahoma State line and points in Cherokee County, Tex. (points in Alabama within 100 miles of Birmingham, points in Arkansas, Terral, or Waurika, Okla., Shreveport, La., and points in Cherokee County, Tex.)*; (5) from points in Georgia in and north of Carroll, Coweta, Fayette, Spalding, Lamar, Crawford, Peach, Houston, Dooly, Crisp, Turner, Irwin, Coffee, Ware, and Charlton Counties to points in Cherokee County, Tex. (Florence, Sheffield, and Tuscumbia, Ala., and Shreveport, La.)*; (6) from points in Haralson, Spalding, Cobb, Fulton, Dekalb, Rockdale, Newton, Morgan, Greene, Taliaferro, McDuffie, and Columbia Counties, Ga., to points in Box Elder, Rich, Cache, Morgan, Davis, and Salt Lake Counties, Utah (Florence, Sheffield, and Tuscumbia, Ala., points in Mississippi, Newton, Kans., and points within 15 miles thereof, points in Colorado and Monida, Mont.)*; (7) from points in Georgia to points in and west of Henry, Carroll, Madison, and Hardiman Counties, Tenn. (Florence, Sheffield, or Tuscumbia, Ala.)*; (8) from points in Georgia in and south of Harris, Talbot, Crawford, Bibb, Wilkinson, Johnson, Emanual, Bullock, and Effingham Counties to points in Tennessee in and west of Giles, Marsh, Bedford, Rutherford, Wilson, and Sumner Counties (Florence, Sheffield, or Tuscumbia, Ala.)*. The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC 95540 (Sub-No. E789), filed November 25, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from the facilities of ITT Gwaltney Company at Smithfield, Va., to points in California, Arizona, New Mexico, Oklahoma, and to those points in Texas on and west of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 59 to its junction with U.S. Highway 77, thence along U.S. Highway 77 to its junction with Interstate Highway 37, thence along Interstate Highway 37 to the Texas-Arkansas State line, and to those points in Arkansas on and west of a line beginning at the Arkansas-Missouri State line and extending along Interstate Highway 55 to its junction with Arkansas Highway 18, thence along Arkansas Highway 18 to its junction with Arkansas Highway 1, thence along Arkansas Highway 1 to its junction with U.S. Highway 70, thence along U.S. Highway 70 to its junction with U.S. Highway 49, thence along U.S. Highway 49 to its junction with U.S. Highway 79, thence along U.S. Highway 79 to its junction with U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line. The purpose of this filing is to eliminate the gateway of Washington, Pa.

No. MC 95540 (Sub-No. E790), filed November 25, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from the facilities of ITT Gwaltney Co., at Smithfield, Va., to points in Maine, Vermont, and New Hampshire. The purpose of this filing is to eliminate the gateway of Newburgh, N.Y.

No. MC 95540 (Sub-No. E792), filed November 25, 1974. Applicant. WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Potato flakes, in mixed loads with frozen potatoes, frozen potato products, frozen onions, or frozen carrots*, from Presque Isle, Maine, to points in Arkansas, New Mexico, Arizona, and California, restricted to the transportation of shipments destined to points in the above-described destination States. The purpose of this filing is to eliminate the gateway of Albany, N.Y.

No. MC 95540 (Sub-No. E794), filed November 25, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Maryland and Delaware to points in California, Arizona, New Mexico, Arkansas, Louisiana, Texas, and Oklahoma, restricted to the transportation of shipments destined to points in the above-described destination States. The purpose of this filing is to eliminate the gateway of Washington, Pa.

No. MC 95540 (Sub-No. E795), filed November 25, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen food*, from Rocky Mount, N.C., to points in California, Arizona, New Mexico, and those points in Oklahoma on and north of a line beginning at the Oklahoma-Missouri State line and extending along Interstate Highway 44 to its junction with U.S. Highway 69, thence along U.S. Highway 69 to its junction with Interstate Highway 40, thence along Interstate Highway 40 to its junction with Oklahoma Highway 99, thence along Oklahoma Highway 9 to its its junction with Oklahoma Highway 9,

thence along Oklahoma Highway 9 to its junction with U.S. Highway 177, thence along U.S. Highway 177 to its junction with U.S. Highway 70, thence along U.S. Highway 70 to its junction with U.S. Highway 77, thence along U.S. Highway 77 to the Oklahoma-Texas State line, and to those points in Texas on and northwest of a line beginning at the Texas-Oklahoma State line and extending along Texas Highway 79 to its junction with U.S. Highway 180, thence along U.S. Highway 180 to its junction with Texas Highway 350, thence along Texas Highway 350 to its junction with Interstate Highway 20, thence along Interstate Highway 20 to its junction with Texas Highway 18, thence along Texas Highway 18 to its junction with U.S. Highway 290, thence along U.S. Highway 290 to its junction with U.S. Highway 67, thence along U.S. Highway 67 to the U.S.-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of Washington, Pa.

No. MC 95540 (Sub-No. E796), filed November 25, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636 Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from those points in New York on and northwest of a line beginning at the New York-Massachusetts State line and extending along New York Highway 2 to its junction with U.S. Highway 4, thence along U.S. Highway 4 to its junction with Interstate Highway 787, thence along Interstate Highway 787 to its junction with U.S. Highway 20, thence along U.S. Highway 20 to its junction with New York Highway 7, thence along New York Highway 7 to its junction with U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line, to those points in Mississippi on and west of a line beginning at the Mississippi-Louisiana State line and extending along U.S. Highway 82 to its junction with U.S. Highway 61, thence along U.S. Highway 61 to the Mississippi-Louisiana State line. The purpose of this filing is to eliminate the gateway of Russellville, Ark.

No. MC 95540 (Sub-No. E797), filed November 25, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned goods in* vehicles equipped with mechanical refrigeration, from Newburgh, N.Y., to points in Arkansas, Louisiana, and Texas. The purpose of this filing is to eliminate the gateways of points in Pike and Spaulding Counties, Ga.

No. MC 95540 (Sub No. E798), filed November 25, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen potato products*, from Caribou, Maine, to points in California, Arizona, and New Mexico. The purpose of this filing is to eliminate the gateways of points in New York.

No. MC 95540 (Sub No. E799), filed November 25, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen potatoes, frozen potato products, frozen onions, and frozen carrots*, from Corinna, Easton, Portland, Presque Isle, and Washburn, Maine to points in Arkansas. The purpose of this filing is to eliminate the gateway of Washington, Pa.

No. MC 95540 (Sub-No. E800), filed November 25, 1974. Applicant: WATKINS, MOTORS LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses, and dairy products*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Orangeburg, S.C., to those points in California on and north of a line beginning at the Pacific Ocean and extending along California Highway 22 to its junction with California Highway 55, thence along California Highway 55 to its junction with California Highway 91, thence along California Highway 91 to its junction with Interstate Highway 15, thence along Interstate Highway 15 to the California-Nevada State line. The purpose of this filing is to eliminate the gateways of points in Pennsylvania.

No. MC 95540 (Sub-No. E801), filed November 25, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods* (except in bulk), from the facilities of the Quaker Oats Company at Jackson, Tenn., to points in Rhode Island. The purpose of this filing is to eliminate the gateway of Newburgh, N.Y.

No. MC 95540 (Sub-No. E813), filed November 29, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk, in tank vehicles), from Charlotte and Concord, N.C., to points in Louisiana, Texas, and those points in Mississippi on and north of U.S. Highway 80. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC 95540 (Sub-No. E814), filed November 29, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Frozen foods, from Charlotte, and Concord, N.C., to points in Alabama, Arkansas, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, Wisconsin, and to those points in Indiana on and west of a line beginning at the Indiana-Kentucky State line and extending along U.S. Highway 231 to junction with Indiana Highway 45, thence along Indiana Highway 45 to its junction with Indiana Highway 37, thence along Indiana Highway 37 to its junction with Interstate Highway 465, thence along Interstate Highway 465 to its junction with U.S. Highway 31, thence along U.S. Highway 31 to the Indiana-Michigan State line, and to those points in Michigan on and west of a line beginning at the Michigan-Indiana State line, and extending along U.S. Highway 131 to its junction with U.S. Highway 31, thence along U.S. Highway 31 north to the junction with Interstate Highway 75, thence along Interstate Highway 75 to the U.S.-Canada International Boundary line, and to those points in Kentucky on and west of a line beginning at the Kentucky-Tennessee State line, and extending along U.S. Highway 31E to its junction with Kentucky Highway 90 to its junction with Interstate Highway 65, thence along Interstate Highway 65 to its junction with U.S. Highway 31W, thence along U.S. Highway 31W to its junction with Kentucky Highway 1638, thence along Kentucky Highway 1638 to the Indiana-Kentucky State line. The purpose of this filing is to eliminate the gateway of Gainesville, Ga.

No. MC 95540 (Sub-No. E815), filed November 29, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Charlotte and Concord, N.C., to points in Arizona, California, and New Mexico. The purpose of this filing is to eliminate the gateways of points in Georgia.

No. MC 95540 (Sub-No. E816), filed November 29, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61

M.C.C. 209 and 766 (except hides and commodities in bulk), from Eau Claire, Wis., to points in Maine, Vermont, Rhode Island, New Jersey, and those points in Delaware on and north of New Jersey Highway 8. The purpose of this filing is to eliminate the gateway of Newburgh, N.Y.

No. MC 95540 (Sub-No. E817), filed December 5, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Confectionery*, from Bryan, Ohio, to those points in California on and south of a line beginning at the California-Arizona State line and extending along U.S. Highway 66 to its junction with California Highway 58, thence along California Highway 58 to its junction with California Highway 99, thence along California Highway 99 to its junction with California Highway 152, thence along California Highway 152 to its junction with California Highway 1, thence along California Highway 1 to the Pacific Ocean. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn.

No. MC 95540 (Sub-No. E818), filed December 5, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen potato products*, from Caribou, Maine, to those points in Missouri on and south of a line beginning at the Missouri-Kansas State line and extending along U.S. Highway 50 to its junction with U.S. Highway 63, thence along U.S. Highway 63 to its junction with Missouri Highway 68, thence along Missouri Highway 68 to its junction with Missouri Highway 8, thence along Missouri Highway 8 to its junction with U.S. Highway 67, thence along U.S. Highway 67 to its junction with Missouri Highway 32, thence along Missouri Highway 32 to the Missouri-Illinois State line. The purpose of this filing is to eliminate the gateway of Gainesville, Ga.

No. MC 106647 (Sub-No. E4), filed May 24, 1974. Applicant: CLARK TRANSPORT CO., INC., 13101 S. Torrence Ave., Chicago, Ill. 60633. Applicant's representative: Edward E. Coit (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, cabs, and chassis*, new, used, unfinished, and wrecked, in secondary movements, in truckaway and driveaway service, between points in Illinois, Indiana, Maryland, Ohio, Pennsylvania, the District of Columbia, and Warren Township, Macomb County, Mich., on the one hand, and, on the other, Omaha, Nebr., Detroit, Mich., and points in that part of Minnesota south of a line beginning at the Minnesota State line at the junction of the North Dakota-South Dakota State lines, thence along a line extending in an easterly direction through Pine City to the Minnesota-Wisconsin State line. The purpose of this filing is to eliminate the gateway of Toledo, Ohio, or points in Iowa.

No. MC 111545 (Sub-No. E646), (Correction), filed May 30, 1974, published in the FEDERAL REGISTER November 14, 1974. Applicant: HOME TRANSPORTATION CO., 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*, in sections, the transportation of which, because of size or weight, requires the use of special equipment (except commodities to be used in, or in connection with, main or trunk pipelines), from points in that part of Utah on and south of a line beginning at the Utah-Colorado State line, thence along U.S. Highway 666 to Monticello, thence along U.S. Highway 163 to Crescent Junction, thence along U.S. Highway 6 to junction Interstate Highway 70, thence along Interstate Highway 70 to Salina, thence along Utah Highway 26 to Delta, thence along U.S. Highway 6 to the Utah-Nevada State line, to points in that part of the Lower Peninsula of Michigan on, north, and east of a line beginning at the Michigan-Indiana State line, thence along Michigan Highway 66 to junction Interstate Highway 96, thence along Interstate Highway 96 to junction Michigan Highway 46, thence along Michigan Highway 46 to Muskegon. The purpose of this filing is to eliminate the gateways of points in that part of Missouri within 100 miles of Kansas City, Kans., and the plant site of Continental Homes, Inc., at or near Malden, Mo. The purpose of this correction is to correct the "E" number, previously published as E506.

No. MC 113843 (Sub-No. E70) (Correction), filed May 5, 1974, published in the FEDERAL REGISTER August 1, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Cortland, N.Y., to Sioux City, Iowa. The purpose of this filing is to eliminate the gateway of Newark, N.J. The purpose of this correction is to correct a typographical error.

No. MC 113843 (Sub-No. E483) (Correction), filed May 29, 1974, published in the FEDERAL REGISTER September 12, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods;* (1) from New York, N.Y., and points in Passaic, Sussex, Warren, Essex, Bergen, Hudson, Sometset, Morris, and Union Counties, N.J., to points in that part of Tennessee on and west of U.S. Highway 51; (2) from points in Middlesex County, N.J., to Dyersburg, Tenn.; (3) from Bradford and Susquehanna Counties, Pa., to points in that part of Tennessee on and west of a line beginning at the Kentucky-Tennessee State line and extending along Tennessee Highway 51 to junction Tennessee Highway 52, thence along Tennessee Highway 52 to junction Tennessee Highway 53, thence along Tennessee Highway 53 to junction Tennessee Highway 135, thence along Tennessee Highway 135 to Cookeville, thence along Tennessee Highway 42 to junction U.S. Highway 70S, thence along U.S. Highway 70S to McMinnville, thence along Tennessee Highway 55 to Tullahoma, thence along Tennessee Highway 130 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Tennessee Highway 97, thence along Tennessee Highway 97 to the Tennessee-Alabama State line; (4) from points in Lackawanna County, Pa., to points in that part of Tennessee on and west of Interstate Highway 65; (5) from Pittston and Wilkes-Barre, Pa., to Jackson, Dyersburg, and Memphis, Tenn., (6) from points in Somerset County, N.J., to Dyersburg and Memphis, Tenn.; (7) from points in Pike County, Pa., to points in that part of Tennessee on and west of Interstate Highway 65; and (8) from points in Monroe County, Pa., to Dyersburg, Jackson, and Memphis, Tenn. The purpose of this filing is to eliminate the gateways of Elmira, N.Y., and Detroit, Mich. (via Canada). The purpose of this correction is to correct a typographical error.

No. MC 113908 (Sub-No. E139), filed September 17, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glen Stone Station, Springfield, Mo. 66003. 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: *Distilled spirits used as vinegar stock*, from Bailey, Belding, and Fremont, Mich., to Lakeland, Fla., restricted against the transportation of vinegar, cider, and cider stock, from Bailey, Mich., to points in Ohio and Kentucky. The purpose of this filing is to eliminate the gateway of Bardstown, Ky.

No. MC 115603 (Sub-No. E1), filed May 30, 1974. Applicant: TURNER BROS. TRUCKING CO., INC., P.O. Box 94626, Oklahoma City, Okla. 73109. Applicant's representative: Jack E. Turner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and*

supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof (except the stringing or picking up of pipe in connection with main or trunk pipelines); (2) *Machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipe line rights-of-way; and (3) *Earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Oklahoma, on the one hand, and, on the other, points in North Dakota on and west of a line beginning at the United States–Canada International Boundary line and extending along North Dakota Highway 30 to Lehr, N. Dak., thence along unnumbered highway to Ashley, N. Dak., and thence along North Dakota Highway 3 to the North Dakota-South Dakota State line. The purpose of this filing is to eliminate the gateway of points in Texas.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-29475 Filed 12-17-74;8:45 am]

[Notice No. 101]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 13, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications *as filed* by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 114552 (Sub-No. 67) (Republication) filed August 24, 1972, and published in the FEDERAL REGISTER issue of September 21, 1972, and republished this issue. Applicant: SENN TRUCKING COMPANY, a Corporation, P.O. Box 333, Newberry, S.C. 29108. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Bldg., Columbia, S.C. 29201. An Order of the Commission, Review Board Number 4, dated July 18, 1973, and served July 30, 1973, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of (a) *plastic pipe* from Williamsport, Md., to points in Connecticut, Illinois, Indiana, Kentucky, Maine, Massachusetts, Michigan, Mississippi, New Hampshire, Rhode Island, and Tennessee (except points in Tennessee within 150 miles of Wythe County, Va.); and (b) *vinyl siding* from Williamsport, Md., to points in Alabama, Connecticut, Florida, Illinois, Indiana, Kentucky, Maine, Massachusetts, Michigan, Mississippi, Rhode Island, Vermont, points in Minnesota on and east of a line extending along the Mississippi River from the Minnesota-Iowa border to the junction of the Misippi River with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada, and points in Tennessee (except points in Tennessee within 150 miles of Wythe County, Va.); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate a modification in the commodity and territorial descriptions. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief on this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS UNDER SECTIONS 5(a) AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 66746 (Sub-No. 18), filed October 25, 1974. Applicant: JOHN L. KERR AND G. O. KERR, JR., PARTNERS, doing business as SHIPPERS EXPRESS, P.O. Box 8308, Jackson, Miss. 39204. Applicant's representative: Dan McCullen, P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Jackson, Miss. and the Mississippi-Louisiana State Boundary line: From Jackson, Miss. over U.S. Highway 51 and also Interstate Highway 55 to the Mississippi-Louisiana State Boundary line, and return over the same route, serving all intermediate points, restricted such that the authority requested in this proceeding if granted shall not be severable by sale or otherwise from the underlying irregular-route authority presently held by applicants and upon approval of the requested authority the certificates now held by applicants shall be amended by placing a restriction thereon, providing that applicants shall not, pursuant to the irregular-route authority contained in such certificate, transport shipments moving between any points authorized herein, as well as points in their respective commercial zones which are to be served by applicants in regular-route operations.

NOTE.—Applicant states that it presently holds irregular-route authority duplicating the authority sought herein. Applicant further states the purpose of the instant application is to convert its irregular-route authority to regular-route authority. This proceeding is directly related to MC-F-12354 which was published in the FEDERAL REGISTER issue of November 13, 1974. If a hearing is deemed necessary, the applicant requests it be held at Jackson, Miss.

No. MC 98742 (Sub-No. 13), filed December 4, 1974. Applicant: THE ROCKET FREIGHT LINES COMPANY, 2921 Dawson Road, Tulsa, Okla. 74110. Applicant's representative: I. E. Chenoweth, Suite 1012 Mayo Bldg., 420 South Main Street, Tulsa, Okla. 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) Between Okla.; (5) Between the junction of Oklahoma-Kansas State line

north of Quapaw, Okla., over U.S. Highway 66, serving the termini and all intermediate points; (2) Between the Oklahoma-Kansas State line north of Quapaw, Okla., and Tulsa, Okla.; over Highway 66, serving the termini and all intermediate points; (3) Between the junction of U.S. Highway 66 and U.S. Highway 69, west of Vinita, Okla., and Muskogee, Okla., over U.S. Highway 69, serving the termini and all intermediate points and off-route points of Tullahassee, Porter, Redbird, and Coweta, Okla.; (4) Between Muskogee, Okla., and the Oklahoma-Texas State Line south of Colbert, Okla., over U.S. Highway 69 serving the points of Muskogee, McAlester, Atoka, Durant, and Colbert, Okla., (5) Between the junction of Oklahoma U.S. Highway 60, thence over U.S. Highway 60 to Ponca City, Okla., thence over U.S. Highway 77 to the Oklahoma-Kansas Border north of Newkirk, Okla., thence over U.S. Highway 77 to its junction with U.S. Highway 60, thence over U.S. Highway 60 to its junction with Oklahoma Highway 18, thence over Oklahoma Highway 18 to the Oklahoma-Kansas Border north of Grainola, Okla., and return over the same route serving the termini and all intermediate points, and the off-route points of Autwine, Kildare, Chilocco, Uncas, Apperson, Burbank, Webb City, Lyman, and Foraker; (9) Between Tulsa, Okla., and Muskogee, Okla.: From Tulsa over U.S. Highway 64 to its junction with Oklahoma Highway 162 (U.S. Highway 62) thence over Oklahoma Highway 162 to Taft, Okla., thence over Oklahoma Highway 162 to its junction with U.S. Highway 64, thence over U.S. Highway 64 to Muskogee, Okla., and return over the same route, serving all intermediate points, except Bixby, Okla., and including the off-route points of Jamesville and Yahola, Okla.

(10) Between Oklahoma City, Okla. and Miami, Okla.; From Oklahoma City, over Interstate Highway 44 to Miami, Okla., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (11) Between Oklahoma City, Okla., and Muskogee, Okla.: From Oklahoma City, Okla., over Interstate Highway 40 to Checotah, thence over U.S. Highway 69 to Muskogee, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (12 Between Tulsa, Okla., and McAlester, Okla.: From Tulsa over U.S. Highway 75 to Indian Nation Turnpike to McAlester, serving no intermediate points an an alternate route for operating convenience only; (13) Between Blackwell, Okla., and Tulsa, Okla.: From Blackwell over Oklahoma Highway 11 to its junction with Interstate Highway 35, thence over Interstate Highway to its junction with U.S. Highway 64 west of Perry, thence over U.S. Highway 64 to Tulsa, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (14) Between Ponca City, Okla., and Tulsa, Okla.: From Ponca City over U.S. Highway 177 to its junction with U.S. Highway 64, thence over U.S. Highway 64 to Tulsa and return over the same route serving no intermediate points, as an alternate route for operating convenience only; and (15) Between junction U.S. Highway 60 and Oklahoma Highway 20 and junction Oklahoma Highway 11 and Oklahoma Highway 20: From junction U.S. Highway 60 and Oklahoma Highway 20, thence over Oklahoma Highway 20 to junction Oklahoma Highway 11 serving no intermediate points, as an alternate route for operating convenience only.

NOTE.—This application is to convert intrastate registered authority to certificated authority. Present registered authority in MC-98742 Sub-No. 9, within the state of Oklahoma. This is a matter directly related to the Section 5 proceeding in MC-F-12382 published in the Federal Register of December 18, 1974. If a hearing is deemed necessary, the applicant requests it be held at either Tulsa or Oklahoma City, Okla.

No. MC 121393 (Sub-No. 5) (Correction), filed October 18, 1974, published in the FEDERAL REGISTER issue of November 27, 1974, and republished as corrected this issue. Applicant: HEMPSTEAD DELIVERY CO., INC., 407 West 35th Street, New York, N.Y. 10001. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wearing apparel*, as described in Appendix X in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, and *accessories and dry goods*, between New York, N.Y., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y.; and (2) *wearing apparel and accessories*, between points in Bergen, Essex, Hudson, Middlesex, Passaic, and Union Counties, N.J., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y.

NOTE.—The purpose of this republication is to change MC-F-12344 to MC-F-12345. Applicant seeks to purchase portion of the authority held by Empire Carriers Corporation. This is a matter directly related to the Section 5 proceeding in MC-F-12345 published in the FEDERAL REGISTER issue of October 31, 1974. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC-F-11748. (Amendment) (COASTAL INDUSTRIES INC.—CONTROL—P.B. MUTRIE MOTOR TRANSPORTATION, INC.), published in the December 28, 1972, issue of the FEDERAL REGISTER on page 28675. By amendment filed November 25, 1974, the subject application would be amended so as to provide for merger of P. B. Mutrie Motor Transportation, Inc. (Mutrie), into Coastal Tank Lines, Inc. (Coastal).

No. MC-F-12372. Authority sought for control by JAMES S. PEDLER, JR., EDWARD T. PEDLER, J. F. POETZINGER, FRANK B. REID, C. O. BELL, AND R. A. VANDEVERE, individuals presently in control of CASCADE INDUSTRIES (Cascade), a non carrier holding company, to acquire control of CHAMPION INVESTMENTS, INC., (Champion). Cascade owns all of the stock of Champion; Champion owns directly or indirectly the stock of several motor common carriers: (1) Champion owns all of the stock of Paceway, Inc. (Paceway), a non carrier holding company, which, in turn, owns all the stock of Glosson Motor Lines, Inc., (Glosson). Glosson, in turn, has a wholly owned motor carrier subsidiary, State Motor Lines, Ind. (State); (2) Champion owns all the stock of R.T.C., Inc., a non carrier holding company. R.T.C., Inc., owns all the stock of Renner Motor Lines, Inc.; and (3) Champion owns all the stock of P. B. Mutrie Motor Transportation, Inc. (Mutrie).

NOTE.—(a) In No. MC-F-11748, authority is sought for control by Coastal Industries, Inc., of the operating rights and property of P. B. Mutrie Transportation, Inc., Coastal controls Coastan Tank Lines, Inc., a motor common carrier, and in No. MC-F-12108, authority sought for merger by Glosson Motor Lines, Inc., of the operating rights and property of State Motor Lines, Inc. Applicants' attorney: Homer S. Carpenter, 618 Perpetual Bldg., 1111 E Street, NW., Washington, DC 20004. (Glosson), is authorized to transport general commodities and certain specified commodities as a common carrier over irregular routes, from, to, and between points in the States of North Carolina, Maryland, Virginia, New York, New Jersey, Pennsylvania, Georgia, Maine, South Carolina, Connecticut, Rhode Island, New Hampshire, Vermont, Massachusetts, Delaware, Florida, Alabama, Tennessee, Kentucky, Ohio, Arkansas, Louisiana, Mississippi, Texas, Oklahoma, West Virginia, and the District of Columbia, with certain restrictions, as more specifically described in Docket No. MC-41255 and Sub-numbers thereunder. (Renner) is authorized to transport general commodities and certain specified commodities, as a common carrier over irregular routes, from, to, and between points in the States of Ohio, West Virginia, Pennsylvania, Maryland, New York, Delaware and the District of Columbia, with certain restrictions, as more specifically described in Docket No. MC-10955 and Sub-numbers thereunder.

(Mutrie) is authorized to transport general commodities, and numerous other specified commodities, as a common carrier, over regular and irregular routes, from, to, and between specified points in the States of Massachusetts, Rhode Island, New York, New Hampshire, Connecticut, Maine, New Jersey, Vermont, Pennsylvania, Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, Ohio, West Virginia, California, District of Columbia, South Carolina, North Carolina, Wisconsin, Virginia, Georgia, Alabama, Tennessee, Minnesota, Missouri, Arkansas, Florida, Louisiana, Nebraska, Mississippi, and Texas, with certain restrictions, as more specifically described in Docket No. MC-31600 and Sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carriers involved. The foregoing summaries is believed to be sufficient for purposes of public notice regarding the nature and extent of the carriers operating rights, without stating, in full, the entirety, thereof.

NOTE.—Motion to dismiss for lack of jurisdiction is filed concurrently herewith by applicant.

No. MC-F-12376. Authority sought for control by GRAVES TRUCK LINE, INC.,

2130 So. Ohio, Salina, KS 67401, of CAPITOL TRUCK LINES, INC., 200 W. First St., Topeka, KS 66603, and for acquisition by WILLIAM H. GRAVES AND JOHN A. GRAVES, both of Salina, KS 67401, and LOWELL P. GRAVES, 92 Shawnee Ave., Kansas City, KS, of control of CAPITOL TRUCK LINES, INC., through the acquisition by GRAVES TRUCK LINE, INC. Applicants' attorneys: John E. Jandera, 641 Harrison St., Topeka, KS 66603, and Frank W. Taylor, Jr., Suite 812, 1221 Baltimore Ave., Kansas City, MO 64105. Operating rights sought to be controlled: *General commodities* with exceptions, as a *common carrier* over regular routes radiating between Kansas City to St. Joseph, Mo., and Pittsburgh, Independence, and Topeka, Kans., serving various intermediate and off-route points. GRAVES TRUCK LINE, INC., is authorized to operate as a *common carrier* in Arkansas, Colorado, Iowa, Kansas, Missouri, Nebraska, New Mexico, Texas, and Oklahoma. Application has been filed for temporary authority under section 210 a(b).

MC–F–12377. Authority sought for purchase by CENTRAL TRANSPORT, INCORPORATED, P.O. Box 5044, Uwharrie Road, High Point, N.C. 27262, of a portion of the operating rights of PIEDMONT PETROLEUM PRODUCTS INC., P.O. Box 1383, 1204 Gallop Avenue, Chesapeake, VA. 23320, and for acquisition by A. L. HONBARRIER, also of High Point, N.C. 27262, address, of control of such rights through the purchase. Applicants' attorney: E. Stephen Heisley, 666 11th Street NW., Washington, D.C., 20001. Operating rights sought to be transferred: *Chemicals*, in bulk, as a *common carrier*, over irregular routes, from Graselli and Passaic, New Jersey, and Philadelphia, Pa., to Norfolk, Virginia, with no transportation for compensation on return except as otherwise authorized. Vendee is authorized to operate as a *common carrier* in all states in the United States except Alaska and Hawaii. Application has been filed for temporary authority under section 210a (b). Under the proposed transaction vendee proposes to tack at Norfolk, Va., and then at any point in North Carolina or South Carolina to serve any point which Central could serve in MC 11883 and subs thereto, including any pending applications, especially Subs 97 and 98. After the authority sought herein is authorized and the transaction consummated, vendee herein intends to file an application to eliminate any existing gateways.

No. MC–F–12378. Authority sought for purchase by JAMES H. HARTMAN & SON, INC., P.O. Box 85, Pocomoke City, MD 21851, of a portion of the operating rights and property of PIEDMONT PETROLEUM PRODUCTS, INCORPORATED, 1204 Gallop Ave., Chesapeake, VA 23324, and for acquisition by D. PAGE ELMORE, Painter, VA 23420, of control of such rights and property through the purchase. Applicants' attorney: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001. Operating rights sought to be transferred: *Lumber*, as a *common carrier*, over irregular routes, from Norfolk, Va., and points within 35 miles thereof, to Washington, D.C., and New York, N.Y., points in Virginia, Maryland, Delaware, those in that part of Pennsylvania on and east of U.S. Highway 11, those in that part of New Jersey on and within 15 miles west of U.S. Highway 1, and those in that part of New Jersey east of U.S. Highway 1; *oysters*, from Norfolk, Va., to Boston, Mass.; fish and scallops, from Rockland and Portland, Me., Boston and Gloucester, Mass., New York, N.Y., Cape May, Wildwood, and Beach Haven, N.J., to Norfolk, Va.; *seafood*, from Portsmouth and Norfolk, Va., to Washington, D.C., Baltimore, Md., Wilmington, Del., Philadelphia, Pa., and New York, N.Y.; *agricultural commodities*, from Elizabeth City, N.C., and points in Norfolk, Princess Anne, and Nansemond Counties, Va., to New York, N.Y., Newark, N.J., Philadelphia and Scranton, Pa., Baltimore, Md., and Washington, D.C.; *oils, grease, and empty oil containers*, from Marcus Hook, Pa., to Norfolk, Va.; *electric storage batteries*, from New Brunswick, N.J., to Norfolk, Va.

Malt beverages, from Trenton, N.J., and Wilmington, Del., to Norfolk, Va., from Philadelphia, Reading and DuBois, Pa., and Orange and Newark, N.J., to Norfolk, Va., from New York, N.Y., and Newark, N.J., to Newport News, Va., from New York, N.Y., Pottsville, Pa., and Baltimore, Md., to Portsmouth and Norfolk, Va., from Norfolk, Va., to Charles Town and Martinsburg, W. Va., and points in Maryland and the District of Columbia; and return with *empty malt beverage containers, creosoted or otherwise chemically preserved poles, piling, lumber*, and *cross and switch ties, from* Norfolk, Va., and points within 25 miles of Norfolk, to points in Delaware, Maryland, New Jersey, North Carolina, Pennsylvania, and the District of Columbia, from Norfolk, Va., and points within 25 miles thereof, to points in Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; *poles, piling, lumber*, and *ties, creosoted or otherwise chemically preserved*, from Norfolk, Va., and points within 25 miles thereof, to points in Connecticut, New York, and West Virginia; *prefabricated metal buildings*, complete or in sections, from Virginia Beach, Va., to points in Delaware, Maryland, New Jersey, and North Carolina; *composition board* and *particleboard*, from Chesapeake, Va., to Washington, D.C., New York, N.Y., points in Virginia, Maryland, and Delaware, and certain specified points in New Jersey. Vendee is authorized to operate as a *common carrier* in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Washington, and West Virginia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12379. Authority sought for purchase by COURIER–NEWSOM EXPRESS, INC., P.O. Box 270, Columbus, IN 47201, of the operating rights and property of BERGLUND TRUCKING, INC., 124 S. Wisconsin Ave., Addison, IL 60101, and for acquisition by PAUL ROBERT NEWSOM, also of Columbus, IN 47201, of control of such rights and property through the purchase. Applicants' attorneys: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60603, and Harold Bell, 33 N. LaSalle St., Chicago, IL 60602. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC 96705 (Sub-No. 1), covering the transportation of specified commodities, as a common carrier in interstate commerce, within the State of Illinois. Vendee is authorized to operate as a *common carrier* in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, New York, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC 69901 (Sub-No. 30), is a matter directly related.

Under the proposed transaction vendee proposes to tack at common points in the Chicago Commercial Zone as well as common points in McHenry and DeKalb Counties, Ill. After the authority sought herein is authorized and transaction consummated, vendee herein intends to file an application to eliminate any existing gateways.

No. MC–F–12380. Authority sought for purchase by BELGER CARTAGE SERVICE, INC., 2100 Walnut St., Kansas City, MO 64108, of a portion of the operating rights and property of GRAY VAN LINES, INC., P.O. Box 25085, Oklahoma City, OK 73106, and for acquisition by JOHN BELGER and LARRY BELGER, also of Kansas City, MO 64108, of control of such rights and property through the purchase. Applicants' attorney, and representative: Dick L. Shaw, 2100 Walnut St., Kansas City, MO 64108, and Frank W. Taylor, Jr., 1221 Baltimore Ave., Kansas City, MO 64105. Operating rights sought to be transferred: *Machinery, tools* and *mine* supplies, as a *common carrier*, over irregular routes, between points in Oklahoma and Arkansas within 75 miles of Fort Smith, Ark., including Fort Smith, Ark. Vendee is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12381. Authority sought for purchase by ARROW TRUCKING CO., P.O. Box 7280, Tulsa, OK 74105, of a portion of the operating rights of D & H TRUCKING, INC., P.O. Box 9158, Tulsa, OK 74107, and for acquisition by J. W. PIELSTICKER, and T. N. WORD, III, both of Tulsa, OK 74105, of control of such rights through the purchase. Applicants' attorney: J. G. Dail, Jr., 1111 E

St. NW., Washington, D.C. 20004. Operating rights sought to be transferred: *Machinery, equipment, materials, and supplies* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe line, including the stringing and picking up thereof, except the stringing and picking up of main or trunk pipe lines, and *machinery, equipment, materials, and supplies* used in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, as a common carrier over irregular routes, between points in Kansas, on the one hand, and, on the other, points in Colorado, Illinois, Missouri, Nebraska, New Mexico, and Wyoming. Vendee is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b). Under the proposed transaction vendee proposes to tack its authority at points in Kansas to operate between points in Texas, Oklahoma, Arkansas, Louisiana, and Mississippi, on the one hand, and, on the other, points in New Mexico, Colorado, Wyoming, Nebraska, Missouri, and Illinois. After the authority sought herein is authorized and the transaction consummated, vendee herein intends to file an application to eliminate any existing gateways.

MC–F–12382. Authority sought for purchase by ROCKET FREIGHT LINES COMPANY, 2921 Dawson Road, Tulsa, OK 74110, of the operating rights and property of BEE LINES FREIGHT, INC., 449 South State Street, Tahlequah, OK 74464, and for acquisition by A. W. Jenkins, also of Tulsa, OK 74110, of control of such rights through the purchase. Applicants' attorney: I. E. Chenoweth, Suite 1012, Mayo Building, 420 South Main Street, Tulsa, OK 74103. Operating rights sought to be transferred: *General commodities,* with exceptions, as a *common carrier,* over regular routes, between Fort Smith, Ark., and Hulber, Okla., serving the intermediate points of Westville, Stilwell, Titanic, and Tahlequah, Okla., and intermediate points located on U.S. Highways 59 and 62, between Tahlequah, Okla., and Muskogee, Okla., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Oklahoma. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC 98742 (Sub-No. 13), is a matter directly related.

No. MC–F–12383. Authority sought for purchase by GRAND ISLAND MOVING & STORAGE CO., INC., P.O. Box 1665, Grand Island, NE 68801, of a portion of the operating rights of J. E. LAMMERT TRANSFER, INC., P.O. Box 488, Grand Island, NE 68801, and for acquisition by JAMES D. PIRNIE, also of Grand Island, NE 68801, of control of such rights through the purchase. Applicants' attorney: Gailyn L. Larsen, 521 So. 14th St., P.O. Box 81849, Lincoln NE 68501. Operating rights sought to be transferred: *Malt beverages,* as a *common carrier* over irregular routes, from St. Paul and Minneapolis, Minn., to Grand Island and North Platte, Nebr., and return with *empty malt beverage containers, malt beverages,* in containers, from St. Paul, Minn., and Peoria, Ill., to McCook, Nebr., and return with *empty malt beverage containers.* Vendee is authorized to operate as a *common carrier* in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12384. Authority sought for purchase by WISCONSIN-PACIFIC EXPRESS, INC., P.O. Box 190, Weyauwega, WI 54983, of a portion of the operating rights of KUJAK BROS. TRANSFER, INC., P.O. Box 677, Winona, MN 55987, and for acquisition by BERNIE KRUSE, also of Weyauwega, WI 54983, of control of such rights through the purchase. Applicants' attorney: Nancy J. Johnson, 4506 Regent St., Suite 100, Madison, WI 53705. Operating rights sought to be transferred: *General commodities,* excepting among others, Classes A and B explosives, household goods, as a *common carrier,* over irregular routes, from South St. Paul, St. Paul, and Minneapolis, Minn., to points in the Towns of Arcadia, Etterick, and Preston, Trempealeau County, and those in the Towns of Glencoe and Montana, Buffalo County, Wis., from Winona, Minn., to points in the Towns of Buffalo, Cross, and Glencoe, Buffalo County, and the Town of Trempealeau, Trempealeau County, Wis., from Winona, Minn., and points in Minnesota within 35 miles of Winona, to Trempealeau, Wis., and points in the Towns of Dodge, Arcadia, and Gale, in Trempealeau County, Wis. Vendee is authorized to operate as a common carrier in Minnesota and Wisconsin. Application has not been filed for temporary authority under section 210a(b). Under the proposed transaction vendee proposes to tack at St. Paul, South St. Paul, and Minneapolis, Minn. After the authority sought herein is authorized and the transaction consummated, vendee herein intends to file an application to eliminate any existing gateways.

PROPOSED NOTICE

Burlington Northern Inc., a common carrier by rail, with headquarters at St. Paul, Minnesota, hereby gives notice that on November 7, 1974, it filed an application with the Interstate Commerce Commission pursuant to Section 5(2) of the Interstate Commerce Act for an order authorizing trackage rights over forty-one (41) miles of Union Pacific Railroad Company trackage between Hastings and Kearney, Nebraska. This application has been assigned Finance Docket No. 27785. The line of Union Pacific Railroad Company over which Burlington Northern, Inc. seeks trackage rights is located east of Lincoln, Nebraska, in the south-central portion of the State of Nebraska. Applicant Burlington Northern Inc.'s attorney is Richard M. Gleason, Burlington Northern Inc., 176 East Fifth Street, St. Paul, Minnesota 55101. In the opinion of the Applicant, the proposal is not a major federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 C.F.R. 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation—Nat'l Environmental Policy Act of 1969,* 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (b)(1)–(5), 340 I.C.C. 431, 461. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission on or before January 17, 1975.

BURLINGTON NORTHERN, INC.

NOTICE OF PROPOSED ACQUISITION OF TRACKAGE

Notice is hereby given that the Missouri Pacific Railroad Company has filed an application with the Interstate Commerce seeking authority to acquire and operate certain segments of trackage located in Leavenworth County, Kansas, which segments are now owned in whole or in part by the Union Pacific Railroad Company and are involved in or related to that company's abandonment application docketed as AB–33 (Sub-No. 8). The application of the Missouri Pacific Railroad Company has been assigned Finance Docket No. 27787.

(i) The name and address of applicant are as follows: Missouri Pacific Railroad Company, 210 North 13th Street, St. Louis, Missouri 63103.

The name and address of applicant's attorney are as follows: Mr. R. H. Stahlheber, General Attorney-Commerce, Missouri Pacific Railroad Company, 210 North 13th Street, St. Louis, Missouri 63103.

(ii) The segments of exclusively owned Union Pacific Railroad Company trackage to be acquired and operated are:

(1) The segment of branch line between mileposts 4.03 and 4.29 at Cochrane, Kansas; and

(2) Approximately 7,095 feet of side track, approximately 6,735 feet of which are at Leavenworth, Kansas, and approximately 360 feet of which are at Alfa (Cochrane), Kansas.

The segments as to which the Missouri Pacific Railroad Company seeks to acquire the Union Pacific Railroad Company's interests in trackage now jointly owned are as follows:

(1) Between Union Pacific mileposts 0.00 and 0.07 and between mileposts 0.10 and 4.03 at Leavenworth, Kansas;

(2) Approximately 4,372 feet of yard tracks at Leavenworth; and

(3) Approximately 6,408 feet of siding at Alfa (Cochrane), Kansas.

The acquisition of Union Pacific Railroad Company's interest in the jointly owned line between Leavenworth and Cochrane, Kansas, will enable the Missouri Pacific Railroad Company to continue its present main line operations between Kansas City, Missouri, and Omaha, Nebraska. Acquisition of the other segments by the Missouri Pacific Railroad Company will enable it to continue rail service to Union Pacific Railroad Company industries which would otherwise be left without service as a result of that company's proposed abandonment.

Applicant states that the authority sought and the requested Commission action will have no significant effect on the quality of human environment. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation-Nat'l Environmental Policy Act of 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include in Ex Parte No. 55 (Sub-No. 4), supra, Part (b)(1)–(5), 340 I.C.C. 431, 461.

The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission on or before January 17, 1975.

MISSOURI PACIFIC RAILROAD COMPANY.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-29468 Filed 12-17-74;8:45 am]

[Notice No. 41]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 13, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 C.F.R. 1042.4(c)(11) and notice thereof to all interested persons is hereby given as provided in such rules (49 C.F.R. 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 C.F.R. 1042.4(c)(12) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 133), ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, Ohio 44309, filed November 26, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Hartford, Conn., over Connecticut Highway 15 to junction Connecticut Highway 195, thence over Connecticut Highway 195 to junction U.S. Alternate Highway 44, thence over U.S. Alternate Highway 44 to junction U.S. Highway 44 thence over U.S. Highway 44 to junction Connecticut Highway 101, thence over Connecticut Highway 101 to junction Connecticut Highway 12, (2) From Providence, R.I., over U.S. Highway 44 to Putnam, Conn., (3) From Worcester, Mass., over Massachusetts Highway 12 to Massachusetts-Connecticut State line, thence over Connecticut Highway 12 to Putnam, Conn., and (4) From Southbridge, Mass., over Massachusetts Highway 169 to the Massachusetts-Connecticut State line, thence over Connecticut Highway 169 to junction Connecticut Highway 171, thence over Connecticut Highway 171 to Putnam, Conn., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Hartford, Conn., over U.S. Highway 5 to New Haven, Conn., thence over U.S. Highway 1 to junction Connecticut Highway 32, thence over Connecticut Highway 32 to junction Connecticut Highway 12, thence over Connecticut Highway 12 to junction Connecticut Highway 101, (2) From Providence, R.I., over Rhode Island Highway 3 to Westerly, R.I., thence over U.S. Highway 1 to Groton, Conn., thence over Connecticut Highway 32 to junction Connecticut Highway 12, thence over Connecticut Highway 12 to Putnam, Conn., (3) From Worcester, Mass., over U.S. Highway 20 to Springfield, Mass., thence over U.S. Highway 5 via Hartford, Conn., to New Haven, Conn., thence over U.S. Highway 1 to junction Connecticut Highway 32, thence over Connecticut Highway 32 to junction Connecticut Highway 12, thence over Connecticut Highway 12 to Putnam, Conn., and (4) From Southbridge, Mass., over Massachusetts Highway 131 to U.S. Highway 20, thence over the routes described in (3) above and return over the same routes.

No. MC 89723 (Deviation No. 31), MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, Mo. 63103, filed December 5, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Kansas Highway 9 and Kansas Highway 15 over Kansas Highway 15 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction U.S. Highway 81 near Salina, Kans., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From junction Kansas Highway 9 and Kansas Highway 15 over Kansas Highway 9 to Concordia, Kans., thence over U.S. Highway 81 to junction Interstate Highway 70 and return over the same route.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-29469 Filed 12-17-74;8:45 am]

[Notice No. 203]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

DECEMBER 18, 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 January 7, 1975. 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-75263. By order of December 9, 1974 Division 3, acting as an Appellate Division, approved the transfer to Seco Trucking Co., a corporation, Mason City, Iowa, of the operating rights in Certificates No. MC 127022 and MC 127022 (Sub-No. 1) issued February 18, 1966 and July 25, 1969 respectively to Clyde Love, doing business as Clyde Love

Distributing Company, Joplin, Mo., authorizing the transportation of malt beverages from St. Louis, Mo. to Coffeyville and Frontenac, Kan., Thomas F. Kilroy, P.O. Box 624, Springfield, Va., 22150 Attorney for applicants.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-29471 Filed 12-17-74;8:45 am]

[Notice No. 204]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

DECEMBER 18, 1974.

Synopses of orders entered by Division 3 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 C.F.R. 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 General Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before January 17, 1975. 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.

Finance Docket No. 27604. By order entered 12.6.74 the Motor Carrier Board approved the transfer to ABC Trans-National Transport, Inc., New York, N.Y., of that portion of the operating rights set forth in Fifth Amended Permit and Order No. FF-68, issued August 6, 1965, to National Carloading Corporation, New York, N.Y., authorizing operations in interstate commerce as a freight forwarder of general commodities, except household goods, between points in the United States; and from, to, or between points in Alaska and Hawaii, and points in numerous specified states. H. Neil Garson, 1400 North Uhle St., Arlington, Va. 22201, attorney for applicants.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-29472 Filed 12-17-74;8:45 am]

[Notice No. 166]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 12, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 76065 (Sub-No. 26TA), filed December 4, 1974. Applicant: EHRLICH-NEWMARK TRUCKING CO., INC., 505-509 West 37th Street, New York, N.Y. 10018. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, on hangers and in containers, and materials, supplies, and equipment used in the manufacture of wearing apparel, except commodities in bulk, between New York, N.Y., and points in New Jersey, on the one hand, and, on the other, Dublin, Elkton, Fairfield, Independence, and Staunton, Va., for 180 days. Supporting shipper(s): Jane Colby, 113 4th Avenue, New York, N.Y., Rockingham Sleepwear, Elkton, Va. 27117, Dublin Garment Co., Inc., Dublin, Va., Loritil, Ind., 152 Madison Avenue, New York, N.Y. 10016. Grayson Garment Co., Inc. Independence, Va. 24348. Send protest to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission 26 Federal Plaza, New York, N.Y. 10007.

No. MC 111401 (Sub-No. 438TA), filed December 4, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic plastics*, dry, in bulk, in tank vehicles, from the plantsite of Georgia-Pacific Corporation at or near Plaquemine, La., to points in Arkansas, Arizona, California, Colorado, Delaware, Florida, Iowa, Kentucky, Massachusetts, Mississippi, Missouri, North Carolina, New Jersey, Ohio, Oklahoma, Oregon, Pennsylvania, Texas, and Tennessee, for 180 days. Supporting shipper: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old P.O. Bldg., 215 NW Third, Oklahoma City, Okla. 73102.

No. MC 111729 (Sub-No. 482TA), filed December 5, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods, commodities in bulk, explosives, articles of unusual value, and commodities which because of their size and weight require special equipment), restricted against the transportation of packages or articles weighing in excess of 150 pounds from one consignor to one consignee on any one day, (a) Between Spokane, Wash., on the one hand, and, on the other, points in Kootenai and Shoshone Counties, Idaho; and (b) Between Portland, Oreg., on the one hand, and, on the other, points in Clark, Cowlitz, and Lewis Counties, Wash., for 180 days.

NOTE.—Transportation to be performed in courier type service, with pickups and deliveries to be effected within a specified period on a timely basis. Supporting shippers: There are 37 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 111729 (Sub-No. 483TA), filed December 5, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Human blood samples, urine samples, and diagnostic reports related thereto*, between Fairfield, Conn., on the one hand, and, on the other, points in Norfolk and Suffolk Counties, Mass., and points in Rhode Island; and (2) *Automotive parts*, restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day, from Elmsford, N.Y., to points in Connecticut, New Jersey, and New York, for 90 days. Supporting shippers: Reference Diagnostics, Inc., 1700 Post Road, Fairfield, Conn. 06430, and American Motors Sales Corp., 444 Saw Mill River Road, Elmsford, N.Y. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 111729 (Sub-No. 484TA), filed December 5, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records,*

audit and accounting media, Between Kalamazoo, Mich., on the one hand, and, on the other, Keokuk, Idaho, and points in Illinois, Indiana, Ohio, and Pennsylvania, for 180 days. Supporting shipper(s): Parallex Corporation, 10528 Shaver Road, Kalamazoo, Mich. 49002. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 112934 (Sub-No. 7TA), filed December 5, 1974. Applicant: AUTOBUSES INTERNACIONALES S. de R. L., 208 Palo Verde, Meadow Vista, N. Mex. 88063. Applicant's representative: Edwin E. Piper, Jr., 1115 Simms Building, Albuquerque, N. Mex. 87101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* between the boundary of the United States at or El Paso, Tex., and Mattox Ranch, N. Mex., from the boundary of the United States at or near El Paso, Tex., and the Ports of Entry thereon, over the Stantion St., Santa Fe, and any other Downtown Bridges through El Paso, Tex., over unspecified city streets, to junction with U.S. Highway 62–180, thence over U.S. Highway 62–180 to junction with Texas Farm Road 1437, thence over Texas Farm Road 1437 through Dell City, Tex., to the New Mexico-Texas border and thence over unnumbered road to Mattox Ranch, N. Mex., and return over the same route, serving all intermediate points, for 180 days. Restriction: Restricted to transportation in foreign commerce with no interstate transportation except that interstate movements originating at or destined to Anapra, Meadow Vista, and Mattox Ranch, N. Mex., and Dell City, Tex., shall be authorized.

NOTE.—Applicant does request to tack the above authority with items (1) and (2) at the common point of El Paso, Tex., sought in a separate application for permanent and temporary authority Sub No. 5TA and Sub No. 6. Supporting shippers: There are approximately 23 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: John H. Kirkemo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue, SW, Albuquerque, N. Mex. 87101.

No. MC 116519 (Sub-No. 26TA), filed December 4, 1974. Applicant: FREDERICK TRANSPORT LIMITED, R.R. 6, Chatham, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vibratory rollers and compactors and parts and attachments* for vibratory rollers and compactors moving in mixed loads therewith, from Minneapolis, Minn., to ports of entry on the International Boundary line between the United States and Canada located at or near Detroit and Port Huron, Mich., for 180 days. Restriction: The transportation authorized herein is restricted to traffic moving in foreign commerce. Supporting shipper: Blackwood Hodge, Douglas J. Carrier, Purchasing Agent, 10 Suntract Road, Weston, Ontario, Canada. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell Avenue, Detroit, Mich. 48226.

No. MC 119792 (Sub-No. 48TA), filed December 6, 1974. Applicant: CHICAGO SOUTHERN TRANSPORTATION COMPANY, 3215 South Hamilton Avenue, Chicago, Ill. 60608. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes and frozen potato products*, from the plantsite and storage facilities of J. R. Simplot Company, Inc., at Crookston and Minneapolis, Minn., to points in Kentucky, Tennessee, Alaska, Mississippi, Louisiana, North Carolina, South Carolina, Georgia, Virginia, and Florida, for 180 days. Supporting shipper: Bill R. Daniels, General Manager, J. R. Simplot Company, Inc., P.O. Box 618, Crookston, Minn. 57616. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 125950 (Sub-No. 8TA), filed December 9, 1974. Applicant: C.B.S. TRANSPORTATION, INC., 1207 Columbus Circle, Wilmington, N.C. 28401. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., Suite 613, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit and vegetable containers*, from the plantsite of the Talley-Corbett Box Company at Adel, Ga., and Springfield, N.C., to points in Florida, Georgia, South Carolina, North Carolina, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, and New York, for 180 days. Supporting shipper: Talley-Corbett Box Company, Inc., P.O. Box 89, Adel, Ga. 31620. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 128383 (Sub-No. 63TA), filed December 6, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Rd., Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, Class A and B explosives, and motor vehicles requiring the use of special equipment), in vehicles equipped with roller bed floors, Between Oneida County Airport, Oneida County, N.Y., on the one hand, and, on the other, points in Pennsylvania, restricted to the transportation of traffic having a prior or subsequent movement by air, for 180 days. Supporting shipper(s): Shulman Air Freight, Inc., 20 Olney Ave., Cherry Hill, N.J. Send protests to: Peter R. Guman, District Supervisor, Federal Building, Room 3238, 600 Arch St., Philadelphia, Pa. 19106.

No. MC 128763 (Sub-No. 7TA), filed December 4, 1974. Applicant: K. H. TRANSPORT, INC., 4796 Linthicum Road, Dayton, Md. 21036. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Laminated plastic sheets, plastic moldings, and adhesives* used in the application thereof, from the plant site and warehouse facilities of Exxon Chemical Company, U.S.A., Odenton, Md., to Birmingham, Montgomery, and Scottsboro, Ala.; Fort Smith and Little Rock, Ark., Phoenix and Tucson, Ariz., Denver and Pueblo, Colo., Jacksonville, Miami, and Orlando, Fla., Atlanta and Valdosta, Ga., Long Beach, Hemet, San Diego, and San Francisco, Calif., Aurora and Chicago, Ill., Batesville, Connersville, Elkhart, Evansville, Indianapolis, and Marion, Ind., Kansas City and Wichita, Kans., Lexington and Louisville, Ky., Baton Rouge, New Orleans, and Shreveport, La., Battle Creek, Detroit, and Grand Rapids, Mich., Jackson and St. Louis, Mo., Jackson, Kilmichael, and Kosciusko, Miss., Albuquerque and Carlsbad, N. Mex., Charlotte and High Point, N.C., Oklahoma City and Tulsa, Okla., Columbia and Hampton, S.C., Chattanooga, Knoxville, Memphis, and Nashville, Tenn., Dallas, El Paso, and Houston, Tex., Salt Lake City, Utah, Casper and Laramie, Wyo., Seattle and Spokane, Wash., and Portland, Oreg., serving the above Commercial Zones thereof, under a contract with Exxon Chemical Company, U.S.A., Odenton, Md., for 180 days. Supporting shipper: Thomas J. Nunn, Traffic Manager, Exxon Chemical Company, U.S.A., Odenton, Md. 21113. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814–B Federal Building, Baltimore, Md. 21201.

No. MC 133559 (Sub-No. 1TA), filed December 5, 1974. Applicant: CHARLOTTE TRUCK SERVICE, INC., 4109 Thrift Road, Charlotte, N.C. 28208. Applicant's representative: Ward Whitney Dunlap, Route 2, Box 144, Gastonia, N.C. 28052. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled trucks, tractors, and trailers* (other than those designed to be drawn by passenger vehicles), from points in Illinois, Indiana, Ohio, West Virginia, Kentucky, Tennessee, to points in Mecklenburg County, N.C., and *replacement vehicles* for the above named vehicles, from points in Mecklenburg County, to points in the above named origin states, for 180 days. Supporting shipper: Akers Motor Lines, Inc.—Control/Central Motor Lines, Inc., P.O. Box 10303, Charlotte, N.C. 28237. Send protests to: District Supervisor Terrell Price, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Road—Room CC516, Mart Office Building, Charlotte, N.C. 28205.

No. MC 134063 (Sub-No. 8TA), filed December 4, 1974. Applicant: MIDWEST TRANSPORTATION COMPANY, a Corporation, 2802 Avenue "B", Council Bluffs, Iowa 51501. Applicant's representative: Frank R. Chullino (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, cheese, butter, and powdered milk* (except in bulk, in tank vehicles), from Arlington, Iowa, to Philadelphia and Doylestown, Pa., Secaucus, N.J., and New York, N.Y., for 180 days. Supporting shipper: Associated Milk Producers, P.O. Box 61, Mason City, Iowa 50401. Send protests to: District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Operations, Suite 620 Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 138741 (Sub-No 12TA), filed November 27, 1974. Applicant: E. K. MOTOR SERVICE, INC., 2005 N. Broadway, Joliet, Ill. 60435. Applicant's representative: Tom B. Kretsinger, Suite 910 Fairfax Building, 101 West 11th Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and brick related masonry construction materials* (except commodities in bulk), (1) from Chattanooga, Johnson City, Kingsport, and Knoxville, Tenn., to points in Illinois, Indiana, Kentucky, and Wisconsin; (2) from Coral Ridge, Ky., to points in Illinois, Indiana, and Wisconsin; and (3) from Mooresville, Ind., to points in Illinois, Kentucky, and Wisconsin, restricted to traffic originating at the plantsites and production and storage facilities of General Shale Products Corporation at or near the above named origin points, for 180 days. Supporting shipper: Archie T. Moore, Traffic Manager, General Shale Products Corp., P.O. Box 3547, C.R.S., Johnson City, Tenn. 37601. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 138741 (Sub-No. 13TA), filed December 5, 1974. Applicant: E. K. MOTOR SERVICE, INC., 2005 N. Broadway, Joliet, Ill., 60435. Applicant's representative: Tom B. Kretsinger, Suite 910 Fairfax Building, 101 West Eleventh Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel billets and ingots*, from Centerville, Iowa, to Peoria, Ill., Sharon, Pa., Kokomo, Ind., Canton, Cleveland, Massillon, Warren, and Youngstown, Ohio, for 180 days. Supporting shipper: Robert L. Lockridge, V. P. & Director of Marketing, Iowa Steel & Wire Co., Centerville, Iowa 52544. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 139193 (Sub-No. 25 TA), filed December 2, 1974. Applicant: ROBERTS & OAKE, INC., 208 South LaSalle Street, Chicago, Ill. 60604. Applicant's representative: Jacob P. Billig, 1126 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Amarillo, Tex., to points in the United States (except Alaska and Hawaii); and (2) *Such commodities* as are used by meat packers in the conduct of their business, from points in the United States (except Alaska and Hawaii), to Amarillo, Tex., restricted to traffic transported under contracts with John Morrell & Co., for 180 days. Supporting shipper: J. G. Lomurro, Corporate Director, Physical Distribution, John Morrell & Co., 208 South LaSalle Street, Chicago, Ill. 60604. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 140414 (Sub-No. 1TA), filed December 3, 1974. Applicant: GEORGE H. RATCHFORD, Route 1, Box 10, Wadley, Ga. 30477. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural lime*, in bulk, from Blount, Jefferson, and Knox Counties, Tenn., to points in Jefferson County, Ga., on and south of Georgia Highway 24, for 180 days. Supporting shipper(s): Louisville Fertilizer & Gin Co., P.O. Box 192, Louisville, Ga. 30434. Farmers Mutual Exchange of Wadley, Inc., P.O. Box 647 Wadley, Ga. 30477. Bryant's Inc., Bartow, Ga. 30413. Send protests to: William L. Scroggs, District Supervisor, 1252 West Peachtree Street NW., Room 546, Atlanta, Ga. 30309.

No. MC 140434 (Sub-No. 1TA), filed December 2, 1974. Applicant: A–1 TRANSFER SERVICE, 121 West College, P.O. Box 61, Jackson, Tenn. 38301. Applicant's representative: Edward G. Grogan, Suite 2020, First National Bank Bldg., Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise* as dealt in by home product distributors, for residence delivery only, from Jackson, Tenn., to points in Tennessee, west of the Tennessee River, for residence delivery only, and *returned, refused, or damaged shipments* on return, for 180 days. Supporting shipper: Amway Corporation, 300 Villa Nova Drive, Atlanta, Ga. 30139. Send protests to: District Supervisor Floyd A. Johnson, Interstate Commerce Commission, Bureau of Operations, 435 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 140435 (Sub-No. 1TA), filed December 3, 1974. Applicant: DENNIS CHUTZ AND WAYNE CHUTZ, doing business as D & W TRUCKING COMPANY, P.O. Box 116, Slippery Rock, Pa. 16057. Applicant's representative: Donald E. Cross, 918–16th Street NW., Suite 700, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in dump vehicles, from points in Cambria, Somerset, Indiana, Venango, and Clearfield Counties, Pa., to the plant sites of Cleveland Electric Illuminating Company in Ashtabula County, Ohio, for 180 days. Supporting shipper: Pengrove Coal Company, P.O. Box 116, Slippery Rock, Pa. 16057. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Bldg., 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 140445TA, filed December 5, 1974. Applicant: RIGHT-O-WAY, INC., P.O. Box 15087, Santa Ana, Calif. 92705. Applicant's representative: Robert Ferrero (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft parts and components thereof*, packaged or unpackaged, between Burbank, Calif., and Gainesville, Tex., for the account of Weber Aircraft, Burbank, Calif., for 180 days. Supporting shipper: Weber Aircraft, 2820 Ontario St., Burbank, Calif. 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 140446TA, filed December 6, 1974. Applicant: TRIPP MOTOR SERVICE, INC., 3130 South St. Louis Avenue, Chicago, Ill. 60623. Applicant's representative: Dominic Airdo (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed automobile bodies*, including *component parts and accessories thereof*, as well as *junk automobiles* in truckaway or towaway service, between the warehouse and plantsite facilities of United Industries, located at Gary, Ind., or other points in the Chicago, Ill., Commercial Zone as defined by the Interstate Commerce Commission, and points in Illinois, Kentucky, Minnesota, Tennessee, and Wisconsin, for 180 days. Supporting shipper: O. Scott Reed, Supt. of Operations, United Industries, 6901 West Chicago Avenue, Gary, Ind. 46406. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, Room 1086, Chicago, Ill. 60604.

No. MC 140447TA, filed December 6, 1974. Applicant: BOYCE HOWARD, doing business as BOYCE HOWARD TRUCKING, P.O. Box 165, Newport, Ark. 72112. Applicant's representative: Thomas J. Presson, P.O Box 71, Redfield, Ark. 72132. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel borings or turnings*, in bulk, in open top dump trailers, from Pocahontas, Ark., to Sheffield, Ala., for 180 days. Supporting shipper: Donnie Bryant Machine & Tool Company, P.O. Box 2011, Batesville, Ark. 72501. Send protests to: District Supervisor William H. Land, Jr., Interstate

Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 140448TA, filed December 6, 1974. Applicant: KENDALL R. STEWART AND KENNETH W. STEWART, doing business as K & K STEWART TRUCKING COMPANY, Kentucky Highway 15, P.O. Box 126, Clay City, Ky. 40312. Applicant's representative: R. H. Kinker, 711 McClure Building, P.O. Box 464, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from points in Breathitt, Clay, Floyd, Jackson, Johnson, Knox, Laurel, Lee, Magoffin, Owsley, Perry, Rockcastle, Wolfe, and Whitley Counties, Ky., to Cincinnati, Columbus, Dayton, Fairborn, Hamilton, Middletown, and Springfield, Ohio, and their respective commercial zones, for 180 days. Supporting shipper: Homer Hart, President, Landmark Coal Company, P.O. Box 615, Corbin, Ky. 40701, and William Cress, Vice President, Breathitt Coal Company, Box 620, Jackson, Ky. 41339. Send protests to: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 Bakhaus Building, 1500 West Main Street, Lexington, Ky. 40505.

No. MC 140451TA, filed December 4, 1974. Applicant: RICHARD T. MEREDITH, 2710 S. W. Troy, Portland, Oreg. 97219. Applicant's representative: Richard T. Meredith (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, pickup trucks, and motor homes*, from points in the United States, to points in Oregon, for 180 days. Supporting shipper: Ford Motor Credit Co., P.O. Box 13070, 4309 N.E. Tillamook Street, Portland, Oreg. 97213. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

MOTOR CARRIERS OF PASSENGERS

No. MC 140385 (Sub-No. 1TA), filed December 5, 1974. Applicant: WEST COAST COACH LINES LIMITED, 1211 Wharf Street, Victoria, British Columbia, Canada. Applicant's representative: Michael B. Crutcher, 2000 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations (restricted to origin/destination operations from Vancouver Island, in the Province of British Columbia), beginning and ending at Port Angeles and Blaine, Wash., near the International Boundary line between the United States and Canada, and extending to points in Washington, Oregon, Nevada, and California, under a continuing contract or contracts with T. I. Travellers nternational Tours Limited, for 180 days Supporting shipper: T. I. Travellers International Tours Limited, 1211 Wharf Street, Victoria, British Columbia, Canada. Send protests to: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 858 Federal Building, 915 Second Ave., Seattle, Wash. 98174.

No. MC 140444TA, filed December 5, 1974. Applicant: HIGHLAND TOURS, INC., 2002 Clemson Road, Jacksonville, Fla. 32217. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in military charter service, between Jacksonville, Fla., on the one hand, and, on the other, points in Georgia, Alabama, Tennessee, South Carolina, and North Carolina, for 180 days. Supporting shipper: Department of Defense, Areatranso, E. A. Tanner, Building 13, Comseabasedaswwingslant, NAS, Jacksonville, Fla. 32212. Send protests to: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 W. Bay St., Jacksonville, Fla. 32202.

By The Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-29467 Filed 12-17-74;8:45 am]

[No. 35894]

UTAH INTRASTATE FREIGHT RATES AND CHARGES

Order

Upon consideration of the record in the above-entitled proceeding, including the joint petition filed July 29, 1974, by eight common carriers by railroad operating within the State of Utah, for reconsideration of the decision and order of the Commission, Review Board Number 4, decided July 1, 1974; and

It appearing, That, pursuant to a petition filed August 29, 1973, the Commission, by order of September 27, 1973, instituted an investigation under sections 13 and 15a of the Interstate Commerce Act, to determine, *inter alia*, whether the rates and charges of carriers by railroad operating in the State of Utah cause or will cause, by reason of the failure of such rates and charges to include the 3 percent interim increase authorized by the Commission in Ex Parte No. 295, *Increased Freight Rates and Charges, 1973*, any undue or unreasonable advantage, preference or prejudice as between persons or locations in intrastate commerce, on the one hand, and those in interstate or foreign commerce, on the other, or any unjust discrimination against or undue burden on interstate or foreign commerce; and

It further appearing, That no protestants appeared in opposition to the relief sought by the petitioning railroads; but that prior to the filing of the petitioners' opening statement, the 3 percent interim increase was superseded generally by a 3 percent permanent increase; and that said opening statement concerned the lawfulness of Utah intrastate freight rates and charges, to the extent that they do not include the final 3 percent increase authorize in *Increased Freight Rates and Charges, 1973*, 344 I.C.C. 589; and

It further appearing, That an Administrative Law Judge issued an initial decision on March 19, 1974, discontinuing the proceeding for mootness due to the expiration of the interim increase, and that his decision was affirmed by decision and order of Review Board Number 4, decided on July 1, 1974; and

It further appearing, That, because the final increase authorized in the Ex Parte No. 295 proceeding was in the same amount as the previously effective interim increase, the issues involved in determining whether Utah intrastate freight rates and charges violate section 13(4) of the Interstate Commerce Act, to the extent that they do not include the permanent 3 percent increase, are essentially identical to those raised by the order instituting this proceeding; however, in view of the specific language in said order limiting the Commission in this proceeding to consideration of the said interim increase, parties wishing to participate in the investigation as it concerns the final increase have not yet been afforded the opportunity to do so, see *Louisiana Intrastate Freight Rates and Charges—1972*, 346 I.C.C. 482, 486;

And it further appearing, That section 13(4) of the Interstate Commerce Act vests this Commission with the requisite authority to decide the aforementioned issues as they relate to said permanent 3 percent increase;

Wherefore, and good cause appearing therefor:

It is ordered, That the petition for reconsideration be, and it is hereby, granted to the extent that it requests reversal of the decision and order of July 1, 1974, and in all other respects be, and it is hereby, denied.

It is further ordered, That said decision and order, which has been stayed pursuant to section 17(8) of the Interstate Commerce Act, be, and it is hereby vacated and set aside; and that the evidence submitted by petitioners, as it relates to the permanent 3 percent increase authorized in *Increased Freight Rates and Charges, 1973, supra*, be, and it is hereby, accepted as the petitioners' opening statement of facts and argument in this proceeding.

It is further ordered, That all persons not parties of record who wish actively to participate in this proceeding and to file and receive copies of pleadings shall so notify the Office of Proceedings, Interstate Commerce Commission, in writing on or before January 17, 1974.

And it is further ordered, That a copy of this order be served upon each of the said petitioners; that the State of Utah be notified of the current status of this proceeding by sending copies of this order by certified mail to the Governor of Utah and to the Public Service Commission of Utah, Provo, Utah; and that further notice be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Division 2, acting as an Appellate Division.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-29473 Filed 12-17-74;8:45 am]

OFFICE OF THE FEDERAL REGISTER

AVAILABILITY OF FEDERAL REGISTER DOCUMENT DRAFTING HANDBOOK

Opportunity to Order

The revised Federal Register Document Drafting Handbook, which will replace the June, 1973 interim edition, is in the final production stage. The projected date for delivery is February 15, 1975.

So that we may determine the quantity to be printed, agencies should place their orders by phone to 202–523–5240, or complete the order blank below and return it no later than January 16, 1975. Mail the form to the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

FRED J. EMERY,
Director, Office of the Federal Register.

[FR Doc.74–29375 Filed 12–17–74;8:45 am]

THE FEDERAL REGISTER DOCUMENT DRAFTING HANDBOOK

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federal register

WEDNESDAY, DECEMBER 18, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 244

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

OCCUPATIONAL NOISE EXPOSURE REGULATION

Request for Review and Report

ENVIRONMENTAL PROTECTION AGENCY

[FRL 303-2]

PROPOSED OSHA OCCUPATIONAL NOISE EXPOSURE REGULATION

Request for Review and Report

I. SUMMARY

On October 24, 1974, the Occupational Safety and Health Administration (OSHA) of the Department of Labor, published proposed requirements and procedures respecting occupational noise exposures, 39 FR 37773. The Administrator of the Environmental Protection Agency (EPA) believes that the proposed regulation does not protect the public health and welfare to the extent required and feasible. Accordingly, under the authority of section 4(c)(2) of the Noise Control Act of 1972, Pub. L. 92-574 section 4(c)(2), 86 Stat. 1236, 42 USC 4903 (c)(2), the Administrator of EPA hereby requests that the Secretary of Labor review the proposed occupational noise exposure regulation and report to the Administrator of EPA on the advisability of revising such regulation to provide the required protection of the public health and welfare. Such report shall be forwarded to the Administrator of EPA 90 days from the date of this notice, and, as required by section 4(c)(2) of the Noise Control Act, shall be published in the FEDERAL REGISTER, accompanied by a detailed statement of the findings and conclusions of the Secretary of Labor respecting the revision of the regulation.

As presently proposed, the allowable level for an eight-hour workday exposure, 90 dBA, is too high. The Administrator believes that the eight-hour level should be set at 85 dBA, to become effective within three years, with a commitment to reduce to lower levels at a later date when such a reduction is shown to be feasible. Further, the OSHA formula for exposure of other than eight hours in length (the time-intensity tradeoff), allows an increase of 5 dB for each halving of exposure time. The Administrator recommends a 3-dB time-intensity tradeoff as necessary for protection of public health and welfare.

The development of an acceptable occupational noise exposure standard requires the resolution of three major issues: First, the requirements of public health and welfare; next, whether the technology exists to implement the standard necessary to protect health and welfare; and third, whether the costs of implementing such a standard are justified by the need.

EPA believes that there is sufficient information available to address each of these issues. OSHA states, however, that the 90-dBA standard should remain in effect "until further empirical data and information on the health risk, feasibility, and economic impact indicate the practicability and necessity of an 85-dBA requirement" (39 FR 37773). The current standard should not be extended on this basis.

EPA has provided OSHA with sufficient data to support the necessity for reducing the standard to 85 dBA, or lower. EPA has recently published a large amount of information on the effects of noise,[1-5] culminating in a document entitled, *Information on Levels of Environmental Noise Requisite to Protect the Public Health and Welfare with an Adequate Margin of Safety*[5] (March, 1974), that was required by the Noisé Control Act of 1972. This document was subjected to an exhaustive review both by the scientific community and by other Federal agencies. The specified levels and the methodology used to identify them have been endorsed by a subcommittee of the Committee on Hearing, Bioacoustics and Biomechanics (CHAPA), of the National Academy of Sciences—National Research Council. EPA does not believe the health justification for a lower occupational noise level requires further study. EPA's criteria support a level of 75 dBA for an ultimate health goal;[6] EPA believes that reduction to 85 dBA is an important step toward this goal.

The National Institute of Occupational Safety and Health (NIOSH), under the authority of sections 20(a)(3) and 22(c)(2) of the Occupational Safety and Health Act, Pub. L. 91-596, 42 USC 669(a)(3), 671(c)(2) (1970), developed and provided criteria to OSHA for a recommended standard, Occupational Exposure to Noise.[7] These criteria clearly stated the need for reducing the eight-hour exposure level to 85 dBA and the accompanying data and background material support that conclusion.[7]

In the preamble to the proposed standard, OSHA states that NIOSH "reluctantly concurs" with the 90-dBA level at the present time. The entire text of this NIOSH statement is as follows:

> Currently NIOSH reluctantly concurs with the generally acceptable 90 dBA occupational exposure level for an 8-hour day. The need for reducing this 8-hour exposure level to 85 dBA, as supported by the material contained in this document is also recognized. It is recommended that the 85-dBA, 8-hour exposure level be applicable to all newly designed occupational exposure environments after 6 months from the effective date of this standard. However, due to the unavailability of sufficient data relating to the technological feasibility of meeting the 85-dBA level, NIOSH is unable to recommended a specific time period after which the 85 dBA, 8 hour occupational exposure level might become effective for all occupational noise environments. (*Occupational Exposure to Noise*, p. II-3.)

This inability to comment on technological feasibility is not surprising in view of the fact that NIOSH's responsibility, as articulated in section 20(a)(3) of the Occupational Safety and Health Act, is to evaluate and recommend safe levels of exposure without regard to economics or technological feasibility.

As to technological feasibility, the Department of Labor contracted for an independent study on the feasibility of implementing both 90- and 85-dBA standards, and the results of that study were published on January 1, 1974.[8] The study concluded that compliance with an 85-dBA standard can be achieved using currently existing technology and that the noise control industry is capable of responding adequately to the increase in demand.[8] This study also explored the relative costs to industry of complying with the current 90-dBA level and an 85-dBA level over three- and five-year compliance periods. EPA believes that the resulting cost estimates are inflated and do not reflect the various economic alternatives to the industry-wide, threshold limit approach to the setting of standards.

EPA, charged, under section 4(c)(1) of the Noise Control Act, with the role of coordinating Federal noise control efforts, has worked with OSHA staff members during the development of the proposed regulation. An EPA representative served as non-voting liaison member to OSHA's Standards Advisory Committee on Noise. OSHA's proposed standard and draft Environmental Impact Statement were reviewed extensively by EPA staff,[9] resulting in suggestions for substantial changes and improvements to the standard and EIS.

The most significant recommendations involved reduction to 85 dBA within a 3-year period and adoption of the 3-dB time-intensity tradeoff. EPA also recommended a more conservative standard for impulse noise so that the maximum level would be decreased by 10 dB for each ten fold increase in the number of impulses. Another recommendation was that the definition of significant threshold shift be improved so that shifts of more than 10 dB at any test frequency would be considered significant. All of EPA's suggested improvements, with the exception of the impulse standard, have been rejected without adequate explanation.

EPA has also made several suggestions aimed at ameliorating the cost impact of a more protective standard. These suggestions include the alternatives of industry-by-industry standards, incremental reductions over time, a stringent standard with variance provisions, and lower levels for new plants. These, too, have been rejected without explanation. None of these recommendations are discussed in the preamble to OSHA's proposal. For these reasons, EPA is resorting to the procedures of section 4(c)(2) of the Noise Control Act in asking for a review of the proposed standard. The Act requires that the Department of Labor complete the requested review and report its findings and conclusions to the Administrator.

II. HEALTH AND WELFARE EFFECTS

A. NOISE EXPOSURE LEVEL

OSHA's Proposed Time-Weighted Level: 90 dBA
EPA's Recommendation: Within Three years: 85 dBA
Later Date: 80 dBA

Supporting information. EPA has reviewed OSHA's proposed standard for occupational exposure to noise and in view of the best available data, has determined that the 90-dBA time weighted

level for an 8-hour day does not adequately protect public health and welfare. EPA has identified a level of approximately 20 decibels below OSHA's proposed 90 dBA as the safe level for protection against hearing loss, i.e., a yearly equivalent sound level of 70 dBA averaged over a 24-hour period (L eq(24) 70).[6] The 70 dBA level would be compatible with an 8-hour exposure level of 75 dBA, so long as the exposure level over the remaining 16 hours is sufficiently low to result in a negligible contribution to the 24-hour average, i.e., no greater than an equivalent sound level of 60 dBA. EPA's criterion for the identified level is that it should produce no more than a 5-dB hearing loss at the 4000-Hz frequency over a period of 40 years in virtually the entire population. Although the identified safe level is not a standard, it provides a basis for judgment in the setting of standards. In that sense, it should be considered a long-range public health goal.

The data on which EPA's criteria and recommended levels are based have been drawn from three significant bodies of data, those of Baughn,[6] Passchier-Vermeer,[10] and Robinson.[11] EPA's conclusions are drawn from the averaged data of more than 10,000 subjects from the 12 studies reported by the above researchers. EPA believes these data represent the best available evidence on the effects of noise on hearing. As will be shown below, regardless of the criteria used to predict the effects of noise on the hearing of exposed workers, 8-hour noise levels of 90 dBA represent an unacceptable health hazard.

1. *Noise induced permanent threshold shift (NIPTS).* EPA believes that OSHA's analysis, based upon hearing risk for the averaged frequencies of 500 Hz, 1000 Hz and 2000 Hz, is inadequate, because it fails to account for hearing loss in the critical frequencies above 2000 Hz, which are the soonest and most severely affected by exposure to noise. To account for those factors, EPA has analyzed hearing loss in terms of noise induced permanent threshold shift (NIPTS),[2-4, 6] and has examined hearing loss at individual frequencies and various combinations of frequencies,[4] giving special emphasis to the changes in response to higher frequencies. It should be borne in mind that for each 10 dB of hearing loss, sound energy will have to be increased by a factor of 10 in order for a particular sound to be heard.

The most important use of the hearing mechanism in today's society is for hearing and understanding speech. The kind of hearing loss that results from noise exposure impairs this ability to communicate. This impairment is usually a gradual occurrence. Individuals who have begun to suffer such a loss will often notice that ordinary speech is just as loud, but not as distinct as previously. This phenomenon occurs with reduction of high frequency hearing since a considerable portion of the sound energy of consonants lies in the high frequency range. Unfortunately for hearing-impaired individuals, the energy in consonants is smaller in magnitude as well as higher in frequency than it is for vowels, and it is consonants much more than vowels that give intelligibility to English speech.[12, 13] As noise-induced hearing loss increases, speech communication becomes progressively more difficult for the hearing-impaired listener.

OSHA's analysis is based upon studies which have shown that in order to understand undistorted speech in quiet conditions (sound-proofed rooms), 500 Hz, 1000 Hz and 2000 Hz are the most important audiometric frequencies.[14, 15] However, undistorted speech in quiet surroundings is not characteristic of the typical conditions in which speech must be understood. NIOSH [7] cites modern research as showing that "* * * everyday communication is placed under a wide variety of environmental stresses. Estimates of the amount of time that speech is distorted range from a conservative figure of 50 percent [16] up to about 100 percent." [17] It is obvious that everyday communication does not usually take place in sound-proofed booths.

It has been demonstrated that in order to understand speech in less than optimal conditions good hearing in the frequencies above 2000 Hz is very important. As far back as 1947, French and Steinburg [18] showed in a classic study that the frequencies above 1900 Hz are as important as those below 1900 Hz for determining the intelligibility of speech. There have been numerous other significant studies on the understanding of speech under various conditions of noise and distortion which are typical of environmental situations,[19-26] which point to the importance of preserving hearing above 2000 Hz. While these studies do not minimize the importance of good hearing in the mid-frequencies, they emphasize the previously underrated need for perception of frequencies in the range of 3000 Hz and 4000 Hz. Thus, while examining the effects of noise on hearing it is important to assess the effects on perception of the high frequencies as well as the mid-frequency range.

Figures 1 and 2 show the effects of noise on human response to various audiometric frequencies as a function of exposure level. Figure 1 shows the median NIPTS for ten years as a function of exposure level, according to Passchier-Vermeer.[4, 10] Figure 2 shows these effects for an exposure of forty years.[27] It can be seen that while damage to hearing at the 4000-Hz frequency occurs mostly during the first 10 years, other critical frequencies, such as 2000 Hz and 3000 Hz continue to be affected as exposure is prolonged. It is also noteworthy that the important 2000 Hz frequency is considerably more affected by an exposure level of 90 dBA than by a level of 85 dBA.

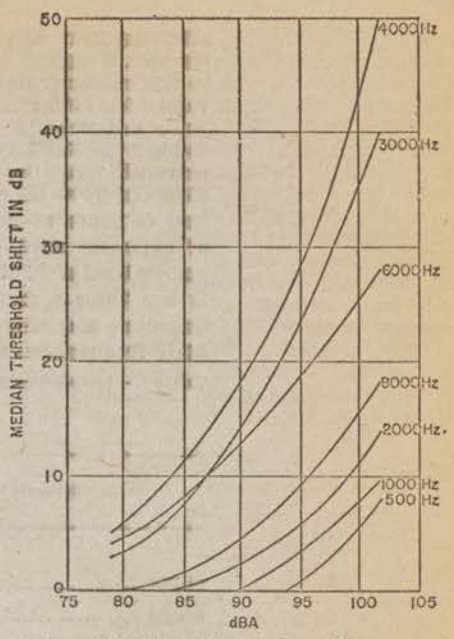

Figure 1. Median Noise-Induced Permanent Threshold Shift in dB as a Function of Exposure Level 8 hours a day for a period of 10 years.[19]

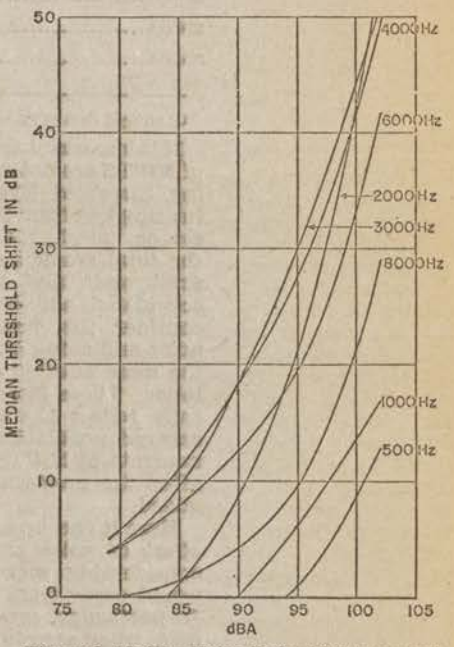

Figure 2. Median Noise-Induced Permanent Threshold Shift in dB as a Function of Noise Exposure Level 8 hours per day for a Period of 40 Years.[27]

Since there appears to be considerable variation in individual susceptibility to NIPTS, it is important to examine the effects of noise on the more affected portion of the population by looking at the higher percentiles. Using data from Passchier-Vermeer [4, 10] and Robinson [4, 11] EPA calculated amounts of NIPTS incurred

See footnotes at end of document.

after numbers of years for various percentiles. Baughn's data were not included in the calculations since discrete NIPTS values for 1000 Hz, 2000 Hz and 3000 Hz were not readily available. Shown in Table 1 are NIPTS for the 50th and 90th percentiles for the frequencies 1000 Hz, 2000 Hz, 3000 Hz and 4000 Hz after 10 and 40 years of exposure as a function of exposure level. Note that at an exposure level of 80 dBA the median NIPTS is less than a decibel for the mid-frequencies, and only reaches 5 dB in the high frequencies after 40 years of exposure. Although more hearing loss is incurred by the 10 percent most susceptible (the 90th percentile), losses due to 80 dBA can still be considered slight. An exposure level of 85 dBA produces nearly twice as much NIPTS as the 80 dBA level and likewise the NIPTS for most frequencies doubles between 85 dBA and 90 dBA for both groups. Although the increase of NIPTS at 4000 Hz appears to level off somewhat between 85 dBA and 90 dBA, there is significant increase in NIPTS at 2000 Hz. This value more than doubles between the exposure levels of 85 dBA and 90 dBA.

TABLE I.[1]—*Noise-induced permanent threshold shift (NIPTS) in decibels as a function of noise exposure level for the 50th and 90th percentiles*

[In decibels]

Exposure level	Years	Audiometric frequency			
		1000 Hz	2000 Hz	3000 Hz	4000 Hz
		(a) 50th percentile			
80 dBA	10	0.2	0.5	3.0	4.3
	40	0.55	1.1	4.8	5.8
85 dBA	10	0.4	1.1	5.6	8.0
	40	0.9	2.5	8.7	10.4
90 dBA	10	0.8	3.0	10.7	13.4
	40	1.7	8.2	16.0	17.2
		(b) 90th percentile			
80 dBA	10	0.6	1.3	4.6	10.2
	40	1.3	2.75	7.8	13.4
85 dBA	10	1.1	3.7	8.3	14.7
	40	2.3	6.7	13.4	19.2
90 dBA	10	2.1	7.8	17.5	21.2
	40	4.2	14.9	24.8	26.6

[1] Averaged data of Passchier-Vermeer [10] and Robinson.[11]

It is important to remember that values of NIPTS are not synonomous with hearing threshold levels. As age increases, hearing loss from the natural aging process or "presbycusis" will contribute to the total amount of hearing loss. Since presbycusis and NIPTS are generally considered additive,[3, 25] it is helpful to consider the summed contribution of noise and aging for the average, and for the more affected elements of the population. These figures will more realistically reflect the effect of noise on an exposed population. Table II shows the amounts of NIPTS described in Table I after the presbycusis values have been added.

Here it can be seen that the combined effect of noise and aging will produce considerably more hearing loss than would occur from noise exposure alone. In particular, exposure to a level of 90 dBA, when seen in combination with the aging process, results in substantial losses for average workers while affecting the 90th percentile even more severely.

See footnotes at end of document.

In order to judge the magnitude of this effect, these exposure levels and the resulting NIPTS can be related to numbers of noise exposed workers. OSHA's contractor, Bolt, Beranek and Newman (BBN), has estimated the percentage of production workers currently exposed to various levels of noise, and the percentage that would be exposed to those levels if maximum compliance with the present 90-dBA standard or a future 85 dBA standard were achieved, Impact of Noise Control at the Workplace,[8] 1974, pp. 13 & 26. (See Tables III and IV in text.) BBN defines maximum compliance as that which would be achieved with the full use of presently available technology. BBN estimates that unless new technology is developed approximately 8 percent of the workforce would continue to be exposed to noise levels above the required limit, whether that limit is 90 dBA or 85 dBA. According to BBN approximately 14 million workers are currently employed in American production industries. The number of noise exposed workers based on this figure have been entered in Tables III and IV.

TABLE II.—*Hearing threshold level in decibels [2] as a function of noise exposure and presbycusis*

[In decibels]

Exposure level	Age	Audiometric frequency			
		1000 Hz	2000 Hz	3000 Hz	4000 Hz
		(a) 50th percentile			
Nonnoise exposed	30	1.0	0.8	1.8	3.3
	60	6.8	11.3	18.0	24.0
80 dBA	30	1.2	1.3	4.8	7.6
	60	7.9	12.4	22.8	29.8
85 dBA	30	1.8	1.9	7.4	11.3
	60	8.6	13.8	26.7	34.4
90 dBA	30	2.6	3.8	12.5	16.7
	60	10.2	19.5	34.0	41.2
		(b) 90th percentile			
Nonnoise exposed	30	8.8	7.6	13.6	16.1
	60	14.6	18.1	29.8	36.8
80 dBA	30	9.4	8.9	18.2	26.3
	60	15.9	20.9	37.6	50.2
85 dBA	30	9.9	11.3	21.9	30.8
	60	16.9	24.8	43.2	56.0
90 dBA	30	10.9	15.4	31.1	37.3
	60	18.8	33.0	54.6	63.4

[1] Averaged Data of Passchier-Vermeer [10] and Robinson.[11] Presbycusis data previously subtracted by these authors have been added back.
[2] Re audiometric zero (ANSI S 3.6, 1969).

TABLE III.—*Estimates of shift in distribution of worker exposure due to maximum compliance to 90 dBA (according to Bolt, Beranek, and Newman, 1974)*

Exposure level (dBA)	Production workers currently exposed		Those exposed after maximum compliance to 90 dBA	
	Percent production workforce	Approximate number of workers	Percent production workforce	Approximate number of workers
80 to 84	30	4,200,000	30	4,200,000
85 to 89	40	5,600,000	62	8,680,000
90 to 94	15	2,100,000	4	560,000
95 to 99	7	980,000	2	280,000
100 to 104	4	560,000	1	140,000
105 to 109	2	280,000	1	140,000
110 to 114	2	280,000	0	
More than 115	1	140,000	0	

TABLE IV.—*Shift in distribution of worker exposure due to maximum compliance to 85 dBA (according to Bolt, Beranek, and Newman, 1974)*

Exposure level (dBA)	Production workers currently exposed		Those exposed after maximum compliance to 85 dBA	
	Percent production workforce	Approximate number of workers	Percent production workforce	Approximate number of workers
80 to 84	30	4,200,000	92	12,880,000
85 to 89	40	5,600,000	4	560,000
90 to 94	15	2,100,000	2	280,000
95 to 99	7	980,000	1	140,000
100 to 104	4	560,000	1	140,000
105 to 109	2	280,000	0	
110 to 114	2	280,000	0	
More than 115	1	140,000	0	

It can be seen that requiring compliance at either the 90 dBA or the 85 dBA level would be beneficial. However, the difference between compliance at 90 dBA and at 85 dBA as can be seen by comparing Table III and IV is particularly dramatic. Should compliance at 85 dBA be achieved, the numbers of noise exposed workers in the 85–89 dBA group would be reduced from 8,680,000 to only 560,000. Thus, approximately 8,120,000 workers would be prevented from suffering the amount of NIPTS resulting from exposures of 85 dBA to 90 dBA shown in Table I. In addition, the numbers of workers exposed to the more damaging noise levels between 90 dBA and 110 dBA would be reduced from approximately 1,120,000 to 560,000. Although some amounts of hearing loss would still occur as a result of an 85 dBA exposure level, EPA believes that the demonstrated differences between NIPTS resulting from exposure to 85 dBA as opposed to 90 dBA are so significant as to warrant reduction to the 85 dBA level. This significance becomes more profound when one considers that the hearing of 8 million workers is involved.

2. *Hearing risk.* Since the effects of occupational noise on hearing are often stated in terms of damage risk or hearing risk figures, it would be useful to examine percentages of the population at risk for various exposure levels. The word "risk" for these purposes is defined as the percentage of noise exposed population with a given amount of hearing impairment after subtractions have been made for the percentage of people who would "normally" incur such losses from other causes in the absence of noise. Criteria published by the International Organization for Standardization (ISO),[29] EPA,[2] and NIOSH,[7] are fairly similar. These criteria shown in Table V, are based on 8-hour exposures, 5 days per week for up to 40 years. They show percentages of people who will have hearing losses that exceed 25 dB* at the average audiometric frequencies of 500 Hz, 1000 Hz and 2000 Hz. It can be seen that substantial portions of the exposed population will incur such a hearing impairment at 90 dBA, approximately half as many will incur these impairments at 85 dBA, and the risk is quite small at 80 dBA.

TABLE V.—*Percentage of the population at risk (exceeding 25 dB hearing loss) as a result of various noise exposure levels*

Item	Noise exposure level (dBA)	Risk (percent)
a. Averaged frequencies 500 Hz, 1000 Hz, and 2000 Hz:		
ISO	90	21
	85	10
	80	0
EPA	90	22.3
	85	12
	80	5
NIOSH	90	29
	85	15
	80	3
b. Hearing risk for 4000 Hz:		
BAUGHN	90	52
	85	30
	80	6

These risk figures, however, do not take into account hearing losses above the 2000 Hz frequency. As mentioned earlier, human response to the high frequencies is more vulnerable to the adverse effects of noise, and is important to the understanding of speech in lifelike conditions. In order to compare the risk values for the mid-frequencies with those for a higher frequency, risk figures for 4000 Hz are shown. These figures were taken from Baughn's data,[5] whose risk figures for the averaged mid-frequencies were used in the calculations of EPA's and ISO's risk values. The same 25-dB hearing loss criterion is used. It can be seen that the risk is considerably greater when 4000 Hz is examined, and the differences between exposure levels are even more noticeable. While only 6 percent of the exposed population will exceed the 25 dB loss criterion at 80 dBA, 52 percent of the population will exceed it from exposure to 90 dBA. This is clearly an unacceptable risk.

Although the concept of risk appears to be a fairly straightforward way of examining the effects of noise on hearing, there are a number of reasons why EPA is reluctant to use it as the only measure. First, risk figures say nothing about the shape of the distribution. Individuals could cluster around the area of 26 dB loss or they could be scattered widely up to 50 or 60 dB. Also risk figures say nothing about hearing losses that approach, but do not exceed the criterion in question (in this case 25 dB). In other

See footnotes at end of document.

words, risk figures may provide information on people whose hearing goes from fair to bad, but not on those whose hearing goes from excellent to fair as a result of noise exposure. In addition, the percentage of risk will vary according to certain parameters such as the age and years of exposure of the exposed population and the presence and degree of otologic screening.[7] For these reasons, EPA believes that NIPTS, the actual amount of threshold shift due to noise exposure after correction for presbycusis, is a more appropriate descriptor of the effects of noise on hearing. While these values may appear to be less dramatic, they are less susceptible to bias and in the long run, more meaningful.

3. *Other health factors not considered.* There are certain adverse effects of noise that apparently have not even been discussed in the formulation of the standard. These are the non-auditory physiological effects of noise, and the effects on communication and job performance. While some of these effects are difficult to quantify, they should be taken into consideration as a noise exposure standard is developed, and where appropriate, they should encourage a more conservative approach to the setting of exposure limits. This is especially important in view of the fact that the proposed standard does not afford full protection against hearing loss. The Preamble states that "OSHA recognizes that comparatively more workers will be at lower risk at 85 dBA than at 90 dBA," but there is no consideration of long-range goals.

There is ample evidence that cardiovascular, endocrine and neurological changes do occur as a result of noise exposure.[1, 2, 21–33] Whether or not these changes are harmful when experienced over a lifetime is still a subject of question for American researchers. Various European and Soviet studies, as well as some American studies, have indicated that high noise levels can produce significant non-auditory physiological effects in humans.[34–39] With specific reference to industrial noise, NIOSH [7] states that:

> The fact that those who work in high noise levels show greater medical difficulties than those who work under quieter conditions is not conclusive evidence that noise is the crucial causal factor. In each case, it is possible that the differences in the specified health parameters may be explained by other factors such as age, other environmental contaminants, workload and job habits.

However, the fact that such evidence does occur, even though it is not as conclusive as the auditory evidence, is reason to approach the standard-setting process with extra caution.

NIOSH concludes the discussion by saying that the "* * * noise limits designed to provide hearing protection should also reduce the possibility of any extra-auditory health disturbance." [7] Here it should be remembered that NIOSH referred to the 85 rather than the 90 dBA level. Such a statement can be still more safely made with reference to EPA's identified levels of 70–75 dBA.

See footnotes at end of document.

While the possibility of protection against extra-auditory effects may be true for moderate levels of noise, this protection is less likely to occur with long-term exposures to 90 dBA for 8 hours, 95 dBA for 4 hours, or 100 dBA for 2 hours.

Speech and signal interference creates a similar situation. Varying amounts of communication can occur at levels above 85 dBA if talker and listener move close together and very loud voice or shouting is used. However, speech communication is almost impossible above 100 dBA[2] and the audibility of warning shouts and signals becomes increasingly problematical at such high background levels. These hazards should be acknowledged and kept in mind when setting 8-hour exposure limits, and especially when making decisions about a time-intensity tradeoff. Even with an 8-hour exposure limit of 90 dBA, adoption of a more stringent time-intensity tradeoff than the present 5 dB rule would eliminate exposure to continuous noise at levels above 105 dBA. The chances of masking warning shouts or signals, as well as the probability of auditory damage would be reduced accordingly.

The effects of noise on job performance are more difficult to quantify than the effects on speech and signal interference. Continuous noise levels above 90 dBA appear to have potentially detrimental effects on performance, depending on the type of task and the individual's physiological and motivational state.[2] Intermittent levels of less than 90 dBA can be detrimental depending upon the above-mentioned variables, especially if the noise is unexpected, uncontrollable and has predominantly high frequency components.[2] Although these effects have not been studied extensively in the industrial situation, they should provide added incentive for adopting a conservative approach to the setting of standards designed to protect against other adverse effects.

B. TIME-INTENSITY TRADEOFF

OSHA's Proposal: 5-dB Rule
EPA's Recommendation: 3-dB or "Equal Energy" Rule

The question of the allowable increase in exposure levels with decrease of exposure time (time intensity tradeoff) is an issue that is as important as the 8-hour exposure level for the conservation of hearing. EPA believes that OSHA's allowable increase of 5 dB for every halving of exposure duration does not adequately protect public health and welfare. It is based on an over-simplification of the beneficial effects of intermittency. First, the criteria upon which it is based allow excessive amounts of threshold shift in the exposed population. In addition, the criteria require evenly spaced quiet intervals of specific duration in which to recover from temporary threshold shift (TTS). Such precise temporal distributions are not characteristic of the industrial environment. The typical sound levels during intermittencies in most industrial conditions are not sufficiently low to permit adequate recovery from TTS. It is generally agreed that persistent TTSs will eventually result in comparable permanent threshold shifts.[40, 41]

It is true that interrupted noise in some instances causes less damage to the hearing mechanism than an equivalent amount of continuous noise.[42, 43] For this reason, EPA increased by 5 dB the level of environmental noise identified as required to protect against hearing loss.[6] (This correction is distinct from a time-intensity tradeoff.) During the periods of interruption, the ear is able to achieve some amount of recovery from TTS. However, the amount of recovery achieved is highly dependent upon the duration and level of the noise, the amount of time between exposures and the sound level during the quiet period. While long periods of relative quiet are characteristic of most environmental noise, they are not common to industrial noise.

The 5 dB rule is theoretically based on damage-risk criteria developed by Working Group #46 of the Committee on Hearing, Bioacoustics and Biomechanics of the National Academy of Science—National Research Council (CHABA).[44] These criteria, derived from data on TTS, specify tolerable levels and durations of noise for 1-octave and 1/3-octave bands for a range of approximately 85 dB to 135 dB. They allow higher levels of noise as the durations become shorter and recovery periods become longer. Adherence to the CHABA criteria should produce TTS after 2 minutes or NIPTS after 40 years of exposure no greater than the losses displayed in Table VI. EPA believes that these are excessive amounts of allowable threshold shift from noise exposure. Moreover, research has indicated that observed amounts of TTS can be considerably higher than those predicted by the CHABA criteria.[45]

TABLE VI.—*Estimated NIPTS according to damage-risk criteria proposed by CHABA working group No. 46*

Test frequency (hertz)	Median (decibel)	90th percentile (decibel)
1000	10	30
2000	15	45
3000	20	60

The CHABA criteria were later simplified to apply to the industrial situation by consolidating the ⅓- and 1-octave band long- and shortburst intermittent contours into one scheme combining dBA level, total on-time and number of exposure cycles.[46] A time-intensity tradeoff was selected that seemed to characterize a situation with 5 to 7 interruptions per day, namely, a 5 dB tradeoff. The validity of even the simplified method rests on the requirements that the exposure cycles are evenly distributed and the 5 to 7 interruptions are long enough to permit the necessary amount of recovery from TTS. However, as adopted by OSHA, these requirements have disappeared. Thus, an individual can be subjected to a 95 dBA exposure level distributed in any

temporal pattern throughout the day, or even continuously, so long as a four-hour dose is not exceeded. The CHABA criteria, even in the simplified form, would permit only 80 minutes of uninterrupted exposure to 95 dBA. A yet more serious misinterpretation occurs by allowing a solid 15 minutes of exposure to 115 dBA. At this level, the CHABA criteria permit only about 3½ minutes of uninterrupted exposure.

In addition to the regularity and duration of the interruptions, the noise level of the quiet period contributes to the amount of recovery that can take place. Significantly greater amounts of TTS were found for equivalent exposures to 103 dBA when the sound level during the quiet intervals was 77 dBA than when it was 40 dBA.[45] Significant differences also appeared between quiet intervals of 67 dBA and 57 dBA.[47] This kind of evidence has prompted EPA to identify a level of 60 dBA as a quiet requirement in order to permit complete recovery from 8-hour work-day exposures no higher than 75 dBA.[6] NIOSH has identified a level of 65 dBA as meeting the requirements of a true "off-level."[7] Both figures are considerably more conservative than the 84 dBA level implicit in the proposed standard since levels below 85 dBA are not included in the calculation of the daily dose. It has been suggested that sufficiently low sound levels can heighten the effectiveness of interruptions and facilitate recovery that otherwise would not occur.[48] This hypothesis could very well explain the advantages attributed to intermittency in the laboratory and in occupations such as forestry and some kinds of mining where the background noise level is fairly low. Obviously, there is quite a differences between a remote mountain top and a typical production factory.

It is generally agreed that the noise in production industries is fairly continuous or steady-state in nature and that it is not intermittent, i.e., interrupted by periods of subjective silence[3] or by noise levels below 55 dBA[5] to 65 dBA[7] depending on the definition of intermittency. OSHA's draft Environmental Impact Statement[49] maintains that "most industrial operations emit steady-state sounds." For this type of noise there is widespread agreement that the "equal energy" rule holds true, that is that equal amounts of sound energy will cause equal amounts of hearing loss regardless of how the energy is distributed in time. This rule allows a 3 dB increase in exposure level with each halving of exposure duration, rather than the 5 dB increase permitted by OSHA. The concept of equal energy is incorporated into the ISO Recommendation R1999 "Assessment of Occupational Noise Exposure for Hearing Conservation Purposes,"[50] it is written into most European standards for occupational noise,[55-15] and it is used in modified form in the U.S. Army[56] and U.S. Air Force[57] standards. Actually, the Army has adopted a standard that identifies any level above 85 dBA as potentially hazardous, regardless of duration (i.e., a more conservative approach than the 3 dB tradeoff). The Air Force, although it previously used the equal energy rule,[58] has adopted a 4 dB tradeoff.[57] presumably as a compromise between the equal energy rule and the present OSHA method. The equal energy rule is incorporated into the methodology by which EPA has identified safe levels of environmental noise.[6] According to the EPA/AMRL criteria[3] the equal energy rule "is probably the best available method of predicting the effect of noise on hearing in the case of continuous noise of which the level fluctuates slowly (seconds to hours) during the workday," and its application to these noise conditions is advocated by most contemporary researchers.[27 59-61] Experimental support has been given to its application to intermittent noise[27 62 63] and there is a growing tendency to apply the rule to impulsive noise as well[6 64-66] (see Appendices C and G of EPA's "Noise Levels Document"). The English Code of Practice[51] extends the equal energy rule from completely steady-state noise to short-duration impulses as high as 150 dB. There is no doubt that the equal energy rule is simpler, and it is more practical to use since OSHA's 5 dB time-intensity tradeoff imposes limits of 115 dBA on continuous noise and 140 dB on impulsive noise.

An additional point that may have very serious implications for noise control is the fact that noise exposure can produce structural damage to the ear that is not demonstrated by behavioral audiometry.[67] A scheme such as the CHABA method, which is based on the growth and recovery of TTS, neglects the possibility that anatomical damage may occur even though it is not detected by ordinary methods. Thus, damage risk criteria that appear to be safe as measured by TTS and subsequent recovery may fail to protect individuals from physiological damage that might become apparent after years of exposure.

For the above reasons, a 5-dB time-intensity tradeoff is not appropriate to the industrial environment. Employing it would not protect public health and welfare to the extent required. It would allow excessive amounts of NIPTS, particularly in the more susceptible members of the exposed population (see Table VI), even if the CHABA-recommended intermittency patterns were adhered to. As the rule is currently interpreted, 4 hours of continuous noise at 95 dBA, and likewise 2 hours of continuous noise at 100 dBA and 15 minutes at 115 dBA are allowable, with the resulting amounts of hearing loss potentially much greater than those predicted by the CHABA criteria. These points are among the many reasons to severely restrict exposure to noise levels as high as 110 dBA and 115 dBA, and to apply the more conservative equal energy rule to industrial noise exposures.

III. Feasibility. Technology and Cost

To fill the gap in data, which was pointed to in the NIOSH criteria document, the Department of Labor commissioned Bolt, Beranek, and Newman to study the cost and technology of quieting industry to levels of 90 dBA and 85 dBA. As that study showed, the same technology that is available today to achieve a level of exposure to 90 dBA for 92 percent of the workforce can also be applied to achieve a level of 85 dBA for the same number of workers, and that technology can be adequately supplied by the noise control industry. The cost of achieving the 85 dBA level is, of course, greater. However, EPA believes that many of BBN's estimates ($13.5 billion for 90 dBA, $18.1 billion more for 85 dBA) are too high. BBN's report (because of the short time given for it) includes cost data based wholly or in part on extrapolations from individual plants to whole industries, and from smaller industries to very large industries, which could also produce questionable figures. An example is the use of relative gross annual value of production to compare lumber finishing operations with saw mills, where the control requirements are not directly similar. In addition, it appears that estimates were not based on least cost methodology.[68] The final cost estimates do not take into account the combined use of administrative and engineering controls as allowed by the proposed standard, nor do they include the possibility of using in-house labor to achieve noise reduction.

Also, the estimates of economic impact do not consider as an offsetting savings the beneficial effect of new, quieter machinery on capital and labor productivity. Furthermore, alternatives such as those indicated in Part IV of this document can also favorably alter the cost impact. For these kinds of reasons, EPA suggested that a more thorough study of costs and benefits should be performed.

Even assuming, however, that these figures are correct, EPA believes that, in view of the need to reduce the standard ultimately to 75 dBA in order to protect the population adequately, requiring compliance with an 85 dBA standard within three years is a reasonable first step. The added protection is commensurate with even the BBN calculations of added cost. As shown in Tables III and IV, 8,120,000 more workers are protected at 85 dBA than at 90 dBA.

IV. Suggested Alternatives

EPA recognizes that, in the final analysis, it is OSHA that must perform the balancing of the cost, technology and health and welfare considerations. We believe, however, that for the reasons discussed above, the standards proposed and the justification given by OSHA fall short of protecting the health and welfare of workers to the extent required or to the extent that these values could feasibly be protected. Accordingly, EPA is asking that OSHA address in detail the specific points discussed above. If after doing so, the Secretary determines that an 85-dBA standard (and 3 dB time-intensity tradeoff) applicable to all industries after three years is not justified, the following regulatory alternatives should be considered. Because each of

See footnotes at end of document.

these approaches has been previously suggested to OSHA, and all have been rejected without explanation, the Administrator requests that the detailed response to this notice include a detailed discussion of the Secretary's findings as to whether any one or a combination of these approaches could feasibly be employed to more adequately protect the public health and welfare.

In considering alternatives, EPA would urge OSHA not to abandon its position that the use of hearing protectors and audiometric monitoring are merely supplementary measures. EPA approves of OSHA's inclusion of hearing conservation measures as an integral part of an occupational noise control program. EPA concurs with the approach traditionally held by OSHA that ear protective devices should be used as interim measures until such time as engineering or administrative controls can reduce noise exposure to safe levels. However, since ear protective devices are often improperly used or not used, EPA does not view such devices as a viable alternative to noise reduction at the source or the use of administrative controls. Moreover, there exist with the use of such devices, as with many other personal protective items, possible risks of increased safety hazards.

EPA believes that audiometric monitoring can be a valuable diagnostic tool, but it will not detect "any changes in hearing," and consequently prevent significant threshold shift as OSHA has stated in its preamble. Normal variability among subjects, audiometers and technicians will reduce the probability of detecting hearing losses before they become significant. Moreover, OSHA's definition of significant threshold shift would conceivably allow threshold shifts of up to 35 dB at a single frequency before the worker is appraised of his hearing loss. Even at that point, there are no remedial steps specified except for retraining in the use of ear protection. For these reasons, EPA concurs with OSHA that hearing protection devices and audiometric testing alone cannot be considered as an alternative method of achieving noise reduction.

1. *Industry-by-industry standards.* Bolt, Beranek and Newman pointed out in its feasibility study that a small portion of the American production industries is presently unable to comply with a 90-dBA 8-hour exposure standard with existing noise control technology.[8] In addition, some industries will experience the economic impact of compliance much more severely than others. Presumably for these reasons OSHA has chosen to issue extended compliance intervals for certain industries. Such an agreement is currently in effect with the American Can Company and EPA understands that agreements with other large companies are being negotiated. In addition, a multitude of abatement extensions are currently being granted on the local level. By granting different extensions to different industries OSHA has shown that industry-by-industry standards are administratively feasible, and in a sense, are being practiced. Setting a more stringent goal for all industries and then allowing different compliance schedules for different industries would be one method of approaching the problem. This method could have the advantage of immediate reductions to noise levels well below 90 dBA wherever such reductions are feasible. Reductions in some cases to levels as low as 75 dBA, would preclude even small amounts of threshold shift in most of the exposed population, and would greatly reduce the potential hazard of non-auditory effects.

2. *Incremental reductions.* This alternative is a variation of the plan mentioned above, where all industries would be required to comply with a certain exposure level within, for example, 5 years, and another level in another 5 years and so on until a truly safe level is achieved. It would be less complicated to administer than the industry-by-industry plan, but would not provide such immediate protection for workers employed in industries where abatement to low noise levels is readily achievable. In earlier drafts of OSHA's noise standard (Working Drafts I and II), reduction to 85 dBA in 5 years was specified. That provision has since been deleted. EPA strongly recommends that either the 5-year, or better, the 3-year provision be reinserted with serious consideration given to reducing to 80 dBA after another subsequent period.

3. *Stringent standard with variance provisions.* This alternative involves setting more stringent industry-wide standards, and allowing temporary variances for individual companies that are economically or technologically unable to comply. The agreement with the American Can Company has set clear precedent for the use of variances, even though the word "variance" has not been attributed to the agreement. The concept should be considered not only in terms of the present 90-dBA standard, but with respect to levels of 85 dBA and eventually to 80 dBA. It should, naturally, be viewed in terms of longer compliance periods for the lower levels, and for the companies that would experience the greatest economic and technical difficulties.

4. *Lower levels for new plants.* NIOSH has recommended that new plants be designed to meet an 85-dBA standard. This should be technologically feasible for nearly all industries, and the economic burden would be smaller than it would be for reducing exposures in existing plants. Requiring more stringent standards for new plants would stimulate the development of cost effective noise abatement technology and it would ease the burden of noise abatement requirements in the future.

Dated: December 6, 1974.

RUSSELL TRAIN,
Administrator,
Environmental Protection Agency.

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