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Title 3—The President

PROCLAMATION 4302

Captive Nations Week, 1974

By the President of the United States of America

A Proclamation

Consistent with the principles upon which this Nation was founded, we believe that democratic liberties are among the basic human rights to which all men are entitled. We do not seek to impose our beliefs upon others, but we do not hide our sympathies towards the desires of those who, like us, cherish liberty and self-determination. In support of this sentiment, the Eighty-Sixth Congress on July 17, 1959, by a joint resolution, authorized and requested the President to proclaim the third week in July in each year as Captive Nations Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning July 14, 1974, as Captive Nations Week.

I call upon the people of the United States to observe this week with appropriate ceremonies and activities, and I urge rededication to the cherished ideal of freedom for all.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of July, in the year of our Lord nineteen hundred seventy-four, and of the Independence of the United States of America the one hundred ninety-ninth.

Richard Nixon

[FR Doc.74-16378 Filed 7-12-74;4:49 pm]

PROCLAMATION 4303

United States Space Week, 1974

By The President of the United States of America

A Proclamation

Just five years ago, two Americans thrilled the world when they took man's first steps on the moon.

The heavens have intrigued and mystified man for all of recorded history. In that single journey five years ago, man's knowledge of our universe, diligently gathered over the centuries, resulted in a spectacular leap away from the earth.

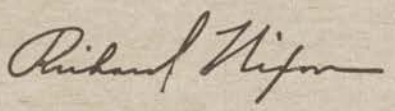
That leap was more than a tribute to man: it was also a tribute to America, for it would never have been possible without a concerted, cooperative effort joining Government, industry and science. Organized and led by the National Aeronautics and Space Administration and supported by our citizens, the Apollo program showed what America can do when our people agree to a goal and follow through to achieve it.

The knowledge to be gained from space will lead to scientific, technological, medical and industrial advances which cannot be fully perceived today. In time man may take for granted in the heavens such wonders as we cannot imagine—just as superhighways across America would amaze the Puritans of 1620 or transatlantic flights would astound those who passed on the legend of Icarus. But we know that a beginning has been made that will affect the course of human life forever.

It is entirely fitting that we should commemorate the beginnings of man's journey into his universe on the anniversary of that first landing on the moon by the men of Apollo 11.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the period July 16 through July 24, 1974, as United States Space Week and urge the people of the Nation to mark this period in ways that express their pride in the leading role our Nation has played in the exploration and use of space which can contribute so greatly to a better land and a better world.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of July, in the year of our Lord nineteeen hundred seventy-four, and of the Independence of the United States of America the one hundred ninety-ninth.



[FR Doc.74-16403 Filed 7-15-74;10:40 am]

rules and regulations

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

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

Title 7—Agriculture

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs.—1974 Crop Flaxseed Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1974 Crop Flaxseed Loan and Purchase Program

On February 4, 1974, notice of proposed rulemaking regarding loan and purchase rates for 1974 crop flaxseed and detailed operating provisions to carry out the 1974 crop flaxseed loan and purchase program was published in the FEDERAL REGISTER (39 FR 814). On May 10, 1974, the Department announced that beginning with the 1974-crop flaxseed, deductions for unpaid storage charges will no longer be made from the loan value of the commodity. Instead, in order for a producer to obtain a warehouse storage loan on flaxseed, the warehouse receipt must indicate that storage has been paid or otherwise provided for through the loan maturity date. Since storage prepayment is required, § 1421.176 *Warehouse charges.* is hereby deleted and § 1421.177 *Maturity of loans.* is renumbered § 1421.176, also § 1421.178 *Loan and purchase rates, premiums, and discounts.* is renumbered § 1421.177.

No data, views, or recommendations were filed by interested persons with regard to the notice of proposed rulemaking and inasmuch as flaxseed is currently being harvested in many parts of the flaxseed-producing area, it has been determined that compliance with notice of proposed rulemaking procedure with reference to prepaid storage is impracticable and contrary to the public interest. Therefore, this regulation is issued without following such procedure.

The General Regulations Governing Price Support for the 1970 and Subsequent Crops, published at 35 FR 7363 and 7781 and any amendments thereto and the 1970 and Subsequent Crops Flaxseed Loan and Purchase Program regulations published at 35 FR 11456 and any amendments to such regulations, are further supplemented for the 1974 crop of flaxseed. The provisions previously appearing in these §§ 1421.175 through 1421.178 shall remain in full force and effect as to the crops to which they are applicable.

Sec.

1421.175 Availability.
1421.176 Maturity of loans.
1421.177 Loan and purchase rates, premiums and discounts.

AUTHORITY: Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply Sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1054, as amended, 15 U.S.C. 714c, 7 U.S.C. 1447, 1421.

§ 1421.175 Availability.

A producer desiring to participate in the program through loans must request a loan on his 1974 crop of eligible flaxseed on or before April 30, 1975, on flaxseed stored in Minnesota, Montana, North Dakota, South Dakota, and Wisconsin, and on or before March 31, 1975, on flaxseed stored in all other States. To sell eligible flaxseed to CCC a producer must execute and deliver to the appropriate county ASCS office, a purchase agreement (Form CCC–614), indicating the approximate quantity of 1974 crop flaxseed he may sell to CCC. The purchase agreement must be delivered to CCC on or before May 31, 1975, for flaxseed stored in the States of Minnesota, Montana, North Dakota, South Dakota, and Wisconsin, and on or before April 30, 1975, for flaxseed stored in all other States.

§ 1421.176 Maturity of loans.

Loans mature on demand but not later than May 31, 1975, for flaxseed stored in the States of Minnesota, Montana, North Dakota, South Dakota, and Wisconsin, and April 30, 1975, for flaxseed stored in all other States.

§ 1421.177 Loan and purchase rates, premiums and discounts.

(a) *Basic loan and purchase rates (counties).* Basic county rates per bushel for loans and settlement purposes are established for flaxseed grading U.S. No. 1 containing 9.1 to 9.5 percent moisture and are as follows:

COUNTY PRICE SUPPORT RATES, GRADE NO. 1, CONTAINING 9.1–9.5 PERCENT MOISTURE

ARIZONA

County	Rate per bushel	County	Rate per bushel
Maricopa	$2.88	Yuma	$2.90

CALIFORNIA

Fresno	2.86	San Francisco	2.91
Imperial	2.93	San Mateo	2.90
Los Angeles	2.97		

IOWA

All Counties	2.50

MINNESOTA

Becker	2.56	Cottonwood	2.61
Beltrami	2.62	Dakota	2.67
Big Stone	2.58	Dodge	2.65
Blue Earth	2.64	Douglas	2.62
Brown	2.63	Faribault	2.62
Carlton	2.69	Fillmore	2.59
Carver	2.66	Freeborn	2.63
Chippewa	2.62	Goodhue	2.65
Clay	2.54	Grant	2.59
Clearwater	2.61	Hennepin	2.65

MINNESOTA—Continued

County	Rate per bushel	County	Rate per bushel
Hubbard	2.60	Pope	2.62
Itasca	2.69	Ramsey	2.65
Jackson	2.60	Red Lake	2.58
Kandiyohi	2.65	Redwood	2.63
Kittson	2.51	Renville	2.64
Koochiching	2.60	Rice	2.66
Lac Qui Parle	2.59	Rock	2.56
Lake of the Woods	2.53	Roseau	2.52
LeSueur	2.66	St. Louis	2.69
Lincoln	2.57	Scott	2.66
Lyon	2.60	Sibley	2.65
McLeod	2.65	Stearns	2.65
Mahnomen	2.58	Steele	2.65
Marshall	2.55	Stevens	2.61
Martin	2.61	Swift	2.62
Meeker	2.65	Todd	2.62
Mower	2.63	Traverse	2.57
Murray	2.58	Wabasha	2.65
Nicollet	2.64	Waseca	2.65
Nobles	2.58	Washington	2.65
Norman	2.57	Watonwan	2.63
Olmsted	2.64	Wilkin	2.56
Otter Tail	2.58	Winona	2.63
Pennington	2.57	Wright	2.65
Pipestone	2.56	Yellow Medicine	2.62
Polk	2.57		

MONTANA

Carter	2.31	Richland	2.32
Custer	2.27	Roosevelt	2.31
Daniels	2.28	Sheridan	2.30
Dawson	2.32	Valley	2.26
Fallon	2.32	Wibaux	2.33
McCone	2.30	All other counties	2.20
Powder River	2.25		
Prairie	2.29		

NORTH DAKOTA

Adams	2.35	McKenzie	2.32
Barnes	2.51	McLean	2.37
Benson	2.41	Mercer	2.39
Billings	2.36	Morton	2.41
Bottineau	2.34	Mountrail	2.33
Bowman	2.34	Nelson	2.48
Burke	2.33	Oliver	2.39
Burleigh	2.44	Pembina	2.48
Cass	2.53	Pierce	2.38
Cavalier	2.43	Ramsey	2.43
Dickey	2.50	Ransom	2.55
Divide	2.32	Renville	2.33
Dunn	2.38	Richland	2.54
Eddy	2.46	Rolette	2.36
Emmons	2.44	Sargent	2.53
Foster	2.46	Sheridan	2.39
Golden Valley	2.33	Sioux	2.42
Grand Forks	2.51	Slope	2.38
Grant	2.40	Stark	2.38
Griggs	2.49	Steele	2.51
Hettinger	2.38	Stutsman	2.48
Kidder	2.44	Towner	2.39
La Moure	2.50	Traill	2.52
Logan	2.46	Walsh	2.50
McHenry	2.37	Ward	2.34
McIntosh	2.46	Wells	2.43
		Williams	2.32

SOUTH DAKOTA

Aurora	2.47	Brown	2.51
Beadle	2.51	Brule	2.46
Bennett	2.27	Buffalo	2.47
Bon Homme	2.47	Butte	2.32
Brookings	2.55	Campbell	2.43

SOUTH DAKOTA—Continued

County	Rate per bushel	County	Rate per bushel
Charles Mix	2.44	Lawrence	2.32
Clark	2.52	Lincoln	2.48
Clay	2.49	Lyman	2.45
Codington	2.55	McCook	2.47
Corson	2.40	McPherson	2.44
Custer	2.29	Marshall	2.52
Davison	2.47	Meade	2.33
Day	2.53	Mellette	2.31
Deuel	2.58	Miner	2.49
Dewey	2.38	Minnehaha	2.51
Douglas	2.44	Moody	2.55
Edmunds	2.48	Pennington	2.38
Fall River	2.23	Perkins	2.36
Faulk	2.49	Potter	2.47
Grant	2.57	Roberts	2.55
Gregory	2.35	Sanborn	2.48
Haakon	2.41	Shannon	2.25
Hamlin	2.54	Spink	2.51
Hand	2.47	Stanley	2.47
Hanson	2.47	Sully	2.47
Harding	2.34	Todd	2.31
Hughes	2.47	Tripp	2.33
Hutchinson	2.46	Turner	2.47
Hyde	2.47	Union	2.49
Jackson	2.40	Walworth	2.45
Jerauld	2.47	Washabaugh	2.40
Jones	2.44	Yankton	2.49
Kingsbury	2.52	Ziebach	2.36
Lake	2.52		

WASHINGTON

Lincoln	2.27

WISCONSIN

All Counties	2.55

(b) *Premiums and discounts.* The basic support rate shall be adjusted, as applicable, by premiums and discounts as follows:

	Cents per bushel
(1) Premium for low moisture (Applicable to Grades U.S. No. 1 and U.S. No. 2); Moisture content (percent): 9 or less	+1
(2) Discounts:	
(i) Grade U.S. No. 2	−6
(ii) Weed control law (where required by § 1421.25)	−15
(iii) Other factors: Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of flaxseed, such as (but not limited to) heat damage, musty, and sour. Such discounts will be established not later than the time delivery of flaxseed to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts and adjustments thereof at county ASCS offices approximately 1 month prior to the loan maturity date or as soon thereafter as practicable.	

Effective date: July 16, 1974.

Signed at Washington, D.C., on July 10, 1974.

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

[FR Doc.74-16249 Filed 7-15-74;8:45 am]

[CCC Grain Price Support Regs.—1974 Crops Texas Flaxseed Purchase Programs Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1974 Crop Texas Flaxseed Purchase Program

Correction

In FR Doc. 74-14673 appearing at page 23240 of the issue for Thursday, June 27, 1974, in § 1421.642(b)(1), in the heading and the text, the word "county" should read "country."

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airwothiness Docket No. 74-WE-16-AD; Amdt. 39-1900]

PART 39—AIRWORTHINESS DIRECTIVES

Certain DC-10 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring installation of a shroud to prevent upholstery fabric from interfering with oxygen door operation on Weber DC-10 passenger seats was published in 39 FR 15046.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all comments received in response to the above notice, insofar as they relate to matters within the scope of the notice.

Two comments contended that the proposed 500 hours' compliance time is unreasonable because Weber Service Bulletin No. 25-330 dated May 15, 1974, would not be released until approximately June 25, 1974, and parts will not be available earlier than 18 weeks after receipt of order. Further, based on the absence of any service difficulties by the one affected operator who has not accomplished the installation, one comment suggested extension of compliance time to 1,500 hours and one to 1,800 hours.

The agency believes that the requested extension in compliance time for the accomplishment of the shroud installation is acceptable, provided that, as an interim action, a continuing surveillance is maintained on the equipment. The visual inspection is not acceptable as a terminating or final action per the AD.

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

MCDONNELL DOUGLAS. Applies to Douglas Model DC-10 Series airplanes, certificated in all categories, incorporating Weber Aircraft seats, Part Number 818472-401, 402, 403, 411, 412, 413, 415, 416, 417, 418, 419, 4011, 4021, and 4031 and 819900-401, 402, and 403.

Compliance required as indicated.

To prevent possible failures of the oxygen doors, accomplish the following:

(a) Within 300 hours' additional time in service, and at intervals not to exceed 300 hours' time in service, until (b), below, is accomplished, perform a visual inspection of all oxygen doors to verify that upholstery fabric does not obstruct the oxygen door, should door opening become necessary. If such obstruction is observed, correct before further flight.

(b) Within 1,500 hours' additional time in service, unless already accomplished, install shrouds around the first-class seat back oxygen doors in accordance with Weber Aircraft Service Bulletins No. 25-314, dated November 1, 1973, and No. 25-330, dated May 15, 1974, or later FAA-approved revisions.

(c) Equivalent installations may be approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(d) Aircraft may be flown to a base for the performance of that maintenance required by this AD per FAR's 21.197 and 21.199.

NOTE: For the requirements regarding the listing of compliance and method of compliance with this AD in the airplane's permanent maintenance record, see FAR 91.173.

This amendment becomes effective August 26, 1974.

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

Issued in Los Angeles, California on July 5, 1974.

ARVIN O. BASNIGHT,
Director,
FAA Western Region.

[FR Doc.74-16160 Filed 7-15-74;8:45 am]

[Airspace Docket No. 74-SO-71]

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

Redesignation of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redesignate the Biloxi, Miss., control zone.

The Biloxi control zone is described in § 71.171 (39 FR 354), and is designated effective 24 hours per day. Because of a change in hours of operation of Keesler AFB to 0600 to 2300 hours, local time, daily, it is necessary to redesignate the control zone as part time. Since this amendment is less restrictive in nature, notice and public procedure hereon are unnecessary.

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

In § 71.171 (39 FR 354), the Biloxi, Miss., control zone is amended as follows: "* * * This control zone is effective from 0600 to 2300 hours, local time, daily * * *." is added to the description.

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

Issued in East Point, Ga., on July 8, 1974.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.74-16158 Filed 7-15-74;8:45 am]

[Airspace Docket No. 74-CE-9]

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

Alteration of Transition Area

On Page 14727 of the FEDERAL REGISTER dated April 26, 1974, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation regulations so as to alter the transition area at Goodland, Kansas.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

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

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

Issued in Kansas City, Missouri, on July 1, 1974.

A. L. COULTER,
Director, Central Region.

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

GOODLAND, KANSAS

That airspace extending upward from 700 feet above the surface within a seven-mile radius of Renner Field-Goodland Municipal Airport (latitude 39°22'10" N., longitude 101°41'56" W.); and within five miles each side of the Goodland VORTAC 163° radial, extending from the seven-mile radius area to 12 miles south of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within five miles each side of the Goodland VORTAC 343° radial, extending from the VORTAC to 14 miles north of the VORTAC; within a 17-mile radius of the Goodland VORTAC 096° radial clockwise to the Goodland VORTAC 249° radial; and within four and one-half miles west and nine and one-half miles east of the Goodland VORTAC 163° radial, extending from the 17-mile radius area to 18½ miles south of the VORTAC.

[FR Doc.74-16157 Filed 7-15-74;8:45 am]

[Airspace Docket No. 74-CE-7]

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

Alteration of Transition Area

On Pages 16364 and 16365 of the FEDERAL REGISTER dated May 8, 1974, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at St. Louis, Missouri.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

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

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

Issued in Kansas City, Missouri, on July 1, 1974.

A. L. COULTER,
Director, Central Region.

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

ST. LOUIS, MISSOURI

That airspace extending upward from 700 feet above the surface within a ten-mile radius of Lambert-St. Louis International Airport (latitude 38°44'50" N., longitude 90°21'55" W.); within five miles southeast and eight miles northwest of the Lambert-St. Louis International Airport Runway 24 ILS localizer northeast course, extending from the ten mile radius area to 12 miles northeast of the Runway 24 OM; within five miles southwest and nine miles northeast of the Lambert-St. Louis International Airport Runway 12R ILS localizer northwest course; extending from the Runway 12R OM to 12 miles northwest of the OM; within a seven mile radius of St. Charles Smartt Airport, St. Charles, Missouri (latitude 38°55'43" N., longitude 90°25'41" W.); within an eight mile radius of Civic Memorial Airport, Alton, Illinois (latitude 38°53'30" N., longitude 90°03'00" W.); within a 6.5 mile radius of Weiss Municipal Airport, Fenton, Missouri (latitude 38°32'15" N., longitude 90°26'50" W.); and that airspace extending upward from 1,200 feet above the surface within a 33-mile radius of St. Louis International Airport; within six miles southwest and nine miles northeast of the St. Louis VORTAC 328° radial, extending from the 33-mile radius area to 36 miles northwest of the VORTAC; within five miles northwest and eight miles southeast of the Maryland Heights VORTAC 243° radial, extending from the 33-mile radius area to 19 miles southwest of the VORTAC; within the area bounded on the west and northwest by the east and southeast edge of V-14S, on the northeast by the 33-mile radius area, on the southeast by the northwest edge of V-238 and on the south by the north boundary of V-88 within a 40-mile radius of Scott AFB (latitude 38°32'30" N., longitude 89°51'05" W.); excluding the portion overlying the State of Illinois; that airspace extending upward from 2,500 feet MSL within the area bounded on the northwest by the southeast edge of V-335, on the east by the Missouri-Illinois boundary, on the south by the north edge of V-190 and on the west by the east edge of V-9; and that airspace extending upward from 4,500 feet MSL within the area bounded on the north by the south edge of V-88, on the northeast by the southwest edge of V-9W, on the south by the north edge of V-72, on the west by a line five miles west of and parallel to the St. Louis VORTAC 200° radial, on the northwest by the southeast edge of V-238; within the area bounded on the north by the south edge of V-12, on the southeast by the northwest edge of V-14N, on the southwest by the northeast edge of V-175, and on the northwest by a line five miles southeast of and parallel to the Jefferson City, Missouri, VOR 041° radial, and within the area bounded on the northeast by the southwest edge of V-52 and the Missouri-Illinois boundary, on the south by the north edge of V-4N, and on the northwest by the southeast edge of V-63.

[FR Doc. 74-16156 Filed 7-15-74;8:45 am]

[Airspace Docket No. 74-CE-8]

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

Designation of Transition Area

On page 17563 of the FEDERAL REGISTER dated May 17, 1974, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation regulations so as to designate a transition area at Clinton, Missouri.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

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

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

Issued in Kansas City, Missouri, on July 1, 1974.

GEORGE R. LACAILLE,
Acting Director, Central Region.

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

CLINTON, MISSOURI

That airspace extending upward from 700 feet above the surface, within five miles of the Clinton, Missouri NDB (latitude 38°-21'32" N., longitude 93°41'04" W.); and within three miles either side of the 054° bearing from the NDB extending from the five-mile radius to eight miles northeast of the MHW.

[FR Doc.74-16155 Filed 7-15-74;8:45 am]

[Airspace Docket No. 74-WA-2]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alterations to Jet Routes and VOR Federal Airways; Correction

On May 21, 1974, FEDERAL REGISTER document 74-11576 was published in the FEDERAL REGISTER (39 FR 17850) and amends Parts 71 and 75 of the Federal Aviation Regulations, effective 0901 G.m.t., July 18, 1974, by altering several Jet Routes and Airways in the Alaskan Area. FEDERAL REGISTER document 74-11576 describes J-515 as being realigned in part from Bettles, Alaska, to Barrow, Alaska. Actually, this portion of J-515 should not have been altered, and the description should have remained from Bettles, Alaska, to Browerville, Alaska, RBN. Action is taken herein to correct the description of that portion of J-515.

Since this amendment is a minor editorial change on which the public would have no particular reason to comment, notice and public procedure thereon are unnecessary. However, since it is necessary that aeronautical charts be depicted correctly, this amendment is being made effective immediately.

In consideration of the foregoing, effective July 16, 1974, FEDERAL REGISTER document 74-11576 (39 FR 17850) is amended, as hereinafter set forth.

In No. 1. Jet Route No. 515 "Barrow, Alaska." is deleted and "Browerville, Alaska, RBN." is substituted therefor.

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

Issued in Washington, D.C., on July 9, 1974.

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

[FR Doc.74-16161 Filed 7-15-74;8:45 am]

[Docket No. 13613; Amdt. No. 91-123]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Improved Transponder

Correction

In FR Doc.74-14782 appearing at page 23253 of the issue for Thursday, June 27, 1974, and corrected on page 25315 of the issue for Wednesday, July 10, 1974, the first line of § 91.24(b)(1), now reading "(1) After July 1, 1975, in Group I", should read "(1) After January 1, 1975, in Group I".

Title 21—Food and Drugs

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1301—REGISTRATION OF MANUFACTURERS, DISTRIBUTORS, AND DISPENSERS OF CONTROLLED SUBSTANCES

Reporting of In-Transit Losses

By notices dated November 13, 1973 and December 3, 1973 and published in the FEDERAL REGISTER on November 19, 1973 and December 7, 1973; 38 FR 31840 and 38 FR 33774, respectively, the Drug Enforcement Administration proposed that 21 CFR 1301.74 be amended by revising paragraph (c) to place the responsibility of reporting in-transit losses of controlled substances on the supplier. All interested persons were invited to submit their objections or comments regarding the proposed amendment.

In response to the notices, the Administration received one comment. The National Association of Chain Drug Stores, Inc., by letter dated December 28, 1973 favored the proposed amended regulations.

Therefore, under the authority vested in the Attorney General by section 301 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 821), delegated to the Administrator of the Drug Enforcement Administration by 28 CFR 0.100-0.104, and to the Deputy Administrator by Directive 73-2, 38 FR 34662, December 17, 1973, it is hereby ordered that 21 CFR 1301.74 be amended by revising paragraph (c) to read as follows:

§ 1301.74 Other security controls for non-practitioners.

* * * * *

(c) The registrant shall notify the Regional Office of the Administration in his region of any theft or significant loss of any controlled substances upon discovery of such theft or loss. The supplier shall be responsible for reporting in-transit losses of controlled substances by the common or contract carrier selected pursuant to § 1301.74(e), upon discovery of such theft or loss. The registrant shall also complete DEA Form 106 regarding such theft or loss. Thefts must be reported whether or not the controlled substances are subsequently recovered and/or the responsible parties are identified and action taken against them.

* * * * *

This order is effective on August 15, 1974.

Dated: July 9, 1974.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.74-16186 Filed 7-15-74;8:45 am]

Title 24—Housing and Urban Development

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

[Docket No. R-74-275]

PART 200—INTRODUCTION

Housing Production, Reorganization

The following additions are being made to this Chapter to formalize the decision to place all housing production in one division under the direct supervision of a Chief Underwriter in the Kansas City, Omaha, and St. Louis Area Offices and to Chief Underwriters in other Area Offices as the position of Chief Underwriter and Deputy Chief Underwriter is established in the Area Office and to formalize the decision to authorize the Topeka and Des Moines Insuring Office and other Insuring Offices as the Assistant Secretary-Commissioner approves to process Low-Rent Public Housing. Because these additions provide internal processing directions no cause exists for review and concurrence on the part of the public and these delegations should be made effective immediately upon publication in the FEDERAL REGISTER.

Accordingly, Chapter II is amended as follows:

New §§ 200.127, 200.128, and 200.129 are added in the Table of Contents and text to read as follows:

Sec.

200.127 Area Office Chief Underwriter and Deputy Chief Underwriter.

200.128 Director and Deputy Director, Insuring Offices.

200.129 Chief Underwriters, Deputy Chief Underwriters, Insuring Offices.

§ 200.127 Area Office Chief Underwriter and Deputy Chief Underwriter.

To the position of Chief Underwriter, and under his general supervision to the position of Deputy Chief Underwriter, with respect to the production of housing within the jurisdiction of the Kansas City, Omaha, and St. Louis Area Offices and to Chief Underwriters in other Area Offices as the position of Chief Underwriter and Deputy Chief Underwriter is established in the Area Office, there is redelegated the authority to perform the functions and exercise the authorities set forth in §§ 200.113, 200.114, 200.115 and 200.116.

§ 200.128 Director and Deputy Director of the Insuring Offices.

To the position of Director, and under his general supervisions to the position of Deputy Director of each Insuring Office designated by the Assistant Secretary-Commissioner with respect to the production of low-rent public housing units within the jurisdiction of the Insuring Office, there is redelegated the authority to perform the functions and exercise the authorities set forth in § 200.118.

§ 200.129 Chief Underwriter and Deputy Chief Underwriter, Insuring Offices.

To the position of Chief Underwriter, and under his general supervision to the position of Deputy Chief Underwriter of each Insuring Office designated by the Assistant Secretary-Commissioner with respect to the production of low-rent public housing within the jurisdiction of the Insuring Office, there is redelegated the authority to perform the functions and exercise the authorities set forth in §§ 200.113, 200.115 and 200.116.

(Sec. 7(d), Department of Housing and Urban Development Act, (42 U.S.C. 3535(d)))

Effective date. These amendments will be effective July 16, 1974.

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

[FR Doc.74-16188 Filed 7-15-74;8:45 am]

[Docket No. R-74-276]

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart B—Contract Rights and Obligations

FLOOD INSURANCE REQUIREMENTS

The Flood Disaster Protection Act of 1973, Pub. L. 93-234, provides that no federal financial assistance for acquisition or construction purposes shall be approved in any area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards and in which flood insurance has been made available under the National Flood Insurance Act of 1968, as amended, unless the building is covered by flood insurance. The Flood Disaster Protection Act of 1973 further provides that on or after July 1, 1975, no federal financial assistance shall be approved for acquisition or construction

purposes for use in any area that has been identified by the Secretary as having special flood hazards unless the community in which the building is situated is participating in the National Flood Insurance Program and the building is covered by flood insurance. Therefore, the Department is amending its regulations to provide for flood insurance.

Inasmuch as this change is mandated by the Flood Disaster Protection Act of 1973, public procedure is unnecessary and good cause exists for making this change effective upon publication.

Accordingly, Part 207 is amended as hereinafter set forth: § 207.260(c) is revised to read as follows:

§ 207.260 Protection of mortgage security.

* * * * *

(c) *Insurance of property against fire and other hazards.* The mortgaged property shall be insured against fire, flood, and other hazards as provided in the mortgage and as stipulated by the Federal Housing Commissioner. The mortgagee shall obtain such coverage in the event the mortgagor fails to do so. If the mortgagee fails to pay any premiums necessary to keep the mortgaged premises so insured, the contract of mortgage insurance may be terminated at the election of the Commissioner.

* * * * *

(Sec. 7(d) of the Department of Housing and Urban Development; 42 U.S.C. 3535(d).)

Effective date. This amendment is effective as of July 16, 1974.

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

[FR Doc.74-16189 Filed 7-15-74;8:45 am]

[Docket No. R-74-277]

PART 241—SUPPLEMENTARY FINANCING FOR INSURED PROJECT MORTGAGES

Subpart B—Contract Rights and Obligations

FLOOD INSURANCE REQUIREMENTS

The Flood Disaster Protection Act of 1973, Pub. L. 93-234, provides that no federal financial assistance for acquisition or construction purposes shall be approved in any area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards and in which flood insurance has been made available under the National Flood Insurance Act of 1968, as amended, unless the building is covered by flood insurance. The Flood Disaster Protection Act of 1973 further provides that on or after July 1, 1975, no federal financial assistance shall be approved for acquisition or construction purposes for use in any area that has been identified by the Secretary as having special flood hazards unless the community in which the building is situated is participating in the National Flood Insurance Program and the building is covered by flood insurance. Therefore, the Department is amending its regulations to provide for flood insurance.

Inasmuch as this change is mandated by the Flood Disaster Protection Act of 1973, public procedure is unnecessary and good cause exists for making this change effective upon publication.

Accordingly, Part 241 is amended as hereinafter set forth:

1. The table of contents to Subpart B of Part 421 is amended to include a new section as follows:

Sec.
241.265 Insurance of property against flood.

2. A new section shall be added to Subpart B as follows:

§ 241.265 Insurance of property against flood.

The mortgaged property shall be insured against flood as stipulated by the Federal Housing Commissioner. The mortgagee shall obtain such coverage in the event the mortgagor fails to do so. If the mortgagee fails to pay any premiums necessary to keep the mortgaged premises so insured, the contract of mortgage insurance may be terminated at the election of the Commissioner.

(Sec. 7(d), Department of Housing and Urban Development Act; 42 U.S.C. 3535(d))

Effective date. This amendment is effective as of July 16, 1974.

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

[FR Doc.74-16190 Filed 7-15-74;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order 572-74]

PART 45—STANDARDS OF CONDUCT

Outside Interests; Reporting Requirements

This order revises the list of officials in the Immigration and Naturalization Service who are required to report outside financial interests, to reflect changes in the organization of the Service.

By virtue of the authority vested in me by 28 U.S.C. 509, 510 and 5 U.S.C. 301 § 45.735-22(c)(2)(xx) of Chapter I of 28 CFR Part 45 is revised to read as follows:

§ 45.735-22 Reporting of outside interests by persons other than special Government employees.

* * * * *

(c) * * *
(2) * * *

(xx) Immigration and Naturalization Service:

Deputy Commissioner
Associate Commissioner, Management
Assistant Commissioner, Administration
Regional Commissioners for Northeast, Southeast, Northwest, and Southwest Regions
Deputy Regional Commissioners for Northeast, Southeast, Northwest, and Southwest Regions
Associate Deputy Regional Commissioners, Management, for Northwest, Southeast, Northeast, and Southwest Regions

* * * * *

Dated: July 8, 1974.

WILLIAM B. SAXBE,
Attorney General.

[FR Doc.74-16212 Filed 7-15-74;8:45 am]

Title 29—Labor

CHAPTER XIV—EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PART 1601—PROCEDURAL REGULATIONS

Determination as to Reasonable Cause

The present EEOC Regulations at § 1601.19b (b) and (d) provide that if the Commission reconsiders a determination of reasonable cause, it notifies the person aggrieved, the person making the charge on behalf of the aggrieved person, where applicable, and the respondent, or in the case of a charge filed under Regulation § 1601.10, the person aggrieved, if known, and the respondent, of the Commission's intention to reconsider the original determination and of the subsequent decision on reconsideration.

The requirement of notice of intent to reconsider contained in § 1601.19b (b) and (d) serves no procedural purpose, as there is no authorization or procedure for the parties to take any action with regard to the reconsideration. The following revision of § 1601.19b (b) and (d) will eliminate the requirement of the notice of the intention to reconsider, while retaining the requirement of giving notice of the final decision on reconsideration.

By virtue of the authority vested in it by section 713(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 USC 2000e-12(a), 78 Stat. 265, the Equal Employment Opportunity Commission hereby amends 29 CFR Chapter XIV by revising 1601.19b (b) and (d) to read as follows:

§ 1601.19b Determination as to reasonable cause.

* * * * *

(b) The Commission shall promptly notify the aggrieved person, the person making a charge on behalf of such person, where applicable, and the respondent, or, in the case of a charge filed under § 1601.10, the person aggrieved, if known and the respondent of its determination under paragraph (a) of this section. The determination is final when issued; therefore, requests for reconsideration will not be granted. The Commission may, however, on its own motion, reconsider its determination at any time and, when it does so, the Commission shall promptly notify the aggrieved person, the person making the charge on behalf of the aggrieved person, where applicable, and the respondent, or, in the case of a charge filed under § 1601.10, the person aggrieved, if known, and the respondent

of its subsequent decision on reconsideration.

* * * * *

(d) The District Directors, or other designated officers, on behalf of the Commissioner, may, upon completion of an investigation, dismiss charges, make and issue determinations as to reasonable cause, and serve a copy thereof upon the parties, and make and approve conciliation agreements in those cases where such authority has been delegated to them by the Commission. The determination is final when issued; therefore, requests for reconsideration will not be granted. The District Directors, or other designated officers, may, however, on their own motion, reconsider their determination at any time and, when they do so, they shall promptly notify the aggrieved person, the person making the charge on behalf of the aggrieved person, where applicable, and the respondent, or in the case of a charge filed under § 1601.-10, the person aggrieved, if known, and the respondent of their subsequent decision on reconsideration.

* * * * *

These amendments shall become effective August 15, 1974.

Signed at Washington, D.C., the 9th day of July 1974.

JOHN H. POWELL, Jr.,
Chairman.

[FR Doc.74-16221 Filed 7-15-74;8:45 am]

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1917—SAFETY AND HEALTH REGULATIONS FOR SHIPBREAKING

Life Saving Equipment; Correction

JULY 9, 1974.

In FR Doc. 74-12737, June 19, 1974, paragraph (b) (1) and (2) was left out of § 1917.84 on page 22072. The paragraph should be inserted after § 1917.84 (a) (2) to read as follows:

(b) *Safety belts and lifelines.* (1) Safety belts shall be equipped with lifelines which in use are secured with a minimum of slack to a fixed structure.

(2) Prior to each use, belts and lifelines shall be inspected for dry rot, chemical damage, or other defects which may affect their strength. Defective belts and lifelines shall not be used.

CLAY G. GUTHRIDGE,
Safety Specialist, Maritime Standards, Office of Standards Development.

[FR Doc.74-16215 Filed 7-15-74;8:45 am]

Title 35—Panama Canal

CHAPTER I—CANAL ZONE REGULATIONS

PART 133—TOLLS FOR USE OF CANAL

Increase in Panama Canal Tolls

On April 30, 1974, the Panama Canal Company published in the FEDERAL REGISTER (39 FR 15033) a notice of adoption of changes in the rates of tolls for use of the Panama Canal prescribed by 35 CFR 133.1, effective on approval by the President but no earlier than June 26, 1974. The amended regulation was approved by the President on July 8, 1974. The basis for the action changing the rates of tolls is authority vested in the Panama Canal Company and in the President by sections 411 and 412 of title 2 of the Canal Zone Code (76A Stat. 27).

The full text of 35 CFR 133.1, as amended, is as follows:

§ 133.1 Rates of toll.

The following rates of toll shall be paid by vessels using the Panama Canal:

(a) On merchant vessels, yachts, army and navy transports, colliers, hospital ships, and supply ships, when carrying passengers or cargo, $1.08 per net-vessel ton of 100 cubic feet each of actual earning capacity—that is, the net tonnage determined in accordance with Part 135 of this chapter.

(b) On vessels in ballast without passengers or cargo, $.86 per net-vessel ton.

(c) On other floating craft including warships, other than transports, colliers, hospital ships, and supply ships, $.60 per ton of displacement.

Dated: July 11, 1974.

THOMAS M. CONSTANT,
Secretary.

[FR Doc.74-16219 Filed 7-15-74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19623, RM-1936; FCC 74-725]

PART 78—CABLE TELEVISION RELAY SERVICE

Alternative Channel Arrangement

In the Matter of Amendment of Part 78 of the Commission's rules and regulations to add an Alternative Channel Arrangement, Reducing the Bandwidths Available for Intra-City Stations, and Adding Certain Other Clarifications.

1. By notice of proposed rule making, adopted November 1, 1972, 37 FCC 2d 854, the Commission proposed amendments to §§ 78.18, 78.103, 78.111 and 78.115 of the Commission's rules and regulations to: (1) provide an alternative channel arrangement for Local Distribution Service (LDS) stations in the Cable Television Relay (CAR) Service which is compatible with potential frequency plans within cable television systems, (2) clarify the Rules to make clear the situations in which nonadjacent channels may be used for LDS station operation, (3) provide a 12.5 MHz channel assignment plan for FM and double-sideband AM systems of transmission, (4) specify new frequency tolerance provisions and (5) limit all stations in the CAR service that do not use frequency-division multiplexed/FM (FDM/FM) systems of transmission and have path lengths less than 10 miles to a 12.5 MHz authorized bandwidth. Items (1) and (2) above were initiated by a Theta-Com of California Petition for Rule Making RM-1936. Items (3) thru (5) were added sua sponte by the Commission because these matters were "timely both in terms of the potential for congestion being created by these intra-city stations in major cities and in terms of the developing technology which it appears will make this bandwidth reduction both technically and economically feasible over the distances involved in typical intra-city adopted amendments to §§ 78.5, 78.18,

2. By Report and Order, adopted June 13, 1973, 41 FCC 2d 464, the Commission adopted amendments to §§ 78.5, 78.18, 78.103, 78.111 and 78.115 of the Commissions rules and regulations. These amendments were essentially those published in the notice of proposed rule making. However, at the urging of Theta-Com and others, minor changes were made to provide a measure of flexibility by allowing authorization of variations to the rules upon adequate showing on a case-by-case basis. See, e.g., § 78.18 (e) of the rules.

3. Petitions for reconsideration were received from Microwave Associates and International Microwave Corporation, and opposition thereto by Theta-Com of California. We now address the issues raised.

OCCUPIED BANDWIDTH SPECIFICATION

4. Microwave Associates objects to the definition of "authorized Bandwidth" set forth in § 78.5(h) of the rules as well as the modulation limits set forth in § 78.115(b). These provisions operate in concert with § 78.18(i) of the rules to effectively preclude the use of FM transmission using 12.5 MHz channels generally, or the use, of FM transmission totally in system paths less than 10 miles in length.[1] Because FM transmission is the only means of providing a received signal which can be carried on another CAR link without material degradation, the net effect of the rules adopted in the Report and Order is to substantially limit the nature of urban cable system structures. Microwave Associates submits data from measurements it has performed and maintains that with an in-

[1] Section 78.5(h) of the rules provides that authorized bandwidth is:

"The maximum bandwidth authorized to be used by a station as specified in the station license. This shall be the occupied bandwidth or the necessary bandwidth, whichever is greater."

Because "necessary bandwidth" is calculated by a formula which is a worst-case approximation utilizing an input baseband which may never be used in specific application, "necessary bandwidth" invariably exceeds "occupied bandwidth" which is that portion of the spectrum occupied by 99 percent of the emitted energy. See § 2.202 of the rules. Changes necessary to effect a "necessary bandwidth" of 12.5 MHz would materially degrade the television signal.

Section 78.18(1) of the rules provides that ordinarily "(a) ll stations (with transmission paths less than ten miles in length) shall employ no more than 12.5 MHz authorized bandwidth per channel * * *"

put baseband approximating an off-the-air television signal,[2] the signal emitted from standard FM transmission equipment has an occupied bandwidth substantially less than 12.5 MHz. It is suggested that if such a baseband is utilized by a licensee in a particular application, appropriate flexibility should exist in the Commission's rules to allow the specification of occupied bandwidth as an alternative to necessary bandwidth—thereby allowing all the modes of operation otherwise excluded.

5. Theta-Com of California is concerned with the adequacy of the data submitted by Microwave Associates, as well as the potential effect of out-of-channel radiation on adjacent channel communication. These are valid concerns. However, techniques exist whereby these undesirable effects may be minimized. Therefore, we have added a new § 78.104 to our rules to permit licensees to specify the use of the lesser of the occupied or necessary bandwidth as the authorized bandwidth under specific circumstances in which the licensee makes certain showings acceptable to the Commission. These showings must indicate that the proposed operation will not significantly increase the potential for interference to operation on adjacent channels. In addition such a showing will be required to establish that the transmitting equipment to be used is capable of operation within the emission limitation requirements of § 78.103(b)(1) and will operate so that 99 percent of the total radiated power will be contained within the frequency limits of the assigned channel.

6. The Commission has repeatedly emphasized its desire to encourage innovation in the development of system structures consonant with conserving spectrum. This desire is not served by essentially precluding system configurations that may prove highly viable to urban LDS, using novel technical approaches to conserve spectrum. At this time, proceeding on this innovative course is appropriately conducted on a case-by-case basis involving a sufficient technical showing accompanying any application for authorization. In making a determination of sufficiency, the staff will be guided by the following standards: (1) the amount of signal distortion introduced by excluding higher-order sideband components must not be significant, (2) emissions outside the desired channel must not result in significant interference to adjacent channel transmissions, (3) the carrier frequency tolerance must not aggravate (1) and (2), above, and (4) techniques used must reasonably reflect state-of-the-art capabilities. §§ 78.5(h) and 78.115 of the rules should be amended to allow this action.

Carrier Frequency Tolerance

7. International Microwave Corporation objects to the adoption of an inflexible carrier frequency tolerance. It asserts that if the input baseband is reduced to 6 MHz or less for double-sideband AM modulation, the more restrictive frequency tolerances adopted in the Report and Order bear no relationship to a valid technical concern and result in the substantially increased equipment costs. Theta-Com of California objects, asserting that any loosening of said tolerance "would defeat the Commission's stated purpose for achieving optimum spectrum utilization efficiency."

8. Theta-Com's concerns are well directed. However, the standard established by the Commission toward implementing its stated purpose at this time is a 12.5 MHz criterion not 6 MHz. If the Commission had determined that double-sideband AM transmission thwarted its spectrum conservation purpose, it could have eliminated this method of modulation. In light of the 12.5 MHz standard, if an individual applicant wished to impose restrictions on his input baseband such as to allow a greater carrier frequency tolerance without impacting its technical specifications, appropriate flexibility should exist in the Commission's rules to implement the operation.

9. All interests are best served by providing fixed general guides, yet allowing the authorization of conditional modes of operation. On a case-by-case basis involving a sufficient technical showing accompanying any application for authorization, special tolerances may be specified. In making a determination of sufficiency, the following standards will govern: 1) the difference between the occupied bandwidth and the channel width must accommodate the desired tolerance without degradation of other technical specifications, and 2) techniques used must reasonably reflect state-of-the-art capabilities.

Conclusions

10. In light of the foregoing, we conclude the public interest would be served by the adoption of the rules set forth in the Appendix hereto. Authority for the rules is contained in sections 2, 3(a), 4(i), and (j), 301, 303, 307(b), 308, 309, 403 of the Communications Act of 1934, as amended.

Accordingly, it is ordered, That effective August 16, 1974, the modifications in Part 78 of the Commission's rules and regulations that are set out in Appendix A are adopted.

It is further ordered, That the petitions for Reconsideration are denied in all other respects.

It is further ordered, That proceedings in Docket 19623 are terminated.

Adopted: July 2, 1974.

Released: July 3, 1974.

(Secs. 2, 3, 4, 301, 303, 307, 308, 309, 403, 48 Stat. as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1085, 1094; 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309, 403)

Federal Communications Commission,

Secretary.

[SEAL] Vincent J. Mullins,

Part 78 of Chapter I of Title 47 CFR is amended in the following manner:

1. In § 78.5, Paragraph (h) is amended to read as follows:

§ 78.5 Definitions.

* * * * *

(h) *Authorized bandwidth.* The maximum bandwidth authorized to be used by a station as specified in the station license. (See §§ 2.202 and 78.104.)

2. In § 78.103, the headnote is revised to read as follows:

§ 78.103 Emissions and emission limitations.

* * * * *

3. A new § 78.104 is added to read as follows:

§ 78.104 Authorized bandwidth and emission designator.

(a) The authorized bandwidth permitted to be used by a cable television relay station and specified in the station license shall be the occupied or necessary bandwidth, whichever is greater, except when otherwise authorized by the Commission in accordance with paragraph (b) of this section.

(b) As an exception to the provision of paragraph (a) above, the Commission may approve requests to base the authorized bandwidth for the station on the lesser of the occupied or necessary bandwidth where a persuasive showing is made that:

(1) Interference potential to operation on adjacent channels will not be significantly increased;

(2) The frequency stability of the transmitting equipment to be used will permit compliance with § 78.103(b)(1) and, additionally, will permit 99 percent of the total radiated power to be kept within the frequency limits of the assigned channel.

(c) The emission designator shall be specified in terms of the necessary bandwidth. (See § 2.201(a) of this chapter.)

4. In § 78.111, the footnote at the end of the section is amended to read as follows:

§ 78.111 Frequency tolerance.

* * * * *

[1] This tolerance shall apply to stations authorized on or after July 1, 1974, and to equipment type-accepted on or after January 1, 1974. A frequency tolerance of 0.02 percent shall apply to all other equipment in this category. Except that upon suitable showing that the occupied bandwidth (Ref. § 2.202) is sufficiently less than the channel width desired, accompanying any application for authorization, special tolerances may be specified in said authorization.

5. In § 78.115, paragraph (b) is amended to read as follows:

§ 78.115 Modulation limits.

* * * * *

(b) For stations that employ FM transmission, the total excursion of the radio frequency carrier under modulation and the maximum modulation frequency must be maintained so that the authorized bandwidth is not exceeded in operation.

[FR Doc.74-16222 Filed 7-15-74;8:45 am]

[2] This is essentially a superposition of the (sin x)/x functions for periodic luminance and chrominance information with the addition of a FM aural subcarrier at 4.5 MHz. See, e.g., J. Fink, Television Engineering Handbook (1957) at 10-1; Part 73 of the rules.

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73-9; Notice 7]

PART 570—VEHICLE IN USE INSPECTION STANDARDS

Subpart B—Motor Vehicles With a GVWR of More Than 10,000 Pounds

This notice amends Part 570, Vehicle in Use Inspection Standards, Chapter V, Title 49, Code of Federal Regulations by adding inspection standards and procedures for brake systems, steering and suspension systems, and tire and wheel assemblies for all motor vehicles with a gross vehicle weight rating that exceeds 10,000 pounds.

Interested persons have been afforded an opportunity to participate in the making of these amendments by a notice of proposed rule making published in the FEDERAL REGISTER on October 11, 1973 (38 CFR 28077), and due consideration has been given to all comments received in response to the notice.

A total of twenty-nine comments were received in response to the notice. These comments were submitted by State motor vehicle agencies, motor vehicle manufacturers, tire and brake equipment manufacturers, the Motor Vehicle Manufacturers Association, and the American Association of Motor Vehicle Administrators. The comments were predominantly in favor of periodic motor vehicle inspection, although problem areas in the inspection of vehicles over 10,000 pounds were presented.

An exemption for mobile homes from the proposed rule making action was requested by the Mobile Home Manufacturers Association who contended that since mobile homes are moved about 2.3 times during their life span and are constructed for use primarily as residential dwellings and not as motor vehicles for use on the highways, they should be excluded from the proposed regulation. The Recreational Vehicle Institute, however, suggested that different inspection frequencies for motor homes and recreational trailers as related to other commercial vehicles would be appropriate. The NHTSA concludes that motor homes and recreational vehicles should not be excluded from periodic inspection, but the period between inspections should be determined by the States based on the requirements that may be unique to their particular jurisdiction.

The Professional Drivers Council suggested that inspection intervals should be based upon vehicle use, in lieu of calendar periods, in order to ensure adequate inspection frequency. They suggested 20,000 miles between inspections as a feasible criterion. Although NHTSA agrees that distance as well as times is an important criterion in determining inspection intervals, it has concluded that each State should determine inspection intervals based upon the driving conditions experienced by motor vehicles within its jurisdiction.

Many comments questioned the time required to check the brake system integrity of a hydraulic brake system, and suggested that the time of application be changed to 10 seconds. Since the purpose of this check is to determine whether there is any leakage of hydraulic fluid during operational conditions, and the consensus of comments indicates that this can be accomplished equally well during a 10-second test, the suggestion is adopted and § 570.55 will be worded accordingly.

Ford and MVMA requested that a brake pedal force be included in the brake pedal reserve check, and that a note be added regarding the effect of a vacuum booster on test validity. The suggestion to include a pedal force is considered valid, and § 570.55(c) will include a brake pedal force of 50 lbs. NHTSA concludes, however, that the terminology "full power (central hydraulic) brake system and brake systems designed to operate with greater than 80% pedal travel" properly describes brake systems, and that a note to include a reference to a vacuum booster is not required.

Several comments suggested exemption of protective rings from consideration as part of a hose or tubing assembly. These have been found to have merit, and § 570.55(d) exempts protective rings or devices from consideration in regard to contact with vehicle body or chassis.

Several comments were received requesting clarification of the requirements of truck and trailer vacuum system checks in § 570.56. In response, this section has been rewritten to require the capability of at least one service brake application at a 50-pound brake pedal pressure after the engine has been turned off to verify operation of vacuum system. The inspection procedure has been revised to cover trailers equipped either with brake chamber rods or with enclosed chambers and hydraulic systems.

A large number of comments were received regarding § 570.57 *Air Brake System Integrity*. This section has been altered from the proposal to change air pressure limits, time of test, and engine idling speed, thus clarifying the terminology and allowing test limits to more properly reflect operating conditions.

Comments on § 570.58 were submitted by Wagner and MVMA regarding wire gage and current capacity, sensing of surge force during test, and comparison of GVWR to capacity and number of brakes. The NHTSA concludes that § 570.58 properly covers these areas and that no change from the proposal is necessary.

Several comments were received on § 570.59, service brake system testing, regarding the feasibility of roller-type or drive-on platform testers for large vehicles, and questioning the 25-percent allowable imbalance of braking forces between wheels on same axle. Since the test procedure is designed to locate a serious imbalance condition, the NHTSA concludes that the recommended 25 percent or less imbalance requirement will provide the desired safety benefit. However, if future test data show that upgrading the requirement to a 20 percent maximum imbalance is warranted, NHTSA shall propose that the requirement be made more stringent.

The feasibility of inspection of brake linings and other internal components as compared to road testing was questioned by several commentors. While the optimum inspection of brake assemblies would require the removal of the wheels, the NHTSA has found that the removal of a wheel in most vehicles in the 10,000 pound and over GVWR class requires special skills and training, as well as replacement of oil seals, for reassembly. Therefore, this inspection procedure is limited to wheels which are equipped with inspection ports or access openings, thereby avoiding the need to remove the wheels.

Several comments were received regarding stopping distances of 35 feet versus 40 feet for combination vehicles and truck tractors for the road test at 20 MPH. The present Bureau of Motor Carrier Safety standard is 40 feet, and NHTSA has decided that this value is adequate for safety purposes. The standard is worded accordingly.

In response to the comments received, the inspection procedure for checking front wheel steering linkage free play in § 570.60 is changed from the proposal to provide for proper testing of vehicles with and without power steering. Alignment limits are increased to 1.5 times the value listed in the vehicle manufacturer's service specification for alignment setting to allow for variations in vehicles due to age and differences in test equipment readouts.

Commentors on § 570.61, suspension system, requested clarification of the proposed requirement that "Springs shall not be broken or extended by spacers." This sentence is reworded to read "Springs shall not be broken and coil springs shall not be extended by spacers."

Several comments were received regarding tread depth requirements in § 570.62, and the number of places around the circumference of a tire where measurements should be taken. The standard is worded so as to measure tread depth in two adjacent major grooves at three locations spaced approximately 120 degrees apart for tires without tread wear indicators. A clarification was requested of the use of the terms "construction", "profile", and "nominal size" in describing tires and of the 3/8 in. limit on overall diameter. In response, this section is worded to read "Vehicles should be equipped with tires on the same axle that are matched in construction and size designation, and dual tires shall be matched for overall diameter within one-half inch."

In consideration of the foregoing, 49 CFR Part 570, Vehicle In Use Inspection Standards, is amended by denoting the existing § 570.1 through 570.10 as Subpart A, *Vehicles with GVWR of 10,000 Pounds or Less*, and by adding a new Subpart B, *Vehicles with GVWR of More Than 10,000 Pounds*, to read as set forth below.

Effective date: August 14, 1974. Since this part consists of standards for State inspection programs and does not directly impose requirements on any person, it is determined for good cause shown that an effective date earlier than 180 days after publication of the final rule is in the public interest.

(Secs. 103, 108, 119, Public Law 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1397, 1407; delegation of authority at 49 CFR 1.51)

Issued on July 9, 1974.

JAMES B. GREGORY,
Administrator.

Subpart B—Vehicles With GVWR of More Than 10,000 Pounds

Sec.

570.51 Scope.
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570.55 Hydraulic brake system.
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570.57 Air brake system and air-over-hydraulic brake subsystem.
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570.62 Tires.
570.63 Wheel assemblies.

AUTHORITY: Secs. 103, 108, 119, Public Law 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1397, 1407; delegation of authority at 49 CFR 1.51.

Subpart B—Vehicles With GVWR of More Than 10,000 Pounds

§ 570.51 Scope.

This part specifies standards and procedures for the inspection of brake, steering and suspension systems, and tire and wheel assemblies, of motor vehicles in use with a gross vehicle weight rating of more than 10,000 pounds.

§ 570.52 Purpose.

The purpose of this part is to establish criteria for the inspection of motor vehicles through State inspection programs, in order to reduce deaths and injuries attributable to failure or inadequate performance of the motor vehicle systems covered by this part.

§ 570.53 Applicability.

This part does not in itself impose requirements on any person. It is intended to be implemented by States through the highway safety program standards issued under the Highway Safety Act (23 U.S.C. 402) with respect to inspection of motor vehicles with gross vehicle weight rating greater than 10,000 pounds.

§ 570.54 Definitions.

Unless otherwise indicated, all terms used in this part that are defined in Part 571 of this chapter, Motor Vehicle Safety Standards, are used as defined in that part.

"Air-over-hydraulic brake subsystem" means a subsystem of the air brake that uses compressed air to transmit a force from the driver control to a hydraulic brake system to actuate the service brakes.

"Electric brake system" means a system that uses electric current to actuate the service brake.

"Vacuum brake system" means a system that uses a vacuum and atmospheric pressure for transmitting a force from the driver control to the service brake, but does not include a system that uses vacuum only to assist the driver in applying muscular force to hydraulic or mechanical components.

§ 570.55 Hydraulic brake system.

The following requirements apply to vehicles with hydraulic brake systems.

(a) *Brake system failure indicator.* The hydraulic brake system failure indicator lamp, if part of a vehicle's original equipment, shall be operable.

(1) *Inspection procedure.* Apply the parking brake and turn the ignition to start to verify that the brake system failure indicator lamp is operable, or verify by other means recommended by the vehicle manufacturer.

(b) *Brake system integrity.* The hydraulic brake system shall demonstrate integrity as indicated by no perceptible decrease in pedal height under a 125-pound force applied to the brake pedal and by no illumination of the brake system failure indicator lamp. The brake system shall withstand the application of force to the pedal without failure of any tube, hose or other part.

(1) *Inspection procedure.* With the engine running in vehicles equipped with power brake systems and the ignition turned to "on" in other vehicles, apply a force of 125 pounds to the brake pedal and hold for 10 seconds. Note any additional decrease in pedal height after the initial decrease, and whether the brake system failure indicator lamp illuminates.

(c) *Brake pedal reserve.* When the brake pedal is depressed with a force of 50 pounds, the distance that the pedal has traveled from its free position shall be not greater than 80 percent of the total distance from its free position to the floorboard or other object that restricts pedal travel. The brake pedal reserve test is not required for vehicles with brake systems designed to operate with greater than 80 percent pedal travel.

(1) *Inspection procedure.* Measure the distance (i) from the free pedal position to the floor board or other object that restricts brake pedal travel. Depress the brake pedal, and with the force applied measure the distance (ii) from the depressed pedal position to the floor board or other object that restricts pedal travel. Determine the pedal travel percentage as $\frac{A-B}{A\times 100}$. The engine must be operating when power-assisted brakes are checked.

(d) *Brake hoses, master cylinder, tubes and tube assemblies.* Hydraulic brake hoses shall not be mounted so as to contact the vehicle body or chassis. Hoses shall not be cracked, chafed, or flattened. Brake tubes shall not be flattened or restricted. Brake hoses and tubes shall be attached or supported to prevent damage by vibration or abrasion. Master cylinder shall not show signs of leakage. Hose or tube protective rings or devices shall not be considered part of the hose or tubing.

(1) *Inspection procedure.* Examine visually brake master cylinder, hoses and tubes, including front brake hoses, through all wheel positions from full left turn to full right turn for conditions indicated.

§ 570.56 Vacuum brake assist unit and vacuum brake system.

The following requirements apply to vehicles with vacuum brake assist units and vacuum brake systems.

(a) *Vacuum brake assist unit integrity.* The vacuum brake assist unit shall demonstrate integrity as indicated by a decrease in pedal height when the engine is started and a constant 50-pound force is maintained on the pedal.

(1) *Inspection procedure.* Stop the engine and apply service brake several times to destroy vacuum in system. Depress the brake pedal with 50 pounds of force and while maintaining that force, start the engine. If the brake pedal does not move slightly under force when the engine starts, there is a malfunction in the power assist unit.

(b) *Low-vacuum indicator.* If the vehicle has a low-vacuum indicator, the indicator activation level shall not be less than 8 inches of mercury.

(1) *Inspection procedure.* Run the engine to evacuate the system fully. Shut off the engine and slowly reduce the vacuum in the system by moderate brake applications until the vehicle vacuum gauge reads 8 inches of mercury. Observe the functioning of the low-vacuum indicator.

(c) *Vacuum brake system integrity.* (1) The vacuum brake system shall demonstrate integrity by meeting the following requirements: (i) The vacuum brake system shall provide vacuum reserve to permit one service brake application with a brake pedal force of 50 pounds after the engine is turned off without actuating the low vacuum indicator. (ii) Trailer vacuum brakes shall operate in conjunction with the truck or truck tractor brake pedal.

(2) Inspection procedure. (i) Check the trailer vacuum system by coupling trailer(s) to truck or truck tractor and opening trailer shutoff valves. Start the engine and after allowing approximately 1 minute to build up the vacuum, apply and release the brake pedal. In the case of trailer brakes equipped with brake chamber rods, observe the chamber rod movement. Run the engine to re-establish maximum vacuum, then shut off the engine and apply the brakes with a 50-pound force on the brake pedal. Note the brake application and check for low-vacuum indicator activation.

(ii) For a combination vehicle equipped with breakaway protection and no reservoir on the towing vehicle supply line, close the supply line shutoff valve and disconnect the supply line. Apply a 50-pound force to the brake pedal on the towing vehicle and release. Trailer

brakes should remain in the applied position.

(d) *Vacuum system hoses, tubes and connections.* Vacuum hoses, tubes and connections shall be in place and properly supported. Vacuum hoses shall not be collapsed, cracked or abraded.

(1) *Inspection procedure.* With the engine running, examine hoses and tubes for the conditions indicated and note broken or missing clamps.

§ 570.57 Air brake system and air-over-hydraulic brake subsystem.

The following requirements apply to vehicles with air brake and air-over-hydraulic brake systems. Trailer(s) must be coupled to a truck or truck-tractor for the purpose of this inspection, except as noted.

(a) *Air brake system integrity.* The air brake system shall demonstrate integrity by meeting the following requirements:

(1) The air brake system compressor shall increase the air pressure in the reservoirs(s) from 85 to 100 psi in not more than the time specified in Table 1, with the engine running at the vehicle manufacturer's maximum recommended number of revolutions per minute.

(2) The warning device (visual or audible) connected to the brake system air pressure source shall be activated when air pressure is lowered to not less than 50 psi. For vehicles manufactured to conform to Federal Motor Vehicle Safety Standard No. 121 (generally vehicles manufactured on or after March 1, 1975), the low-pressure indicator shall be activated when air pressure is lowered to not less than 60 psi.

(3) The governor cut-in pressure shall be not lower than 80 psi, and the cut-out pressure shall be not higher than 135 psi, unless other values are recommended by the vehicle manufacturer.

(4) With the vehicle in a stationary position, compressed air reserve shall be sufficient to permit one full service brake application, after the engine is stopped and with the system fully charged, without lowering reservoir pressure more than 20 percent below the initial reading.

(5) Air brake pressure shall not drop more than 2 psi in 1 minute for single vehicles or more than 3 psi in 1 minute for combination vehicles, with the engine stopped and service brakes released. Allow a 1-psi drop in 1 minute for each additional towed vehicle.

(6) With the reservoir(s) fully charged, air pressure shall not drop more than 3 psi in 1 minute for single vehicles or more than 4 psi in 1 minute for combination vehicles, with the engine stopped and service brakes fully applied. Allow a 1-psi pressure drop in 1 minute for each additional towed vehicle.

(7) The compressor drive belt shall not be badly worn or frayed and belt tension shall be sufficient to prevent slippage.

Inspection procedure. With the air system charged, open the drain cocks in the service and supply reservoir on the truck or truck-tractor. Note the pressure at which the visual or audible warning device connected to the low-pressure indicator is activated. Close the drain cocks and, with the trailer(s) uncoupled, check air pressure build-up at the manufacturer's recommended engine speed. Observe the time required to raise the air pressure from 85 to 100 psi. Continue running the engine until the governor cuts out and note the pressure. Reduce engine speed to idle, couple the trailer(s), if applicable, and make a series of brake applications. Note the pressure at which the governor cuts in. Increase engine speed to fast idle and charge the system to its governed pressure. Stop the engine and record the pressure drop in psi per minute with brakes released and with brakes fully applied.

(b) *Air brake system hoses, tubes and connections.* Air system tubes, hoses and connections shall not be restricted, cracked or improperly supported, and the air hose shall not be abraded.

(1) *Inspection procedure.* Stop the engine and examine air hoses, tubes and connections visually for conditions specified.

(c) *Air-over-hydraulic brake subsystem integrity.* The air-over-hydraulic brake subsystem shall demonstrate integrity by meeting the following requirements:

(1) The air compressor shall increase the pressure in the reservoir(s) from 85 to 100 psi in not more than the time specified in Table 1 with the engine running at the vehicle manufacturer's maximum recommended number of revolutions per minute.

(2) The warning device (visual or audible) connected to the brake system air pressure source shall be activated when the air pressure is lowered to not less than 50 psi.

(3) The governor cut-in pressure shall be not lower than 80 psi, and the cut-out pressure shall not be higher than 135 psi, unless other values are recommended by the vehicle manufacturer.

(4) Air brake pressure shall not drop more than 2 psi in 1 minute for single vehicles or more than 3 psi in 1 minute for combination vehicles, with the engine stopped and service brakes released. Allow a 1-psi drop per minute for each additional towed vehicle.

(5) With the reservoir(s) fully charged, air pressure shall not drop more than 3 psi in 1 minute for single vehicles or more than 4 psi in 1 minute for combination vehicles, with the engine stopped and service brakes fully applied. Allow a 1-psi pressure drop in 1 minute for each additional towed vehicle.

(6) The compressor drive belt shall not be badly worn or frayed and belt tension shall be sufficient to prevent slippage.

Inspection procedure. With the air system charged, open the drain cocks in the service and supply reservoir on the truck or truck-tractor. Note the pressure at which the visual or audible warning device connected to the low pressure indicator is activated. Close the drain cocks and, with the trailers uncoupled, check air pressure build up at the manufacturer's recommended engine speed. Observe the time required to raise the air pressure from 85 to 100 psi. Continue running the engine until the governor cuts out and note the pressure. Reduce engine speed to idle, couple trailers, and make a series of brake applications. Note the pressure at which the governor cuts in. Increase engine speed to fast idle and charge the system to its governed pressure. Stop the engine and record the pressure drop in psi per minute with brakes released and with brakes fully applied.

(d) *Air-over-hydraulic brake subsystem hoses, master cylinder, tubes and connections.* System tubes, hoses and connections shall not be cracked or improperly supported, the air and hydraulic hoses shall not be abraded and the master cylinder shall not show signs of leakage.

TABLE 1. *Air brake system pressure build up time*

[85 to 100 lb/in²]

System		Time in seconds												
		Total reservoir volume—cubic inches												
Front axle number and size chambers	Rear axle number and size chambers	2,500 3,000	3,000 3,500	3,500 4,000	4,000 4,500	4,500 5,000	5,000 5,500	5,500 6,000	6,000 6,500	6,500 7,000	7,000 7,500	7,500 8,000	8,000 8,500	8,500 9,000
(2) 16	(2) 24	30	36	41	46	51	56	60	66	71	76	81	84	90
(2) 16	(4) 24				30	34	37	41	45	47	51	54	58	60
(2) 16	(2) 30		30	35	40	44	48	52	56	60	64	70	74	78
(2) 16	(4) 30							30	34	38	39	41	43	46
(2) 20	(2) 24	30	36	41	46	51	56	60	66	71	76	81	84	90
(2) 20	(4) 24				30	34	37	41	45	47	51	54	58	80
(2) 20	(2) 30		30	35	39	42		46	50	53	58	60	65	69
(2) 20	(4) 30							30	34	36	39	41	43	46
(2) 24	(2) 24	30	35	40	44	48		52	56	60	64	70	74	78
(2) 24	(4) 24				30	34		36	40	42	46	48	51	54
(2) 24	(2) 30		30	35	39	42		46	50	53	58	60	65	69
(2) 24	(4) 30							30	33	35	37	40	42	
(2) 30	(2) 30				30	34		36	40	42	46	48	51	54
(2) 30	(4) 30									30	33	35	37	40
(2) 30	(2) 36							30	34	36	39	41	43	46

(1) *Inspection procedure.* Stop the engine and examine air and hydraulic brake hoses, brake master cylinder, tubes and connections visually for conditions specified.

§ 570.58 Electric brake system.

(a) *Electric brake system integrity.* The average brake amperage value shall be not more than 20 percent above, and not less than 30 percent below, the brake manufacturer's maximum current rating. In progressing from zero to maximum, the ammeter indication shall show no fluctuation evidencing a short circuit or other interruption of current.

(1) *Inspection procedure.* Insert a low range (0 to 25 amperes for most 2- and 4-brake systems and 0 to 40 amperes for a 6-brake system) d.c. ammeter into the brake circuit between the controller and the brakes. With the controller in the "off" position, the ammeter should read zero. Gradually apply the controller to the "full on" position for a brief period (not to exceed 1 minute) and observe the maximum ammeter reading. Gradually return the controller to "full off" and observe return to zero amperes. Divide the maximum ammeter reading by the number of brakes and determine the brake amperage value.

(b) *Electric brake wiring condition.* Electric brake wiring shall not be frayed. Wiring clips or brackets shall not be broken or missing. Terminal connections shall be clean. Conductor wire gauge shall not be below the brake manufacturer's minimum recommendation.

(1) *Inspection procedure.* Examine visually for conditions specified.

§ 570.59 Service brake system.

(a) *Service brake performance.* Compliance with any one of the following performance criteria will satisfy the requirements of this section. Verify that tire inflation pressure is within the limits recommended by the vehicle manufacturer before conducting either of the following tests.

(1) *Roller-type or drive-on platform tests.* The force applied by the brake on a front wheel or a rear wheel shall not differ by more than 25 percent from the force applied by the brake on the other front wheel or the other rear wheel respectively.

(i) *Inspection procedure.* The vehicle shall be tested on a drive-on platform, or a roller-type brake analyzer with the capability of measuring equalization. The test shall be conducted in accordance with the test equipment manufacturer's specifications. Note the brake force variance.

(2) *Road test.* The service brake system shall stop single unit vehicles, except truck-tractors, in a distance of not more than 35 feet, or combination vehicles and truck-tractors in a distance of not more than 40 feet, from a speed of 20 mph, without leaving a 12-foot-wide lane.

(i) *Inspection procedure.* The road test shall be conducted on a level (not to exceed plus or minus 1 percent grade), dry, smooth, hard-surfaced road that is free from loose material, oil or grease. The service brakes shall be applied at a vehicle speed of 20 mph and the vehicle shall be brought to a stop as specified. Measure the distance required to stop.

NOTE. Inspect for (b), (c) and (d) below on vehicles equipped with brake inspection ports or access openings, and when removal of wheel is not required.

(b) *Disc and drum condition.* If the drum is embossed with a maximum safe diameter dimension or the rotor is embossed with a minimum safe thickness dimension, the drum or disc shall be within the appropriate specifications. These dimensions will generally be found on motor vehicles manufactured since January 1, 1971, and may be found on vehicles manufactured for several years prior to that time. If the drums and discs are not embossed, they shall be within the manufacturer's specifications.

(1) *Inspection procedure.* Examine visually for the condition indicated, measuring as necessary.

(c) *Friction materials.* On each brake, the thickness of the lining or pad shall not be less than one thirty-second of an inch over the fastener, or one-sixteenth of an inch over the brake shoe on bonded linings or pads. Brake linings and pads shall not have cracks or breaks that extend to rivet holes except minor cracks that do not impair attachment. The wire in wire-backed lining shall not be visible on the friction surface. Drum brake linings shall be securely attached to brake shoes. Disc brake pads shall be securely attached to shoe plates.

(1) *Inspection procedure.* Examine visually for the conditions indicated, and measure the height of the rubbing surface of the lining over the fastener heads. Measure bonded lining thickness over the surface at the thinnest point on the lining or pad.

(d) *Structural and mechanical parts.* Backing plates, brake spiders and caliper assemblies shall not be deformed or cracked. System parts shall not be broken, misaligned, missing, binding, or show evidence of severe wear. Automatic adjusters and other parts shall be assembled and installed correctly.

(1) *Inspection procedure.* Examine visually for conditions indicated.

§ 570.60 Steering system.

(a) *System play.* Lash or free play in the steering system shall not exceed the values shown in Table 2.

(1) *Inspection procedure.* With the engine on and the steering axle wheels in the straight ahead position, turn the steering wheel in one direction until there is a perceptibe movement of the wheel. If a point on the steering wheel rim moves more than the value shown in Table 1 before perceptible return movement of the wheel under observation, there is excessive lash or free play in the steering system.

Table 2. Steering Wheel Free Play Values

Steering wheel diameter (inches)	*Lash (inches)*
16 or less	2
18	2¼
20	2½
22	2¾

(b) *Linkage play.* Free play in the steering linkage shall not exceed the values shown in Table 3.

(1) *Inspection procedure.* Elevate the front end of the vehicle to load the ball joints, if the vehicle is so equipped. Insure that wheel bearings are correctly adjusted. Grasp the front and rear of a tire and attempt to turn the tire and wheel assemble left and right. If the free movement at the front or rear tread of the tire exceeds the applicable value shown in Table 3, there is excessive steering linkage play.

Table 3. Front Wheel Steering Linkage Free Play

Nominal bead diameter or rim size (inches)	*Play (inches)*
16 or less	¼
16.01 through 18.00	⅜
18.01 or more	½

(c) *Free turning.* Steering wheels shall turn freely through the limit of travel in both directions.

(1) *Inspection procedure.* With the engine running on a vehicle with power steering, or the steerable wheels elevated on a vehicle without power steering, turn the steering wheel through the limit of travel in both directions. Feel for binding or jamming in the steering gear mechanism.

(d) *Alignment.* Toe-in or toe-out condition shall not be greater than 1.5 times the values listed in the vehicle manufacturer's service specification for alignment setting.

(1) *Inspection procedure.* Drive the vehicle over a sideslip indicator or measure with a tread gauge, and verify that the toe-in or toe-out is not greater than 1.5 times the values listed in the vehicle manufacturer's service specification.

(e) *Power steering system.* The power steering system shall not have cracked, frayed or slipping belts, chafed or abrated hoses, show signs of leakage or have insufficient fluid in the reservoir.

(1) *Inspection procedure.* Examine fluid reservoir, hoses and pump belts for the conditions indicated.

NOTE: Inspection of the suspension system must not precede the service brake performance test.

§ 570.61 Suspension system.

(a) *Suspension condition.* Ball joint seals shall not be cut or cracked, other than superficial surface cracks. Ball joints and kingpins shall not be bent or damaged. Stabilizer bars shall be connected. Springs shall not be broken and coil springs shall not be extended by spacers. Shock absorber mountings, shackles, and U-bolts shall be securely attached. Rubber bushings shall not be cracked, extruded out from or missing

from suspension joints. Radius rods shall not be missing or damaged.

(1) *Inspection procedure.* Examine front and rear end suspension parts for the conditions indicated.

(b) *Shock absorber condition.* There shall be no oil on the shock absorber housings attributable to leakage by the seal.

(1) *Inspection procedure.* Examine shock absorbers for oil leakage from within.

§ 570.62 Tires.

(a) *Tread depth.* The tread shall be not less than four thirty-seconds of an inch deep on each front tire of any vehicle other than a trailer and not less than two thirty-seconds of an inch on all other tires.

(1) *Inspection procedure.* For tires with treadwear indicators, check for indicators in any two adjacent major grooves at three locations spaced approximately 120° apart around the circumference of the tire. For tires without treadwear indicators, measure the tread depth with a suitable gauge or scale in two adjacent major grooves at 3 locations spaced approximately 120° apart around the circumference of the tire at the area of greatest wear.

(b) *Type.* Vehicles should be equipped with tires on the same axle that are matched in construction and tire size designation, and dual tires shall be matched for overall diameter within one-half inch.

(1) *Inspection procedure.* Examine visually. A mismatch in size and construction between tires on the same axle, or a major deviation from the size recommended by the vehicle or tire manufacturer, is a cause for rejection. On a dual-tire arrangement the diameter of one of the duals must be within one-half inch of the other as measured by a gauge block inserted between the tire and a caliper.

(c) *General condition.* Tires shall be free from chunking, bumps, knots, or bulges evidencing cord, ply or tread separation from the casing.

(1) *Inspection procedure.* Examine visually for the conditions indicated.

(d) *Damage.* Tire cords or belting materials shall not be exposed, either to the naked eye or when cuts on the tire are probed. Reinforcement repairs to the cord body are allowable on tires other than front-mounted tires.

(1) *Inspection procedure.* Examine visually for the conditions indicated, using a blunt instrument if necessary to probe cuts and abrasions.

(e) *Special purpose tires.* Tires marked "Not For Highway Use" or "Farm Use Only" or other such restrictions shall not be used on any motor vehicle operating on public highways.

(1) *Inspection procedure.* Examine visually for tires labeled with specific restrictions.

§ 570.63 Wheel assemblies.

(a) *Wheel integrity.* A tire rim, wheel disc or spider shall have no visible cracks, elongated bolt holes, or indications of in-service repair by welding.

(1) *Inspection procedure.* Examine visually for the conditions indicated.

(b) *Cast wheels.* Cast wheels shall not be cracked or show evidence of excessive wear in the clamp area.

(1) *Inspection procedure.* Examine visually for the conditions indicated.

(c) *Mounting.* All wheel nuts shall be in place and tight.

(1) *Inspection procedure.* Check wheel retention for the conditions indicated.

[FR Doc.74-15630 Filed 7-15-74;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1190]

PART 1033—CAR SERVICE

Union Pacific Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 10th day of July 1974.

It appearing, that the Union Pacific Railroad Company (hereafter called UP) was authorized by the Interstate Commerce Commission in F.D. 16510 on July 12, 1949 to operate over certain tracks of Southern Pacific Railroad Company and Pacific Electric Railway Company (now Southern Pacific Transportation Company) (hereafter called SP) in the City of Long Beach, California; that section 18 of the agreement provides that during the period of the agreement the SP will perform switching service for the UP; that it now appears the UP has reasonable requests from shippers to provide unit train service on traffic moving to bulk handling facilities in the Port of Long Beach, California; that such service cannot be provided under the terms of the present switching agreement; that the SP and UP have agreed to a modification of the switching agreement, permitting operation of unit trains by UP crews over SP tracks between a point of connection with UP's Mead Yard tracks at engineering station 67+48 of SP's Long Beach Branch, and bulk handling facilities of Long Beach Harbor on Long Beach municipal trackage in the City of Long Beach, California, and such agreement is being filed with the Interstate Commerce Commission; that in the interim the Commission is of the opinion that operation by the UP over aforementioned tracks is in the interest of the public and commerce of the people; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1190 Union Pacific Railroad Company authorized to operate over tracks of Southern Pacific Transportation Company.

(a) The Union Pacific Railroad Company (UP) be, and it is hereby, authorized to operate unit trains over the Long Beach Branch of the Southern Pacific Transportation Company (SP) between a point of connection with UP's Mead Yard tracks at engineering station 67+48 of SP's Long Beach Branch, and bulk handling facilities of Long Beach Harbor on Long Beach municipal trackage in the City of Long Beach, California.

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

(c) Nothing herein shall be considered as a pre-judgment of the application of the UP seeking permanent authority to operate over these tracks.

(d) *Effective date.* This order shall become effective at 11:59 p.m., July 10, 1974.

(e) *Expiration date.* The provisions of this order shall expire at 12:01 a.m., January 15, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

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

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-16239 Filed 7-15-74;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Federal Energy Administration

Section 213.3303(k) is amended to show that one position of Director, Public Affairs, and one position of Director, Congressional Affairs are excepted under Schedule C. It is further amended to show a change in the headnote of § 213.3303(k).

Effective on July 16, 1974, §§ 213.3303 (k) (5) and (6) are added as set out below.

§ 213.3303 Executive Office of the President.

* * * * *

(k) *Federal Energy Administration.* * * *

(5) Director, Public Affairs.

(6) Director, Congressional Affairs.

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

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.74-16356 Filed 7-15-74;8:45 am]

proposed rules

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

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[21 CFR Part 1301]

BULK MANUFACTURE OF SCHEDULE I AND II SUBSTANCES

Withdrawal of Proposal and Cancellation of Hearing

On April 3, 1974, the Administrator of the Drug Enforcement Administration published a notice of proposed rulemaking in the FEDERAL REGISTER (39 FR 12138), proposing two amendments to 21 CFR Part 1301.

In response to the notice, the Antitrust Division, United States Department of Justice, filed a comment in support of the proposals. Mallinckrodt, Inc., Merck and Company, and S. B. Penick and Company filed objections to the proposals and requested a hearing.

On June 10, 1974, the Administrator published a notice in the FEDERAL REGISTER (39 FR 20382) that a hearing in the matter would be held on July 16, 1974, at 10 a.m. in Washington, D.C.

Pursuant to a general review and revision of 21 CFR Parts 1300 to 1316 as ordered by the Administrator on May 21, 1974, and as published in the FEDERAL REGISTER (39 FR 18658) on May 29, 1974, the proposed amendments to 21 CFR Part 1301 are withdrawn so that all proposed changes to the regulations may be published together. The hearing ordered for July 16, 1974, at 10 a.m. in Washington, D.C., is therefore cancelled.

Dated: July 11, 1974.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.74-16187 Filed 7-15-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

FROZEN BROCCOLI

Standards for Grades; Correction

In FR Doc. 74-14249, published at page 22962 in the issue dated Tuesday, June 25, 1974, under § 52.637, the following entry in Table IV is corrected to read as follows:

Uniformity of size ____ Spears: Length variation—greater than 2 inches ____

Dated: July 11, 1974.

JOHN C. BLUM,
Acting Administrator.

[FR Doc.74-16250 Filed 7-15-74;8:45 am]

Agricultural Marketing Service

[7 CFR Part 1040]

[Docket No. AO-225-A26]

MILK IN THE SOUTHERN MICHIGAN MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Southern Michigan marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, on or before July 31, 1974. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Flint, Michigan, November 7-8, 1973 pursuant to notice thereof which was issued October 16, 1973 (38 FR 29230).

The material issues on the record of the hearing relate to:

1. Modification of pooling standards for plants and revision of the producer milk definition.
2. Permitting cooperative associations to be a handler of nonmember milk.
3. Revision of location adjustment provisions.
4. Revision of the call percentage.
5. Application of bases.
6. Miscellaneous proposals.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. Modification of pooling standards for plants and revision of the producer milk definition regarding rules for diverting milk.

Pool plant standards. The plant pooling standards should be revised to:

(a) Make clear that diverted milk is accounted for as a receipt at the diverting plant for the purpose of ascertaining whether such plant has met the performance requirements for pooling; and

(b) Provide that only shipments to pool distributing plants which met the regular performance standards for pooling during the month shall count as qualifying shipments for purposes of ascertaining whether a supply plant meets the pooling standards.

A cooperative association proposed that the present standards which require a supply plant to ship 40 percent during October through March and 30 percent during other months of its total receipts to pool distributing plants be increased to 50 percent and 40 percent, respectively. At the hearing, however, proponent's witness held that if the cooperative's proposed modification of the "call percentage" were adopted, then no change in the supply plant shipping percentage would be necessary.

Additionally, this cooperative proposed that the quantity of milk moved from the supply plant to a pool distributing plant for pooling qualification purposes be a "net" quantity determined by subtracting from such shipments any milk transferred from the distributing plant as Class II or Class III milk to a nonpool plant during the month.

In support of a change in the supply plant shipping percentage, or alternatively in the call percentage provision, the proponent witness stated that one cooperative association which operates a supply plant was pooling such supply plant on the basis of shipments to a pool distributing plant which in turn transships the milk to nonpool manufacturing plants, primarily cheese plants, for Class III use. The effect of this procedure, proponent held, was a perversion of the pooling provisions which results in the pooling of substantial milk supplies which are not available to meet the fluid needs of the market but are intended solely for manufacturing use.

This exploitation of the pooling standards is made possible by an amendment adopted effective August 1, 1965, whereby a pool distributing plant which fails to meet the 50 percent route distribution requirement in the current month may nevertheless retain pooling

status, if during either of the two months immediately preceding it met such 50 percent route distribution requirement. Thus, through an arrangement with two or more distributing plants a supply plant may acquire and retain pooling status for almost unlimited quantities of milk by alternating shipments to such pool distributing plants on a month-to-month basis.

The two-month continued pooling qualification rule for distributing plants was adopted to insure continued producer status under the order for dairy farmers normally associated with a pool distributing plant which might suddenly and unexpectedly lose a large account(s) to a degree that it could not meet the 50 percent route requirement. The provision additionally was adopted to facilitate continued pooling of small distributing plants with extensive summer resort trade, and therefore subject to substantial month-to-month variation in volume of Class I business. The provision was intended to give the operator of any such distributing plants, which might not meet the current performance standards, reasonable time to adjust his business, or alternatively to give his producers time to find alternative market outlets where they could retain producer status.

While it is not apparent from the record that the alleged exploitation of the pooling standards has in any way resulted in the pooling of dairy farmers not traditionally associated with the market, the opportunity does exist for the pooling of additional milk supplies without substantial association with the fluid market. The movement of supply plant milk to a pool distributing plant which does not currently meet the performance requirements with respect to Class I disposition, appropriately should not be considered a qualifying shipment toward the pooling of the transferor supply plant. The pooling standards are intended to insure a degree of association with the Class I market sufficient to justify an equal sharing in the Class I proceeds. When a distributing plant does not currently meet the regular performance standards provided in the order, it would be illogical to permit such plant to implement the pooling of additional milk supplies from supply plants seeking to gain pooling status.

As long as the blend price in the market exceeds potential returns from alternative outlets, there exists an incentive for milk supplies to associate with the market. An increase in the shipping requirements for supply plants, as proposed by the proponent cooperative, would not resolve the problem sought to be corrected. It would merely increase the amount of unnecessary and uneconomic transportation performed in transfer and back-haul to retain pooling status. Correction of the existing loophole whereby distributing plants not meeting the current pool distributing requirements may implement the pooling of additional milk supplies will be effective in deterring the pooling of additional milk supplies under the circumstances cited by the proponent cooperative.

Elsewhere in this decision, it is concluded the "call percentage" provisions of the order should be deleted. To try to use the call percentage provisions as a means of increasing pool supply plant requirements would lead to the same adverse affects as increasing the standards directly—namely inefficient and uneconomic movement of milk for the sole purpose of qualifying supply plants.

The amending order, hereinafter set forth, provides a redrafting of the pool distributing plant provisions necessary to accommodate the modification in the pool supply definition herein provided. The revisions also makes it clear that diverted milk is accounted for as a receipt at the plant from which diverted for the purpose of determining if such plant has met the performance standards for pooling. No substantive change has been made in the pool distributing plant definition.

Diversions of producer milk. The order should be revised to provide that total quantity of producer milk that may be diverted during the month by a cooperative association or by an operator of a pool plant should be limited during the months of October through March to 60 percent of the total quantity of producer milk for which the cooperative or the operator of a pool plant is the handler.

Diversion rules of the order should retain the present requirement that not less than 6 days' production of a producer be delivered to a pool plant during the month.

Under the existing order provisions a producer's milk must be received six days during each month in order to have diversion rights during the month. In any month of October through March the quantity of milk of any producer diverted to nonpool plants may not exceed the quantity of such producers' milk physically received at pool plants, measured by days of production. Under the terms of the order diversions between pool plants are not contemplated. Milk is priced at the plant at which physically received. For a producer whose milk is received at more than one location during the month the applicable price is the weighted average price of such locations, except that if 65 percent or more of such producer's milk is delivered to a plant or plants in the same zone his price for all deliveries during the month is the price applicable at such zone.

A bargaining cooperative association with membership among producers on the market proposed the six-day delivery requirement be retained but that diversion of milk during the months of October through March by either the operator of a pool plant or a cooperative association otherwise be permitted without further limitation with respect to individual producers in amounts not exceeding the total quantity of producer milk physically received at all pool plants for which the operator of a pool plant or a cooperative association is the handler. If milk were diverted in excess of the permitted amount such excess amounts would not be producer milk. In such case the diverting handler would be required to designate the dairy farmers whose milk would be excluded as producer milk.

In support of its proposal proponent cooperative held that the present limitations on diversions of individual member producer milk necessitated considerable unnecessary and uneconomic handling to maintain producer status for their member milk. A liberalization of diversion rights in the manner proposed, proponent held, would not result in abuse of the pooling provisions. The cooperative's position was supported by several handlers on the grounds of improved operating efficiency.

Diversion (diverting) of milk is the act on the part of the operator of a plant, or a cooperative association, of directing the movement of milk directly from the farm to a plant (nonpool) other than the pool plant where the milk is regularly received. Under the terms of the order the diverting handler is held responsible for reporting the amounts of diverted milk and its utilization to the market administrator in his monthly reports. The handler's pool obligation for such milk is the price applicable at the plant of physical receipt.

On an annual basis the percent of producer milk classified as Class I has remained stable during the past five years. The annual percentage of producer milk used as Class I the past five years was: 1969—66%; 1970—66%; 1971—64%; 1972—63%; and 1973—65%.

The amount of milk which handlers may need to divert reflects not only the year-to-year variations in supply and demand for producer milk but more importantly the variations in supply and demand that occur seasonally and from day to day.

For the most efficient marketing of the total supply of producer milk it is apparent that, because of farm locations, milk of certain producers normally would be diverted more frequently than the milk of other producers. The most economic handling of milk dictates that milk produced closest to pool distributing plants be utilized at such plants to the extent of available use. In this market, the largest demand for milk is at distributing plants located in the Detroit metropolitan area. The milk production area for the market, however, extends throughout the lower peninsula and into part of the upper peninsula and northeastern Wisconsin.

To the extent possible, compatible with the prescribed performance requirements, the diversion rules should facilitate the economic handling of the reserve milk supplies. Under the circumstances existing in this market it is appropriate that the diversion limits complement the pool supply plant performance standards. Pool supply plants are required to move a minimum of 40 percent of such plants' producer receipts to qualifying pool distributing plants during each month of the October–March period. Since some such supply

plants do not have manufacturing operations but are used solely for the purpose of assembling milk for transshipment to distributing plants as needed, it is apparent that situations could arise where milk not needed in the central market could most economically be diverted directly to manufacturing outlets. Thus it is desirable in the interest of marketing efficiency that during the months of October through March, subject to the six-day physical receipt requirement, diversions up to 60 percent of the total quantity of producer milk for which the cooperative or plant operator is the responsible handler, be allowed. This will implement the achievement of maximum efficiency in the movement of reserve milk to nonpool manufacturing plants while, at the same time, preserving the integrity of regulation since each producer's milk must continue to move to pool plants not less than six days each month.

While on a marketwide basis the demand for fluid milk products by distributing plants has been above 60 percent Class I utilization of producer milk, individual plant demands for milk from supply plants will vary substantially from the market average since some plants operate almost exclusively on direct receipts while others may depend primarily on interplant receipts.

When milk from dairy farmers is diverted in excess of the established limits the excess diversions would not be producer milk. This is consistent with the existing provisions of the order. When the diversion limits have been exceeded the diverting handler may designate the producers whose milk is overdiverted. If no designation is made the market administrator should use the production last diverted in determining which milk is to be excluded as producer milk.

2. *Permitting cooperative associations to be a handler of nonmember milk.* A cooperative association should be permitted to be a bulk tank handler on milk of nonmember producers which is picked up in bulk tank trucks owned and operated or under the direction of such cooperative. At present, a cooperative association may be a bulk tank handler only with respect to milk of its member producers which it causes to be delivered to a pool plant or which it diverts to a nonpool plant for the account of the association.

Under circumstances where a substantial part of the total market supply is represented by cooperatives' member milk there always exists the possibility that a nonmember producer(s) may seek to have a cooperative's assistance in the marketing of his milk. There is no reason why the order should in any way encumber arrangements between the cooperative and the nonmember in such circumstances.

If a cooperative association picks up milk of a nonmember producer on a bulk tank truck route under its control, such association, however, must assume varying degrees of responsibility with respect to such milk under the amendment herein provided. Nothing in the amendments would require a cooperative association to handle the milk of nonmember producers in tank trucks under the association's operation or control.

The degree of responsibility a cooperative will assume if it picks up and hauls milk of nonmember producers will depend on the terms of the arrangement for its marketing. A cooperative may act as the marketing agent for a nonmember producer who, although not a member of such cooperative, has contracted with the cooperative to act as the marketing agent for his milk. Thus a cooperative association may collect payment from pool plant operators for the milk of nonmember producers provided such nonmember producers have given the association authorization to make such collection. On the other hand under proper agreement with the receiving handler, a cooperative may pick up nonmember milk for such handler's account and therefore avoid handler responsibility thereon.

In certain circumstances the cooperative as the responsible bulk tank handler on nonmember milk may divert such milk to a nonpool plant for the account of the cooperative. Again by proper arrangement with the pool plant operator where such milk is normally received the diversion could be made in the name of the plant operator with payment of the producer in the same manner as though the delivery was to the pool plant from which diverted.

The Capper-Volstead Act provides the criteria by which cooperatives are determined to be qualified cooperatives under the Agricultural Marketing Agreement Act. This amendment to the order is consistent with that provision of the Capper-Volstead Act that recognizes that cooperatives may "deal in the products of nonmembers" and limits such dealings to amounts not greater in value than such as are "handled by it for members."

The potential of a cooperative to be the handler on nonmember producer milk raises the question whether, in paying a nonmember producer, a cooperative may reblend proceeds due such nonmember with those due its member producers. If the nonmember signed a valid written contract with the cooperative authorizing it to market his milk, collect payments therefor, and reimburse him on the same basis as though he were a member, the cooperative could pay such nonmember on the same basis it pays its member producers.

In the absence of a valid written contract containing the terms set forth above, the cooperative would be required to pay a nonmember producer, for whose milk it is the handler, not less than the applicable price for producer milk announced by the market administrator for the month.

3. *Revision of location adjustment provisions.* No action should be taken, on the basis of this record, to revise plant location adjustments to handlers or location adjustments to producers.

Ten proposals from cooperative associations and proprietary handlers all of which would revise location adjustments, appeared in the notice of hearing. Three of these proposals would revise completely the present seven-zone pricing scheme. Other proposals would consider only partial modification of the current zone pricing and direct delivery differentials.

At the hearing the principal cooperative association in the market suported changing only three of the present seven pricing zones and one direct delivery differential adjustment. It would increase the present plus 8-cent direct delivery differential (Wayne County) to plus 9 cents; change the present Zone III from minus 5 to minus 7 cents; and change the present Zones IV and V from minus 7 and 9 cents, respectively, to a minus 8 and 10 cents. The above changes, the cooperative contended, would help assure that milk supplies are delivered to distributing plants where needed.

The primary reason cited for the need of changing only the four specified price adjustment factors was increased hauling costs. The cooperative maintained it was now of necessity subsidizing hauling of milk from pumpover stations located in the northern "thumb" portion of the marketing area and from a station located north of Alma to Detroit. However, the cooperative's proposals included in the hearing notice to change the zone price adjustments applicable in Lenawee County and part of St. Clair County were not supported at the hearing.

Proposals by another cooperative, which were modified at the hearing, would extensively change each of the present pricing adjustments as to area and rate. The major changes proposed would: (1) create only one direct delivery differential of 5 cents to replace the current "plus" 4 and 8-cent direct delivery differentials; (2) enlarge the present zero or Zone I area; (3) change the "thumb" area from a single zone of minus 5 cents to two pricing areas of minus 6 and 9 cents; (4) modify that portion of the present minus 5-cent Zone III outside the thumb area by shifting 10 townships in such zone to the present minus 3-cent Zone II, and make these zones minus 6 and 4-cent zones, respectively; and (5) increase the current minus 7, 9, 12, and 15-cent zones to a minus 9, 11, 15 and 19-cent zones, respectively. These rates would apply to the present Zones IV through VII.

The proponent witness stated that these proposed revisions of handler location adjustments would essentially reestablish the zone locations adopted in the amended order effective August 1, 1965. The proposed rates were adjusted upward by 25 percent over the 1965 rates to approximately reflect the increase in hauling costs of the past eight years. The witness held that the location adjustments adopted in 1965 "led to the most balanced procurement situation with respect to zoning that this market has had at least for 15 years." These changes were

based on a one year study by a cooperative committee and on a hauling cost study conducted by Michigan State University. The plus four-cent direct delivery differential in the order at that time was added to compensate for the more congested traffic conditions of the Detroit metropolitan area—but "was not intended to be based on mileage or to be a part of the location differential system." The witness had conjectured that changes made effective in 1968 creating the plus 8-cent direct delivery differential were not necessary, that they would "effectively drain away the milk supply of Lansing, Flint and Saginaw" and that in conjunction with other changes made in 1968 they would "effectively and cumulatively result in debilitating these (hauling) routes for efficient procurement." He stated that these predictions made in 1968 have essentially come true. The witness also stated "unfortunately—we do not have a hauling study available as evidence in the hearing as we did have in 1964 hearing."

A third cooperative proposed removing all minus location adjustments in the marketing area. Minus location adjustments outside the marketing area would be provided at the rate of one cent for each ten miles a plant is located outside the marketing area. No proposal was made to modify the present plus 4 and 8-cent direct delivery differentials. The cooperative suggested that its proposal would create a more equitable competitive climate for milk supplies among "Class I handlers." It also held that there is no substantial difference in milk production costs among producers who deliver to plants in different price zones; that transportation costs to producers vary according to distance from market; and that the present pricing scheme does not provide transportation adjustments consistent with the relative distance producers are located from the market.

An organization of handlers proposed that the plus 4 and 8-cent direct delivery differentials be eliminated, that the zero zone area be greatly enlarged and that the minus 3-cent zone be reduced in size. The proposal would create a minus 5-cent zone for Kent County (Grand Rapids), Clinton County (Ovid), Shiawassee County and the western part of Saginaw County, including Chesaning. The location adjustment in the "thumb" area and in the remaining zones would be changed from minus 5, 7, 9, 12 and 15-cent zones to 15, 17, 19, 22 and 25-cent zones, respectively. The proponent witness stated the primary reason for zone price revisions was, insofar as possible, to have the same cost for Class I milk for all handlers operating distributing plants wherever located in the marketing area.

Several marketing changes that have occurred over the years were cited by the handlers in support of the proposed changes in location adjustments. These marketing changes were: (1) most of the milk is now delivered to distributing plants direct from farms of producers rather than through country receiving stations or supply plants; (2) the marketing area has been expanded from the Detroit metropolitan area to include most of the lower peninsula of Michigan; and (3) originally most distributing plants, as now, were located in the marketing area but receiving stations (supply plants) were located outside the central market. They held that their proposed location adjustments more accurately reflect hauling costs and so were needed to encourage the movement of milk to distributing plants.

The cooperative association whose producer members supply pool distributing plants in the Grand Rapids part of the marketing area proposed, (a) applying a minus 3-cent location adjustment rather than the present minus 7 cents in the greater metropolitan area of Grand Rapids and (b) also applying a minus 3-cent location adjustment to Holland Township in Ottawa County, Fruitport Township in Muskegon County, Evart and Osceola Townships in Osceola County. The proponent stated the proposed changes were needed as an incentive to get more milk delivered to the cooperative's primary plant outlet and to generally keep the cost of Class I milk the same at distributing plants on the "west side of the State."

One handler proposed that if proposals to revise inner zone rates are adopted the minus 12 and 15-cent zones be changed to minus 13 and 16 cents, respectively, to keep traditional zone differences.

Proponents of location adjustments to handlers generally proposed corresponding changes in location adjustments to producers. Other proposals would provide the same return to producers, as the order now provides, regardless of changes made in handler location adjustments.

The location adjustment rate structure under the present Southern Michigan order was last revised effective May 1968, based upon evidence adduced at a hearing held in May 1967. That revision adopted a "direct-delivery" differential of 8 cents for milk delivered to plants in Wayne County and in the townships of Royal Oak and Southfield in Oakland County, and of 4 cents for milk delivered to plants located in the remaining townships of Oakland County.

Direct-delivery differentials were first established in the Southern Michigan order in August 1965. At that time, a rate of 4 cents per hundredweight was applied to all milk received from farms at plants located in the major portion of Wayne County and in two townships of Oakland County. The general basis for the direct-delivery differential was discussed in the decision on amendments to the Southern Michigan order issued on June 15, 1965, which was based on the record of a 1964 hearing.

Institution of a plus 8-cent direct-delivery differential in May 1968 was based upon testimony that an additional 15 to 18 million pounds of milk were needed monthly at plants in the Detroit metropolitan area.

It is common practice in the market for each producer to pay for shipping his milk from his farm to a plant. Hauling charges tend to increase as the distance from farm to plant increases. Accordingly, in the interest of maximizing his net return from the sale of his milk each producer has an incentive to minimize his hauling payment by shipping to the plant nearest his farm.

The direct-delivery differentials were adopted to effect reimbursement to producers for the added cost of shipping milk, both base and excess milk, to plants located in the densely populated Detroit metropolitan area compared to plants located closer to the outlying production areas wherein Detroit handlers compete with such other plant operators for producer milk supplies.

The direct-delivery payment provisions makes it indifferent to producers whether their milk is moved to plants near Detroit or to outlying plants in the market, since their net return at the farm is generally the same in each case. Without these provisions, producers obviously would want to deliver their milk only to the plants located nearest their farms to escape the transportation cost involved in more distant movements.

Since location zone pricing was instituted in the order in 1965 several basic institutional factors have changed the marketing system in this marketing area. Some of these changes are:

(1) A decrease in the number, location and ownership of supply plants located in the marketing area that receive milk from producers and transship such milk in bulk to pool distributing plants or manufacturing plants.

(2) The concentration of facilities in the marketing area, for the handling of milk supplies not needed by pool distributing plants into less than a half dozen plants primarily operated by three cooperative associations.

(3) A decrease in number of pool distributing plants and the increase in the sales area of some such plants to include not only the Detroit metropolitan area but a substantial portion of the lower Michigan peninsula.

(4) A replacement of supply plants with "reload points" where farm tank trucks are reloaded into over-the-road tankers. With the development of several Interstate highways and changes in highway load limits producer milk is now moved direct from the farm through these reload points in quantities of as much as 100,000 pound loads, commonly referred to as "trains."

(5) Cooperative membership among essentially all producers. Cooperatives now own and operate some of the pool distributing plants and most all the facilities to manufacture milk supplies that are not needed for fluid use. Thus cooperatives have assumed many of the responsibilities, such as quality of milk, hauling, testing, handling reserve supplies and entering into full supply agreements, once considered to be those of proprietary handlers.

The basic marketing structure in the Southern Michigan marketing area has changed substantially since the 1964 hearing and even since 1968, when the

present pricing scheme was last revised. It is unfortunate, as one witness stated, that additional information on the cost of and the movement of producer milk in the marketing area from the farm to reload points and/or distributing plants was not available for the record of this hearing. Information concerning the amount and use of milk supplies in three supply plants in the Michigan Upper Peninsula and northeast Wisconsin, currently associated with the market, is also needed to better analyze the overall marketing structure in order to determine the most economical means of maintaining an adequate supply of milk for the market.

It is not practicable on the basis of this record to reflect in the zone price adjustments actual costs of moving milk from the farm to market through reload points. The amount of the hauling cost from most reload points to Detroit is not in the record. Even if such information was available, it would be difficult to reflect the total cost of moving milk from reload points since some of it is a fixed cost and thus not attributable to specific added increments of distance traveled. Another factor, as one witness stated, is the distance covered on an expressway by a "train," carrying about 100,000 pounds of milk, that takes about half the travel time for a given distance consumed in transporting milk in smaller loads and over two-lane highways.

Most producers in this market are members of a cooperative association. In most cases the record indicates individual groups of producers arrange, or bargain, with a hauler on the cost of hauling milk from the farm to a pool plant or reload point. However, the movement of milk from the farm to market is generally directed by the management of the cooperative association which largely negates the action of individual producers in determining point of delivery of their milk.

Another major factor influencing how milk is moved is that three cooperative associations own and operate the only four supply plants in the lower peninsula that have major facilities to process reserve supplies of producer milk into manufactured dairy products. All other supply plants located in the lower peninsula are owned by cooperatives or have an affiliation with them and are able to pool under the "unit" pooling provisions for supply plants.

The provision in the order that provides that a producer shall be paid for all of his production at a singe location zone price, if 65 percent or more of his milk is delivered there, also has a bearing on the appropriate level of the zone price adjustments. This record, however, is silent as to the overall net impact of that provision.

The present pricing zones appear to be effective in moving adequate supplies to pool distributing plants. As pointed out elsewhere in this decision 80 to 90 percent of the Class I needs of Detroit handlers is priced as direct shipped milk from producers' farms. Since, 1965, several pool plants, both distributing and supply, located in Kalamazoo, Grand Rapids, Carson City and other locations outside the Detroit metropolitan area have been closed with a resulting concentration of large processing operations in the metropolitan area. These concentrated operations require not only supplies of milk to meet their Class I needs but also demand milk supplies to meet their Class II needs and minor quantities, by some, for Class III use such as for ice cream mixes.

It is apparent that pool plant operations have been concentrated in the Detroit metropolitan area on the thesis that they can be operated more efficiently and economically. Producers, of course, should be recompensed for the added transportation costs in moving milk from their farms to such plants in contrast to plants closer to their farms. For this reason, the direct delivery differentials in the Detroit metropolitan area are appropriate and should be retained in the order.

The proposal for a single Class I price zone outside the Detroit metropolitan area in the lower peninsula would have the effect of providing the same minimum Class I price at all but a few plant locations in the milkshed. Such a pricing scheme would encourage producers to ship their milk to plants located nearest their farms rather than to metropolitan areas where the milk is needed. The likely result of such movement of milk would be to increase the total transportation costs incurred in marketing milk.

The record does not provide a basis for the proper evaluation of a suggestion made by one group of handlers which would provide a uniform cost of Class I milk at all distributing plants wherever located. Similarly, the proposal to revise the location adjustment rate for Grand Rapids in Kent County and townships in three other counties was not adequately documented.

Since no recommendation has been made to adopt any of the other proposals made to modify location adjustments to handlers and producers, the proposal to lower the prices in minus Zones 6 and 7 by three cents is not adopted. The proponents' testimony requested adoption of his proposal only if some modification of these location adjustments were made.

4. *Revision of the call percentage.* The present call percentage provision should be removed from the order.

The proponent of the proposal to modify the call percentage provision did not support it. The proponent, supported by others at the hearing, suggested the provision could be effective as now written.

A call percentage provision to increase the pool supply plant shipping percentage when needed first became effective in the Detroit marketing area in the fall of 1955. This provision was modified in 1962, 1965, and 1968.

The various modifications made in this provision over a thirteen-year period resulted from basic changes in the marketing of milk from the farm to the ultimate consumer.

During the past six years the marketing of milk has changed significantly. All milk from the farm to market is now handled in bulk tanks. The function of supply plants, under current marketing conditions, is to generally handle the reserve supply of milk by manufacturing it into Class III items. Where once the supply of milk at such plants was shipped to distributing plants on a regular basis, the Class I needs of distributing plants is now generally direct delivered from the farms of producers. A witness for the dominant cooperative association in the market with respect to numbers of producers and volume of producer milk handled testified that approximately 80–90 percent of the milk his association delivers to pool distributing plants in the market is delivered to these plants direct from the farms of their producer members. Only a few supply plants now deliver milk regularly to distributing plants and generally only a limited amount of their total receipts. The record does not show the precise decrease in the number of supply plants during the past six years, but the number has decreased significantly.

As discussed elsewhere in this decision, the modification of requirements for pooling supply plants and the revision of rules with respect to the "diversion of milk" (producer milk definition) should effectively facilitate the economic movement of milk in the marketing area. The record demonstrates that the supply plant "call percentage" provision is no longer needed in the market, primarily because most distributing plants are supplied by direct-shipped milk. There are, therefore, no foreseeable circumstances under which the call percentage provision would be needed to increase the availability of milk to the fluid market. Accordingly, the present "call percentage" provision should be deleted from the order.

5. *Application of bases.* A baseholder who does not qualify his milk as producer milk for 45 or more consecutive days or who sustains a loss of milk production in excess of 10 percent of his base during the base forming period as a result of the destruction by fire or windstorm of a milking barn or facility, or from bovine tuberculosis, brucellosis, or infectious virus disease or being quarantined from the market, should be eligible to retain his base through the end of the 12-month period beginning the following February 1.

The order now provides that a producer, who does not deliver milk to any handler for 45 consecutive days shall forfeit his base. However, a producer may retain his base without loss for 12 months only if, (1) he suffers the complete loss of his barn, (2) a loss of 50 percent or more of his milk herd from brucellosis or tuberculosis or (3) he is quarantined from his market by evidence of pesticide or herbicide residue in his milk supply as evidenced by Federal or State authority.

A cooperative association proposed that the application of bases provision dealing with "hardship" situations should be modified to provide equitable treatment to producers who lose production of milk in their herds resulting from various causes beyond their control. The proposed additional cause specified in the notice of hearing dealt with the loss of milk production of the herd resulting from infectious virus diseases, particularly the most prevalent, infectious bovine rhinotrachetis (IBR) or "summer flu."

A producer would continue, as now provided, to forfeit his base when he fails to deliver milk to any handler for 45 consecutive days except under specified circumstances. Retention of a base is provided for a twelve-month period as an alternative to the relinquishing of a base pursuant to § 1040.94. The retention of base would be for an additional twelve-month period beginning February 1 following the loss of milk production or failure to deliver any milk as producer milk.

The order now provides that in computing a base for a producer who had a base on December 1 and whose average daily deliveries for the August 1–December 31 period is less than the base held as of December 1, shall have a base computed by subtracting from his previous base any amount by which 90 percent of such base exceeds current base forming period average daily deliveries. A producer is thus assured of retaining "last year's" base for a 12-month period, starting the February 1 following the base forming period, if the decrease in average daily deliveries in the current base period is within 10 percent of his previous or "last year's" base.

The proposal to provide retention of base in case milk production loss is from a contagious virus infection raises a basic issue of equity regarding requirements for base retention resulting from any of the various diseases and other causes. Proponent witness held that the present requirement that a producer lose 50 percent or more of his milk herd from brucellosis or bovine tuberculosis to be eligible to retain his present base for an additional 12 months is no longer realistic because average daily production has increased over the years and producer profit margin per hundredweight now tends to be less than it used to be. Moreover, it is estimated on the record that the loss of milk production in a herd infected with IBR may not be more than 25 percent. Consequently, if the 50 percent loss of production provision now specified in the order with respect to brucellosis or bovine tuberculosis were retained, it would not provide any relief for a producer whose herd became infected with IBR. It would be more appropriate to not differentiate in the order as to the degree of loss of milk production from such diseases.

During the past eight years—1966 through 1973—an average of less than six percent of the total receipts of producer milk has been priced to producers at the excess price. Thus, while the retention of a base by an individual producer may be of great concern to him, such retention of bases as permitted does not have great significance marketwide because of the small percentage of producer milk that is priced as excess milk.

For the reasons cited, it is appropriate that, as herein provided, a baseholder who does not qualify his milk as producer milk for 45 or more consecutive days or who has a loss of milk production in his herd, in excess of 10 percent of his base during the base forming period should have the option of retaining his present base when such loss is a result of: (a) destruction of his milking barn or facilities, (b) brucellosis, bovine tuberculosis or other infectious diseases and certified by a licensed veterinarian, or (c) being quarantined from shipping his milk to a plant by a Federal or State authority. These provisions as revised insure a greater degree of equity in the application of the base plan as among producers.

6. *Miscellaneous proposals.* (a) A proposal to increase by 20 cents the differential to be added to the basic formula price in determining the Class I price was not supported by the proponent. Another cooperative, however, "recommended" that the basic formula price for December 1973 be used as a "floor price" for the first six months of 1974. The need for this proposal was not sufficiently substantiated by evidence. Thus, no action is taken with respect to modifying the level of the Class I price.

(b) Currently, when fluid milk products are transferred between pool plants, the operator of the transferee plant receives a location adjustment credit at the applicable zone or mileage rate based on the location of the transferor plant. The credit is limited to the amount 108 percent of Class I disposition at the transferee plant is in excess of the receipts at such plant directly from producers, cooperative associations in their capacity as bulk tank handlers, and other source milk assigned to Class I. A cooperative association proposed, but did not support at the hearing, that the credit limit be based on the total amount of Class I and Class II in relation to receipts. The witness for Detroit handlers, however, supported the proposal on the basis that an efficient operation requires an operator of a pool distributing plant to serve his customers both Class I and Class II products. Before April 1, 1973, some of the products now in Class II, chiefly cream, was included in Class I and thereby was included in computing the allowable credit adjustment. As stated previously, producers should not be expected to pay the cost of transferring milk to the central market other than for Class I needs, since their milk can be processed into Class II and Class III products at plants in the production area. Accordingly, the proposal should not be adopted.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Southern Michigan marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. In § 1040.7 paragraphs (a) and (b) (1), (2) and (3) are revised as follows:

§ 1040.7 Pool plant.

* * * * *

(a) A distributing plant:

(1) From which total route disposition, except filled milk, during the month is not less than 50 percent of the combined Grade A milk received in bulk at such plant direct from producers, from supply plants, from a cooperative association as described in § 1040.9(c) or diverted by the plant operator or by a cooperative association pursuant to § 1040.13 as producer milk; or

(2) That qualified as a pool plant in either of the immediately preceding 2 months on the basis of performance standards described in paragraph (a) (1) of this section.

(b) A supply plant which during the month meets one of the performance requirements specified in paragraph (b) (1), (2), or (3) of this section: *Provided,* That all supply plants which are operated by one handler, or all the supply plants for which a handler is responsible for meeting the performance requirements of this paragraph under a marketing agreement certified to the market administrator by both parties, may be considered as a unit for the purpose of meeting the performance requirements of paragraph (b) (1), (2), or (3) of this section upon written notice to the market administrator specifying the plants to be considered as a unit and the period during which such consideration shall apply. Such notice and notice of any change in designation, shall be furnished on or before the fifth working day following the month to which the notice applies. In any months of April through September a unit shall not contain any plant which was not qualified under this paragraph either individually or as a member of a unit during the previous October through March.

(1) A supply plant from which during each of the months of October through March not less than 40 percent (30 percent for each of the months of April through September) of the total quantity of Grade A milk received at such plant from producers and from a handler described in § 1040.9(c), or diverted therefrom by the plant operator or a cooperative association (as described in § 1040.9(b)) to a nonpool plant pursuant to § 1040.13 less any Class I disposition of fluid milk products which are processed and packaged in consumer type containers in the plant, is shipped to a pool plant(s) qualified pursuant to paragraph (a) (1) of this section. If such plant has met the required percentage during each of the months of October through March, it shall remain qualified under this subparagraph for each of the following months of April through September.

(2) A plant operated by a cooperative association which supplies distributing plants qualified under paragraph (a) of this section, either by shipment from such supply plant or by direct delivery from the farm:

(i) Not less than one-half of its total member producer milk in the current month; or

(ii) If such plant were qualified under this subparagraph in each of the preceding 13 months, not less than one-half of its total member producers' milk for the second through the 13th preceding months.

(3) A plant located in the marketing area operated by a cooperative association, which plant has been a pool plant for 12 consecutive months but is not otherwise qualified under this paragraph, on meeting the following conditions:

(i) The cooperative has a marketing agreement with another cooperative whose members deliver at least 50 percent of their milk during the month directly to distributing plant(s) qualified under paragraph (a) of this section; and

(ii) The aggregate monthly quantity supplied by both such cooperatives to such distributing plants either by shipment from the cooperative's plant or by direct delivery from farms is not less than 50 percent of the combined total of their member producer milk deliveries during the month.

* * * * *

2. In § 1040.9, paragraph (c) is revised as follows:

§ 1040.9 Handler.

* * * * *

(c) Any cooperative association with respect to milk it receives for its account from the farm of a producer in a tank truck owned and operated by, or under the control of, such association, for delivery to a pool plant (such milk shall be considered as having been received by such cooperative association at a location identical to that of the pool plant to which it is delivered);

* * * * *

3. Section 1040.13 is revised as follows:

§ 1040.13 Producer milk.

"Producer milk" shall be the skim milk and butterfat in milk from producers that is:

(a) Received at a pool plant;

(b) Received by a cooperative association in its capacity as a handler described in § 1040.9(c); and

(c) Diverted by the operator of a pool plant or by a cooperative association in its capacity as a handler described in § 1040.9(b) to a nonpool plant, other than a producer-handler, subject to the following conditions:

(1) In any month, that less than 6 days' production of a producer is delivered to pool plants the quantity of milk of the producer diverted during the month shall not be producer milk;

(2) The total quantity of producer milk diverted by a cooperative association or the operator of a pool plant may not exceed 60 percent during each of the months of October through March of the total quantity of producer milk for which it is the handler;

(3) Any milk diverted in excess of the limits described in subparagraph (2) of this paragraph shall not be producer milk. The diverting handler may designate the dairy farmers whose diverted milk will not be producer milk, otherwise the days of production last diverted shall be used in determining which milk shall not be producer milk; and

(4) Milk which is subject to pooling under another order, shall not be producer milk.

§ 1040.19 [Revoked]

4. Section 1040.19, Call percentage, is revoked.

5. In § 1040.73, paragraph (b) is revised as follows:

§ 1040.73 Payments to producer and to cooperative associations.

* * * * *

(b) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by producers to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, each handler shall pay to the cooperative association on or before the second day prior to the end of the month an amount equal to the payments authorized pursuant to paragraph (d) of this section, and on or before the 13th day of each month, in lieu of payments pursuant to paragraph (a) of this section, an amount equal to the gross sum due for all such milk received from certified producers, less amounts owing by each such producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer.

(1) Each handler shall submit to the cooperative association written information on or before the sixth working day of each month which shows for each such producer:

(i) The total pounds of milk received from him during the preceding month;

(ii) The total pounds of butterfat contained in such milk;

(iii) The number of days on which milk was received; and

(iv) the amounts withheld by the handler in payment for supplies sold;

(2) A copy of each such request, promise to reimburse and certified list of producers shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer, or by a handler shall be made by written notice to the market administrator, and shall be subject to his determination; and

(3) The foregoing payment and the submissions of information pursuant to subparagraph (1) of this paragraph, shall be made with respect to milk of each producer who the cooperative association certifies is a member or has authorized such cooperative association to collect for his milk, which is received on and after the first day of the month next following receipt of such certification through the last day of the month next preceding receipt of notice from the

cooperative association of a termination of certification or until the original request is rescinded in writing by the association.

* * * * *

6. In § 1040.93, paragraph (c) is revised and a new paragraph (d) is added as follows:

§ 1040.93 Application of bases.

* * * * *

(c) Except as provided in paragraph (d) of this section, a baseholder who fails to qualify as a producer for 45 consecutive days shall forfeit his base; and

(d) Any baseholder may retain his established base without loss through a 12-month period beginning the following February 1 if there is a loss of milk production in excess of 10 percent of such base during the base forming period, or if the baseholder fails to qualify as a producer for 45 consecutive days; and establishes to the satisfaction of the market administrator that such loss of production or failure to qualify as a producer is the result of:

(1) The loss by fire or windstorm of a farm building used in the production of milk on the baseholder's farm;

(2) Brucellosis or bovine tuberculosis, or other infectious diseases, in the milking herd of the baseholder, as certified by a licensed veterinarian; or

(3) The baseholder is quarantined from shipping milk to a plant by a Federal or State authority.

Signed at Washington, D.C., on July 11, 1974.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.74-16252 Filed 7-15-74;8:45 am]

Forest Service

[36 CFR Parts 251, 252, 293]

MINERAL RESOURCES ON NATIONAL FORESTS

Use Under U.S. Mining Laws

Proposed rules to amend Parts 251 and 293, and to add a new Part 252, were published on December 19, 1973 (38 FR 34817). The Forest Service requested comments from the public on a proposal to regulate the use of National Forest System lands by persons operating under the United States mining laws of 1872, as amended.

Respondents included Government agencies (National, State, and local), conservation minded organizations and individuals, organizations and individuals associated with nearly all phases of the minerals industries, and United States Senators and Congressmen. The proposal was also the subject of oversight hearings by the Public Lands Subcommittee of the House Committee on Interior and Insular Affairs.

Comments ranged from total opposition to unqualified support. Critical comments were the majority, containing many suggested changes or improvements in both wording and substance. Resulting major revisions are discussed below.

Language has been modified to make more clear that the intent of the proposed rules is the protection of the surface natural resources.

Some respondents objected to the requirement for operating plans. Others felt that many prospectors and miners are ill equipped to determine the effects their operations might have on surface resources and the environment. The provision for operating plans is necessary. Plans provide the information needed to determine the effects of operations and to assess the needs for feasible reclamation and mitigation of the effects of operations on surface natural resources. The provision for operating plan content has been simplified and is clarified to define the responsibility of the Forest Service to determine the environmental impacts that may be expected from proposed operations.

A number of comments noted the lack of a provision for a "notice of intent to operate." Such a provision has been included.

Many respondents criticized the language about environmental impact statements and appeals procedures. Those sections have been clarified to make their intent unmistakable. The abbreviated appeals process is to allow aggrieved parties quick access to the courts to seek redress.

A major concern mentioned by the mining industry, and noted by the Public Lands Subcommittee, is the possibility of unreasonable enforcement of the regulations, with resulting cost increases that could make otherwise viable projects prohibitively expensive. The Forest Service recognizes that prospectors and miners have a statutory right, not mere privilege, under the 1872 mining law and the Act of June 4, 1897, to go upon the open public domain lands of the National Forest System for the purposes of mineral exploration, development and production. The Forest Service may not unreasonably restrict the exercise of that right. Forest Service administrators will at all times apply the test of reasonableness, in that the regulations and their administration cannot extend beyond what is needed to preserve and protect the National Forests from needless damage. Particular consideration will be given to the economics of operations, along with other factors, in applying the test of reasonableness.

Many comments objected to the time provided for Forest Service response to proposed operating plans. The times specified are considered to be reasonable. Seasonal factors throughout the western mountains constrain field work primarily to late spring, summer, and fall. The effective date proposed for these regulations will result in minimal effects on ongoing operations. It will give mining claimants ample time to prepare operating plans for compliance with the regulations during the 1975 field season. The proposed effective date is September 1, 1974.

There were objections to the proposed requirement to "restore" disturbed surface resources as being too restrictive and, in any case, a practical impossibility. The section on reclamation has been changed.

The requirement for a minimum bond of $2,000 for any activities subject to operating plans was the provision most heavily criticized. Many respondents pointed to the discriminatory effect and negative impacts on small miners and prospectors having relatively limited means. The bond provision has been changed to reduce discriminatory effects and to be more specific as to coverage, but remain responsive to the need to maintain the responsibilities of operators for reclamation and mitigation of the effects of surface disturbing operations.

Some respondents felt that all information and data submitted on proposed operations should be subject to full public disclosure. The rule of reasonableness is particularly applicable. The section on availability of information to the public recognizes the limitations.

A Final Environmental Statement, prepared in accordance with section 102 (2)(c) of the National Environmental Policy Act of January 1, 1970 (42 U.S.C. 4332(2)(C)), is being filed with the Council on Environmental Quality on the date of this publication.

All persons who wish to submit written data, views or objections pertaining to the revised proposed amendment may do so by submitting them to the U.S. Department of Agriculture, Forest Service, Watershed Management, Rosslyn Plaza E, Room 810, 1621 North Kent Street, Arlington, Virginia 22209, by August 15, 1974. All written submissions made pursuant to this notice will be available for inspection in the Watershed Management office during regular business hours (7 CFR 1.27(b)).

The revised proposed amendment of Chapter II follows:

PART 251—LAND USES

§ 251.12 [Revoked]

1. Part 251 is amended by revoking § 251.12.

PART 252—MINERALS

2. A new Part 252 is added to read as follows:

Sec.
252.1 Purpose.
252.2 Scope.
252.3 Definitions.
252.4 Plan of operations—notice of intent—requirements.
252.5 Plan of operations—approval.
252.6 Availability of information to the public.
252.7 Inspection, noncompliance.
252.8 Requirements for environmental protection.
252.9 Maintenance during operations, public safety.
252.10 Cessation of operations, removal of structures and equipment.
252.11 Prevention and control of fire.
252.12 Access.
252.13 Bonds.
252.14 Appeals.
252.15 Operations within National Forest Wilderness.

AUTHORITY: 30 Stat. 35 and 36, as amended (16 U.S.C. 478, 551), unless otherwise noted.

§ 252.1 Purpose.

It is the purpose of the regulations in this part to set forth rules and procedures through which use of the surface of National Forest System lands in connection with operations authorized by the United States mining laws (30 U.S.C. 21–54), which confer a statutory right to enter upon the public lands to search for minerals, shall be conducted so as to minimize adverse environmental impacts on National Forest System surface resources. It is not the purpose of these regulations to provide for the management of mineral resources; the responsibility for managing such resources is in the Secretary of the Interior.

§ 252.2 Scope.

The regulations in this part apply to operations hereafter conducted under the United States mining laws of May 10, 1872, as amended (30 U.S.C. 22 et seq.), as they affect surface resources on all National Forest System lands under the jurisdiction of the Secretary of Agriculture to which such laws are applicable: *Provided, however,* That any area of National Forest lands covered by a special Act of Congress (16 U.S.C. 482a–482q) is subject to the provisions of this part and the provisions of the special act, and in the case of conflict the provisions of the special act shall apply.

§ 252.3 Definitions.

For the purposes of this part the following terms, respectively, shall mean:

(a) *Operations.* All functions, work, and activities in connection with prospecting, exploration, development, mining or processing of mineral resources and all uses reasonably incident thereto, including roads and other means of access on lands subject to the regulations in this part, regardless of whether said operations take place on or off mining claims.

(b) *Operator.* A person conducting or proposing to conduct operations.

(c) *Person.* Any individual, partnership, corporation, association, or other legal entity.

(d) *Mining claim.* Any unpatented mining claim or unpatented millsite authorized by the United States mining laws of May 10, 1872, as amended (30 U.S.C. 22 et seq.).

(e) *Authorized officer.* The Forest Service officer to whom authority to review and approve operating plans has been delegated.

§ 252.4 Plan of operations—notice of intent—requirements.

(a) Except as provided in paragraph (a) (2) of this section, a notice of intention to operate is required from any person proposing to conduct operations which might cause disturbance of surface resources. Such notice of intention shall be submitted to the District Ranger having jurisdiction over the area in which the operations will be conducted. If the District Ranger determines that such operations will likely cause significant disturbance of surface resources, the operator shall submit a proposed plan of operations to the District Ranger.

(1) The requirements to submit a plan of operations shall not apply (i) to operations which will be limited to the use of vehicles on existing public roads or roads used and maintained for National Forest purposes, (ii) to individuals desiring to search for and occasionally remove small mineral samples or specimens, (iii) to prospecting and sampling which will not cause significant surface resource disturbance and will not involve removal of more than a reasonable amount of mineral deposit for analysis and study, (iv) to marking and monumenting a mining claim and (v) to subsurface operations which will not cause significant surface resource disturbance.

(2) A notice of intent need not be filed (i) where a plan of operations is submitted for approval in lieu thereof, (ii) for operations excepted in paragraph (a) (1) of this section from the requirement to file a plan of operations, (iii) for operations which will not involve the use of mechanized earthmoving equipment such as bulldozers or backhoes and will not involve the cutting of trees. Each notice of intent to operate shall provide information sufficient to identify the area involved, the nature of the proposed operations, the route of access to the area of operations and the method of transport. If a notice of intent is filed, the District Ranger will, within 15 days of receipt thereof, notify the operator whether a plan of operations is required.

(b) Any person conducting operations on the effective date of these regulations, who would have been required to submit a plan of operations under paragraph (a) of this section may continue operations but shall within 120 days thereafter submit a plan of operations to the District Ranger having jurisdiction over the area within which operations are being conducted: *Provided, however,* That upon a showing of good cause the authorized officer will grant an extension of time for submission of a plan of operations, not to exceed an additional 6 months. Operations may continue according to the submitted plan during its review, unless the authorized officer determines that the operations are unnecessarily or unreasonably causing irreparable damage to surface resources and advises the operator of those measures needed to avoid such damage. Upon approval of a plan of operations, operations shall be conducted in accordance with the approved plan. The requirement to submit a plan of operations shall not apply (1) to operations excepted in paragraph (a) of this section or (2) to operations concluded prior to the effective date of the regulations in this part.

(c) The plan of operations shall include:

(1) The name and legal mailing address of the operators (and claimants if they are not the operators) and their lessees, assigns, or designees.

(2) A map or sketch showing information sufficient to locate the proposed area of operations on the ground, existing and/or proposed roads or access routes to be used in connection with the operations as set forth in § 252.12 and the approximate location and size of areas where surface resources will be disturbed.

(3) Information sufficient to describe or identify the type of operations proposed and how they would be conducted, the type and standard of existing and proposed roads or access routes, the means of transportation used or to be used as set forth in § 252.12, the period during which the proposed activity will take place, and measures to be taken to meet the requirements for environmental protection in § 252.8.

(d) The plan of operations shall cover the requirements set forth in paragraph (c) of this section as foreseen for the entire operation for the full estimated period of activity: *Provided, however,* That if the development of a plan for an entire operation is not possible at the time of preparation of a plan, the operator shall file an initial plan setting forth his proposed operation to the degree reasonably foreseeable at that time, and shall thereafter file a supplemental plan or plans whenever it is proposed to undertake any operations not covered by the initial plan.

(e) At any time during operations under an approved plan of operations, the authorized officer may ask the operator to furnish a proposed modification of the plan detailing the means of minimizing unforeseen significant disturbance of surface resources. If the operator does not furnish a proposed modification within a time deemed reasonable by the authorized officer, the authorized officer may recommend to his immediate superior that the operator be required to submit a proposed modification of the plan. The recommendation of the authorized officer shall be accompanied by a statement setting forth in detail the supporting facts and reasons for his recommendations. In acting upon such recommendation, the immediate superior of the authorized officer shall determine (1) whether all reasonable measures were taken by the authorized officer to predict the environmental impacts of the proposed operations prior to approving the operating plan, (2) whether the disturbance is or probably will become of such significance as to require modification of the operating plan in order to meet the requirements for environmental protection specified in § 252.8 and (3) whether the disturbance can be minimized using reasonable means. Lacking such determination that unforeseen significant disturbance of surface resources is occurring or probable and that the disturbance can be minimized using reasonable means, no operator shall be required to submit a proposed modification of an approved plan of operations. Operations may continue in accordance with the approved plan until a modified plan is approved, unless the immediate superior of the authorized officer determines that the operations are unnecessarily or unreasonably causing irreparable injury,

loss or damage to surface resources and advises the operator of those measures needed to avoid such damage.

(f) Upon completion of an environmental analysis in connection with each proposed operating plan, the authorized officer will determine whether an environmental statement is required. Not every plan of operations, supplemental plan or modification will involve the preparation of an environmental statement. Environmental impacts will vary substantially depending on whether the nature of operations is prospecting, exploration, development, or processing, and on the scope of operations (such as size of operations, construction required, length of operations and equipment required), resulting in varying degrees of disturbance to vegetative resources, soil, water, air, or wildlife. The Forest Service will prepare any environmental statements that may be required.

§ 252.5 Plan of operations—approval.

(a) Operations shall be conducted in accordance with an approved plan of operations, except as provided in subsection (b) below and in § 252.4 (a), (b), and (e). A proposed plan of operation shall be submitted to the District Ranger, who shall promptly acknowledge receipt thereof to the operator. Within thirty (30) days of such receipt, the authorized officer shall make an environmental analysis and:

(1) Notify the operator that he has approved the plan of operations; or

(2) Notify the operator that the proposed operations are such as not to require an operating plan; or

(3) Notify the operator of any changes in, or additions to, the plan of operations deemed necessary to meet the purpose of the regulations in this part; or

(4) Notify the operator that the plan is being reviewed, but that more time, not to exceed an additional sixty (60) days, is necessary to complete such review, setting forth the reasons why additional time is needed: *Provided, however,* That days during which the area of operations is inaccessible for inspection shall not be included when computing the sixty (60) day period; or

(5) Notify the operator that the plan cannot be approved until a final environmental statement has been prepared and filed with the Council on Environmental Quality as provided in § 252.4(f).

(b) Pending final approval of the plan of operations, the authorized officer will approve such operations as may be necessary for timely compliance with the requirements of Federal and State laws, so long as such operations are conducted so as to minimize environmental impacts as prescribed by the authorized officer in accordance with the standards contained in § 252.8.

(c) A supplemental plan or plans of operations provided for in § 252.4(d) and a modification of an approved operating plan as provided for in § 252.4(e) shall be subject to approval by the authorized officer in the same manner as the initial plan of operations: *Provided, however,* That a modification of an approved plan of operations under § 252.4(e) shall be subject to approval by the immediate superior of the authorized officer in cases where it has been determined that a modification is required.

(d) In the provisions for review of operating plans, the Forest Service will arrange for consultation with appropriate agencies of the Department of the Interior with respect to significant technical questions concerning the character of unique geologic conditions and special exploration and development systems, techniques, and equipment, and with respect to mineral values, mineral resources, and mineral reserves. Further, the operator may request the Forest Service to arrange for similar consultations with appropriate agencies of the U.S. Department of the Interior for a review of operating plans.

§ 252.6 Availability of information to the public.

Except as provided herein, all information and data submitted by an operator pursuant to the regulations in this part shall be available for examination by the public at the Office of the District Ranger in accordance with the provisions of 7 CFR 1.1–1.6 and 36 CFR 200.5–200.10. Specifically identified information and data submitted by the operator as confidential concerning trade secrets or privileged commercial or financial information will not be available for public examination. Information and data to be withheld from public examination may include, but is not limited to, known or estimated outline of the mineral deposits and their location, attitude, extent, outcrops, and content, and the known or planned location of exploration pits, drill holes, excavations pertaining to location and entry pursuant to the United States mining laws, and other commercial information which relates to competitive rights of the operator.

§ 252.7 Inspection, noncompliance.

(a) Forest Officers shall periodically inspect operations to determine if the operator is complying with the regulations in this part and an approved plan of operations.

(b) If an operator fails to comply with the regulations or his approved plan of operations and the noncompliance is unnecessarily or unreasonably causing injury, loss or damage to surface resources the authorized officer shall serve a notice of noncompliance upon the operator or his agent in person or by certified mail. Such notice shall describe the noncompliance and shall specify the action to comply and the time within which such action is to be completed, generally not to exceed thirty (30) days; *Provided, however,* That days during which the area of operations is inaccessible shall not be included when computing the number of days allowed for compliance.

§ 252.8 Requirements for environmental protection.

All operations shall be conducted so as, where feasible, to minimize adverse environmental impacts on National Forests surface resources, including the following requirements:

(a) *Air quality.* Operator shall comply with applicable Federal and State air quality standards, including the requirements of the Clean Air Act, as amended (42 U.S.C. 1857 et seq.).

(b) *Water quality.* Operator shall comply with applicable Federal and State water quality standards, including regulations issued pursuant to the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151 et seq.).

(c) *Solid wastes.* Operator shall comply with applicable Federal and State standards for the disposal and treatment of solid wastes. All garbage, refuse, or waste, shall either be removed from National Forest lands or disposed of or treated so as to minimize, so far as is practicable, its impact on the environment and the forest surface resources. All tailings, dumpage, deleterious materials or substances and other waste produced by operations shall be deployed, arranged, disposed of or treated so as to minimize adverse impact upon the environment and forest surface resources.

(d) *Scenic values.* Operator shall, to the extent practicable, harmonize operations with scenic values through such measures as the design and location of operating facilities, including roads and other means of access, vegetative screening of operations, and construction of structures and improvements which blend with the landscape.

(e) *Fisheries and wildlife habitat.* In addition to compliance with water quality and solid waste disposal standards required by this section, operator shall take all practicable measures to maintain and protect fisheries and wildlife habitat which may be affected by the operations.

(f) *Roads.* Operator shall construct and maintain all roads so as to assure adequate drainage and to minimize or, where practicable, eliminate damage to soil, water, and other resource values. Unless otherwise approved by the authorized officer, roads no longer needed for operations (1) shall be closed to normal vehicular traffic, (2) bridges and culverts shall be removed, (3) cross drains, dips, or water bars shall be constructed, and (4) the road surface shall be shaped to as near a natural contour as practicable and be stabilized.

(g) *Reclamation.* Upon exhaustion of the mineral deposit or at the earliest practicable time during operations, or within 1 year of the conclusion of operations, unless a longer time is allowed by the authorized officer, operator shall, where practicable, reclaim the surface disturbed in operations by taking such measures as will prevent or control onsite and off-site damage to the environment and forest surface resources including:

(1) Control of erosion and landslides;

(2) Control of water runoff;

(3) Isolation, removal or control of toxic materials;

(4) Reshaping and revegetation of disturbed areas, where reasonably practicable; and

(5) Rehabilitation of fisheries and wildlife habitat.

(h) Certification or other approval issued by State agencies or other Federal agencies of compliance with laws and regulations relating to mining operations will be accepted as compliance with similar or parallel requirements of these regulations.

§ 252.9 Maintenance during operations, public safety.

During all operations operator shall maintain his structures, equipment, and other facilities in a safe, neat and workmanlike manner. Hazardous sites or conditions resulting from operations shall be marked by signs, fenced or otherwise identified to protect the public in accordance with Federal and State laws and regulations.

§ 252.10 Cessation of operations, removal of structures and equipment.

Unless otherwise agreed to by the authorized officer, operator shall remove within a reasonable time following cessation of operations all structures, equipment and other facilities and clean up the site of operations. Other than seasonally, where operations have ceased temporarily, an operator shall file a statement with the District Ranger which includes (1) verification of intent to maintain the structures, equipment and other facilities, (2) the expected reopening date, and (3) an estimate of extended duration of operations. A statement shall be filed every year in the event operations are not reactivated. Operator shall maintain the operating site, structures, equipment and other facilities in a neat and safe condition during nonoperating periods.

§ 252.11 Prevention and control of fire.

Operator shall comply with all applicable Federal and State fire laws and regulations and shall take all reasonable measures to prevent and suppress fires on the area of operations and shall require his employees, contractors, and subcontractors to do likewise.

§ 252.12 Access.

An operator is entitled to access in connection with operations, but no road, trail, bridge, landing area for aircraft, or the like, shall be constructed or improved, nor shall any other means of access, including but not limited to off-road vehicles, be used until the operator has received approval of an operating plan in writing from the authorized officer when required by § 252.4(a). Proposals for construction, improvement or use of such access as part of a plan of operations shall include a description of the type and standard of the proposed means of access, a map showing the proposed route of access, and a description of the means of transportation to be used. Approval of the means of such access as part of a plan of operations shall specify the location of the access route, design standards, means of transportation, and other conditions reasonably necessary to protect the environment and forest surface resources, including measures to protect scenic values and to insure against erosion and water or air pollution.

§ 252.13 Bonds.

(a) Any operator required to file a plan of operations shall, when required by the authorized officer, furnish a bond conditioned upon compliance with §252.8 (g), prior to approval of such plan of operations. In lieu of a bond, the operator may deposit into a Federal depository, as directed by the Forest Service, and maintain therein, cash in an amount equal to the required dollar amount of the bond or negotiable securities of the United States having market value at the time of deposit of not less than the required dollar amount of the bond. A blanket bond covering nationwide or statewide operations may be furnished if the terms and conditions thereof are sufficient to comply with the regulations in this part.

(b) In determining the amount of the bond, consideration will be given to the estimated cost of stabilizing, rehabilitating, and reclaiming the area of operations.

(c) In the event that an approved plan of operations is modified in accordance with § 252.4 (d) and (e) of this part, the authorized officer will review the initial bond for adequacy and, if necessary, will adjust the bond to conform to the operations plan as modified.

(d) When reclamation has been completed in accordance with § 252.8(g), the authorized officer will notify the operator that performance under the bond has been completed: *Provided, however,* That when the Forest Service has accepted as completed any portion of the reclamation, the authorized officer shall notify the operator of such acceptance and reduce proportionally the amount of bond thereafter to be required with respect to the remaining reclamation.

§ 252.14 Appeals.

(a) Any operator aggrieved by a decision of the authorized officer in connection with the regulations in this part may file with the authorized officer a written statement setting forth in detail the respects in which the decision complained of is contrary to, or in conflict with, the facts, the law, or the regulations of the Secretary, or is otherwise in error. No such appeal will be considered unless it is filed with the authorized officer within thirty (30) days after the date of notification to the operator of the action or decision complained of. Upon receipt of appellant's statement, the authorized officer shall prepare his own statement explaining his decision and the reasons therefor and forward the statements and record to his immediate superior for review and decision. The decision of the Regional Forester shall be the final administration appeal decision.

(b) At the time appellant files his written statement of appeal he may request and shall be afforded an opportunity to present his views orally to the reviewing Forest Service officer.

(c) If the reviewing Forest Service officer considers the record inadequate to support a decision on the appeal, he may provide for the production of such additional evidence or information as may be appropriate or may remand the case with appropriate instructions for further action.

(d) The official files of the Forest Service relating to these appeals and any testimony and documents submitted by the parties on which the decision of the authorized officer was based constitute the record in the appeal. The authorized officer shall maintain the record under separate cover and shall certify that it is the record on which his decision was based at the time it is forwarded to his immediate superior for review. The Forest Service shall make the record available to the appellant upon request.

(e) On or before the expiration of forty-five (45) days after his receipt of the record the reviewing officer shall make his decision: *Provided, however,* That if more than forty-five (45) days are required for a decision after the record is received, the reviewing officer shall notify the parties to the appeal and specify the reason for delay. The decisions of reviewing officers shall include (1) a statement of facts, (2) conclusions, and (3) reasons upon which the conclusions are based.

(f) A decision of the authorized officer from which an appeal is taken shall not be automatically stayed by the filing of a statement of appeal. A request for a stay may accompany the statement of appeal or may be directed to the reviewing officer. The reviewing officer shall promptly rule on requests for stays. The decision of the Regional Forester on requests for stays shall constitute the final administrative appeal decision.

§ 252.15 Operations within National Forest Wilderness.

(a) The United States mining laws shall extend to each National Forest Wilderness for the period specified in the Wilderness Act and subsequent establishing legislation to the same extent they were applicable prior to the date the Wilderness was designated by Congress as a part of the National Wilderness Preservation System, Subject to valid existing rights, no person shall have any right or interest in or to any mineral deposits which may be discovered through prospecting or other information-gathering activity after the legal date on which the United States mining laws cease to apply to the specific Wilderness.

(b) Holders of unpatented mining claims validly established on any National Forest Wilderness prior to inclusion of such unit in the National Wilderness Preservation System shall be accorded the rights provided by the United States mining laws as then applicable to the National Forest land involved. Persons locating mining claims in any National Forest Wilderness on or after the date on which said Wilderness was included in the National Wilderness was included in the National Wilderness Preservation System shall be accorded the rights provided by the

United States mining laws as applicable to the National Forest land involved and subject to provisions specified in the establishing legislation. Persons conducting operations as defined in § 252.3 in National Forest Wilderness shall comply with the regulations in this part. Operations shall be conducted so as to protect National Forest surface resources in accordance with the general purposes of maintaining the National Wilderness Preservation System unimpaired for future use and enjoyment as wilderness and to preserve its wilderness character, consistent with the use of the land for mineral location, exploration, development, drilling, and production and for transmission lines, water lines, telephone lines, and processing operations, including, where essential, the use of mechanized transport, aircraft or motorized equipment.

(c) Persons with valid mining claims wholly within National Forest Wilderness shall be permitted access to such surrounded claims by means consistent with the preservation of National Forest Wilderness which have been or are being customarily used with respect to other such claims surrounded by National Forest Wilderness. No operator shall construct roads across National Forest Wilderness unless authorized in writing by the Forest Supervisor in accordance with § 252.12.

(d) On all mining claims validly established on lands within the National Wilderness Preservation System, the operator shall take all reasonable measures to remove any structures, equipment and other facilities no longer needed for mining purposes in accordance with the provisions in § 252.10 and restore the surface in accordance with the requirements in § 252.8(g).

(e) The title to timber on patented claims validly established after the land was included within the National Wilderness Preservation System remains in the United States, subject to a right to cut and use timber for mining purposes. So much of the mature timber may be cut and used as is needed in the extraction, removal, and beneficiation of the mineral deposits, if needed timber is not otherwise reasonably available. The cutting shall comply with the requirements for sound principles of forest management as defined by the National Forest rules and regulations and set forth in stipulations to be included in the plan of operations, which as a minimum incorporate the following basic principles of forest management:

(1) Harvesting operations shall be so conducted as to minimize soil movement and damage from water runoff; and

(2) Slash shall be disposed of and other precautions shall be taken to minimize damage from forest insects, disease, and fire.

(f) The Chief, Forest Service, shall allow any activity, including prospecting, for the purpose of gathering information about minerals in National Forest Wilderness except that any such activity for gathering information shall be carried on in a manner compatible with the preservation of the wilderness environment as specified in the plan of operations.

(78 Stat. 890, 16 U.S.C. 1131–1136)

PART 293—WILDERNESS—PRIMITIVE AREAS

3. The regulations of Part 293 were transferred from Part 251 on March 5, 1973 (38 FR 5851). The new Part 293 is further amended by revising §§ 293.13, 293.14 and 293.15. Regulations applicable to activities under the 1872 mining law in National Forest Wilderness, now appear in Part 252 rather than Part 293. Part 293 is revised to read as follows:

AUTHORITY: 30 Stat. 35, as amended (16 U.S.C. 51); 78 Stat. 890 (16 U.S.C. 1131–1136).

§ 293.13 Access to valid occupancies.

Persons with valid occupancies wholly within National Forest Wilderness shall be permitted access to such surrounded occupancies by means consistent with the perservation of National Forest Wilderness which have been or are being customarily used with respect to other such occupancies surrounded by National Forest Wilderness. The Forest Service will, when appropriate, issue permits which shall prescribe the routes of travel to and from the surrounded occupancies, the mode of travel, and other conditions reasonably necessary to preserve the National Forest Wilderness.

§ 293.14 Mineral leases and mineral permits.

(a) All laws pertaining to mineral leasing shall extend to each National Forest Wilderness for the period specified in the Wilderness Act or subsequent establishing legislation to the same extent they were applicable prior to the date the Wilderness was designated by Congress as a part of the National Wilderness Preservation system. No person shall have any right or interest in or to any mineral deposits which may be discovered through prospecting or other information-gathering activity after the legal date on which the laws pertaining to mineral leasing cease to apply to the specific Wilderness, nor shall any person after such date have any preference in applying for a mineral lease, license, or permit.

(b) Mineral leases, permits, and licenses covering lands within National Forest Wilderness will contain reasonable stipulations for the protection of the wilderness character of the land consistent with the use of the land for purposes for which they are leased, permitted, or licensed. The Chief, Forest Service, shall specify the conditions to be included in such stipulations.

(c) Permits shall not be issued for the removal of mineral materials commonly known as "common varieties" under the Minerals Act of July 31, 1947, as amended and supplemented (30 U.S.C. 601–604).

§ 293.15 Gathering information about resources other than minerals.

(a) The Chief, Forest Service, shall allow any activity, for the purpose of gathering information about resources, other than minerals, in National Forest Wilderness, except that any such activity for gathering information shall be carried on in a manner compatible with the preservation of the wilderness environment. Prospecting for minerals or any activity for the purpose of gathering information about minerals in National Forest Wilderness is subject to the regulations in Part 252 of this Title.

(b) No overland motor vehicle or other form of mechanical overland transport may be used in connection with any activity for the purpose of gathering information about resources, other than minerals, except as authorized by the Chief, Forest Service.

(c) Any person desiring to use motorized equipment, to land aircraft, or to make substantial excavations for the purpose of garthering information about resources, other than minerals, shall apply in writing to the Office of the Forest Supervisor or District Ranger having jurisdiction over land involved. Excavations shall be considered "substantial" which singularly or collectively exceed 200 cubic feet within any area which can be bounded by a rectangle containing 20 surface acres. Such use or excavation may be authorized by a permit issued by the Forest Service. Such permits may provide for the protection of National Forest resources, including wilderness values, protection of the public, and restoration of disturbed areas, including the posting of performance bonds.

(d) Prospecting for water resources and the establishment of new reservoirs, water-conservation works, power projects, transmission lines, and other facilities needed in the public interest and the subsequent maintenance of such facilities, all pursuant to section 4(d)(4)(1) of the Wilderness Act, will be permitted when and as authorized by the President.

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

JULY 12, 1974.

[FR Doc.74-16284 Filed 7-15-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 151]

[CGD 73-275]

UNMANNED BARGES CARRYING CERTAIN BULK DANGEROUS CARGOES

Sodium Sulfide Solution (NTE 10%) and Sulfur Dioxide

The Coast Guard is proposing to amend the bulk dangerous cargoes regulations by the addition of sodium sulfide solution (NTE 10%) and sulfur dioxide to 46 CFR, Part 151. The Coast Guard considers that these cargoes are dangerous within the meaning of 46 CFR 151.01-1(b). A new § 151.50-35 that contains special requirements for sulfur dioxide is also proposed.

Interested persons are invited to participate in this proposed rulemaking by submitting written data, views, or arguments to the Executive Secretary, Marine Safety Council, U.S. Coast Guard Headquarters (G-CMC/82), Washington, D.C. 20590 (Telephone 202-426-1477). Each person submitting comments should include his name and address, identify the notice (CGD 73-275), and give reasons for any recommendations. Comments received will be available for examination by interested persons in Room 8234, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590. Copies will be furnished upon payment of fees prescribed in 49 CFR 7.81. All communications received before August 29, 1974 will be evaluated before final action is taken on this proposal. The proposed regulations may be changed in the light of comments received. No hearing is contemplated but may be held at a time and place set in a later notice in the FEDERAL REGISTER if requested by an interested person desiring an opportunity to comment orally at a public hearing and raising a genuine issue.

In consideration of the foregoing, it is proposed to amend Part 151 of Chapter I, Title 46, Code of Federal Regulations, as follows:

§ 151.01-100 [Amended]

1. By adding, in proper alphabetical sequence, "Sodium sulfide solution (NTE 10%)" and "Sulfur dioxide" to Table 151.01-10(b)—CARGOES REGULATED BY SUBCHAPTER O.

2. By adding to Table 151.05, "Summary of minimum requirements," in proper alphabetical sequence, the following:

Sodium sulfide solution (NTE 10%)	Atmos.	Amb.	III	1i 2i	Integral Gravity	Open	II	G-1	NR	Vent N	No	151.55-1(b)	NA	NA	G
Sulfur dioxide	Press.	Amb.	I	1NA 2ii	Ind. Pressure	Closed	I	P-2	NR	Vent F	No	151.50-30 151.50-35	NA	NA	2

3. By adding a new § 151.50-35 to read as follows:

§ 151.50-35 Sulfur dioxide.

(a) Sulfur dioxide that is transported under the provisions of this part may not contain more than one hundred parts per million of water.

(b) Zinc or its alloys may not be used as materials of construction for tanks, piping, valves, fittings, and other items of equipment that may come in contact with the cargo liquid or vapor.

(c) Cargo piping must be at least Schedule 40 pipe.

(d) Flanges must be 150 lb. A.N.S.I. Standard minimum with tongue and groove or raised face.

(e) A cargo tank—

(1) Must meet the requirements of a Class I welded pressure vessel;

(2) Must be designed for a maximum allowable working pressure of at least 125 psig;

(3) Must be hydrostatically tested every two years to 188 psig;

(4) Must be provided with one or more manholes that are fitted with a cover, sized not less than 15 inches by 23 inches or 18 inches nominal diameter, located above the maximum liquid level, and as close as possible to the top of the tank;

(5) Must have no openings other than those required in paragraph (e)(4) of this section;

(6) Must have no liquid level gauges other than closed gauges;

(7) Must have all valves and the closed gauge that is required by Table 151.05 bolted to the cover or covers that are required in paragraph (e)(4) of this section;

(8) Must have a protective metal housing that is fitted with a drain and vent connection; all valves and the closed gauge that is required in Table 151.05 must be located within this housing to protect them against mechanical damage; safety relief valves must discharge into the protective housing;

(9) Must not be interconnected with another cargo tank by piping or manifolds that carry cargo liquid; vapor lines may be connected to a common header; and

(10) Must have an excess flow valve that is located on the inside of the tank for every liquid and vapor connection except the safety relief valve; a bypass opening is not permitted in an excess flow valve.

(f) Cargo transfer operations—

(1) May be conducted with more than one cargo tank at a time if each tank is filled from or discharged to shore tanks through separate lines;

(2) Must be conducted with connections between fixed barge piping and shore piping that are fabricated from either Schedule 40 pipe having flexible metallic joints that meet the requirements in § 151.04-5(h) or flexible metallic hose that is acceptable to the Commandant;

(3) From barge to shore must be by pressurization with an oil free, nonreactive gas that has a maximum of 100 ppm moisture;

(4) Must be conducted with vapor return to shore connections that ensure that all vapor is returned to shore; and

(5) Must be conducted with every person on the barge carrying a respiratory protective device that protects the wearer against sulfur dioxide vapors and provides respiratory protection for emergency escape from a contaminated area that results from cargo leakage; this respiratory protective equipment must be a size and weight that does not restrict the movement or a life saving device of the person wearing the equipment.

(g) After the completion of cargo transfer, all liquid sulfur dioxide in the cargo piping must be removed and cargo transfer piping must be disconnected at the cargo tanks. After the cargo piping is disconnected, both ends of the line must be plugged or fitted with blind flanges.

(80 Stat. 937; 46 U.S.C. 170, 391a, 375, 416, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Dated: July 9, 1974.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.74-16104 Filed 7-15-74;8:45 am]

Federal Aviation Administration

[14 CFR Part 75]

[Airspace Docket No. 74-RM-10]

JET ROUTE

Proposed Extension

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would extend Jet Route 56 from Salt Lake City, Utah, direct to Mina, Nev.

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, Rocky Mountain Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, P.O. Box 7213, Denver, Colo. 80207. All communications received on or before August 15, 1974 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 Chief 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 extend J-56 from Salt Lake City, Utah, VORTAC direct to Mina, Nev., VORTAC.

A direct route from Salt Lake City, Utah, to Mina, Nev., would shorten the distance from Salt Lake City to San Francisco by at least 13 miles.

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 July 10, 1974.

RAYMOND M. MCINNIS,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-16162 Filed 7-15-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

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

Isopropyl m-Chlorocarbanilate and Isopropyl Carbanilate; Interim Tolerances

Two petitions (PPs 2F1276 and 2F1277) were filed by PPG Industries, Inc., 1 Gateway Center, Pittsburgh, PA 15222, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a) proposing establishment of tolerances for residues of the herbicides isopropyl m-chlorocarbanilate (CIPC) and isopropyl carbanilate IPC), respectively, in or on various raw agricultural commodities at various levels.

While the petitioner is obtaining additional data which the Agency considers necessary for establishment of permanent tolerances, it is concluded that: (1) The establishment of interim tolerances would be appropriate and in accordance with an order published in the FEDERAL REGISTER of August 30, 1972 (37 FR 17554) regarding the establishment of interim tolerances for certain pesticide chemicals for which registration had been established on a no-residue or zero tolerance basis (2) establishment of these interim tolerances will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), it is proposed that § 180.319 be amended by alphabetically inserting two new items in the table as follows:

§ 180.319 Interim tolerances.

* * * * *

Substance	Use	Tolerance in parts per million	Raw agricultural commodity
*	*	*	*
Isopropyl carbanilate (IPC)	Herbicide	5	Hay of alfalfa, clover, and grass.
		2	Alfalfa, clover, and grass.
		.1	Flaxseed, lentils, lettuce, peas, safflower seed, spinach, and sugar beets (roots and tops).
		.05	Eggs; milk; and the meat fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep.
Isopropyl *m*-chlorocarbanilate (CIPC).	do	50	Hay of alfalfa, clover, and grass.
		20	Alfalfa, clover, and grass.
		.3	Beans (dry and succulent), blackberries, blueberries, cranberries, peas (dry and succulent), raspberries, spinach, and sugar beet tops.
		.1	Carrots, garlic, onions, rice grain, safflower seed, sugar beet roots, and tomatoes.
		.05	Eggs; milk; and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep.
*	*	*	*

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, on or before August 15, 1974, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments with reference to this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room B-1, East Tower, 401 M Street, SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Environmental Protection Agency and others interested in inspecting the documents. The comments must be received on or before August 15, 1974, and should bear a notation indicating the subject. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: July 5, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74-16121 Filed 7-15-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20017]

FM BROADCAST STATIONS

Table of Assignments; Calif.

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Healdsburg, California), RM-2093.

1. On April 10, 1974, the Commission adopted a notice of proposed rulemaking in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on April 22, 1974, 39 FR 14227. The date for filing comments has expired and the date for filing reply comments is presently July 8, 1974.

2. On July 5, 1974, Wallace Heusser, proponent in this proceeding, requested a 30-day extension of time to and including August 8, 1974. Mr. Heusser states the additional time is needed so that his consulting engineers can review the technical information contained in comments filed by Redwood Empire Stereocasters.

3. We are of the view that the public interest would be served by extending the time in this proceeding. Accordingly, it is ordered, that the date for filing reply comments is extended to and including August 8, 1974, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: July 9, 1974.

Released: July 10, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-16226 Filed 7-15-74;8:45 am]

[47 CFR—Part 73]

[Docket No. 19974]

TELEVISION STATIONS

Table of Assignments; Puerto Rico

In the Matter of Amendment of § 73.606(b) of the Commission's rules, the Table of Television Assignments, to change Channel 7 at Ponce, Puerto Rico to Ponce-San Juan assignment.

General Policy Questions involved in the Proposal to Move Transmitter location of the Ponce, Puerto Rico Channel 7 station to a point closer to San Juan, Puerto Rico.

1. This proceeding concerns a proposal by Ponce Television Corporation (WRIK-TV), the licensee of WRIK-TV, Ponce, Puerto Rico, to move its transmitter location to a point closer to San Juan than to Ponce. In September 1973, WRIK-TV filed a petition requesting in effect a "declaratory ruling" that the cause of equal access to the important San Juan market for it and other "network flagship stations" outweighed any of the problems involved in the application proposal. The present proceeding was begun by Notice of Inquiry and Notice of Proposed Rulemaking or Proposed Statement of Policy adopted March 13, 1974[1] which proposed to explore the possibility of issuing such an "advance ruling" as requested by WRIK-TV, and if so, to determine what would be contained in it, and also proposed formal rulemaking to re-designate the WRIK-TV channel (Channel 7) as a Ponce-San Juan assignment.

2. On May 29, 1974, the Commission granted an extension of time for filing

[1] 45 FCC 2d 1139 (1974).

comments and reply comments,[2] and WAPA–TV filed on June 25, 1974, a "Petition for Extension of Time for Filing Reply Comments," asking that the present deadline of July 8 be extended 60 days until September 6, 1974. WAPA–TV states that because of the number and volume of comments filed in this proceeding (totalling in excess of 600 pages) as well as the profound significance of this proceeding for television broadcasting in Puerto Rico, additional time is necessary to prepare an adequate response. In addition, three other parties to the proceeding have stated their agreement with WAPA–TV that the time for filing reply comments should be extended for the requested period.[3]

[2] FCC 74–562, released June 3, 1974.

[3] American Colonial Broadcasting Corp., licensee of Stations WKBM–TV, Caguas-San Juan and WSUR–TV, Ponce filed a petition in support of the WAPA–TV petition, and WAPA–TV states that counsel for Telemundo, Inc. (WKAQ–TV, San Juan) and Suburban Broadcasting Corp. (applicant for a new UHF station in San Juan) are in agreement that the time for reply comments should be extended.

3. Oppositions to the WAPA–TV extension request were filed on June 28, 1974 by WSTE–TV, Inc. (WSTE–TV), permittee of Station WSTE–TV, Fajardo and WRIK–TV. Both opponents say that further delay would work to their disadvantage, the Commission has provided sufficient time for reply, and that they would agree to a more reasonable extention, which both of these parties believe should be no longer than July 15, 1974.

4. It appears that an extension is warranted because of the voluminous comments filed in this proceeding; but an extension of 60 days would be unreasonable. *Accordingly, it is ordered,* That the time for filing reply comments in the above-captioned proceeding, is extended to and including July 31, 1974.

5. This action is taken pursuant to delegated authority contained in § 0.281 of the Commission's rules.

Adopted: July 3, 1974.

Released: July 5, 1974.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74–16227 Filed 7–15–74;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Customs Service

BOTTLED GREEN OLIVES FROM SPAIN

Notice of Countervailing Duty Proceedings

Information has been received pursuant to the provisions of § 159.47(b) of the Customs regulations (19 CFR 159.47 (b)) which appears to indicate that certain payments, bestowals, rebates, or refunds granted by the Government of Spain upon the manufacture, production, or exportation of bottled green olives constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303), upon the manufacture, production, or exportation of the merchandise to which the payments, bestowals, rebates, or refunds apply.

The approximate amount of the payments, bestowals, rebates, or refunds applicable to bottled green olives from Spain has not yet been ascertained.

After the expiration of the time limits set forth in this notice, a determination will be made whether a bounty or grant is being paid or bestowed in connection with any such manufacture, production, or export. If it is determined that a bounty or grant is being paid or bestowed, an appropriate countervailing duty order will be issued and published in accordance with § 159.47 of the Customs regulations (19 CFR 159.47).

Before a determination is made, consideration will be given to any relevant data, views, or arguments submitted in writing with respect to the existence or nonexistence, and the net amount of a bounty or grant. Submissions should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20229, in time to be received by his office on or before August 15, 1974.

This notice is published pursuant to §159.47(c) of the Customs regulations (19 CFR 159.47(c)).

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

Approved: July 11, 1974.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.74-16308 Filed 7-15-74;8:45 am]

FOOTWEAR FROM SPAIN

Notice of Countervailing Duty Proceedings

Information has been received pursuant to the provisions of § 159.47(b) of the Customs regulations (19 CFR 159.47 (b)) which appears to indicate that certain payments, bestowals, rebates, or refunds granted by the Government of Spain upon the manufacture, production, or exportation of footwear constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303), upon the manufacture, production, or exportation of the merchandise to which the payments, bestowals, rebates or refunds apply.

The approximate amount of the payments, bestowals, rebates or refunds applicable to footwear from Spain has not yet been ascertained.

After the expiration of the time limits set forth in this notice, a determination will be made whether a bounty or grant is being paid or bestowed in connection with any such manufacture, production, or export. If it is determined that a bounty or grant is being paid or bestowed, an appropriate countervailing duty order will be issued and published in accordance with § 159.47 of the Customs regulations (19 CFR 159.47).

Before a determination is made, consideration will be given to any relevant data, views, or arguments submitted in writing with respect to the existence or nonexistence, and the net amount of a bounty or grant. Submissions should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20229, in time to be received by his office on or before August 15, 1974.

This notice is published pursuant to § 159.47(c) of the Customs regulations (19 CFR 159.47(c)).

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

Approved: July 11, 1974.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.74-16309 Filed 7-15-74;8:45 am]

NON-RUBBER FOOTWEAR FROM ARGENTINA

Notice of Countervailing Duty Proceedings

Information has been received pursuant to the provisions of § 159.47(b) of the Customs regulations (19 CFR 159.47(b)) which appears to indicate that certain payments, bestowals, rebates, or refunds granted by the Government of Argentina upon the manufacture, production, or exportation of non-rubber footwear constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303), upon the manufacture, production, or exportation of the merchandise to which the payments, bestowals, rebates or refunds apply.

The approximate amount of the payments, bestowals, rebates, or refunds applicable to non-rubber footwear from Argentina has not yet been ascertained.

After the expiration of the time limits set forth in this notice, a determination will be made whether a bounty or grant is being paid or bestowed in connection with any such manufacture, production, or export. If it is determined that a bounty or grant is being paid or bestowed, an appropriate countervailing duty order will be issued and published in accordance with § 159.47 of the Customs regulations (19 CFR 159.47).

Before a determination is made, consideration will be given to any relevant data, views, or arguments submitted in writing with respect to the existence or nonexistence, and the net amount of a bounty or grant. Submissions should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20229, in time to be received by his office on or before August 15, 1974.

This notice is published pursuant to § 159.47(c) of the Customs regulations (19 CFR 159.47(c)).

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

Approved: July 11, 1974.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.74-16310 Filed 7-15-74;8:45 am]

[T.D. 74-193]

CERTAIN HOLDERS OF PAPER

Instruments of International Traffic

JULY 9, 1974.

It has been established to the satisfaction of the U.S. Customs Service that iron cores of United States manufacture designed to hold paper, measuring between 15 and 40 inches in length, are substantial, suitable for and capable of repeated use, and are used in significant numbers in international traffic for the transportation of coated publication grade paper.

Under the authority of § 10.41a(a)(1), Customs Regulations, I hereby designate the above-described iron cores as "instruments of international traffic" within the meaning of section 322(a), Tariff Act of 1930, as amended. These iron cores may be released under the procedures

provided for in § 10.41a, Customs regulations.

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

[FR Doc.74-16231 Filed 7-15-74;8:45 am]

Office of Economic Stabilization

[Order 4]

DIRECTOR, COMPLIANCE DIVISION, OFFICE OF ECONOMIC STABILIZATION

Delegation of Authority

Pursuant to the authority vested in me as Associate Director for Operations, Office of Economic Stabilization, by Office of Economic Stabilization Order No. 1, it is hereby ordered as follows:

1. There is hereby delegated to the Director, Compliance Division, Office of Economic Stabilization, subject to the general policy guidance of the Associate Director for Operations, authority to take the following actions with respect to prices charged by other than providers of health services prior to May 1, 1974:

(a) Notify persons of probable violations of the regulations and orders of the Office of Economic Stabilization and its predecessors; issue remedial orders; monitor remedial activities and approve compliance actions with respect thereto.

(b) Request information and conduct hearings with respect to the functions delegated herein.

2. The Director, Compliance Division, Office of Economic Stabilization, is further authorized to direct the Internal Revenue Service to conduct investigations to determine whether persons are in compliance with the Economic Stabilization Regulations and the orders issued thereunder.

3. In exercising the authority delegated by this Order, the Director, Compliance Division, Office of Economic Stabilization shall be governed by the regulations and rulings of the Office of Economic Stabilization and its predecessors and by the policies, procedures, and controls prescribed by the Associate Director for Operations of the Office of Economic Stabilization.

4. This Order is effective July 1, 1974.

FRED W. STUCKWISCH,
Associate Director for Operations, Office of Economic Stabilization, Department of the Treasury.

[FR Doc.74-16191 Filed 7-15-74;8:45 am]

[Order 2]

DIRECTOR, HEALTH ANALYSIS DIVISION, OFFICE OF ECONOMIC STABILIZATION

Delegation of Authority

Pursuant to the authority vested in me as Associate Director for Operations, Office of Economic Stabilization, by Office of Economic Stabilization Order No. 1, it is hereby ordered as follows:

1. There is hereby delegated to the Director, Health Analysis Division, Office of Economic Stabilization, subject to the general policy guidance of the Associate Director for Operations, authority to take the following actions with respect to prices charged by providers of health services prior to May 1, 1974:

(a) Make decisions and issue orders with respect to requests for price adjustments, prenotified price increases, and all other filings requiring decisions made pursuant to the price stabilization regulations.

(b) Make decisions and issue orders with respect to individual requests for exceptions made pursuant to the price stabilization regulations.

(c) Monitor price increases and adjustments put into effect prior to May 1, 1974; notify persons of probable violations of the regulations and orders of the Office of Economic Stabilization and its predecessors; issue remedial orders; monitor remedial activities and approve compliance actions with respect thereto.

(d) Request information and conduct hearings with respect to the functions delegated herein.

2. In exercising the authority delegated by this Order, the Director, Health Analysis Division, Office of Economic Stabilization, shall be governed by the regulations and rulings of the Office of Economic Stabilization and its predecessors and by the policies, procedures, and controls prescribed by the Associate Director for Operations of the Office of Economic Stabilization.

3. This Order is effective July 1, 1974.

FRED W. STUCKWISCH,
Associate Director for Operations, Office of Economic Stabilization, Department of the Treasury.

[FR Doc.74-16192 Filed 7-15-74;8:45 am]

[Order 3]

DIRECTOR, PRICE ANALYSIS DIVISION, OFFICE OF ECONOMIC STABILIZATION

Delegation of Authority

Pursuant to the authority vested in me as Associate Director for Operations, Office of Economic Stabilization, by Office of Economic Stabilization Order No. 1, it is herbey ordered as follows:

1. There is hereby delegated to the Director, Price Analysis Division, Office of Economic Stabilization, subject to the general policy guidance of the Associate Director for Operations, authority to take the following actions with respect to prices charged by other than providers of health services prior to May 1, 1974:

(a) Make decisions and issue orders with respect to requests for price adjustments, prenotified price increases, and all other filings requiring decisions made pursuant to the price stabilization regulations.

(b) Make decisions and issue orders with respect to individual requests for exceptions from firms made pursuant to the price stabilization regulations.

(c) Make decisions and issue orders with respect to individual requests for volatile pricing authorization, treatment as loss/low profit firms, or modification of term limit pricing authorizations made pursuant to the price stabilization regulations.

(d) Monitor price increases and adjustments put into effect prior to May 1, 1974.

(e) Request information and conduct hearings with respect to the functions delegated herein.

2. In exercising the authority delegated by this Order, the Director, Price Analysis Division, Office of Economic Stabilization, shall be governed by the regulations and rulings of the Office of Economic Stabilization and its predecessors and by the policies, procedures, and controls prescribed by the Associate Director for Operations of the Office of Economic Stabilization.

3. This Order is effective July 1, 1974.

FRED W. STUCKWISCH,
Associate Director for Operations, Office of Economic Stabilization, Department of the Treasury.

[FR Doc.74-16193 Filed 7-15-74;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

CONTINENTAL OPERATIONS RANGE (COR)

Notice of Public Hearing

JULY 10, 1974.

Reference: 38 FR 31691, November 16, 1973, Notice of Intent to Prepare an Environmental Impact Statement, Continental Operations Range (COR).

Notice is hereby given that in accordance with the National Environmental Policy Act, the United States Air Force will conduct an informal public hearing in Las Vegas, Nevada on July 30, 1974, on the draft environmental statement concerning the Continental Operations Range. The informal hearing is scheduled to begin at 7 p.m., in Room 4, Las Vegas Convention Center, Las Vegas, Nevada.

The draft environmental statement on the Continental Operations Range discusses the improvement and integration of three existing range complexes in the western United States. The complex of ranges once completed will accommodate major improvements in the testing of air warfare weapons and tactics and in the training of aircrew. The program will improve the existing facilities at Nellis Air Force Base, Nevada; the Wendover/Hill/Dugway complex, Utah; and Fallon Naval Air Station, Nevada; and will connect these range complexes with suitable data links and communications. Changes in the airspace environment are proposed to insure safe and efficient use. The program involves a continuous growth of capability at the ranges, but is divided into three major phases: near-term Nellis improvements, mid-term COR Wendover/Hill/Dugway improvements, and far-term Fallon range improvements.

Persons desiring to participate in the hearings are asked to submit a request

in writing to Colonel Carl W. Milzer, Judge Advocate Office, TAC Fighter Weapons Center, Nellis Air Force Base, Nevada 89191, or by calling his office, 702–643–4213.

Copies of the draft environmental statement have been made available to libraries in Las Vegas, North Las Vegas, Henderson, Boulder City, and Reno for review. Copies may also be obtained from HQ USAF/PREV, Washington, D.C. 20330, or Office of Information, 57 Fighter Weapon Wing (TAC), Nellis AFB, Nevada 89110.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.74–16165 Filed 7–15–74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ROOSEVELT HOT SPRINGS KGRA, UTAH

Geothermal Lease Sale

JULY 10, 1974.

Notice is hereby given that twelve (12) leasing units of land, totaling 23,391.13 acres within the Roosevelt Hot Springs Known Geothermal Resources Area, in Beaver County, Utah, are offered for geothermal leasing through sealed bids on the terms hereinafter specified to the responsible qualified bidders of the highest cash bonus for the privilege of leasing Units 1 to 12 inclusive, pursuant to the Geothermal Steam Act of December 24, 1970 (84 Stat. 1566; 30 U.S.C. 1001–1025) and the regulations promulgated thereunder, 43 CFR, Group 3200. All bids must be submitted on or before 10 a.m., m.d.t., July 30, 1974, to the State Director, Bureau of Land Management, P.O. Box 11505, Salt Lake City, Utah 84111, if by mail; or if in person to Room 8103, Federal Building, 125 South State Street, Salt Lake City, Utah. Bids will be opened and read at that time in Room 8103, in accordance with 43 CFR 3220.6(a). Bids may not be modified or withdrawn unless the modification or withdrawal is received prior to the time fixed for opening of bids. No bids received after the hour specified herein will be considered. The Government reserves the right to reject any bids. Separate bids must be submitted on each lease unit, and must be accompanied by a completed Form 1140–8, Equal Opportunity Compliance Report Certification, and a completed Form 1140–7, Equal Opportunity Affirmative Action Program Representation. Each bidder must submit with each bid a certified or cashier's check, bank draft, or money order payable to the Bureau of Land Management, or cash, in the amount of one-half of the amount of bid, and proof of qualifications as required by the regulations 43 CFR, Group 3200. The envelope in which the bid is submitted must be plainly marked that it is not to be opened before the date and hour set herein; and must show the lease unit number and that it is for the Roosevelt Hot Springs Known Geothermal Resources Area. The successful bidder, as a condition of award, will be required to sign a certificate to the effect that the bid was arrived at by the bidder or offeror independently, and was tendered without collusion with any other bidder or offeror (Form 1140–6, Independent Price Determination Certificate). Before issuance of a lease, the successful bidder must pay the remainder of the bonus, plus the first year's annual rental. In addition, the successful bidder must furnish an acceptable lease compliance surety bond in the sum of not less than $10,000, together with a proposed plan of operation as required by 43 CFR 3210.2–1(d) before issuance of a lease.

In lieu of a lease compliance bond for each lease, a successful bidder may furnish a bond in the amount of not less than $150,000 for full nationwide coverage for all of said bidder's Federal geothermal leases, or not less than $50,000 for coverage of all of said bidder's Federal geothermal leases in the State of Utah. The deposits of the other bidders will be returned upon acceptance of the successful bid. Bidders are warned against violation of Title 18, U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders. Any bonus bid considered as inadequate on the basis of the estimated resource value of the lease unit will be rejected. Royalties payable to the United States will be at the rate of: (a) 10 percent of the amount or value of steam or any other form of heat or energy derived from production; (b) 5 percent of the value of any by-product derived from production under the lease, except that as to any by-product which is a mineral named in Section 1 of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 181), the royalty for such mineral shall be the same as provided in that Act; (c) 5 percent of the value of commercially demineralized water sold or utilized by the leassee, except that no payment of royalty will be required on such water used in plant operations for cooling or in the generation of electric energy or otherwise. Annual rental for the first through the fifth years of the lease will be at the rate of $2 per acre or fraction thereof; for the sixth lease year, and for each year thereafter prior to production, the rental will be the amount of the rental for the preceding year, plus an additonal $1 per acre. The lands are offered in leasing units as follows:

ROOSEVELT HOT SPRINGS KGRA

Leasing Unit No. 1, 2,560.00 acres.
T. 26 S., R. 9 W., SL Mer., Utah,
Sec. 15, all;
Sec. 17, E½;
Sec. 20, E½;
Sec. 21, all;
Sec. 22, all.
Leasing Unit No. 2, 1,640.00 acres.
T. 26 S., R. 9 W., SL Mer., Utah,
Sec. 27, all;
Sec. 28, all;
Sec. 29, E½ and SE¼SW¼.
Leasing Unit No. 3, 1,920.00 acres.
T. 26 S., R. 9 W., SL Mer., Utah,
Sec. 23, all;
Sec. 24, all;
Sec. 26, all.
Leasing Unit No. 4, 2,453.53 acres.
T. 26 S., R. 9 W., SL Mer., Utah,
Sec. 33, all;
Sec. 34, lots 1,4,5,6,7, E½NE¼, NW¼NE¼, N½NW¼, SW¼NW¼, and W½SW¼;
Sec. 35, all.
T. 27 S., R. 9 W., SL Mer., Utah,
Sec. 3, all;
Sec. 4, lot 1.
Leasing Unit No. 5, 1,644.05 acres.
T. 26 S., R. 9 W., SL Mer., Utah,
Sec. 30, lots 1,2,3,4, E½NW¼, and NE¼SW¼;
Sec. 31, lots 3,4, E½SW¼ and SE¼.
T. 27 S., R. 9 W., SL Mer., Utah,
Sec. 6, all;
Sec. 7, lots 1,2, NE¼, and E½NW¼.
Leasing Unit No. 6, 1,939.65 acres.
T. 27 S., R. 9 W., SL Mer., Utah,
Sec. 4, S½;
Sec. 5, lots 1,2, S½NE¼, SW¼SW¼, and SE¼;
Sec. 8, all;
Sec. 9, N½, SW¼, E½SE¼, and NW¼SE¼.
Leasing Unit No. 7, 1,961.40 acres.
T. 27 S., R. 9 W., SL Mer., Utah,
Sec. 1, all;
Sec. 10, all;
Sec. 11, all.
Leasing Unit No. 8, 2,272.50 acres.
T. 27 S., R. 9 W., SL Mer., Utah,
Sec. 17, all;
Sec. 18, lots 1, 2, NE¼, E½NW¼;
Sec. 19, all;
Sec. 20, all.
Leasing Unit No. 9, 1,920.00 acres.
T. 27 S., R. 9 W., SL Mer., Utah,
Sec. 21, all;
Sec. 28, all;
Sec. 29, all.
Leasing Unit No. 10, 2,560.00 acres.
T. 27 S., R. 9 W., SL Mer., Utah,
Sec. 14, all;
Sec. 15, all;
Sec. 22, all;
Sec. 23, all.
Leasing Unit No. 11, 2,480.00 acres.
T. 27 S., R. 9 W., SL Mer., Utah,
Sec. 25, E½, NW¼NW¼, S½NW¼, SW¼;
Sec. 26, all;
Sec. 27, all;
Sec. 35, N½, SW¼, N½SE¼, SW¼SE¼.
Leasing Unit No. 12, 40.00 acres.
T. 27 S., R. 9 W. SL Mer., Utah,
Sec. 9, SW¼SE¼.

Attention is directed to the following leasing unit, for which conversion rights (Grandfather rights) were approved under 43 CFR 3230:

Leasing Unit No. 12, Applicant: A. L. McDonald & William L. McDonald, P.O. Box 521, Milford, Utah 84751.

Four geothermal exploration drill holes have been drilled in the following locations:

(GREP No. 1–7) Sec. 7, T. 27 S., R. 10 W.;
(GREP No. 1–21) Sec. 21, T. 26 S., R. 9 W.;
(GREP No. 1–24) Sec. 24, T. 26 S., R. 11 W.; and
(GREP No. 1–29) Sec. 29, T. 27 S., R. 9 W.

Lithologic logs on all four drill holes and temperature gradients on holes GREP #1–29, #1–24 and #1–7 are available for inspection at the Utah State Office.

Form 1140–3, Certification of Nonsegregated Facilities, will be made a part of

and lease issued, and compliance with its provisions will be required effective upon execution of the lease. Identical certifications must be obtained from proposed subcontractors prior to the award of subcontracts exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity Clause.

SPECIAL STIPULATIONS AND CONDITIONS

In addition to lease terms and requirements contained in the lease form, the lessee shall comply with the following special conditions and stipulations unless they are modified by mutual agreement of the lessee, the Supervisor and the authorized officer.

1. The lessee shall provide a complete inventory and evaluation of archaeological and historical values on lands to be disturbed or occupied. This will be prepared by a competent archaeologist, acceptable to the authorized officer, in advance of any surface disturbance.

2. All survey monuments, witness corners, reference monuments and bearing trees will be located by the lessee in advance of surface disturbance and protected against destruction, obliteration or damage. Any markers accidentally damaged or obliterated by the lessee or his operator must be re-established in accordance with instructions of the responsible agency at the expense of the lessee.

3. Natural drainage systems shall not be blocked. No cuts or fills shall be made in or near streams which will result in siltation or accumulation of water or debris.

4. The lessee shall make every possible effort to prevent, control or suppress any fire on national resource lands within the operating area. Reports of uncontrolled fire must be immediately sent to the BLM District Office, Fillmore, Utah.

5. The authorized officer may require temporary fencing of areas to alleviate hazards to humans, livestock or wildlife or to allow seedlings on rehabilited areas to become established.

6. Existing surface waters in pipelines, storage tanks, ponds, reservoirs or streams are not available for use in any activities under this lease except as may be specifically permitted by the authorized officer.

Copies of lease and bond forms, regulations, and bid forms may be obtained from the office of the State Director, Bureau of Land Management, Salt Lake City, Utah.

GEORGE L. TURCOTT,
Associate Director.

JULY 10, 1974.

[FR Doc.74-16232 Filed 7-15-74;8:45 am]

[ES 13978; Survey Group 88]

WISCONSIN

Filing of Plat of Survey

1. The plat of survey of the following described lands, accepted March 25, 1974, will be officially filed in the Eastern States Office, Silver Spring, Maryland, effective at 10 a.m. on August 30, 1974.

FOURTH PRINCIPAL MERIDIAN

T. 38 N., R. 2 E.,
Sec. 19, lot 3;
Sec. 20, lots 6, 7, 8 and 9.

The areas described aggregate 110.37 acres.

2. This plat represents a dependent resurvey of the boundaries of Sec. 20, designed to restore the corners in their true original locations according to the best available evidence, and the reestablishment of the record meander lines of Sections 19 and 20 to include lands omitted from the original survey in T. 38 N., R. 2 E., Fourth Principal Meridian, Wisconsin.

3. Lots 8 and 9, Sec. 20 are over 50 percent swamp in character within the interpretation of the Swampland Act of September 28, 1850; and lot 3, Sec. 19 and lots 6 and 7, Sec. 20 are over 50 percent upland.

4. All of the above described land is within the exterior boundaries of the Chequamegon National Forest, withdrawn by Proclamation No. 2415 dated July 12, 1940. Therefore, subject to valid existing rights, this land is withdrawn and reserved for the Chequamegon National Forest in accordance with said proclamation.

5. All inquiries relating to this land should be sent to the Director, Eastern States Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Maryland 20910.

LOWELL J. UDY,
Director,
Eastern States Office.

[FR Doc.74-16213 Filed 7-15-74;8:45 am]

[NM 21259]

NEW MEXICO

Notice of Application

JULY 5, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 24 S., R. 26 E.,
Sec. 29, SW¼ and S½SE¼;
Sec. 30, S½NE¼ and N½SE¼.

This pipeline will convey natural gas across 1.328 miles of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.74-16180 Filed 7-15-74;8:45 am]

[NM 21854]

NEW MEXICO

Notice of Application

JULY 8, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½-inch natural gas pipelines right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 23 S., R. 30 E.,
Sec. 15, S½SW¼ and SW¼SE¼;
Sec. 22, NE¼NE¼;
Sec. 23, N½NW¼, W½NE¼ and SE¼NE¼;
Sec. 24, SW¼NW¼.

These pipelines will convey natural gas across 2.319 miles of natural resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.74-16181 Filed 7-15-74;8:45 am]

VERNAL DISTRICT GRAZING ADVISORY BOARD, UTAH

Notice of Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Vernal District No. 8 Grazing Advisory Board will be held July 30 and 31, 1974, at 9:00 a.m., Room 13, Cooper Building, 91 West Main, Vernal, Utah.

The Committee was established to advise the District Manager on matters pertaining to grazing administration in the Vernal District.

On July 30th a field trip to look at range conditions will leave the District Office at 9:00 a.m. The July 31st meeting will consider approval of section 3 Grazing Applications (winter), applications for Exchange of Use Agreements, change of class of livestock, transfers of base property or base property qualifications, pending allotment management plans, F.Y. 1975, Annual Work Plan, status of regulations for off-road vehicles, grazing protests, progress of Prototype Oil Shale lease program, progress on proposed antelope release (east bench),

status of Federal Advisory Committee Act (PL 92-463).

The meeting is open to the public. Interested persons may make oral/written presentations to the committee or file written statements. Such requests should be made to the official listed below at least one day prior to the meeting.

Further information concerning this meeting may be obtained from Donald L. Pendleton, District Manager, Bureau of Land Management, 91 West Main Street, Vernal, Utah 84078, telephone number 789-1362. Minutes of the meeting will be available for public inspection and copying two weeks after the meeting, at the Vernal District Office, 91 West Main, Vernal, Utah.

Dated: July 5, 1974.

JOHN A. KWIATKOWSKI,
Acting District Manager.

[FR Doc.74-16179 Filed 7-15-74;8:45 am]

Fish and Wildlife Service

AMERICAN ALLIGATOR

Review of Endangered Species Status

The Secretary of the Interior has received a petition dated March 29, 1974, from Governor Edwin Edwards of the State of Louisiana, requesting that populations of the American alligator (*Alligator mississipiensis*) "in the southwestern coastal marshes (Chenier Plain) in the parishes of Cameron, Vermilion and Calcasieu of Louisiana, be removed from the Secretary of the Interior's list of threatened and endangered species; that in the southcentral and southeastern coastal Louisiana marshes, the American alligator be classified as a threatened species; and that throughout the remainder of the State, the classification of the American alligator remain unchanged."

As required by section 4(c)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543; 87 Stat. 881), notice is hereby given by the Fish and Wildlife Service that the evidence presented by the petitioner, as amplified by other available information, is sufficiently substantial to warrant a review of the status of the alligator, not only within Louisiana, but throughout the entire range of the species.

The purpose of this review will be to determine whether any population(s) of the American alligator, which is currently classified as an endangered species throughout its entire range in the wild, should be reclassified as a threatened species or removed entirely from the lists of threatened or endangered wildlife.

Pursuant to section 4(b) of the Endangered Species Act of 1973, the Service has notified the Governors of the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Texas, Oklahoma, and Arkansas of this status review and has sought their supportive or opposition views and data.

All other interested parties are hereby invited to submit any factual information which is germane to this review to: Director, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240. These views and recommendations, together with other evidence presented and available to the Service, will be reviewed to determine whether sufficient evidence is available to support further action.

Such information should be received within 90 days from the date of this notice.

NATHANIEL REED,
Assistant Secretary of Interior.

JULY 11, 1974.

[FR Doc.74-16154 Filed 7-15-74;8:45 am]

National Park Service

HERRICK B. BROWN

Intention To Extend Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on August 15, 1974, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with Herrick B. Brown, authorizing him to continue to provide concession facilities and services for the public at the Mount LeConte area of Great Smoky Mountains National Park for a period of three (3) years from January 1, 1975, through December 31, 1977.

The foregoing concessioner has performed his obligations under the expired contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before August 15, 1974.

Interested parties should contact the Assistant Director, Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: July 9, 1974.

JOHN E. COOK,
Acting Director,
National Park Service.

[FR Doc.74-16211 Filed 7-15-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN STANDARDS

Texas Grain Inspection Point

Statement of considerations. On May 23, 1974, there was published in the FEDERAL REGISTER (39 FR 18124) a notice announcing a request by the Plainview Grain Inspection and Weighing Service, Inc., Plainview, Texas, that its assignment be amended in accordance with section 26.99(b) of the regulations under the U.S. Grain Standards Act (7 U.S.C. 71 et seq.) to add Hereford, Texas, as a designated inspection point. Interested persons were given until June 22, 1974, to submit written views and comments with respect to the proposed amendment of assignment.

No comments were received with respect to the May 23, 1974, notice in the FEDERAL REGISTER. Therefore, the assignment of the Plainview Grain Inspection and Weighing Service, Inc., is amended to add Hereford, Texas, as a designated inspection point.

(Sec. 7, 39 Stat. 482, as amended 82 Stat. 764; 7 U.S.C. 79(f); 37 FR 28464 and 28476.)

Effective date. This notice shall become effective July 16, 1974.

Done in Washington, D.C., on July 11, 1974.

JOHN C. BLUM,
Acting Administrator.

[FR Doc.74-16251 Filed 7-15-74;8:45 am]

Office of Operations

RECORD COPYING POLICY AND PROCEDURES

Fee Schedule

Pursuant to the authority delegated to the Director, Office of Operations in 7 CFR 2.25(f)(3)(iii), 2.79(a)(3)(iii), 1.2(b), there is published the following:

FEE SCHEDULE

SECTION 1. *General.* This notice sets forth the policy on providing copies of records, including photographic reproductions, microfilm, maps and mosaics, related services, and the fees therefor. The agencies of the Department will be guided by these procedures in making copies available to the public, and in the collection of appropriate fees.

SEC. 2. *Facilities.* Records and related services are available at the locations specified by the agencies in their statements of organization and services. Each agency establishes procedures to facilitate public inspection and copying of records. Any materials offered for sale by the Government Printing Office should be purchased from that source. Departmental agencies will not stock such materials for public sale.

Agencies do not stock copies of forms and publications or maintain records at any facility which does not of itself require these materials in its operations.

SEC. 3. *Fees for materials and services.* All agencies of the Department shall be guided by the fees set forth herein. Any changes or additions to this fee schedule shall be made by amendment to or revision of this schedule. Agencies may set their own fees on specialized materials, such as printouts, magnetic tapes, directives, handbooks, building plans, and other material unique to any one agency. Where a fee has not been established in this schedule, an appropriate fee will be set by the individual agency.

SEC. 4. *Circumstances governing exceptions to the charging of fees for records and related services.* (For photographic reproductions, see Sec. 12.)

a. *Waiver of fees for records and related services.* Fees may be waived under the following conditions:

(1) Where individual collections are $1.00 or less.

(2) Where individual collections are more than $1.00 and the total cost of collecting the fees would be an unduly large part of the receipts.

(3) Where the furnishing of the service without charge is an appropriate courtesy to a foreign country or international organization; or comparable fees are set on a reciprocal basis with a foreign country.

(4) Where the recipient is engaged in a nonprofit activity designed for the public safety, health, or welfare.

(5) Where payment of the full fee by a State, local government, or nonprofit group would not be in the interest of the program involved, all or part of the fee may be waived.

b. *Fees not to be charged for records and related services.* Fees shall not be charged under the following conditions:

(1) When the furnishing of records and related service benefits the public.

(2) When filling requests from other Departments or Government agencies for official use, provided quantities requested are reasonable in number.

(3) When members of the public provide their own copying equipment, in which case no copying fee will be charged.

(4) When any notices, decisions, orders, or other material are required by law to be served on a party in any proceedings or matter before any Department agency.

SEC. 5. *Limitations of copies.* Agencies may restrict numbers of photocopies and directives furnished the public to one copy of each page. Copies of forms provided the public shall also be held to the minimum practical. Persons requiring any large quantities should be encouraged to take single copies to commercial sources for further appropriate reproduction.

SEC. 6. *Searches and deletions.* Because of the nature of the Department's business and records, the normal location of a document in a file or other facility will not be considered a search. This would be the same as quickly locating a piece of material for purposes of answering a letter or telephone inquiry, and is based on the Department's obligation to respond to requests furnishing reasonably specific description of the record. Where a requested record is not discovered by normal location efforts, or where deletion of part of a record is necessary, the office will notify the requester of that fact and require payment of the estimated search or deletion charge as prescribed in the fee schedule in advance before further efforts are undertaken to locate the requested record. Such searches shall be limited by availability of time and staff to perform them and to locations where the record would reasonably be expected to be found.

SEC. 7. *Payments of fees and charges.* Payments will be made to the fullest extent possible in advance or at the time of the transaction. Except as otherwise stipulated by agency procedures, payment shall be made by check, draft, or money order made payable to Treasurer of the United States, but small amounts may be paid in cash, particularly where services are performed in response to a visit to a Department office.

SEC. 8. *Fees for records and related services.*

Class of service	Unit	Price	Minimum
Photocopies, 8½ x 14" or smaller	Each	$0.10, first copy	No minimum.
	do	.05 additional copies.	
Certifications	do	1.00, additional to any other charge	$1.00.
Authentications under Department Seal (including aerial photographs).	do	2.00, additional to any other charge	$2.00.
Searches and deletions	do	1.00 each 15 minutes or fraction thereof	$4.00.

An additional handling charge of $.50 for each order may be imposed when a request must be sent to another office for filling, or request is handled by mail.

SEC. 9. *Photographic reproduction, microfilm, mosaic and maps.* Reproduction of such aerial or other photographic microfilm, mosaic and maps as have been obtained in connection with the authorized work of the Department may be sold at the estimated cost of furnishing such reproductions as prescribed in this schedule.

SEC. 10. *Agencies which furnish photographic reproductions.*—a. *Aerial photographic reproductions.* The following agencies of the Department furnish aerial photographic reproductions:

Agricultural Stabilization and Conservation Service (ASCS).
Forest Service (FS).
Soil Conservation Service (SCS).

b. *Other photographic reproductions.* Other types of photographic reproductions may be obtained from the following agencies of the Department:

Agricultural Stabilization and Conservation Service.
Forest Service.
Office of Communication.
Soil Conservation Service.
National Agricultural Library.

SEC. 11. *Photographic Sales Committee.* The Photographic Sales Committee consists of representatives designated by Department agencies principally concerned with the sale of photographic reproductions. The Committee recommends prices at which photographic and mosaic reproductions, except library material, shall be sold, and other matters related to photographic reproductions.

SEC. 12. *Circumstances under which photographic reproductions may be provided free.* Reproductions may be furnished free at the discretion of the agencies of the Department to:

a. Press, radio, television, and newsreel representatives for dissemination to the general public.

b. Agencies of State and local governments which are carrying on a function related to that of the Department when furnishing the service will help to accomplish an objective of the Department.

c. Cooperators and others in furthering agricultural programs. As a general rule, only one print of each photograph should be provided free. Care should be exercised in approving requests for free prints to determine that such atcion is in the public interest.

SEC. 13. *Loans.* Aerial photographic film negatives or reproductions may not be loaned to the general public.

SEC. 14. *Sales of positive prints under Government contracts.* The annual contract for furnishing single and double frame slide film negatives and positive prints to agencies of the Department, County Extension Agents, and other agencies cooperating with the Department carries a stipulation that the successful bidder must agree to furnish slide film positive prints to such persons, organizations, and associations as may be authorized by the Department to purchase them.

SEC. 15. *Procedure for handling orders.* In order to expedite handling, all orders shall contain adequate identifying information. Agencies furnishing aerial photographic reproductions require that all such orders identify the photographs. Each agency has its own procedure and order forms.

SEC. 16. *Photographic reproduction prices.* The prices for photographic reproductions listed here are for the most generally requested items.

a. *National Agricultural Library.* The following prices are applicable to National Agricultural Library items only:

Microfilm—$1.00 for each 30 pages or fraction thereof.
Photoreproduction—$1.00 for each 10 pages or fraction thereof.

b. *General photographic reproductions.* Minimum charge $1.00 per order. All sizes are approximate. An extra charge may be necessary for excessive laboratory time caused by any special instructions from the purchaser.

Class of work	Unit	Price
1. Black and white copy negatives and film positives:		
4 x 5	Each	3.60
5 x 7	do	3.90
8 x 10	do	4.50
11 x 14	do	7.00
2. Black and white enlargements:		
Up to 8 x 10	do	2.70
11 x 14	do	4.20
Over 11 x 14	Per square foot.	3.60
3. Reductions (from any size negative)		3.60
4. Mounting	Per square foot.	2.20
5. Slides: Black and white (from copy negative):		
2 x 2 cardboard mounted	Each	2.40
3¼ x 3¼	do	3.60
Original color (from flat copy)	do	1.80
Duplicate color (2 x 2 cardboard mounted)	do	.30
(Duplicate color slides are slides copied from 35 MM color slides only). Slides made from black and white material, or from transparencies larger or smaller than 35 MM, will be charged at the same rates shown for black and white and original color slides.		
6. Color transparencies (4 x 5)	do	8.00
7. Color prints		(1)
8. Current USDA slide sets in stock:		
1–50 frames		13.00
51–60 frames		14.00
61–75 frames		15.00
76–95 frames		17.50
96–105 frames		18.50
106–130 frames		21.00
(Prices include printed narrative guide)		
The following can be purchased for the corresponding slide sets above:		
Cassettes		3.00
Records		3.00
Audio-tape		1.50
9. Milk sedimentation standards (5X7 Black and white photograph)	do	1.25
10. Seeds and seedings (any size)	do	2.40

[1] By quotation.

c. *Aerial photographic reproductions.* No minimum charge on aerial photographic reproductions. All prints are furnished unmounted and untrimmed.

1. *Contact prints.* The prices for contact prints are set forth below. The size refers to the approximate size of the contact print.

	Each
Size 9 by 9 in on commercial grade paper	$2.00

For polyester base paper, add $0.75 per contact print (Available from ASCS only).

	Each
Size 70 mm contact prints	$1.25
Size 70 mm contact transparencies	2.00

2. *Enlargements* (projection prints). The prices for enlargements of various sizes are set forth below. The size in each case refers to the approximate size of paper required to produce the enlargement ordered.

Size:	Price each
9 by 9 in (from 70 mm)	$2.00
13 by 13 in	4.00
17 by 17 in	5.00
24 by 24 in	6.00
38 by 38 in	12.00

For larger size reproductions, add $2.00 for each additional 12" or fraction thereof, linear measurement.

3. *Aerial photo-index sheets.*

Size 20 by 24 in

Quantity:	Price each
Any quantity	$5.00

4. *Film positives.* Contact printed from aerial negatives, size 9 by 9 inches.

Quantity:	Price each
Any quantity	$3.00

5. *Copy negatives.* On film, aerial exposures, size 9 by 9 inches.

Quantity:	Price each
Any quantity	$3.00

6. *Diapositives.* Prints on glass, size 9 by 9 inches, thickness 0.06 inch.

Quantity:	Price each
Any quantity	$10.00

7. *Aperture Cards and Printouts.*

	1st unit	Each additional unit
Duplicate of an aperture card	$1	$0.10
Aperture card from photo-index sheet	1	.25
Printout from aperture card	1	.50

8. *Color Photography.* Furnished only by the Regional Forest Service Aerial Photography Laboratories at Ogden, Utah and San Francisco, California and the Agricultural Stabilization and Conservation Service Aerial Photography Laboratory in Salt Lake City, Utah.

Positive contact print made from negative	$7.00
Enlargements 9 by 9 in. (from 70 mm)	7.00
Enlargements 13 by 13 in	12.00
Enlargements 17 by 17 in	15.00
Enlargements 24 by 24 in	20.00
Enlargements 38 by 38 in	30.00
Color film transparencies (positives or negatives)	
Contacts 70 mm	$5.00
Contacts 9 by 9 in	12.00
Enlargements 9 by 9 in. (from 70 mm)	12.00

9. *Special Needs.* For special needs not covered above, persons desiring aerial photographic reproductions should contact the agencies listed in Section 10a, or the Coordinator, Aerial Photographic Work of the Department of Agriculture, ASCS, Room 3405, Auditors Building, 14th Street and Independence Avenue SW, Washington, D.C. 20250.

SEC. 17. The fee schedule published in the FEDERAL REGISTER on September 25, 1973 (38 FR 26742), is superseded by this fee schedule.

SEC. 18. *Effective Date.* The fee schedule and related procedures shall become effective July 16, 1974.

JOHN J. KEANEY,
Acting Director,
Office of Operations.

JULY 11, 1974.

[FR Doc.74-16184 Filed 7-15-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

WILLIAM BEAUMONT HOSPITAL

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00379-33-46500. Applicant: William Beaumont Hospital, 3601 West 13 Mile Road, Royal Oak, Michigan 48072. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in preparing specimens for electron microscopy. Human kidneys and liver biopsies will be studied to aid in reaching more precise clinical diagnosis. An electron microscopic study of cyto-differentiation of metanephric blastoma of the mouse embryos to determine the effects of environmental factors and substrate-specific stimulation of tubular differentiation will be performed. Also, electron microscopy study of developing thyroid tumor induced by iodine deficiency will be undertaken. In addition, the article will be used to train pathology residents in the utilization of electron microscopy in clinical and experimental pathology. Application received by Commissioner of Customs: March 12, 1974. Advice submitted by the Department of Health, Education, and Welfare on: June 14, 1974.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut

surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with prior case (Docket No. 69–00665–33–46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm/sec). The most closely comparable domestic instrument is the Model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm/sec. We are advised by HEW in its memorandum of June 14, 1974 that cutting speeds in the excess of 4 mm/sec. are pertinent to the applicant's research studies.

We therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74–16245 Filed 7–15–74;8:45 am]

BROOKHAVEN NATIONAL LABORATORY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73–00512–23–20800. Applicant: Brookhaven National Laboratory, Associated Universities, Inc., Upton, Long Island, New York 11973. Article: 76 mm Flexible Dewar. Manufacturer: Kabelmetal, West Germany. Intended use of article: The article is intended to be used in a research and development program to establish the feasibility of using a superconducting cable for the transmission of electrical power. The following characteristics of the article will be investigated:

(a) Thermal heat leak into the system.

(b) Thermal stresses and strain of the component tubes during cooldown and warmup.

(c) Leak tightness under high pressure helium.

(d) Leak tightness under high vacuum.

(e) The effect of Dewar flexing on the thermal insulation, and

(f) Pressure drop and flow information of the component tubes.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article, a flexible helium Dewar, has a helium tube diameter of 76 millimeters (mm) ±0.5mm and an outside diameter 216 mm and is to be supplied in two useable lengths of 20 meters (m) ±0.2m. The article provides flexibility sufficient to be wound on a cable reel with a core diameter of 3.4m or less. The Nationl Bureau of Standards advised in its memorandum dated June 19, 1974 that the specifications described above are pertinent to the applicant's research purpose. NBS also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74–16241 Filed 7–15–74;8:45 am]

NEW ENGLAND DOCUMENT CONSERVATION CENTER

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74–00436–90–57300. Applicant: New England Document Conservation Center, 800 Massachusetts Avenue, North Andover, Massachusetts 01845. Article: Recurator, Paper Restoring Machine. Manufacturer: Yissum Research Development Co. of the Hebrew University of Jerusalem, Israel. Intended use of article: The article is intended to be used in the restoration of deteriorated paper in rare books and manuscripts in resarch and academic libraries. All characteristics of hand made rag paper will be studied. The article will also be used in the training of conservators in revolutionary new paper restoring techniques. Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is a unique newly designed device for the restoration of damaged documents, books and manuscripts. It leaves the original manuscript totally unaffected and undamaged. It is safe to use for training in new paper restoring techniques in connection with restoration of research materials to usable condition.

We find this capability pertinent to the applicant's educational purposes. The National Bureau of Standards advises in its memorandum dated June 24, 1974 that it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74–16243 Filed 7–15–74;8:45 am]

NEWARK COLLEGE OF ENGINEERING

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74–00330–65–86500. Applicant: Newark College of Engineering, 323 High Street, Newark N.J. 07102. Article: h–12 Direct Shear Apparatus, h–12 Device for trimming and mounting. Manufacturer: Geonor A/S, Norway. Intended use of article: The article is intended to be used in studies of cohesive soils. Shear strength tests will be conducted to establish the cause and type of strength anisotropy. The article will also be used in the course Engineering Properties of Soils and Advanced Soil Mechanics Laboratory to enable students to understand the shear behavior of soils and learn the technique of performing laboratory tests.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the specification required to measure shear strengths of soil samples under conditions of simple shear and plane strain. The National Bureau of Standards (NBS) advised in its memorandum dated June 17, 1974 that the specification described above is pertinent to the purposes for which the article is intended to be used. NBS also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74–16242 Filed 7–15–74;8:45 am]

UNIVERSITY OF MARYLAND

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74–00378–01–07500. Applicant: University of Maryland, Baltimore County Campus, 5401 Wilkens Avenue, Baltimore, Maryland 21228. Article: Batch Microcalorimeter. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for teaching and research. In particular, it will be used to determine the heats of reaction of solutions of the two protein components of the lactose synthetase enzyme system. The heats evolved will be of the order of 0.1–10 millicalories in a reaction requiring less than one minute for completion. The objective of the research is to determine the mechanism of complex formation and the nature of the forces stabilizing the complex. The article will be used to train undergraduate and graduate students in the field of bio-chemistry.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capabilities for operation in a differential mode and a sensitivity of one microcalorie. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated June 14, 1974 that the capabilities described above are pertinent to the applicant's intended purposes. HEW further advises that comparable domestic instruments do not operate in the differential mode.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74–16244 Filed 7–15–74;8:45 am]

VETERANS' ADMINISTRATION HOSPITAL, MADISON

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74–00360–33–46000. Applicant: Veterans Administration Hospital, 2500 Overlook Terrace, Madison, Wisconsin 53705. Article: Ophthalmological Operation Microscope. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used to provide Ophathalmology residents with sound instruction and experience in the techniques and methods of eye surgery. It will be utilized in training residents to perform surgery that previously was unable to be performed at the Hospital.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a ceiling mounted specific design and co-axial illumination. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated June 14, 1974 that the capabilities described above are pertinent to the applicant's teaching purposes. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74–16246 Filed 7–15–74;8:45 am]

WASHINGTON STATE UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74–00191–80–17800. Applicant: Washington State University, Purchasing Department, Pullman, WA 99163. Article: Hombak Type AOZ 18 Drum Type Wood Flaker. Manufacturer: Hombak Maschinenfabrik KG, West Germany. Intended use of article: The article is intended to be used in evaluating the potential of converting sawmill waste, plywood waste, and forest slash into flakes for further manufacture into building products. Variables to be researched are: species, moisture content, flake size and geometry, and type and quality of residue.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article can reduce waste wood to flakes suitable for the experimental production of structural board on an experimental scale. The most closely comparable domestic apparatus, the Maier Flaker manufactured by Black Clawson Incorporated (Black-Clawson), provides the capability for producing wood flakes from chips and shavings but not from waste wood. Moreover, the wood flakes produced by the Black-Clawson equipment are too small for the production of most structural board. The National Bureau of Standards (NBS) advised in its memorandum dated June 14, 1973 that the capability to reduce waste wood to flakes suitable for the experimental production of structural board is pertinent to the applicant's intended purposes. We, therefore, find that the Maier flaker is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74-16247 Filed 7-15-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 6566; Docket No. FDC-D-578; NDA 11-467 etc.]

CERTAIN PREPARATIONS CONTAINING CHLORMEZANONE

Drug Efficacy Study Implementation; Follow-up Notice and Notice of Opportunity for Hearing and Recission of Portion of Previous Notice of Opportunity for Hearing

The Food and Drug Administration published a notice in the FEDERAL REGISTER of June 25, 1970 (35 FR 10394) regarding the efficacy of the following drugs:

1. Trancopal Tablets, 100 mg. or 200 mg. chlormezanone per tablet; Winthrop Laboratories, Division of Sterling Drug, Inc., 90 Park Avenue, New York, NY 10016 (NDA 11-467).

2. Fenarol Tablets, 100 mg. or 200 mg. chlormezanone per tablet, Winthrop Laboratories, Division of Sterling Drug, Inc. (NDA 11-724).

Other drugs included in the notice of June 25, 1970 are not affected by this notice.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD-300), 5600 Fishers Lane, Rockville, MD 20852.

The notice stated that the above drugs were regarded as possibly effective and lacking substantial evidence of effectiveness for their labeled indications.

In the FEDERAL REGISTER of January 30, 1973 (38 FR 2779), the Commissioner of Food and Drugs published a notice of opportunity for hearing on his proposal to withdraw approval of the new drug applications for the above drug products. Prior to publication of that notice, Winthrop had submitted data in support of chlormezanone. The submission had been inadvertently overlooked, and accordingly a notice deleting Trancopal Caplets from the notice of opportunity for hearing was published in the FEDERAL REGISTER of March 14, 1973 (38 FR 6913). Fenarol Tablets should also have been deleted from the notice. Accordingly, the notice of opportunity for hearing published January 30, 1973 is hereby also rescinded insofar as it pertains to Fenarol Tablets (NDA 11-724).

Based upon review of all data available, the Director of the Bureau of Drugs amends the notice of June 25, 1970 insofar as it pertains to chlormezanone, as set forth below.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new drug application is required from any person marketing such drug without approval.

A. *Effectiveness classification.* The and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that:

1. Chlormezanone in oral form is effective for the treatment of mild anxiety and tension states.

2. Chlormezanone lacks substantial evidence of effectiveness for all other indications.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* Chlormezanone preparations are in table form suitable for oral administration.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the Act and regulations, and the labeling bears adequate information for safe and effective use of the drug(s). The Indications are: For treatment of mild anxiety and tension states.

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled *Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study*, published in the FEDERAL REGISTER July 14, 1970 (35 FR 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling and an abbreviated supplement for updating information as described in paragraphs (a)(1) (i) and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new drug application, the submission of an abbreviated new drug application as described in paragraph (a)(3)(i) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111 (a)(5), demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A.2 of this notice.

Notice is given to the holder(s) of the new drug application(s), and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) (or, if indicated above, those parts of the application(s) providing for the drug product(s) listed above) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A.2 of this notice on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in § 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR 310, 314), the applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If an applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before August 15, 1974, a written notice of appearance and request for hearing, and (2) on or before September 16, 1974, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 130.14 as published and discussed in detail in the FEDERAL REGISTER of March 13, 1974 (39 FR 9750), recodified as 21 CFR 314.200 on March 29, 1974 (39 FR 11680).

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A.2 of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk (address given below) during regular business hours, Monday through Friday.

Communications forwarded in response to this announcement should be identified with the reference number DESI 6566, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (HFD–100), Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Generic Drug Staff (HFD–107), Office of Scientific Evaluation, Bureau of Drugs.

Submissions pursuant to the notice of opportunity for hearing (identify with docket number): Hearing Clerk, Food and Drug Administration (HFC–20), Room 6–86, Parklawn Building.

Requests for the Academy's report: Drug Efficacy Information Activity (HFD–8), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Manager (HFD–101), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121).

Dated: June 8, 1974.

CARL M. LEVENTHAL,
Acting Director,
Bureau of Drugs.

[FR Doc.74-16182 Filed 7-15-74;8:45 am]

[DESI 8922; Docket No. FDC–D–701; NDA 10–573, etc.]

DISODIUM EDETATE INJECTION

Followup Notice and Notice of Opportunity for Hearing

In a notice (DESI 8922) published in the FEDERAL REGISTER of January 13, 1970 (35 FR 437), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. NDA 10–573; Sodium Versenate Concentrated Solution for preparing intravenous infusion only, containing 1 Gm. of disodium edetate per 5 ml.; Riker Laboratories, 19901 Nordhoff Street, Northridge, Calif. 91324.

2. NDA 11–355; Endrate Disodium, Sterile Solution containing 150 mg. disodium edetate per ml.; Abbott Laboratories, 14th and Sheridan Road, North Chicago, IL 60064.

Disodium Edetate Injection was regarded as effective and less-than-effective (probably effective and possibly effective) for the labeled indications. No new data have been received pursuant to the announcement, therefore the less-than-effective claims are reclassified as lacking substantial evidence of effectiveness. Abbott Laboratories has supplemented their new drug application to delete the less-than-effective claims from their labeling.

Accordingly the previous notice is revised to read as follows, insofar as it pertains to the drug Disodium Edetate Injection.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that:

1. Disodium edetate injection is effective in selected patients, for the emergency treatment of hypercalcemia and for the control of ventricular arrhythmias associated with digitalis toxicity.

2. Disodium edetate injection lacks substantial evidence of effectiveness for all its other labeled indications.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* Disodium edetate preparations are in injectable form suitable for intravenous administration.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the Act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The indications are:

In selected patients, for the emergency treatment of hypercalcemia and for the control of ventricular arrhythmias associated with digitalis toxicity.

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled *Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study,*

published in the FEDERAL REGISTER July 14, 1970 (35 FR 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling and an abbreviated supplement for updating information as described in paragraphs (a)(1) (i) and (iii) of the notice of July 14, 1970.

b. For any person who does not hold approved or effective new drug application, the submission of an abbreviated new drug application as described in paragraph (a)(3)(i) of that notice.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111 (a)(5), demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A.2 of this notice.

Notice is given to the holder(s) of the new drug application(s), and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) (or, if indicated above, those parts of the application(s) providing for the drug product(s) listed above) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A.2 of this notice on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in § 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201 (p) of the act, or pursuant to section 107 (c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR 310, 314), the applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If an applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before August 15, 1974, a written notice of appearance and request for hearing, and (2) on or before September 16, 1974, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 130.14 as published and discussed in detail in the FEDERAL REGISTER of March 13, 1974 (39 FR 9750), recodified as 21 CFR 314.200 on March 29, 1974 (39 FR 11680).

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A.2 of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk (address given below) during regular business hours, Monday through Friday.

Communications forwarded in response to this announcement should be identified with the reference number DESI 8922, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (HFD–100), Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Generic Drug Staff (HFD–107), Office of Scientific Evaluation, Bureau of Drugs.

Submissions pursuant to the notice of opportunity for hearing (identify with docket number): Hearing Clerk, Food and Drug Administration (HFC–20), Room 6–86, Parklawn Building.

Requests for the Academy's report: Drug Efficacy Information Activity (HFD–8), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Manager (HFD–101), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Director, Bureau of Drugs (21 CFR 2.121).

Dated: July 5, 1974.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.74–16183 Filed 7–15–74;8:45 am]

Office of the Secretary

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL

Notice of Meeting

The ninth meeting of the National Professional Standards Review Council, which was established to advise the Secretary of Health, Education, and Welfare on the administration of Professional Standards Review (Title XI, Part B, Social Security Act), will be held Monday, July 22, 1974, 1 p.m. to 5 p.m., and Tuesday, July 23, 1974, 9 a.m. to 1 p.m., in Room 5051, HEW North Building, 330 Independence Avenue SW., Washington, D.C. Professional standards review is the procedure to assure that the services for which payment may be made under the

Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Council's agenda will include discussion of a variety of issues relevant to the implementation of the PSRO program. The meeting is open to the public.

Dated: July 11, 1974.

HENRY E. SIMMONS,
Executive Secretary, National Professional Standards Review Council.

[FR Doc.74-16227 Filed 7-15-74;8:45 am]

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL

Notice of Subcommittee Meetings

A joint meeting of the National Professional Standards Review Council Subcommittee on Evaluation and Subcommittee on Data and Norms will be held Monday, July 22, 1974, 11 a.m. to 1 p.m. These Subcommittees were formed to review issues of importance in the implementation of Title XI, Part B, Social Security Act with respect to program evaluation of PSROs and PSRO data and norms of care. The meeting will be held in Room 5169, HEW North Building, 330 Independence Avenue SW., Washington, D.C. Professional standards review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality care. The agenda will consist of issues relating to these efforts. The meeting is open to the public.

Dated: July 11, 1974.

HENRY E. SIMMONS,
Executive Secretary, National Professional Standards Review Council.

[FR Doc.74-16230 Filed 7-15-74;8:45 am]

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL

Notice of Subcommittee Meeting

The National Professional Standards Review Council Subcommittee on Policy Development will meet Monday, July 22, 1974, 9 a.m. to 1 p.m. This Subcommittee was formed to review policy issues of importance in the implementation of Title XI, Part B, Social Security Act. The meeting will be held in Room 5051, HEW North Building, 330 Independence Avenue SW., Washington, D.C. Professional standards review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality care. The Subcommittee's agenda will include timely policy issues. The meeting is open to the public.

Date: July 11, 1974.

HENRY E. SIMMONS,
Executive Secretary, National Professional Standards Review Council.

[FR Doc.74-16228 Filed 7-15-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

TRANSPORTATION OF HAZARDOUS MATERIALS IN AIR COMMERCE

Change in Conference Location

On June 11, 1974, I published a notice in the FEDERAL REGISTER (39 FR 20522) inviting interested persons to participate in a public conference on the transportation of hazardous materials in air commerce.

The purpose of this notice is to inform those interested persons that the location of the conference has been changed from the Shoreham Americana Hotel to the Departmental Auditorium which is located on Constitution Avenue between 12th and 14th Streets NW., in Washington, D.C. Also, the conference is now scheduled for two days—October 2nd and 3rd.

BENJAMIN O. DAVIS,
Assistant Secretary For Environment, Safety and Consumer Affairs.

[FR Doc.74-16240 Filed 7-15-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-332-OL]

ALLIED GENERAL NUCLEAR SERVICES, ET AL.

Hearing on Issuance of Facility Operating License

In the matter of Allied General Nuclear Services, et al. (Barnwell Nuclear Fuel Plant).

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), the National Environmental Policy Act of 1969 (NEPA), and the regulations in 10 CFR Part 50, Licensing of Production and Utilization Facilities and Part 2, Rules of Practice, notice is hereby given that a hearing will be held concerning the application of Allied General Nuclear Services, et al. (the Applicants), for a facility operating license to possess, use, and operate the Barnwell Nuclear Fuel Plant Separations Facility, a reprocessing plant (the facility), located on the Applicants' site seven miles west of the town of Barnwell, Barnwell County, South Carolina. The hearing to consider the issuance of the operating license for the facility will be consolidated with the hearing on environmental issues relating to the previously issued Construction Permit for this facility pursuant to 10 CFR Part 50, Appendix D, Section B, which hearing has been scheduled to commence on August 27, 1974, at 10 a.m., local time, at the Barnwell County Courthouse, Barnwell, South Carolina 29812.

Construction of the facility was authorized by Construction Permit No. CPCSF-4, issued on December 18, 1970. The plant is designed to process 1,500 metric tons of uranium (MTU) at an average rate of 5 MTU per day. The instant facility is subject to the provisions of Appendix D to 10 CFR Part 50, which sets forth procedures applicable to review of environmental considerations for fuel reprocessing facilities.

The Board, designated by the Chairman of the Atomic Safety and Licensing Board Panel will consist of Robert M. Lazo, Esq., Chairman and Dr. A. Dixon Callihan and Dr. Richard F. Cole, Members.

A "Notice of Receipt of Application for Facility Operating License; Notice of Consideration of Issuance of Facility Operating License and Notice of Opportunity for Hearing" was published in the FEDERAL REGISTER on April 24, 1974 (39 FR 14528). The notice provided that, within 30 days from the date of publication, any person whose interest may be affected by the proceeding could file a petition for leave to intervene in accordance with the requirements of 10 CFR Part 2, "Rules of Practice." A petition for leave to intervene was thereafter filed by Environmentalists, Inc., South Carolina Environmental Action, Inc., and Piedmont Organic Movement. In addition, the State of South Carolina acting through its Department of Health and Environmental Control, filed a request to participate in the proceeding as an interested State pursuant to 10 CFR 2.715(C). As set out in the Memorandum and Order of this date, a public hearing will be held and the above named petitioners will be admitted as a Joint Intervenor party to the proceeding. The State of South Carolina will be admitted as an interested State pursuant to the provisions of 10 CFR 2.715(C).

A prehearing conference or conferences will be held by the Board, at a date and place to be set by it, to consider pertinent matters in accordance with the "Commission's Rules of Practice." Notices as to the dates and places of the prehearing conference and hearing will be published in the FEDERAL REGISTER. The specific issues to be considered at the hearing will be determined by the Board.

For further details pertinent to the matters under consideration, see the application for the facility operating license dated October 10, 1973, and the Applicant's Environmental Report dated November 5, 1971, as supplemented, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.,

and at the Barnwell County Courthouse Office of the County Commissioners, Barnwell, South Carolina 29812. A copy of the Commission's Final Environmental Statement related to the Barnwell Nuclear Fuel Plant, dated January 1974, is available at the above locations. 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 report of the Advisory Committee on Reactor Safeguards on the application for facility operating license; (3) the proposed facility operating license; and (4) the technical specifications, which will be attached to the proposed facility operating license. Copies of items (1), (2), (3) and (4), when available, may be obtained by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding, but who has not filed a petition for leave to intervene as noted above, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's Rules of Practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be determined by it. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, on or before August 15, 1974. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705 of the Commission's rules of practice, may be filed by the parties to this proceeding not later than August 5, 1974.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C.

Pending further order of the Hearing Board designated for this proceeding, parties are required to file, pursuant to the provisions of 10 CFR 2.708 of the Commission's rules of practice, an original and twenty (20) conformed copies of each such paper with the Commission.

It is so ordered.

Issued at Bethesda, Maryland, this 9th day of July, 1974.

Before the Atomic Safety and Licensing Board, designated to rule on petitions for leave to intervene.

ROBERT M. LAZO,
Chairman.

[FR Doc.74-16153 Filed 7-15-74;8:45 am]

[Dockets Nos. 50-450, and 50-451]

DELMARVA POWER AND LIGHT CO.

Availability of Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the Final Environmental Statement prepared by the Commission's Directorate of Licensing, related to the proposed Summit Power Station, Units 1 and 2 to be constructed by Delmarva Power and Light Company in New Castle County, Delaware 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 Newark Free Library, Elkton Road and Delaware Avenue, Newark, Delaware 19711. The Final Environmental Statement is also being made available at the Delaware State Planning Office, 530 South Dupont Highway, Dover, Delaware 19901 and the Wilmington Metropolitan Area Planning and Coordinating Council, 2062 New Castle Avenue, New Castle, Delaware 19720.

The notice of availability of the Draft Environmental Statement for the Summit Power Station, Units 1 and 2, and requests for comments from interested persons was published in the FEDERAL REGISTER on March 26, 1974 (39 FR 11217). The comments received from Federal, State, local agencies 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: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 12th day of July 1974.

For the Atomic Energy Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch No. 1, Directorate of Licensing.

[FR Doc.74-16164 Filed 7-15-74;8:45 am]

[Dockets Nos. 50-269 and 50-270]

DUKE POWER CO.

Amendments to Facility Licenses

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendments No. 2 to Facility Operating License Nos. DPR-38 and DPR-47 issued to Duke Power Company (the licensee) which revised Technical Specifications for operation of the Oconee Nuclear Station, Units 1 and 2, located in Oconee County, South Carolina. The amendments are effective as of date of issuance.

The amendments permit a change to the station organization in the technical support and maintenance areas.

The application for the amendment complies with the standards and requirements of the Act and the Commission's rules and regulations and the Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated May 29, 1974, (2) Amendments No. 2 to License Nos. DPR-38 and DPR-47, with any attachments, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Oconee County Library, 201 South Spring Street, Walhalla, South Carolina 29691.

A copy of items (2) and (3) 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 9th day of July, 1974.

For the Atomic Energy Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Directorate of Licensing.

[FR Doc.74-16163 Filed 7-15-74;8:45 am]

[Docket No. 50-468]

GENERAL ELECTRIC CO.

Issuance of Facility Export License

Please take note that no request for a hearing or petition for leave to intervene having been filed following publication of notice of proposed action in the FEDERAL REGISTER on April 12, 1974 (39 FR 12056), and the Atomic Energy Commission having found that:

(a) The application filed by General Electric Company, Docket No. 50-468, complies with the requirements of the Act, and the Commission's regulations set forth in Title 10, Chapter I, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations,

the Commission has issued License No. XR-98 to General Electric Company, authorizing the export of a boiling water reactor with a thermal power level of 1931 megawatts to the Comision Federal de Electricidad, Rodano, Mexico.

The export of this reactor to Mexico is within the purview of the present Agreement for Cooperation Between the Government of the United States of America and the International Atomic Energy Agency Concerning Civil Uses of Atomic Energy.

Dated at Bethesda, Maryland, this 6th day of July 1974.

For the Atomic Energy Commission.

S. H. SMILEY,
Deputy Director for Fuels and Materials, Directorate of Licensing.

[FR Doc.74-16214 Filed 7-15-74;8:45 am]

[Docket No. 50-29]

YANKEE ATOMIC POWER CO.

Facility License Amendment

Notice is hereby given that the U.S. Atomic Energy Commission ("the Commission") has issued Amendment No. 8 to Facility Operating License No. DPR-3 issued to Yankee Atomic Power Company which revised Technical Specifications for operation of the Yankee-Rowe Atomic Power Plant, located in Rowe, Massachusetts. The amendment is effective as of its date of issuance.

The amendment permits changes to the Technical Specifications to authorize replacement of the existing income instrumentation system to provide for an upgraded capability for flux mapping and for monitoring primary coolant core outlet temperatures.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act, as amended ("the Act"), and the Commission's rules and regulations and the Commission has made appropriate findings as required by the Act, and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated March 18, 1974, and supplements dated May 3 and 29, 1974, (2) Amendment No. 8 to License No. DPR-3, and Change No. 113, and (3) the Commission's related Safety Evaluation. All of these are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

A copy of items (2) and (3) 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 5th day of July 1974.

For the Atomic Energy Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Directorate of Licensing.

[FR Doc.74-16152 Filed 7-15-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25280; Order 74-7-23]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Correction

In FR Doc. 74-15757, appearing on page 25401, in the issue for Wednesday, July 10, 1974, the agency designation in brackets should read as set forth above.

COMMISSION ON CIVIL RIGHTS

DELAWARE STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Delaware State Advisory Committee (SAC) to this Commission will convene at 12 Noon on July 26, 1974, at the Young Men's Christian Association, 11 and Washington Streets, Wilmington, Delaware 19801.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, N.W., Washington, D.C. 20037.

The purpose of this meeting shall be to disseminate information concerning State employment policies, affirmative action plans and Equal Employment Opportunity (EEO) complaint procedures.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., July 8, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-16198 Filed 7-15-74;8:45 am]

DISTRICT OF COLUMBIA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the District of Columbia Advisory Committee to this Commission will convene at 12 Noon on July 30, 1974, in Room 512 (Fifth Floor Conference Room), 1121 Vermont Avenue, N.W., Washington, D.C. 20425.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, N.W., Washington, D.C. 20037.

The purpose of this meeting shall be to select the next project to be undertaken by the District of Columbia SAC.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., July 8, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-16199 Filed 7-15-74;8:45 am]

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1974

Deletion From List

Notice of proposed deletion from Procurement List 1974, November 29, 1973 (38 FR 33038) was published in the FEDERAL REGISTER on June 10, 1974 (39 FR 20411).

Pursuant to the above notice the following commodities are deleted from Procurement List 1974.

COMMODITIES

Class 6530

Drapes, Surgical
6530-715-9310
6530-715-9340

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.74-16218 Filed 7-15-74;8:45 am]

PROCUREMENT LIST 1974

Proposed Additions

Notice is hereby given pursuant to section 2(a)(2) of Public Law 92-28; 85 Stat. 79, of the proposed additions of the following commodities to Procurement List 1974, November 29, 1973 (38 FR 33038).

COMMODITIES

Class 7510

Clip, Paper
7510-282-8201
7510-223-6807
7510-285-5995
7510-223-6810
7510-223-6809

Comments and views regarding these proposed additions may be filed with the Committee on or before August 15, 1974. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.74-16216 Filed 7-15-74;8:45 am]

PROCUREMENT LIST 1974

Proposed Deletions

Notice is hereby given pursuant to section 2(a)(2) of Public Law 92-28; 85 Stat. 79, of the proposed deletion of the following commodities from Procurement

List 1974, November 29, 1973 (38 FR 33038).

COMMODITIES

Class 8455

Backing Plates, Plastic
8455-421-7475
8455-421-7476
8455-421-7477
8455-421-7478
8455-421-7479
8455-421-7480
8455-421-7481
8455-421-7482
8455-421-7483
8455-421-7484
8455-421-7485

Comments and views regarding these proposed deletions may be filed with the Committee on or before August 15, 1974. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.74-16217 Filed 7-15-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

DISCHARGES OF POLLUTANTS TO NAVIGABLE WATERS

Approval of State Programs

Notice is hereby given that the Environmental Protection Agency has granted requests for approval of State programs listed below for controlling discharges of pollutants to navigable waters in accordance with the National Pollutant Discharge Elimination System (NDPES), 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 Environmental Protection Agency 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. Guidelines specifying procedural and other elements for State NPDES programs appear at 40 CFR Part 124 (as amended by 38 FR 18000, July 5, 1973, and 38 FR 19894, July 24, 1973).

Each of the States listed below submitted a program for carrying out the NPDES. After reviewing the submissions and accompanying legal certifications, and conducting a public hearing on the proposed approval, the Administrator determined that the State's authority was adequate to carry out the requirements of the Act, as so informed each State by letter to the Governor.

For each of these States, the permit program established in section 402 of the Act is being administered by the State agency identified below, as of the approval date also set out below. The program is being administered in accordance with a memorandum of understanding between the EPA and the State. All pertinent documents are available for inspection at the appropriate State agency or EPA Regional office.

The following are the State programs approved:

1. *California.* Approved May 14, 1973. Administered by the California Water Resources Control Board, 1416 Ninth Street, Sacramento, California 95814. EPA Region IX, 100 California Street, San Francisco, California 94111.

2. *Oregon.* Approved September 26, 1973. Administered by the Department of Environmental Quality, Water Quality Control Division, 1400 SW. Fifth Avenue, Portland, Oregon 97201. EPA Region X, 1200 Sixth Avenue, Seattle, Washington 98101.

3. *Connecticut.* Approved September 26, 1973. Administered by the Department of Environmental Protection, State Office Building, Hartford, Connecticut 06115. EPA Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

4. *Michigan.* Approved October 17, 1973. Administered by the Department of Natural Resources, Water Resources Commission, Stevens T. Mason Building, Lansing, Michigan 48926. EPA Region V, One North Wacker Drive, Chicago, Illinois 60606.

5. *Washington.* Approved November 14, 1973. Administered by the Department of Ecology, Olympia, Washington 98501. EPA Region X, 1200 Sixth Avenue, Seattle, Washington 98101.

6. *Wisconsin.* Approved February 4, 1974. Administered by the Environmental Protection Division, Department of Natural Resources, Madison, Wisconsin 53701. EPA Region V, One North Wacker Drive, Chicago, Illinois 60606.

7. *Ohio.* Approved March 11, 1974. Administered by the Ohio Environmental Protection Agency, 450 East Town Street, Columbus, Ohio 43216. EPA Region V, One North Wacker Drive, Chicago, Illinois 60606.

8. *Vermont.* Approved March 11, 1974. Administered by the Environmental Conservation Agency, Montpelier, Vermont 05602. EPA Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

9. *Delaware.* Approved April 1, 1974. Administered by the Department of Natural Resources and Environmental Control, Tatnall Building, Dover, Delaware 19901. EPA Region II, 26 Federal Plaza, New York, New York 10007.

10. *Mississippi.* Approved May 1, 1974. Administered by the Mississippi Air and Water Pollution Control Commission, 416 North State Street, Jackson, Mississippi 39205. EPA Region IV, 1421 Peachtree Street, NE., Atlanta, Georgia 30309.

11. *Montana.* Approved June 10, 1974. Administered by the Department of Health and Environmental Sciences, Cogswell Building, Helena, Montana 59601. EPA Region VIII, 1860 Lincoln Street, Denver, Colorado 80203.

12. *Nebraska.* Approved June 12, 1974. Administered by the Nebraska Department of Environmental Control, Box 94653, State House Station, Lincoln, Nebraska 68509. EPA Region VII, 1735 Baltimore Avenue, Kansas City, Missouri 64108.

13. *Georgia.* Approved June 28, 1974. Administered by the Georgia Department of Natural Resources, Environmental Protection Division, 47 Trinity Avenue, S.W., Atlanta, Georgia 30334. EPA Region IV, 1421 Peachtree Street, N.E., Atlanta, Georgia 30309.

14. *Kansas.* Approved June 28, 1974. Administered by the Kansas State Department of Health, Division of Environmental Health, 535 Kansas Avenue, Topeka, Kansas 66603. EPA Region VII, 1735 Baltimore Avenue, Kansas City, Missouri 64108.

15. *Minnesota.* Approved June 30, 1974. Administered by the Minnesota Pollution Control Agency, 1935 West County Road B2, Roseville, Minnesota 55113. EPA Region V, One North Wacker Drive, Chicago, Illinois 60606.

ROBERT V. ZENER,
Acting Assistant Administrator for Enforcement and General Counsel.

JULY 10, 1974.

[FR Doc.74-16143 Filed 7-15-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List 327]

CANADIAN STANDARD BROADCAST STATIONS

Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

JUNE 28, 1974.

Call letters	Location	Power kW	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		710 kHz							
CIPC (correction to physical height of towers).	Port Cartier, Quebec, N. 49°58'55", W. 66°57'22".	1	DA-1	U	II				
		920 kHz							
CBO (P.O. 910 kHz, 5 kW, DA-1).	Ottawa, Ontario, N. 45°*11'09"*, W. 75°44'55".	*50*	*DA-8*	U	III				E.I.O. 6-28-75.
		1110 kHz							
CFTJ (change in name of location of station).	*Cambridge*, Ontario, N. 43°20'15", W. 80°17'40".	0.25	ND-180	D	II	146	120	356	
		1150 kHz							
CKIQ (now in operation)	Kelowna, British Columbia, N. 49°50'52", W. 119°27'54".	10D/1N	DA-N ND-D-196	U	III				
		1250 kHz							
CBOF (P.O. 1250 kHz, 10 kW, DA-2).	Ottawa, Ontario, N. 45°*11'09"*, W. 75°*44'55"*.	*50*	DA-2	U	III				E.I.O. 6-28-75.
		1320 kHz							
CFTJ (change in name of location of station—P.O. 1110 kHz, 0.25 kW, ND-D).	*Cambridge*, Ontario, N. 43°19'42", W. 80°20'15".	1	DA-2	U	III				
		1400 kHz							
CKOB (assignment of call letters).	Renfrew, Ontario, N. 45°27'30", W. 76°41'20".	0.25	ND-180	U	IV	135	120	250	
		1570 kHz							
CKTA (assignment of call letters).	Taber, Alberta, N. 49°45'38", W. 112°16'10".	5	DA-N	U	II				

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-16225 Filed 7-15-74;8:45 am]

[Report 708]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JULY 8, 1974.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to §§ 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21646-C2-P-(5)-74, General Telephone Company of Florida (KIY397). C.P. to change antenna system operating on 152.75, 152.78, and 152.81 MHz and for additional base facilities to operate on 152.66 MHz to be located 525 feet South of Proctor Road, 125 feet East of Honore Road, Bee Ridge, Fla.

21647-C2-P-(2)-74, Kidd's Communications, Inc. (KMA257). C.P. to replace transmitter on repeater facilities operating on 75.66 MHz at location No. 4: Pelato, Calif.; and change antenna location on control facilities operating on 73.14 MHz located at location No. 3: 105 Asher Street, Taft, Calif.

21648-C2-P-(4)-74, Edward C. Smith d.b.a. Answerite Professional Telephone Service (New). C.P. for a new 2-way station to operate on 454.255, 454.275, 454.325, and 454.350 MHz to be located at 4141 Bayshore Boulevard, Tampa, Fla.

21649-C2-P-74, Redfield Telephone Company, Inc. (KLB515). C.P. to reinstate expired license operating on 152.63 MHz located at Brodie Avenue and James Street, Redfield, Ark.

21650-C2-R-74, Southern Bell Telephone and Telegraph Company (KIN644) (Developmental). Renewal of Developmental license expiring August 1, 1974. Term: August 1, 1974 to August 1, 1975.

21651-C2-P-(3)-74, Mobile Page Communications, Inc. (New). C.P. for a new 2-way station to operate on 152.03, 152.06, and 152.18 MHz to be located at Boardwalk at Iowa Avenue, Atlantic City, N.J.

21652-C2-P-74, Metrotec, Inc. C.P. to add antenna location No. 2 to operate on 35.22 MHz to be located approximately 0.6 mile south-southwest of Copley & Jacoby Road Intersection, Akron, Ohio.

21653-C2-P-(3)-74, Mobilfone Service, Inc. (KKN287). C.P. to change antenna system replace transmitter and change frequency from 152.09 MHz to 152.12 MHz at location No. 1: Approximately 2 miles south of Perry, Okla., and change antenna system, replace transmitter and change repeater frequency from 72.06 MHz to 459.250 MHz also at location No. 1; and change

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's Rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

antenna system, location, replace transmitter and change control frequency from 72.26 MHz to 454.250 MHz at location No. 2: 214 West 8th Street, Stillwater, Okla.

21654–C2–P–(2)–74, Mobilfone Service, Inc. (KLB785). C.P. for additional facilities to operate on 152.21 MHz located 6 miles west and 1 mile north of junction Highways 64 and 81, approximately 4.5 miles west of city limits of Enid, Okla., also frequency 454.125 MHz at same location.

21655–C2–P–(6)–74, San Juan Radio Telephone Corporation (WWA311). C.P. for additional facilities to operate on 454.125, 454.150, 454.175, 454.225, 454.275, and 454.325 MHz at location No. 4: Altos de La Mesa, Cagua, P.R.

20001–CD–P–75, Western Communications Service (New). C.P. for a new 1-way station to operate on 152.24 MHz to be located at 320 West 26th Street, San Angelo, Tex.

20002–CD–P–75, Floyde E. Dugas d.b.a. Jennings Mobilfone (New). C.P. for a new 1-way station to operate on 158.70 MHz to be located on Costex Road, 2½ miles southeast of Jennings, La.

2003–CD–P–75, Better Beepers, Inc. (New). C.P. for a new 1-way station to operate on 158.70 MHz to be located at 402 South Washington, Marion, Ind.

20004–CD–P–(2)–75, San Marcos Telephone Company, Inc. (KLB717). C.P. to change antenna system and replace transmitter operating on 152.72 MHz and for additional facilities to operate on 152.78 MHz located 350 feet northwest of Roanoke and LBJ Streets, San Marcos, Tex.

20005–CD–P–75, E. F. Mitchell, Jr., d.b.a. Douglas Radio (KRM967). C.P. for additional facilities to operate on 152.12 MHz located 2.8 miles west of Douglas, Ga.

Major amendment

21216–C2–P–74, Contact Unlimited Corporation, Frankford, Del. (New). Amend base frequency 152.21 MHz to read 152.06 MHz. All other particulars to remain as reported on PN Number 697 dated April 22, 1974.

Informative

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding ex parte presentations by reason of economic competition or potential electrical interference.

James D. & Lawrence D. Garvey d.b.a. Radiofone (New), Houma, La., 6467–C2–P–73.

Industrial Communications, Inc., d.b.a. Morgan City Mobilephone (New), Berwick, La. 20265–C2–P–74.

Corrections

6315–C2–P–71, Radiofone (KLF616), New Orleans, La. Correct PN No. 544 dated May 17, 1971 to read: C.P. for a new 1-way station to operate on 35.58 MHz and 43.22 MHz to be located at Corner O'Keefe and Howard Streets, New Orleans, La.

20583–C2–P–74, James D. & Lawrence D. Garvey d.b.a. Radiofone (New). Application on PN No. 677 dated December 3, 1973, should have been listed as a Major Amendment to application file No. 6467–C2–P–73 on the Commission's PN No. 639 dated March 12, 1974.

21023–C2–P–74, Rad Com Electronics, Inc. (New). Correct Major Amendment on PN No. 707 dated July 1, 1974, to read: Amend application to add transmitting locations at Buck Mountain, 4.9 miles southwest of Quilcene, Wash., and Rock Candy Mountain, 9.3 miles west of Tumwater, Wash., to operate on 152.12 MHz. All other particulars to remain as reported on PN No. 691 dated March 11, 1974.

21632–C2–P–74, Nashville Mobilphone, Inc. Correct PN No. 707 dated July 1, 1974, to read: (KWT857) C.P. for additional facilities to operate on 454.125 MHz located at 322 Main Street, Clarksville, Tenn.

RURAL RADIO SERVICE

60334–C6–P–74, The Mountain States Telephone and Telegraph Company (New). C.P. for a new rural subscriber station to operate on 157.77 MHz located 29.3 miles northwest of Bill, Wyo.

POINT-TO-POINT MICROWAVE RADIO SERVICE

4717–C1–ML–74, American Telephone and Telegraph Company (KLW22), Nevada, Tex. Modification of license to change polarization from H to V on frequencies 3750, 3830, 3910, 3990, 4070, 4150, and 4198 MHz; change polarization from V to H on frequencies 3770, 3850, 3930, 4090, and 4170 MHz toward Adams, Tex.

4718–C1–ML–74, Same (KKH66), Adams, Tex. Modification of license to change polarizations from H to V on frequencies 3710, 3790, 3870, 3950, 4030, 4110, and 4190 MHz; change polarization from V to H on frequencies 3730, 3810, 3890, and 4130 MHz toward Nevada, Tex.

4719–C1–ML–74, American Telephone and Telegraph Company (KIP59), Florida City, Fla. Modification of license to change polarization from H to V on frequencies 3730 and 3810 MHz toward Miami, Fla.

4720–C1–ML–74, Same (KIP57), Miami, Fla. Modification of license to change polarization from H to V on frequencies 4090 and 4170 MHz toward Florida City, Fla.

4721–C1–P–74, The Chesapeake and Potomac Telephone Company of Virginia (KJK33), 101 North Union Street, Petersburg, Va. Latitude 37°13'45" N., longitude 77°24'18" W. C.P. to increase the circuit capacity from 600 to 1,200 capacity on frequency 11,685H MHz toward Dinwiddie, Va., on azimuth 224°32'.

4722–C1–P–74, Same (KIB28), approximately 0.9 mile northeast of Dinwiddie, Va. Latitude 37°05'18" N., longitude 77°34'40" W. C.P. to increase circuit capacity from 600 to 1,200 capacity on frequency 10,755H MHz toward Petersburg, Va.; frequency 10955V MHz toward Wilsons, Va.

4723–C1–P–74, Same (KGD52), Wilsons, approximately 8 miles east of Blackstone, Va. Latitude 37°07'10" N., longitude 77°52'08" W. C.P. to increase circuit capacity from 600 to 1,200 capacity on frequency 11,405V MHz toward Dinwiddie, Va., on azimuth 97°31'; frequency 11,365V MHz toward Blackstone, Va., on azimuth 255°52'.

4724–C1–P–74, Same (KJK41), 1 mile north of Blackstone, Va. Latitude 37°05'25" N., longitude 78°00'47" W. C.P. to increase circuit capacity from 600 to 1,200 capacity on frequency 10,915V MHz toward Wilsons, Va., on azimuth 75°47'.

4727–C1–P–74, South Central Bell Telephone Company (KJA21), 1316 Adams Avenue (Houston Hills), Montgomery, Ala. Latitude 32°22'26" N., longitude 86°17'24" W. C.P. to replace transmitter and change frequencies 6278.8V and 6397.4V MHz to 6197.2H and 6256.5H MHz toward Tallassee, Ala., on azimuth 59°13'.

4728–C1–P–74, South Central Bell Telephone Company (KJG77), approximately 4.8 miles west of Tallassee, Alabama. Latitude 32°32'00" N., longitude 85°58'24" W. C.P. to replace transmitters and change frequencies 5997.1V and 6115.7V MHz to 6004.5V and 6123.1V MHz toward Houston Hills, Ala., on azimuth 239°23'; add frequencies 5974.8V and 6093.5V MHz toward Tuskegee, Ala., on azimuth 114°34'.

4729–C1–P–74, Same (KJG78), 210 Northside Street, Tuskegee, Ala. Latitude 32°25'27" N., longitude 85°41'33" W. C.P. to add frequencies 6197.2V and 6256.5V MHz toward Tallassee, Ala., on azimuth 294°43'.

4730–C1–P–74, The Western Union Telegraph Company (KGB42), Fort Site, 2 miles north of Pittsburgh, Pa. Latitude 40°28'46" N., longitude 80°00'10" W. C.P. to change power, alarm center location, replace transmitters and change frequencies 10,835H and 11,155H MHz to 6226.9H MHz toward Pittsburgh, Pa., on azimuth 173°01'.

4731–C1–P–74, Same (KGB43), 710 Smithfield Street, Pittsburgh, Pa. Latitude 40°26'35" N., longitude 79°59'49" W. C.P. to change power, alarm center location, replace transmitter and change frequencies 11,365H and 11,685H MHz to 5945.2H MHz toward Fort Site, Pa., on azimuth 353°01'.

4507–C1–P–74, Midwestern Relay Company (WLJ51), 3.0 miles south-southeast of De-Pere, Wisc. Latitude 44°24'30" N., longitude 87°59'57" W. C.P. to add frequency 10,935H (via power split) toward Green Bay (WLUK–TV), Wisc., on azimuth 336°58'.

4562–C1–P–74, Taft Broadcasting Corporation (WSM43), 4800 San Felipe Road, Houston, Tex. Latitude 29°44'59" N., longitude 95°27'29" W. C.P. to add frequency 11,685V MHz toward Houston, Tex. (WOF76), on azimuth 83°6'.

Major amendments

3394–C1–P–74, Pacific Telephone and Telegraph Company (KKU52), Sierra Morena, Calif. Amendment to change polarizations and frequencies from 3770H, 3850H, and 3930H MHz to 3750V, 3830V, and 3910V MHz toward San Francisco, Calif. (KNB53).

1923–C1–P–74, American Satellite Corporation (New), Neuvo, Calif. Application amended to change frequency from 11,465V to 11,305V MHz toward Elsinore Peak, Calif., via Passive Reflector.

3564–C1–P–74, Same (New), Elsinore Peak, Calif. Application amended to change frequency from 10,775V to 10,855V MHz toward Neuvo, Calif., via Passive Reflector. (All other particulars same as reported in Public Notices dated December 3, 1973, April 1, 1974, and April 8, 1974.)

[FR Doc.74–16224 Filed 7–15–74;8:45 am]

TASK FORCE ON ADJUDICATORY PROCESSES

Notice of Creation

JULY 5, 1974.

FCC Chairman Richard E. Wiley has announced the creation of a task force on adjudicatory re-regulation to examine the Commission's decision-making processes and prepare a report on suggestions for changes in its procedures.

Wiley said the move was in keeping with the Commission's continuing commitment to simplify its proceedings and, wherever possible, to reduce delays in resolving adjudicatory matters.

The Task Force will research the subject of the Commission's adjudicatory processes broadly, will seek out the views of representative groups and knowledgeable persons, and will invite suggestions from all interested persons. Several standing committees of the Federal Communications Bar Association (FCBA), particularly the Committee on Practice and Procedure, will be working closely with the Task Force, as will members of the FCBA Executive Committee.

Louise Florencourt and Clifford M. Harrington, attorneys with the Commission's Office of Opinions and Review, have been named to staff the task force.

Miss Florencourt, a graduate of Radcliffe College and Harvard Law School,

will have overall responsibility for the report. She was legal assistant to former Commissioner Lee Loevinger and Assistant Chief of the Legislation Division of the Office of the FCC General Counsel. She has been with the Commission 11 years.

Harrington, a graduate of the University of Southwestern Louisiana and the University of Colorado School of Law, has been with the Commission for two years.

Correspondence and telephone calls may be addressed to the Task Force's staff director, Miss Louise Florencourt, Office of Opinions and Review, Room 404, (202) 632-7220, FCC Building, Washington, D.C. 20554.

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

[FR Doc.74-16223 Filed 7-15-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP74-329]

ATLANTA GAS LIGHT CO. AND SOUTHERN NATURAL GAS CO.

Notice of Application

JULY 9, 1974.

Take notice that on June 25, 1974, Atlanta Gas Light Company (Applicant), 235 Peachtree Street, N.E., Atlanta, Georgia 30303, filed in Docket No. CP74-329 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Southern Natural Gas Company (Respondent) to shift certain contract demand quantities from the Atlanta area to the Augusta, Georgia, area delivery point to enable Applicant to provide additional firm service to Columbia Nitrogen Corporation and Nipro, Inc. (Columbia Nitrogen), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests that 3,000 Mcf of contract demand be transferred from the Atlanta area to the Augusta area delivery point or or about October 1, 1976, and that an additional quantity of 16,000 Mcf be transferred on or about January 1, 1978, representing the following alterations in contract quantity:

[In thousand cubic feet]

Effective date	Atlanta area delivery point	Augusta area delivery point
Current	367,390	66,700
Oct. 1, 1976	364,390	69,700
Jan. 1, 1978	348,390	85,700

Applicant states that the additional service to Columbia Nitrogen is for feedstock use primarily in the production of fertilizer in two new plants to be constructed by the fall of 1976 and by early 1978.

Applicant states that because this change in service is necessary to meet the feedstock requirements [1] of Columbia Nitrogen, a request by Applicant for additional gas volumes would be justified. Accordingly, Applicant cautions that its request for mere transfer of contract demand volumes is based upon the urgency of this proposal, and it reserves the future right to request additional contract demand volumes as needed.

Applicant states in support of the instant proposal that:

(1) The proposed change will permit an increase in the production of fertilizer which is in critically short supply;

(2) Increased service to Columbia Nitrogen will allow that company to construct replacement facilities which will achieve substantial efficiencies in the use of natural gas as well as other fuels;

(3) The requested relief will permit Applicant to upgrade service on its system consistent with the Commission's Order No. 467-B priorities without adversely affecting Respondents other customers.

Applicant states that the requested change in service will not increase the overall contract demand quantity previously authorized by the Commission, but merely will effectuate a relocation of portion of such quantity between two existing delivery points at which Respondent provides service to Applicant. Applicant further states that the requested relief will not require the construction of any additional facilities by Applicant or Respondent.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 2, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 156.9). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-16200 Filed 7-15-74;8:45 am]

[1] Applicant asserts these requirements would fall within category 2 of the Commission's Order No. 467-B priorities (18 CFR 2.78).

[Docket No. CP74-320]

COLORADO INTERSTATE GAS CO.

Notice of Application

JULY 9, 1974.

Take notice that on June 14, 1974, Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP74-320 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition of the Latigo Field in Arapahoe County, Colorado, and the construction and operation of facilities to develop the field for use as an underground gas storage reservoir, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authority to acquire ownership of the necessary interest for storage of gas in the Latigo Field, currently producing oil and gas, along with existing wells and other facilities including an existing gasoline plant. Applicant further requests authority to do the following over a five-year period beginning in 1975, and operate thereafter the facilities located in, Arapahoe and Elbert Counties, Colorado:

(1) *Year 1975.* Convert seven existing wells to storage use; drill two new gas storage wells; drill two saltwater disposal wells; convert two wells to observation wells; construct a 3,300-horsepower compressor station and miscellaneous support facilities.

(2) *Year 1976.* Construct a central dehydration facilities and a hydrocarbon liquid extraction facility; drill four new gas storage wells; convert two wells to observation wells; and install necessary gathering and miscellaneous support facilities.

(3) *Year 1977.* Drill six new gas storage wells; convert four wells to observation wells; and install the necessary gathering and miscellaneous support facilities.

(4) *Year 1978.* Construct a 1,100-horsepower compressor station addition; drill six new gas storage wells; convert two wells to observation wells; and install the necessary gathering and miscellaneous support facilities.

(5) *Year 1979.* Construct a 1,100-horsepower compression station addition.

Applicant states that the proposed facilities will enable it to develop the Latigo Field for use as an underground gas storage reservoir beginning in the fall of 1974. (Applicant states that it will withdraw gas from the Latigo Field through existing facilities during the 1974-75 heating season prior to commencing injections in the spring of 1975.) Applicant expects development to be completed in 1979 at which time peak day and annual storage withdrawals of 140,000 Mcf [1] and 12,000,000 Mcf are contemplated. Applicant requests authority to operate the field up to a maximum reservoir volume of 22,400,000 Mcf and a maximum reservoir pressure of 2,600 psia.

Applicant states that operation of the proposed storage field is necessary to assist it in meeting the peak day and winter season gas requirements of its existing customers because Applicant projects substantial peak day deficiencies commencing in 1976-77 which will increase progressively thereafter. Applicant

[1] Volumes are stated at a pressure base of 14.65 psia.

states that the project is not designed to increase peak day or annual sales, and no new sales are proposed.

Applicant estimates the total cost of acquisition and construction of all proposed facilities to be $20,753,812, which will be obtained from current funds on hand, funds from operations, short-term borrowings, or long-term financing. Applicant states that the cost of the instant proposal will have no significant effect on its financial structure.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 30, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-16205 Filed 7-15-74;8:45 am]

[Docket No. RP74-90]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes in FPC Gas Tariff

JULY 9, 1974.

Take notice that Consolidated Gas Supply Corporation (Consolidated), on June 14, 1974, tendered for filing Third Substitute Twenty-Fourth Revised Sheet No. 8 of its FPC Gas Tariff, First Revised Volume No. 1 to be effective July 15, 1974.

Consolidated states the purpose of this filing is to request that a portion of its general rate increase at Docket No. RP74-90 become effective for the period July 15, 1974 through November 30, 1974, in the event the Commission suspends Docket No. RP74-90 for the full suspension period.

In its general rate increase, Consolidated demonstrated that among the reasons for the rate change were the recent rate filings of two of its major pipeline suppliers, Transcontinental Gas Pipe Line Corporation (Transco) at Docket No. RP74-48 and Texas Eastern Transmission Corporation (Texas Eastern) at Docket No. RP74-41 who along with selling natural gas render a transportation service to Consolidated. The supplier increases for transportation service were suspended by the Commission to June 14, 1974 in the case of Texas Eastern and to July 1, 1974 in the case of Transco. Consolidated contends that if the Commission suspends the effective date of Docket No. RP74-90 until December 1, 1974, there will be a period of five months between July 1, 1974, Consolidated's proposed effective date in Docket No. RP74-90, and December 1, 1974 during which Consolidated will be exposed to the increases in transportation service from Transco and Texas Eastern without an offsetting increase of its own to recover such costs since Consolidated is under Commission order to exclude such transportation service costs from its PGA clause calculations. Consolidated estimates it will be exposed to approximately $736,000 during this five-month period of unrecoverable costs unless the Commission approves this proposed tariff sheet. The Company proposes to collect the estimated $736,000 by increasing its rates by 0.38¢ per Mcf for the period July 15, 1974 through November 30, 1974.

Consolidated further contends it has no recourse to collect, in its rates, increases from its suppliers for transportation service other than filing a general rate increase. Due to the time required for the Company to prepare and file with the Federal Power Commission a general rate increase it is unable to begin recouping, on a timely basis, such increases in transportation charges assuming that the proposed effective date of its increase will be suspended for the full statutory five months.

Consolidated will undertake to determine, based on the actual period July 1, 1974 through November 30, 1974, whenever the figures become available, the actual cost incurred by Consodilated for these transportation service increases and the actual revenues collected from its customers proposed herein. Any difference between the actual costs and revenues will be balanced at the time Docket No. RP74-90 is consummated.

Consolidated has requested a waiver of the Commission's rules and regulations as may be required to permit the filed tariff sheet to become effective as proposed.

Copies of this filing were served upon Consolidated's jurisdictional customers, as well as interested state commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 19, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-16201 Filed 7-15-74;8:45 am]

[Docket No. E-8879]

DUKE POWER CO.

Notice of Supplemental Filing

JULY 10, 1974.

Take notice that on July 1, 1974 Duke Power Company (Duke) submitted for filing information to supplement its previously filed contract with Rutherford Electric Membership Corporation (prior contract was designated as Duke Power Company Rate Schedule FPC No. 139). The supplemental information provides for an increase in designated kilowatt demand at each of seven (7) delivery points (Nos. 1, 3, 4, 5, 7, 10 and 11) as requested by the customer. Duke included for filing estimates of sales and revenues for the 2-year period September 1973 to September 1975. The Company states that the proposed effective date of these changes is August 20, 1974.

Duke further states that these changes were agreed to by the customer and that copies of this filing were served on it.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 29, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-16202 Filed 7-15-74;8:45 am]

[Docket No. RP75-1]

FLORIDA GAS TRANSMISSION CO.

Proposed Changes in Rates and Charges

JULY 9, 1974.

Take notice that on July 1, 1974, Florida Gas Transmission Company (Florida

Gas) tendered for filing proposed changes in its FPC Gas Tariff, Original Volume Nos. 1 and 2.

The proposed rate changes would increase Florida Gas' revenues from jurisdictional sales and transportation services by $6,021,575 annually, based on the 12 months ended March 31, 1974, as adjusted. Florida Gas proposes to make the increased rates effective August 1, 1974.

Florida Gas states that the increased rates are required to reflect the effect on its cost of service and revenue requirements of reduced deliveries of annual gas because of declining deliverability from connected gas supplies, increases in operating expenses and taxes, costs related to an advance payment of $10 million, and increases in cost of capital including an overall rate of return of 10.0 percent.

Florida Gas states that copies of its rate filing were served on all the Company's jurisdictional customers and the Florida Public Service Commission. Also, Florida Gas states that Statement P will be filed within fifteen days of its filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on, or before July 26, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-16204 Filed 7-15-74;8:45 am]

[Docket No. CP74-322]

MICHIGAN GAS STORAGE CO.

Notice of Application

JULY 9, 1974.

Take notice that on June 14, 1974, Michigan Gas Storage Company (Applicant), 212 West Michigan Avenue, Jackson, Michigan 49201, filed in Docket No. CP74-322 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas in interstate commerce for Consumers Power Company (Consumers Power), which gas is to be purchased by Consumers Power from its wholly-owned subsidiary Northern Michigan Exploration Company (NOMECO), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant explains that Consumers Power, the parent of Applicant, has arranged to purchase 40,000 Mcf per day of natural gas from NOMECO, Consumers Power's subsidiary, from the Federal domain, offshore Louisiana, in an effort to alleviate recent curtailments to Consumers Power's system. Applicant states that the subject gas is to be delivered by Trunkline Gas Company (Trunkline) to Consumers Power at the existing Consumers Power-Trunkline interconnection on the Indiana and Michigan border. Applicant proposes to transport said gas on behalf of Consumers Power. Applicant states that its existing facilities are capable of transporting said gas; consequently, no new construction is contemplated. Applicant states that the only effect the additional volumes of gas will have on its system is a slight increase in pumping costs which will be passed through to Consumers Power.

Applicant states that this application is conditioned upon the granting of the applications to be filed by NOMECO and Trunkline for certification of their respective roles in this arrangement.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 2, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-16206 Filed 7-15-74;8:45 am]

[Docket No. CP74-323]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Application

JULY 9, 1974.

Take notice that on June 12, 1974, Mississippi River Transmission Corporation (Applicant), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket No. CP74-323 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations thereunder (18 CFR 157.7(b)), for a certificate of public convenience and necessity authorizing the construction, during the twelve-month period commencing June 1, 1974, and operation of certain natural gas purchase facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally coextensive with its pipeline system and in continuing the purchase and receipt of gas supplies which are already connected to its system.

The total cost of the proposed facilities is not to exceed $1,000,000 with no single project costing in excess of $250,000, which cost Applicant states will be financed from available funds.

Applicant states that during the twelve months commencing June 1, 1974, it expects to construct facilities (consisting of approximately 7,200 feet of six-inch and 6,500 feet of twelve-inch well lines and related facilities) to connect two new wells to its Mills Ranch Field area supply system which constitutes a part of Applicant's existing pipeline system but is not connected directly to the balance of the system. Applicant states that it believes such facilities either to be gathering facilities or facilities which may properly be constructed under budget authority.[1] However, in the event the Commission determines that such facilities are subject to its certificate jurisdiction and that budget-type authority would not apply to them, then Applicant requests that it be granted specific authority for their construction and operation.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 30, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of Practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

[1] Applicant believes said facilities are distinguishable from the facilities held to be ineligible for budget certificate treatment by the Commission's order of April 15, 1974, in Southern Natural Gas Company, Docket No. CP73-318 (51 FPC——), because Applicant's proposed facilities will connect with other existing pipeline system facilities of Applicant whereas the facilities Southern Natural Gas Company proposed to construct were to connect to the system of Sea Robin Pipeline Company.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-16207 Filed 7-15-74;8:45 am]

[Docket No. CI74-738]

NORTHERN MICHIGAN EXPLORATION CO.

Notice of Application

JULY 9, 1974.

Take notice that on June 14, 1974, Northern Michigan Exploration Company (Applicant), 212 West Michigan Avenue, Jackson, Michigan 49201, initially filed in Docket No. CI74-738, and amended its filing on June 24, 1974, for an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act and § 2.75 of the Federal Power Commission's rules of practice and procedure to authorize Applicant to sell up to 40,000 Mcf/d of natural gas from the federal domain, offshore, Louisiana, to Consumers Power Company, Jackson, Michigan. The proposed sale will be at an initial rate of 45 cents per Mcf, plus escalations and reimbursement of production taxes and transportation charges. Trunkline Gas Company will transport, or arrange for the transportation of, the gas from offshore, Louisiana, to the Indiana/Michigan border, near Elkhart, Indiana. The complete details of the sale and transportation of the subject gas are set out more fully in the application on file with the Federal Power Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 2, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-16208 Filed 7-15-74;8:45 am]

[Docket No. RP74-73]

TENNESSEE GAS PIPELINE CO.

Order Conditionally Approving Revised R&D Rate Adjustment Provision

JULY 9, 1974.

On June 7, 1974, Tennessee Gas Pipeline Company filed in this docket a revised R&D rate adjustment provision for inclusion as a part of its FPC gas tariff. Tennessee's original R&D provision was rejected by Commission order issued on April 10, 1974. (Rehearing denied May 30, 1974.) The present R&D provision complies in all respects with the requirements of the Commission's prior orders in this docket.

Subsequent to Tennessee's present filing, the Commission on June 26, 1974, issued its order in *Michigan-Wisconsin Pipe Line Company*, Docket No. RP73-102. In discussing Michigan-Wisconsin's proposed R&D rate adjustment tariff provision, we stated our policy ". . . to require the balances in Account 188, to be reduced by the tax effect of R&D expenditures, as recorded in Account 283, for the purpose of computing the R&D adjustment."

This requirement should also be incorporated in Tennessee's proposed R&D rate adjustment provision. Accordingly we will accept Tennessee's proposed R&D adjustment provision as filed on the condition that within 15 days Tennessee shall submit a revised R&D provision incorporating, in Section 2.4 thereof, the quoted requirement of *Michigan-Wisconsin, supra.*

Concurrently with its revised R&D provision, Tennessee shall submit a revised rate filing thereunder. Such rate filing shall show a breakdown of amounts recorded in Account 188 pursuant to Commission Order Nos. 408 and 504. We shall defer action on Tennessee's pending R&D rate filing pending submission of the revised filing. However, for purposes of establishing the effective date thereof, we shall treat the revised rate filing as having been filed on June 7, 1974, the actual filing date of Tennessee's pending R&D rate adjustment.

Notices of Tennessee's R&D rate adjustment provision and rate filing thereunder were issued on June 14, 1974, providing for protests or petitions to intervene to be filed on or before June 28, 1974. On June 21, 1974, a protest to Tennessee's requested R&D rate increase was received from Mayor Grady W. James, on behalf of the City of Woodville, Texas. Woodville's protest does not allege that Tennessee's requested rate increase is contrary to the Commission's applicable orders or regulations, or that it is otherwise unlawful, or even excessive. We have previously determined as a policy matter that automatic rate adjustment for R&D expenditures is in the public interest (See Order No. 483, issued April 30, 1973). No facts or principles have been demonstrated justifying a departure from our stated policy in this case.

On June 28, 1974, the Public Service Commission of the State of New York filed a protest objecting to Tennessee's proposed R&D provision on grounds that it includes a provision to cover Federal and state income taxes. New York also opposes Tennessee's request that its proposed R&D provision be given an effective date of April 11, 1974, the proposed effective date of Tennessee's original filing in this docket.

New York's objection as to Federal and state income taxes is without merit. Commission Order No. 483, and § 154.38(d)(5) of the regulations issued thereunder, provides for rate base treatment for specified R&D expenditures. Inclusion of amounts in rate base means, by definition, that such amounts shall earn both a return and also related amounts of Federal and state income taxes. To deny recovery of Federal and state income taxes would amount to denial of rate base treatment. Tennessee's proposed R&D provision is in compliance with Order No. 483 and § 154.38(d)(5) of the regulations, and should therefore be approved, subject to the condition imposed by this order. With respect to the matter of effective date, we agree with New York that the subject R&D tariff provision should be made effective not earlier than 30 days after filing, and we shall so provide.

The Commission orders:

(A) The revised R&D rate adjustment provision filed herein by Tennessee on June 7, 1974, is accepted for filing, approved, and made effective as of July 8, 1974, on condition, however, that within 15 days from the date of this order Tennessee shall file a revised adjustment provision in accordance with the terms of this order.

(B) Within 15 days hereof, Tennessee shall further submit a revised R&D rate filing in accordance with the terms of this order.

(C) Except to the extent granted by this order New York's protest filed on June 28, 1974, is disallowed and denied.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-16209 Filed 7-15-74;8:45 am]

[Docket No. CP70-162]

TRANSWESTERN PIPELINE CO.

Notice of Petition To Amend

JULY 9, 1974.

Take notice that on June 20, 1974, Transwestern Pipeline Company (Petitioner), P.O. Box 2521, Houston, Texas

77001, filed in Docket No. CP70–162 a petition to amend the order of the Commission issued pursuant to section 7(c) of the Natural Gas Act on May 19, 1970, in the subject docket (43 FPC 769) by authorizing the transportation of up to 10,400 Mcf of natural gas per day to Southern California Edison Company (Edison) at a delivery point on the Arizona-Nevada border through the pipeline constructed under authorization of said order, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner was authorized by the aforementioned order to construct and operate approximately 9.9 miles of 20-inch pipeline for the purpose of supplying emergency gas supplies to the Mohave electric generating plant (operated by Edison) under the Mohave Emergency Gas Supply Agreement (Emergency Agreement) which provides for diversion of up to 350,000 Mcf of gas per day to the Mohave plant in the event of an emergency fuel shortage at that plant.

Petitioner requests that the aforementioned order be amended to authorize the delivery, by use of said 20-inch pipeline, of up to 10,400 Mcf of gas per day to Edison at the existing delivery point on the Arizona-Nevada border pursuant to an agreement, dated February 21, 1974, among Petitioner, Edison, and Pacific Lighting Service Company (Pacific). Petitioner states that under the terms of the February 21, 1974, agreement Edison may request that Pacific relinquish up to 10,400 Mcf of gas per day which would otherwise be delivered to Pacific by Petitioner, and Petitioner shall deliver any volumes so relinquished by Pacific to Edison for ignition of coal fuel at the Mohave plant. Total deliveries would be limited to a maximum volume, together with volumes delivered pursuant to the Emergency Agreement, of 350,000 Mcf per day. Petitioner states that none of such gas will be used for boiler fuel. Petitioner further states that for all gas relinquished by Pacific and delivered or made available to Edison by Petitioner, Edison shall pay Petitioner a rate equal to the existing rate under its Rate Schedule CDQ–1 and in addition shall pay 0.5 cent per Mcf for all volumes so relinquished or delivered, and Edison shall reimburse Petitioner for any net CDQ–1 revenue loss as a result of these diversions.

In support of the instant proposal Petitioner submits that, (1) an additional gas supply source will be made available to Edison by utilizing the existing 20-inch pipeline, for which Edison currently pays a standby charge of approximately $28,000 monthly; (2) Petitioner's operations and revenues will not be significantly affected by the delivery to Edison inasmuch as such deliveries would be made in close proximity to deliveries to Pacific and revenues received from Edison (in addition to the 0.5-cent transportation charge) will be at the existing CDQ–1 level; and (3) the overall gas supply to Pacific's customers in the Southern California area will be unaffected, because in the event Pacific releases gas for delivery by Petitioner to Edison, Edison shall direct Atlantic Richfield Company (ARCO) to deliver simultaneously to Pacific, an equal volume of gas which would otherwise be delivered by ARCO to Edison's Mandalay Plant.

Petitioner states that no new facilities are required to implement the instant proposal.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 30, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–16210 Filed 7–15–74;8:45 am]

[Docket No. CP73–258, etc.]

EL PASO EASTERN CO. ET AL.

Availability of Draft Environmental Impact Statement

JULY 15, 1974.

Notice is hereby given in the above Dockets, that on July 15, 1974, as required by § 2.82(b) of Commission Order No. 415–C, a Draft Environmental Impact Statement prepared by the staff of the Federal Power Commission was made available. This draft statement deals with the applications filed by El Paso Eastern Company, Transco Energy Company, Transco Terminal Company and Transcontinental Gas Pipe Line Corporation in Docket Nos. CP73–258, CP73–259, CP 73–267, CP73–268, CP73–269, and CP73–270 for a certificate of public convenience and necessity under section 7(c) of the Natural Gas Act requesting authorization for the construction and operation of an LNG importation terminal at Racoon Island, Gloucester County, New Jersey and approximately 22.74 miles of 36-inch diameter pipeline loop on Transcontinental Gas Pipe Line Corporation's existing Marcus Hook-Woodbury line at Gloucester, New Jersey.

This final statement has been circulated to Federal, State and local agencies, and has been placed in the public files of the Commission, and is available for public inspection both in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426, and at its Regional Office located at 26 Federal Plaza, 22nd Floor, New York, New York 10007. Copies are available in limited quantities from the Federal Power Commission's Office of Public Information, Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–16275 Filed 7–5–74;8:45 am]

FEDERAL RESERVE SYSTEM

BUSINESS ADMINISTRATIVE NEEDS OF KANSAS, LTD.

Order Approving Formation of Bank Holding Company

Business Administrative Needs of Kansas, Ltd., Wichita, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 63 per cent or more of the voting shares of State Bank of Lancaster, Lancaster, Kansas ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant was organized by a group of 27 State credit unions[1] for the express purpose of becoming a bank holding company through the acquisition of Bank. Bank holds aggregate deposits of $2.8 million, representing approximately 3 per cent of total deposits in commercial banks in the relevant market (approximated by Atchison County), and thereby ranks as the smallest of five banks in the market.[2] Upon acquisition of Bank, Applicant would control less than one per cent of total commercial bank deposits in Kansas. Since Applicant has no present operations or subsidiaries, consummation of the proposed transaction would not have any adverse effects on existing or potential competition, nor would it increase the concentration of banking resources or have an adverse effect on other banks in the relevant market. Thus, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources of Applicant and Bank are regarded as generally satisfactory, and the prospects for each appear favorable. Applicant will not incur debt incident to the subject proposal. In view of Applicant's commitment to inject $100,000 of equity capital into Bank upon consummation of the proposal, the Board concludes that the considerations relating to the banking factors lend weight toward approval of

[1] The 27 credit unions are members of the Kansas Credit Union League and the Kansas Central Credit Union, and none hold more than 5 percent of the voting shares of Applicant.

[2] All banking data are as of June 30, 1973.

the application. Applicant proposes to expand the hours of operation and physical facilities of Bank, raise the interest rate on savings accounts to the maximum and offer free checking account services. Moreover, additional benefits should result from the proposal since the services offered by the credit unions that share in the ownership of Applicant will be expanded and improved. Accordingly, considerations relating to the convenience and needs of the communities to be served lend some weight toward approval of the application. It is the Board's judgment that the proposed acquisition is in the public interest and should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[3] effective July 9, 1974.

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

[FR Doc.74-16174 Filed 7-15-74;8:45 am]

FIRST COMMERCE CORP.

Formation of Bank Holding Company

First Commerce Corporation, New Orleans, Louisiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of all of the voting shares of First National Bank of Commerce, New Orleans, Louisiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 19, 1974.

Board of Governors of the Federal Reserve System, July 9, 1974.

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

[FR Doc.74-16176 Filed 7-15-74;8:45 am]

FIRST DAKOTA BANCORPORATION, INC.

Order Approving Formation of Bank Holding Company

First Dakota Bancorporation, Fargo, North Dakota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of West Fargo State Bank, West Fargo, North Dakota ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a recently organized corporation formed for the purpose of becoming a holding company through the acquisition of Bank. The proposed transaction involves the transfer of control of Bank from individuals to a corporation ninety percent of the shares of which are owned by individuals residing in the Fargo area. Thus, the proposal would result in a continuation of the local ownership of Bank. Bank holds deposits of $9 million, representing approximately 2.3 percent of total deposits in the relevant market (approximated by the Fargo-Moorhead SMSA), and thereby ranks as the eighth largest of 24 commercial banks operating therein.[1] Upon acquisition of Bank, Applicant would control less than one-half of one percent of total deposits in commercial banks in North Dakota. Since Applicant presently has no subsidiaries, consummation of the proposal would not have an adverse effect on existing or potential competition, nor would it increase the concentration of banking resources or have an adverse effect on other banks in the relevant market. Therefore, the Board concludes that the competitive considerations are consistent with approval of the application.

The future prospects of Applicant are primarily dependent upon the financial resources of Bank. Bank is presently in a sound financial condition with a capital to assets ratio of 8 percent. Applicant proposes to service the debt it will assume incident to this proposal over a 10 year period through dividends from Bank averaging 48 per cent of Bank's earnings. In light of Bank's past earnings and its anticipated growth, the projected earnings of Bank provide Applicant with the necessary financial flexibility to meet its annual debt servicing requirements while maintaining an adequate capital position for Bank. Moreover, the principals of Applicant appear to have the independent financial resources and have expressed the willingness to maintain Bank's capital at acceptable levels throughout the debt retirement period. The managerial resources of Applicant and Bank are considered satisfactory and the future prospects for each appear favorable. Thus, the considerations relating to the banking factors are consistent with approval of the application.

Although consummation of the proposal would effect no changes in the services offered by Bank, the considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record,[1a] the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Minneapolis pursuant to delegated authority.

By order of the Board of Governors,[2] effective July 1, 1974.

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

[FR Doc.74-16166 Filed 7-15-74;8:45 am]

FIRST & MERCHANTS CORP.

Acquisition of Bank

First & Merchants Corporation, Richmond, Virginia, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of First & Merchants National Bank of Prince William, Dale City, Virginia, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 31, 1974.

Board of Governors of the Federal Reserve System, July 8, 1974.

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

[FR Doc.74-16169 Filed 7-15-74;8:45 am]

FIRST MISSISSIPPI NATIONAL CORP.

Formation of Bank Holding Company

First Mississippi National Corporation, Hattiesburg, Mississippi, has applied for the Board's approval under section 3(a)

[3] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Bucher, Holland, and Wallich. Absent and not voting: Governor Mitchell.

[1] All banking data are as of June 30, 1973.

[1a] Dissenting Statement of Governors Brimmer and Wallich filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Minneapolis.

[2] Voting for this action: Governors Sheehan, Bucher and Holland. Voting against this action: Governors Brimmer and Wallich. Absent and not voting: Chairman Burns and Governor Mitchell.

(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to First Mississippi National Bank, Hattiesburg, Mississippi. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 5, 1974.

Board of Governors of the Federal Reserve System, July 8, 1974.

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

[FR Doc.74-16173 Filed 7-15-74;8:45 am]

FIRST UNITED BANCORPORATION, INC.

Order Approving Acquisition of Bank

First United Bancorporation, Inc., Fort Worth, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of the successor by merger to Farmers-First National Bank of Stephenville, Stephenville, Texas ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the ninth largest banking organization in Texas, controls seven banks with aggregate deposits of about $686 million, representing almost 2 percent of total deposits in commercial banks in Texas.[1] The acquisition of Bank (deposits of $25.3 million) would not significantly increase the concentration of banking resources in Texas.

Bank is the largest of three banks located in the relevant banking market (approximated by Erath County). Bank holds approximately 48 percent of total deposits in the market and the remaining two banks control 27.6 per cent and 24.3 per cent, respectively, of the total deposits in the market. The closest banking subsidiary of Applicant is located 54 miles northeast of Bank. There is no existing competition between Bank and Applicant's banking subsidiaries, nor is it likely that competition would develop between them in the future due, among other factors, to the distances involved and the restrictive State branching laws. The Board concludes, on the basis of the record, that consummation of the proposed acquisition would not eliminate existing or potential competition, nor would it have an adverse effect on any competing bank.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks, and Bank are regarded as generally satisfactorily, particularly in view of Applicant's placement of $6 million of additional capital into its lead bank. Bank's affiliation with Applicant would result in an increase in Bank's lending ability and would enable Bank to offer trust services and expand consumer related services. Accordingly, considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. The Board concludes that the proposed transaction is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for god cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[2] effective July 9, 1974.

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

[FR Doc.74-16175 Filed 7-15-74;8:45 am]

IB&T CORP.

Formation of Bank Holding Company

IB&T Corp., Pocatello, Idaho, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 per cent of the voting shares (less directors' qualifying shares) of Idaho Bank & Trust Co., Pocatello, Idaho. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 31, 1974.

Board of Governors of the Federal Reserve System, July 8, 1974.

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

[FR Doc.74-16171 Filed 7-15-74;8:45 am]

NB CORP.

Acquisition of Banks

NB Corporation, Charlottesville, Virginia, has applied, in separate applications, for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of New Bank of Roanoke, Roanoke, Virginia, and New Bank of Richmond, Richmond, Virginia, both proposed new banks. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the applications should submit views in writing to the Reserve Bank, to be received not later than July 31, 1974.

Board of Governors of the Federal Reserve System, July 8, 1974.

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

[FR Doc.74-16177 Filed 7-15-74;8:45 am]

OSBORNE BANKSHARES, INC.

Formation of Bank Holding Company

Osborne Bankshares, Inc., Osborne, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent or more of the voting shares of The First State Bank and Trust Company, Osborne, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 30, 1974.

Board of Governors of the Federal Reserve System, July 8, 1974.

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

[FR Doc.74-16172 Filed 7-15-74;8:45 am]

RIMCO, INC.

Order Approving Retention of Rimco Insurance Agency

Rimco, Inc., Rangely, Colorado, a bank holding company within the meaning of

[1] All banking data are as of June 30, 1973, and reflect bank holding company acquisitions and formations approved through May 31, 1974.

[2] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, Bucher and Holland. Absent and not voting: Chairman Burns and Governor Wallich.

the Bank Holding Company Act, has applied for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to retain the assets of Rimco Insurance Agency, Rangely, Colorado ("Agency"), which acts as a general insurance agency in a community with a population not exceeding 5,000. Such activity has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(9)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 16934). The time for filing comments and views has expired and the Board has considered the application and all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)).

Applicant controls one bank, Bank of Rangely, Rangely, Colorado with deposits of about $3 million, representing less than one per cent of the total deposits in commercial banks in Colorado.[1] Applicant has applied to retain the assets of Agency which Applicant acquired in 1969 at the same time it purchased Bank of Rangely. Agency had commission income of $14,000 for the year 1973.

The Board regards the standards under section 4(c)(8) for the retention of a nonbanking company to be the same as the standards for a proposed section 4(c)(8) acquisition. Accordingly the Board must find that the proposed retention can reasonably be expected to produce benefits to the public such as greater convenience, increased competition, or gains in efficiency that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices.

Applicant's acquisition of Agency did not have any adverse effects on existing competition in 1969 since Applicant did not then operate an insurance agency. Moreover, Applicant's acquisition of Agency guaranteed that the latter would be able to continue to operate and provide a convenient source of insurance services for the community.

Approval of Applicant's application to retain Agency will provide benefits to the public by enabling Agency to remain a viable source of convenient insurance services in Rangely. There is no evidence in the record to indicate that the proposed retention of Agency by Applicant would lead to an undue concentration of resources, decreased or unfair competition, conflicts of interests, unsound banking practices, or other adverse effect on the public interest.

Based on the foregoing and other considerations reflected in the record, the Board has determined that the balance of public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modifications or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to ensure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof.

By order of the Board of Governors,[2] effective July 3, 1974.

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

[FR Doc.74-16167 Filed 7-15-74;8:45 am]

[1] All banking data are as of June 30, 1973.

SECURITY PACIFIC CORP.

Proposed Acquisition of General Rediscount Corp.

Security Pacific Corporation, Los Angeles, California, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of General Rediscount Corporation, Allentown, Pennsylvania. Notice of the application was published on May 16, 1974, in The Los Angeles Daily Journal, a newspaper circulated in Los Angeles California; on May 18, 1974, in The Morning Call, a newspaper circulated in Allentown, Pennsylvania; and on May 22, 1974, in the American Banker, a publications circulated in the State of New York.

Applicant states that the proposed subsidiary would engage in the activities of making short-term loans, for its own account, to finance companies, which loans are secured by rediscounting the receivables of such finance companies. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 5, 1974.

Board of Governors of the Federal Reserve System, July 8, 1974.

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

[FR Doc.74-16170 Filed 7-15-74;8:45 am]

[2] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, Bucher, Holland, and Wallich. Absent and not voting: Chairman Burns.

TEXAS COMMERCE BANCSHARES, INC.

Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Texas, has applied for the Board's approval in two separate applications under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of The Austin National Bank, Austin, Texas; and Oak Hill National Bank, Oak Hill, Texas. The proposed acquisition is to be accomplished through the acquisition of Austin Bancshares Corporation, Austin, Texas, which is presently the parent corporation of the two banks proposed to be acquired. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors of the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 6, 1974.

Board of Governors of the Federal Reserve System, July 9, 1974.

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

[FR Doc.74-16178 Filed 7-15-74;8:45 am]

TEXAS COMMERCE BANCSHARES, INC.

Acquisition of Bank

Texas Commerce Bancshares Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of Highland Park State Bank, San Antonio, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 31, 1974.

Board of Governors of the Federal Reserve System, July 8, 1974.

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

[FR Doc.74-16168 Filed 7-15-74;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (74-42)]

GODDARD SPACE FLIGHT CENTER

Availability of Final Environmental Impact Statement

Notice is hereby given of the public availability of the final Environmental Impact Statement for the Granting of an Easement for a Sewer Outfall, Goddard Space Flight Center.

Comments on the draft Environmental Statement were previously solicited from Federal, state, and local agencies, and from members of the public through a notice in the FEDERAL REGISTER of February 11, 1974.

Copies of the final statement have been furnished to the Council on Environmental Quality, the Office of Management and Budget, the Environmental Protection Agency, and all other agencies and parties from whom comments were solicited or received.

Copies of the final statement may be obtained or examined at any of the following locations:

(a) National Aeronautics and Space Administration, Public Documents Room (Room 126), 600 Independence Avenue SW., Washington, D.C. 20546.

(b) Ames Research Center, NASA (Building 201, Room 17), Moffett Field, California 94035.

(c) Flight Research Center, NASA (Building 4800, Room 1017), P.O. Box 273, Edwards, California 93523.

(d) Goddard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, Maryland 20771.

(e) Johnson Space Center, NASA (Building 1, Room 136), Houston, Texas 77058.

(f) John F. Kennedy Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, Florida 32899.

(g) Langley Research Center, NASA (Building 1219, Room 304), Hampton, Virginia 23365.

(h) Lewis Research Center, NASA (Building, Administration, Room 120), 21000 Brookpark Road, Cleveland, Ohio 44135.

(i) George C. Marshall Space Flight Center, NASA (Building 4200, Room G-11), Huntsville, Alabama 35812.

(j) NASA Pasadena Office (Jet Propulsion Laboratory, Building 180, Room 600), 4800 Oak Grove Drive, Pasadena, California 91103.

(k) National Space Technology Laboratories, NASA (Building 1100, Room A-213), Bay St. Louis, Mississippi 39520.

(l) Wallops Flight Center, NASA (Library Building, Room E-105), Wallops Island, Virginia 23337.

Done at Washington, D.C. this 9th day of July 1974.

By direction of the Administrator.

WILLIS H. SHAPLEY,
Associate Deputy Administrator, National Aeronautics and Space Administration.

[FR Doc.74-16195 Filed 7-15-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on July 11, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

DEPARTMENT OF AGRICULTURE

Farmers Home Administration:
- Request for Conditional Commitment to Guarantee Loan (FMHA Lenders), Form FmHA 449-9, Occasional, Lowry, Lenders in rural areas.
- Request for Contract of Guarantee (Loans by FmHA Lenders), Form FmHA 449-16, Occasional, Lowry, Lenders in rural areas.

Forest Service:
- Observing Wild Animals, Form ——, Single time, Planchan, Individuals.
- Trip Travel Report, Form ——, Single time, Planchon, BWCA User groups.

Statistical Reporting Service: Sheep Predatory Survey, Form ——, Single time, Lowry, Sheep ranchers.

DEPARTMENT OF COMMERCE

Economic Development Administration:
- Status of Payments on Project Accounts, Form ED 268, Occasional, Lowry, Business entities local development corporation.
- Borrower's Request for Equity Credit, Form ED 266, Single time, Caywood, Business entities local development corps.
- Borrower's Certification of Current Status and Request for EDA Action, Form ED 270, Occasional, Caywood, Business entities local development corps.
- Business Loan Project Inspection and Certification of Acceptability, Form ED 269, Occasional, Caywood, Business entities and local development corps.

National Bureau of Standards: Fire Department Fire Incident Report—Water Flow, Form NBS 792, Occasional, Ellett, Local fire department personnel.

EXECUTIVE OFFICE OF THE PRESIDENT

Office of Economic Opportunity: Organization of Personnel Staff Among Private Employers for Managing Government Relationships, Form ——, Single time, Weiner/Sunderhauf, Senior personnel executives among private employers.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:
- A-102 Financial Status and Performance Report—Bilingual Education, Form OE 4561-1, Semi-annual, Lowry, Government agencies.
- Financial Status and Performance Report—National Drug Education, Form OE 226-2, 3, Annual, Lowry, LEA's and Community organizations.

Health Resources Administration: 1974 Survey of Persons Trained in Podiatry, Form HRANCHS 0619, Single time, Caywood, Individuals.

DEPARTMENT OF LABOR

Manpower Administration: Employer, Applicant, and Training Institution Questionnaire, Form ——, Single time, Strasser, Applicants, employers and training institutions.

U.S. CIVIL SERVICE COMMISSION

Statement of Spanish Proficiency: Form CSC 1181, Occasional, Caywood, Applicants for employment.

REVISIONS

DEPARTMENT OF AGRICULTURE

Forest Service:

Youth Conservation Corps IV, Summer 1974, Form ——, Single time, Planchon, Enrollees in Youth Conservation Corps Program, Summer 1974.

RURAL ELECTRIFICATION ADMINISTRATION
- Annual Supplement to Financial and Statistical Report (REA Electric Borrowers), Form REA 7a, Annual, Caywood, REA electric distribution borrower.
- Financial and Statistical Report (REA Electric Borrowers), Form REA 7, Semi-annual, Caywood, REA electric distribution borrower.

DEPARTMENT OF COMMERCE

Bureau of the Census:
- Survey of New Mobile Home Placements, Form C-MH-3, Monthly, Sunderhauf, Mobile Home dealers.
- Annual Survey of Manufacturers, Form MA-100, Annual, Weiner, Sample of manufacturing establishments.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service: Application for Transfer of Allotment and Feed Grain Base from Pool, Form ASCS 178, Occasional, Evinger, Farmers affected by eminent domain.

EXECUTIVE OFFICE OF THE PRESIDENT

Office of Economic Opportunity:
- Contractor's Financial Analysis, Form OEO 193, Annual, Evinger (x).
- Contract Fund Status Report, Form OEO 182, Monthly, Evinger (x).

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service:
- Social Services Expenditure Report, Form SRS NCSS 112, Semi annual, Evinger (x).
- Social Services Report, Form SRS NCSS 115, Quarterly, Evinger (x).
- Quarterly Report of Child Care Arrangement of AFDC Recipients under WIN Program, Form SRS NCSS 102.2, Quarterly, Evinger (x).

DEPARTMENT OF LABOR

Employment Standards Administration: Employee's Claim for Compensation, Form LS 203, Occasional, Evinger (x).
Other Dependents' Claim for Compensation, Form LS 263, Occasional, Evinger (x).

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.74-16342 Filed 7-15-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[811-1975]

CAPITAL TRINITY FUND, INC.

Filing of Application

JULY 9, 1974.

Notice is hereby given that Capital Trinity Fund, Inc., 2015 Ivy Road, Charlottesville, Virginia 22903 ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as a diversified, open-end management investment company, has filed an application 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, a Delaware corporation, registered under the Act by filing its Notification of Registration on Form N-8A under the Act on April 8, 1971.

Applicant and Fairfield Fund, Inc. ("Fairfield"), a New York corporation, also a registered open-end investment company under the Act, entered into an Agreement of Exchange, dated January 16, 1974 (the "Agreement"), providing for the acquisition of substantially all of the assets of Applicant by Fairfield and the liquidation and subsequent dissolution of Applicant. On April 17, 1974, the shareholders of Applicant approved the Agreement and the transactions contemplated by the Agreement were subsequently consummated on April 30, 1974. Pursuant to the Agreement, Fairfield acquired substantially all the assets of Applicant in exchange for shares of Fairfield which have been distributed to Applicant's shareholders. Applicant presently has no assets other than cash in the amount of approximately $4,472, which has been retained to pay all remaining obligations and expenses of liquidation and dissolution.

Applicant represents that it is not engaged in any investment company activity nor does it propose to engage in any investment company activity. It is asserted that, subject to final settlement of its affairs pursuant to Delaware law, Applicant intends to dissolve and terminate its existence.

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 August 5, 1974, 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 August 5, 1974, 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 notice of further developments 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.74-16149 Filed 7-15-74;8:45 am]

[812-3488]

HARTWELL & CAMPBELL FUND, INC., AND HARTWELL & CAMPBELL LEVERAGE FUND, INC.

Notice of Application

JULY 8, 1974.

Notice is hereby given that Hartwell & Campbell Fund, Inc. ("HCF"), and Hartwell & Campbell Leverage Fund, Inc. ("HCLF") 345 Park Avenue, New York, New York 10022 (together hereinafter referred to as the "Funds" or as "Application pursuant to section 2(a)(9) of management investment companies registered under the Investment Company Act of 1940 (the "Act"), have filed an application pursuant to section 2(a)(9) of the Act for an order of the Commission determining that the ownership by William G. Campbell ("Campbell") of 33 percent of the outstanding voting securities of the Hartwell and Campbell Management Corporation ("HCMC"), a Delaware corporation which owns all of the outstanding voting securities of H&C Management Company, Inc. (the "Adviser"), a New York corporation which serves as investment adviser to both Funds, did not give Campbell control of the Adviser. 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.

As of June 5, 1973, the Adviser was serving the Funds pursuant to investment advisory contracts which had become effective on December 14, 1971, after they had been approved by shareholders of HCF and HCLF, respectively.

Hartwell is president of HCMC and at all times between November 1971 and June 5, 1973, owned 63 percent of the outstanding voting securities of that company. Campbell, who as of November 1971 was president of HCF and HCLF, an officer of HCMC and the Adviser, and a member of the board of directors of each of these entities, owned 33 percent of the outstanding stock of HCMC.

On June 5, 1973, Campbell sold all of his shares of HCMC to Hartwell and resigned his positions as a director of HCMC, the Adviser, and the Funds.

Section 2(a)(9) of the Act provides, in pertinent part, that any person who owns beneficially, either directly or through one or more controlled companies, more than 25 per centum of the voting securities of a company shall be presumed to control such comany. Any such presumption may be rebutted by evidence but shall continue until a determination to the contrary is made by the Commission.

Section 2(a)(4) of the Act defines "assignment" to include any direct or indirect transfer of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor.

Section 15(a) of the Act, among other things, makes it unlawful for any person to act as investment adviser to an investment company in the absence of a written contract, and section 15(a)(4) of the Act requires such written contract to provide for its automatic termination in the event of its assignment.

Applicants state that as a consequence of differences of opinion between Hartwell and Campbell regarding general investment policies and, specifically, the management and investment of the assets of the Funds, Hartwell had determined, in June 1972, that Campbell should terminate his affiliation with HCMC and the Adviser by resigning his positions in each and disposing of his interest in the HCMC stock as soon as practicable.

Applicants represent that although Campbell continued to utilize office space at the offices of HCMC and the Adviser until January 12, 1973, he did not, after June 8, 1972, attend or otherwise participate in formal or informal meetings at which general investment policies and philosophies and the management and investment of the assets of HCF and HCLF were discussed and reviewed by the professional staff of HCMC and the Adviser and was not consulted with respect thereto, other than in his capacity as a Director of HCF and HCLF.

By July 1972, several of the portfolios under Campbell's supervision had been transferred to other persons, including the portfolios of both of the Funds. Campbell resigned as president of HCF

and HCLF effective September 12, 1972, and, effective September 15, 1972, he resigned as an officer of HCMC and the Adviser.

Applicants further represent that Campbell has held no positions with HCMC or the Adviser since his resignations on September 15, 1972 (other than his positions as director of both companies) and has not had or exercised any direct or indirect influence over the management of the business and affairs of HCMC or the Adviser or over the management and investment of the assets of HCF and HCLF, other than in his capacity as a director of HCF and HCLF.

Applicants contend that, because HCMC owns all of the outstanding securities of the Adviser, a transfer of a controlling block of the voting securities of HCMC may be deemed to be, in addition, a transfer of a controlling block of the voting securities of the Adviser, and thus to constitute an assignment of the investment advisory contracts between the Adviser and the Funds, which assignment would cause the automatic termination of such contracts pursuant to the terms of the contracts which, as required by section 15(a)(4) of the Act, provide for their automatic termination in the event of their assignment.

In further support of their contention that Campbell did not have a controlling influence over the management and affairs of HCMC for many months prior to the sale of his interest in the company, Applicants state that in September 1972, shortly after his resignation as an officer of HCMC, the Adviser, and the Funds, Campbell became President of William G. Campbell & Co., Incorporated, a Delaware corporation which is an investment counseling firm registered under the Investment Advisers Act of 1940. Applicants also state that to the best of their knowledge Campbell has, since that time, been devoting substantially all of his time to the business of offering investment advice to private investors.

The application also states that Campbell's resignations were disclosed in supplements dated September 22, 1972, to the then effective prospectuses of both HCF and HCLF and that all shareholders of record of HCF and HCLF were advised of the termination of Campbell's affiliations in a letter, dated November 2, 1972, signed by Hartwell, who had succeeded Campbell as President of the Funds. The letter was included in the quarterly report to shareholders of HCLF, for, in each case, the period ended September 30, 1972.

Notice is further given that any interested person may, not later than August 2, 1974, 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 should 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 the 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 August 2, 1974, 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 notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–16145 Filed 7–15–74;8:45 am]

[70–5461]

NEW ENGLAND ELECTRIC SYSTEM, ET AL.

Proposed Unsecured Borrowings

JULY 10, 1974.

In the matter of New England Electric System, Granite State Electric Company, Massachusetts Electric Company, The Narragansett Electric Company, New England Power Company, 20 Turnpike Road, Westborough, Massachusetts 01581.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and its electric utility subsidiary companies, Granite State Electric Company ("Granite"), Massachusetts Electric Company ("Mass Electric"), The Narragansett Electric Company ("Narragansett") and New England Electric Power Company ("NEPCO") have filed a post-effective amendment to their application-declaration previously filed and amended with this Commission in this proceeding designating section 6(a), 7, 9(a), 10 and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 42, 43 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, as further amended by said post-effective amendment, which is summarized below, for a complete statement of the proposed transactions.

By order dated March 29, 1974 (Holding Company Act Release No. 18351) this Commission authorized, among other things, Narragansett to issue notes to banks and/or to NEES in a maximum amount of $17,000,000 to be outstanding at any one time through March 31, 1975. Narragansett now requests authority to increase the authorized amount of such borrowings to $36,000,000. It is represented that only in the event Narragansett (i) does not sell the refunding issue of Series K Bonds and (ii) does obtain the required vote of its shares of preferred stock (as explained below) will this increase in borrowing authority be used.

It is stated that Narragansett has outstanding $21,925,000 principal amount of First Mortgage Bonds, Series A, which are due to mature on September 1, 1974. Narragansett expects to pay these bonds at maturity with proceeds of the sale of Narragansett's Series K Bonds, notice of such sale having been issued on June 7, 1974 (Holding Company Act Release No. 18446). It is further stated that the Terms and Conditions for Bids and Terms of Purchase relating to the Series K Bonds contain provisions permitting Narragansett and/or prospective bidders to cancel the proposed sale/purchase of the Series K Bonds. Therefore, if for these or any other reasons, Narragansett does not sell the Series K Bonds prior to the maturity of the Series A Bonds, Narragansett will require funds to meet this maturity.

In order to obtain such funds if the Series K Bonds are not sold as presently scheduled, Narragansett requests authority to increase its authorized unsecured indebtedness to $36,000,000. The requested authorization will exceed 10 percent of Narragansett's total capitalization but will not exceed 20 percent of such capitalization. To make such borrowings in excess of 10 percent of its capitalization, Narragansett must also obtain the consent of a majority vote of its total number of outstanding shares of preferred stock. By Order dated June 25, 1974 (Holding Company Act Release No. 18470) this Commission authorized Narragansett to solicit proxies in connection with its attempt to obtain such consent.

NEPCO requests authority to increase the amount of its borrowings heretofore authorized in this proceeding from $124,000,000 to $130,000,000 through March 31, 1975. NEPCO also proposes to include eleven additional banks to the list of banks from which it may borrow.

Although no formal commitments have been made, NEPCO and Narragansett expect their proposed borrowings will be effected from the following list of banks. It is proposed that the amounts NEPCO and Narragansett may borrow from any particular bank may be increased or decreased, but at no time will the aggregate amount of short-term borrowings from all banks exceed the authorization for each company.

	Amounts proposed to be authorized by this posteffective amendment No. 1—Banks or NEES[1] (thousands)	
Borrowing company:		
Narragansett	$20,500	(A)
	9,500	(B)
	6,000	(C)
Total	36,000	
NEPCO	30,000	(A)
	2,500	(D)
	10,000	(E)
	7,500	(F)
	10,000	(G)
	10,000	(H)
	10,000	(I)
	10,000	(J)
	7,500	(K)
	7,500	(L)
	5,000	(M)
	10,000	(N)
	10,000	(O)
Total	130,000	

[1] Or Commercial Paper in the case of NEPCO.

(A) The First National Bank of Boston, Boston, Mass.

(B) Industrial National Bank of Rhode Island, Providence, R.I.

(C) Rhode Island Hospital Trust National Bank, Providence, R.I.

(D) Worcester County National Bank, Worcester, Mass.

(E) Chase Manhattan Bank N.A., New York, N.Y.

(F) Chemical Bank, New York, N.Y.

(G) First National City Bank, New York, N.Y.

(H) Irving Trust Co., New York, N.Y.

(I) Manufacturers Hanover Trust Co., New York, N.Y.

(J) Morgan Guaranty Trust Co., of New York, New York, N.Y.

(K) State Street Bank and Trust Co., Boston, Mass.

(L) National Shawmut Bank, Boston, Mass.

(M) New England Merchants National Bank, Boston, Mass.

(N) Continental Illinois National Bank & Trust Co., Chicago, Ill.

(O) First National Bank of Chicago, Chicago, Ill.

NEPCO requests exception of the sale of its commercial paper notes from the competitve bidding requirement of Rule 50 pursuant to section (a)(5) thereof. It is also requested that the certificate of notification under Rule 24 regarding all of the proposed transactions be filed quarterly.

It is stated that no additional fees and expenses are to be incurred in connection with the post-effective amendment. It is stated that NEPCO is seeking authorization from the New Hampshire Public Utilities Commission with respect to the notes proposed to be issued by NEPCO 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 August 13, 1974, request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as further amended by the post-effective amendment, 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 further amended by the post-effective amendment, 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 its rules under the Act 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.74-16148 Filed 7-15-74;8:45 am]

[70-5520]

NORTHEAST UTILITIES, INC.

Proposed Exemption From Competitive Bidding Requirements

JULY 5, 1974.

Notice is hereby given that Northeast Utilities, Inc., 174 Brush Hill Avenue, West Springfield, Massachusetts 01089 ("Northeast"), registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Rules 50 and 100 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Northeast states that it expects to issue and sell in September 1974, for the best price obtainable, 5,000,000 additional common shares, $5 par value ("Common Stock"). The timing of the issue and the exact number of Common Stocks will be fixed in the light of current market conditions and other relevant factors. Northeast requests an exemption from the competitive bidding requirements of Rule 50 under the Act for the issue and sale of such Common Stock to permit it to select, without preliminary competitive negotiations, one or more investment banking firms to form a syndicate which will act as underwriters for the Common Stock and with which Northeast will negotiate the terms on which it will sell the Common Stock to such underwriters.

Northeast states that it is important that, market conditions permitting, it go forward with its proposed sale of the Common Stock in September, in order to provide a $35 million capital contribution to its subsidiary, Connecticut Light & Power Company ("CP&L") for which it is committed. That contribution has been delayed pending the completion of Northeast's own common share issue, because the Commission's most recent order with respect to short-term borrowings by Northeast (Holding Company Act Release No. 18255, January 14, 1974) limits Northeast's aggregate short-term borrowings to $150 million, an amount which would be exceeded if additional funds were borrowed to make the capital contribution. The proceeds of the proposed sale of the Common Stock will be applied first to this capital contribution.

Northeast, with the assistance of its financial advisor, Morgan Stanley & Co., presents the following factors which, it states, compel it to seek an exemption from the competitive bidding requirements of Rule 50. These factors are stated to be not only applicable to Northeast but to the capital-raising problems of the electric utility industry in general. Northeast states:

First, that the rapid increase in demand for additional capital by the utility industry in general, and the increase in the demand for equity capital in particular, together with a corresponding reduction in the supply of available funds, has created a situation where it is extremely difficult for utilities to raise sufficient equity capital to meet their needs; and that the market for new utility issues has been poor in recent weeks, with some utilities finding it impossible to complete contemplated sales of new issues.

Second, that in view of the current market situation it may not be possible for Northeast to raise the necessary equity capital through the sale of the Common Stock without a coordinated effort on the part of the entire securities industry; that such a coordinated effort is not possible under the competitive bidding requirements which automatically split the securities industry into two or more segments; that the recent increase in short-term volatility of the securities market has made it extremely difficult to raise equity capital through the competitive bidding method, since that method does not allow the flexibility available with a negotiated transaction; and that negotiated transaction would give Northeast the ability to adjust its time schedule for sale of the proposed Common Stock to meet rapidly changing market conditions.

In addition to the foregoing, Northeast states that its current financial

condition and market price of its common shares make it particularly important that its proposed sale of the Common Stock be exempt from the competitive bidding requirements; and that it has experienced an adverse trend in consolidated net income and earnings per share since the beginning of this year; due principally to rapidly increasing fuel costs and inability to effect prompt recovery thereof from consumers.

Northeast also points out that it has required increasingly large amounts of equity capital in recent years. During the five year period 1966–1970 Northeast issued common stock in the aggregate amount of $64 million as contrasted with an aggregate amount of $106 million during the following 3-year period. Northeast estimates that it will require at least $205 million of common stock financing during the period 1974–1976, including the proposed sale of the Common Stock.

No state or Federal Commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses to be incurred in connection with this application aggregate $2,000, consisting of legal fees of $1,500 and a payment of $500 to Northeast Utilities Service Company for accounting and other service.

Notice is further given that any interested person may, not later than July 29, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-16146 Filed 7-15-74;8:45 am]

[812-3661]

VENTURE ADVISERS, INC.

Filing of Application

JULY 8, 1974.

Notice is hereby given that Venture Advisers, Inc., One Wall Street, New York, N.Y. 10004 (the "Applicant") has filed an application for an order of the Securities and Exchange Commission (the "Commission") pursuant to section 9(c) of the Act for an order exempting the Applicant and any company of which it is or in the future may become an affiliated person, from the provisions of section 9(a) of the Act, and for an order of temporary exemption from section 9(a) pending the Commission's determination of the Application. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicant states that it is registered as an investment adviser under the Investment Advisers Act of 1940 and is the investment adviser to New York Venture Fund, Inc. (the "Fund"), an open-end diversified management investment company registered under the Act.

On March 7, 1974, the Commission filed a complaint (the "Complaint") in the United States District Court for the Southern District of New York against Avis, Inc., the Applicant and another defendant alleging certain violations of section 10(b) of the Securities Exchange Act of 1934 (the "1934 Act") and Rule 10b-5 promulgated thereunder in connection with certain sales of the common stock of Avis, Inc. by the Fund. On July 2, 1974 pursuant to consent of the Applicant, the Court entered a permanent injunction enjoining the Applicant, its officers, agents, servants and employees from, by use of the means or instrumentalities of interstate commerce or of the mails, recommending or causing or effecting the purchase or sale of any securities issued by Avis, Inc. in violation of section 10(b) of the 1934 Act and Rule 10b-5 promulgated thereunder, without trial or adjudication of any issue of fact or law raised by the Complaint and without admission or denial of any of the allegations therein.

Section 9(a)(2) of the Act, as here pertinent, makes it unlawful for any person who, by reason of any misconduct, is permanently or temporarily enjoined by order, judgment or decree of any court of competent jurisdiction from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security, to serve or act in the capacity of investment adviser or depositor of any registered investment company, or principal underwriter for any registered open-end company, registered unit investment trust, or registered fee-amount certificate company. Section 9(a)(3) makes it unlawful for a company, any affiliated person of which is ineligible by reason of section 9(a)(2), to serve in the enumerated capacities.

Section 9(c) provides that upon application the Commission by order shall grant an exemption from the provisions of section 9(a) either unconditionally or on an appropriate temporary or on a conditional basis, if it is established that the prohibitions of section 9(a) as applied to the applicant are unduly or disproportionately severe or if the conduct of such person has been such as not to make it against the public interest or protection of investors to grant such application.

The Applicant submits that the prohibitions of section 9(a) of the Act, to the extent applicable by virtue of the entry of the injunction as indicated above, would be unduly and disproportionately severe as applied to it and as to companies of which it is or may in the future become an affiliated person, and that Applicant's conduct has not been such as to make it against the public interest or the protection of investors for the Commission to grant this Application.

In support thereof, the Applicant states:

(1) The prohibitions of section 9(a) would deprive the Fund and its shareholders of the services of its investment adviser. Such prohibitions would also deprive the Fund of the services of its principal underwriter (the "Underwriter") since the Underwriter is an affiliated person of the Applicant as the owner of 51 percent of the outstanding common stock of Applicant; such prohibitions would also deprive the other investment companies of which the Underwriter acts as investment adviser and principal underwriter of its services as such, without the Underwriter being named in the Complaint or participating in any way in the alleged violations set forth in the Complaint.

(2) The activities of the Applicant with regard to the sale of the common stock of Avis, Inc. were for the benefit of the Fund and not for the direct pecuniary benefit of the Applicant, and there was no intent to violate any law.

(3) The Applicant has distributed to its personnel involved with trading and investment recommendations a formal written statement of policy with respect to material, inside information and will abide by such policy.

(4) The Applicant has made a settlement with the purchaser of 7,000 shares of Avis, Inc. common stock from the Fund on terms satisfactory to such purchaser, the Applicant and the Fund.

(5) The Applicant has never before required to apply for an exemption from the provisions of section 9(a) of the Act.

The Comission has considered the matter and finds that:

(1) the prohibitions of section 9(a) might be unduly or disproportionately severe as applied to the Applicant, and (2) the conduct of the Applicant has been such as not to make it against the public interest or protection of investors to grant the application for a temporary

exemption from section 9(a) pending determination of the application.

Accordingly, it is ordered, Pursuant to section 9(c) of the Act that the Applicant, and any company of which it presently is an affiliated person, be and they are hereby temporarily exempted from the provisions of section 9(a) of the Act, operative as a result of the entry of the injunction against Applicant in *Securities and Exchange Commission* v. *Avis, Inc. et al.*, 74 Civ. 1065 (S.D.N.Y.), pending determination by the Commission of Applicant's application for an order unconditionally exempting it from unconditionally exempting it from the the provisions of section 9(a) operative as a result of the entry of such injunction.

Notice is further given that any interested person may, not later than July 29, 1974, 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 of fact of 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 set forth above. Proof of such service (by affidavit or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided in Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the Application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued 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 notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-16147 Filed 7-15-74;8:45 am]

[File No. 500-1]

WESTGATE CALIFORNIA CORP.

Suspension of Trading

JULY 8, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5 percent and 6 percent), the 6 percent subordinated debentures due 1979 and the 6½ percent convertible subordinated debentures due 1987 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Echange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from July 9, 1974 through July 18, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-16144 Filed 7-15-74;8:45 am]

TARIFF COMMISSION

[337-L-73]

CERTAIN HYDRAULIC TAPPETS, II

Complaint Received

The United States Tariff Commission hereby gives notice of the receipt on June 18, 1973, of a complaint under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), filed by Eaton Corporation, of Cleveland, Ohio, alleging unfair methods of competition and unfair acts in the importation or sale of certain hydraulic tappets:

(a) by virtue of their being covered by the claims of U.S. Patent No. 3,448,730, owned by the complainant

also

(b) by virtue of palming off the imported tappets.

The complaint names Welles Manufacturing Corporation and Power Industries, both of Union and Ludlow Streets, Northvale, New Jersey, as either importing or offering for sale the subject products.

In accordance with the provisions of § 203.3 of its rules of practice and procedure (19 CFR 203.3), the Commission has initiated a preliminary inquiry into the allegations of the complaint for the purpose of determining whether there is good and sufficient reason for a full investigation, and if so whether the Commission should recommend to the President the issuance of a temporary exclusion order from entry under section 333(f) of the Tariff Act.

A copy of the complaint is available for public inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets NW., Washington, D.C. 20436, and at the New York office of the Tariff Commission located in Room 437 of the Customhouse.

Information submitted by interested persons which is pertinent to the aforementioned preliminary inquiry will be considered by the Commission if it is received not later than August 1, 1974. Extensions of time for submitting information will not be granted unless good and sufficient cause is shown therefor. Such information should be sent to the Secretary, United States Tariff Commission, 8th and E Streets NW., Washington, D.C. 20436. A signed original and nineteen (19) true copies of each document must be filed.

By order of the Commission.

Issued: July 11, 1974.

[SEAL] G. PATRICK HENRY,
Acting Secretary.

[FR Doc.74-16196 Filed 7-15-74;8:45 am]

[TEA-F-64]

WINIG SHOE CORP.

Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962 on behalf of The Wing Shoe Corporation, Gloversville, New York, the United States Tariff Commission, on July 10, 1974, instituted an investigation under section 301(c)(1) of said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for women (of the types provided for in items 700.43, 700.45 and 700.55 of the Tariff Schedules of the United States) produced by the aforementioned firm, are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before July 26, 1974.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

By Order of the Commission:

Issued: July 11, 1974.

[SEAL] G. PATRICK HENRY,
Acting Secretary.

[FR Doc.74-16197 Filed 7-15-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JULY 20, 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 July 26, 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 730 (Sub-No. E64), filed May 31, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Sacramento, Stockton, and Coalinga, Calif., points within 30 miles of Coalinga, and points in those parts of Alameda, Contra Costa, and Solano Counties on and south of California Highway 12, to points in Multnomah, Clackamas, Hood River, Sherman, Gilliam, Wheeler, Morrow, Grant, Umatilla, Baker, and Wallowa Counties, Oreg. The purpose of this filing is to eliminate the gateway of Sparks, Nev.

No. MC–730 (Sub-No. E65), filed May 31, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Colorado to points in Oregon. The purpose of this filing is to eliminate the gateways of points in Utah and Idaho.

No. MC–730 (Sub-No. E66), filed May 31, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., P.O. Box 638, Oakland, California 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals, and acids*, in bulk, in tank vehicles, from points in Colorado to points in Idaho. The purpose of this filing is to eliminate the gateway of points in Utah.

No. MC–730 (Sub-No. E67), filed May 31, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland, California 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals, and acids*, in bulk in tank vehicles, from points in Colorado to points in Nevada. The purpose of this filing is to eliminate the gateway of points in Utah.

No. MC–730 (Sub-No. E68), filed May 31, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., P.O. Box 638, Oakland, California 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals, and acids*, in bulk, in tank vehicles, from points in that part of Colorado west of the Continental Divide, to points in that part of Montana west of Carbon, Stillwater, Golden Valley, Fergus, Chouteau, and Hill Counties. The purpose of this filing is to eliminate the gateway of points in Utah.

No. MC–730 (Sub-No. E69), filed May 31, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., P.O. Box 638, Oakland, California 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except petroleum products which require special equipment for the application of heat or to facilitate unloading), in bulk, in tank vehicles, from points in Los Angeles, Ventura, and Orange Counties, Calif., to points in that part of Washington in and east of Skamania, Yakima, Kittitas, Chelan, Klickitat, and Okanogan Counties, Wash. The purpose of this filing is to eliminate the gateways of Sparks, Nev., and Baker, Oreg.

No. MC–2368 (Sub-No. E4), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bulk, in tank vehicle, from Hartford County, N.C., to points in Kentucky, New York (except points in Kings, Queens, Nassau, and Suffolk Counties), Ohio, and West Virginia. The purpose of this filing is to eliminate the gateway of Hopewell, Va.

No. MC–2368 (Sub-No. E6), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed supplements*, in bulk, in tank vehicles, from points in Virginia on, north, and west of a line beginning at the Virginia-West Virginia State line, and extending along U.S. Highway 33 to its junction with U.S. Highway 340, thence along U.S. Highway 340 to Luray, thence along U.S. Highway 211 to its junction with Interstate Highway 66, thence along Interstate Highway 66 to the District of Columbia-Virginia State line to points in North Carolina. The purpose of this filing is to eliminate the gateway of Linville, Va.

No. MC–2368 (Sub-No. E7), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed supplements*, in bulk, in tank vehicles, from Staunton, Va., to points in North Carolina on, east, and south of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 17 to Wilmington, N.C., thence along U.S. Highway 74 to Asheville, N.C., thence along U.S. Highway 19 to the North Carolina-Georgia State line. The purpose of this filing is to eliminate the gateway of Linville, Va.

No. MC–2368 (Sub-No. E8), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible animal oils*, in bulk, in tank vehicles, from points in West Virginia on and south of a line beginning at the West Virginia-Kentucky State line, and extending east along Interstate Highway 64 to Charleston, thence east along U.S. Highway 60 to the West Virginia-Virginia State line, to points in Maryland (except Baltimore) on and south of Interstate Highway 95, those in Delaware within 80 miles of Philadelphia, Pa. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC–2368 (Sub-No. E9), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible animal oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in North Carolina and South Carolina to points in Maryland (except Baltimore and points on the Eastern Shore south of U.S. Highway 301), and those in Delaware within 80 miles of Philadelphia, Pa. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC–2368 (Sub-No. E10), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible animal oils*, in bulk, in tank vehicles, from points in Virginia on, west, and south of a line beginning at the Virginia-North Carolina State line, and extending along Interstate Highway 95 to Richmond, thence along Interstate Highway 64 to the Virginia-West Virginia State line to points in Delaware within 80 miles of Philadelphia, Pa. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC–2368 (Sub-No. E11), filed May 29, 1974. Applicant BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible animal oils*, in bulk, in tank vehicles, from points in Virginia on and south of a line beginning at the Virginia-West Virginia State line and proceeding east along Virginia Highway 311 to Roanoke, thence along U.S. Highway 460 to its junction with U.S. Highway 360, thence east along U.S. Highway 360 to the Chesapeake Bay, to points in Maryland on and south of Interstate Highway 95. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC–2368 (Sub-No. E12), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible animal oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in West Virginia-Virginia State line, and extending along U.S. Highway 60 to Charleston, thence along Interstate Highway 64 to the West Virginia-Kentucky State line, to points in Maryland on and south of Interstate Highway 95. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC–2368 (Sub-No. E13), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible animal oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in North Carolina to points in Maryland. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC–2368 (Sub-No. E14), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible animal oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in North Carolina on and west of Interstate Highway 95 to points in Delaware. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC–2368 (Sub-No. E15), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible animal oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in South Carolina to points in Delaware and Maryland. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC–2368 (Sub-No. E16), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible animal oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in Virginia on, south and, west of a line beginning at the Virginia-West Virginia State line and extending along Virginia Highway 311 to Roanoke, thence along U.S. Highway 460 to its junction with U.S. Highway 360, thence along U.S. Highway 360 to Richmond, thence along Interstate Highway 95 to Petersburg, thence along Interstate Highway 85 to the Virginia-North Carolina State line to points in Maryland, on and south of Interstate Highway 95. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC–2368 (Sub-No. E17), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible animal oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in Virginia on, west, and south of a line beginning at the Virginia-North Carolina State line and extending along Interstate Highway 95 to Richmond, thence along Interstate Highway 64 to the Virginia-West Virginia State line to points in Delaware. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC–14702 (Sub-No. E40), filed June 4, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined by the Commission, commodities in bulk commodities requiring special equipment and those injurious or contaminating to other lading), between points in that part of Ohio south and east of a line beginning at the Ohio-West Virginia State line and extending west along U.S. Highway 22 to its intersection with Interstate Highway 77, thence along Interstate Highway 77 to its intersection with Ohio Highway 78, thence along Ohio Highway 78 to Ohio Highway 13, thence along Ohio Highway 13 to its intersection with U.S. Highway 33, and thence along U.S. Highway 33 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in New York east of a line extending from the shore of Lake Ontario along New York Highway 18 to Rochester, thence over U.S. Highway 15 from Rochester to Lakeville, thence over U.S. Highway 20–A from Lakeville to Leicester, thence over New York Highway 36 from Leicester to Mt. Morris, thence over New York Highway 408 from Mt. Morris to junction with New York Highway 16, near Hinsdale, thence over New York Highway 16 from said junction to Olean, and thence over New York Highway 16–A to the New York-Pennsylvania State line, points in Pennsylvania on, east, and north of a line beginning at the New York-Pennsylvania State line and extending south along Interstate Highway 81 to its intersection with Interstate Highway 80, thence along Interstate Highway 80 to the Pennsylvania-New Jersey State line, and points in New Jersey east and north of a line beginning at the Pennsylvania-New Jersey State line and extending east along New Jersey Highway 31 to its intersection with U.S. Highway 22, thence along U.S. Highway 22 to its intersection with Interstate Highway 287, thence along Interstate Highway 287 to its intersection with New Jersey Highway 18, thence along New Jersy Highway 18 to its intersection with U.S. Highway 9, thence along U.S. Highway 9 to its intersection with New Jersey Highway 33, and thence along New Jersey Highway 33 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Warren, Ohio.

No. MC–14702 (Sub-No. E41), filed May 31, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, manufactured iron and steel articles, motors, machinery, and machinery parts* (except commodities in bulk and commodities requiring special equipment), between points in Marshall County, W. Va., on the one hand, and, on the other, points in that part of New York east of a line extending from the shore of Lake Ontario along New York Highway 18 to Rochester, thence over U.S. Highway 15 from Rochester to Lakeville, thence over U.S. Highway 20–A from Lakeville to Leicester, thence over New York Highway 36 from Leicester to Mt. Morris, thence over New York Highway 408 from Mt. Morris to junction with New York Highway 16, near Hinsdale, thence over New York Highway 16 from said junction to Olean, and thence over New York Highway 16–A to the New York-Pennsylvania State line, and on and north of U.S. Highway 6. The purpose of this filing is to eliminate the gateway of Warren, Ohio.

No. MC–14702 (Sub-No. E42), filed May 31, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road machinery*,

between points in Illinois, in the Chicago, Ill., commercial zone, as defined by the Commission, and points in Michigan on and south of Michigan Highway 46, on the one hand, and, on the other, points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Warren, Ohio.

No. MC–17002 (Sub-No. E1), filed April 22, 1974. Applicant: CASE DRIVEWAY, INC., 100 22nd Street, Huntington, W. Va. 25714. Applicant's representative: John M. Friedman, 2930 Putnam Ave., Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mine and pit cars*, which because of size or weight require the use of special equipment, from points in Ohio on and each of a line beginning at Portsmouth, Chio, and extending north along U.S. Highway 23 to Columbus; those points north and east of a line extending from Columbus along U.S. Highway 33 to the Ohio-Indiana State line; those points in Pennsylvania west of U.S. Highway 15; and points in West Virginia on and north of a line extending from the Virginia-West Virginia State line along West Virginia Highway 39 to junction West Virginia Highway 20 to Nettie, thence south on West Virginia Highway 20 to junction U.S. Highway 60, thence west of U.S. Highway 60 to the West Virginia-Kentucky State line, to points in Alabama on and south of a line beginning at the Alabama-Georgia State line and extending west along U.S. Highway 278 through Gadsden, Cullman, and Hamilton, Alabama, to the Alabama-Mississippi State line; (2) *Iron and steel*, and iron and steel articles, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, which, because of size or weight require the use of special equipment, from points in that part of Pennsylvania south and west of a line beginning at the Pennsylvania-Maryland State line and extending north along U.S. Highway 15 to junction Interstate Highway 80, thence over Interstate Highway 80 to the Ohio-Pennsylvania State line; points in West Virginia; points in Ohio on and east of a line beginning at Portsmouth, Ohio, and extending north along U.S. Highway 23 to junction Ohio Highway 124 and south of a line beginning at junction U.S. Highway 23 and Ohio Highway 124, extending east along Ohio Highway 124 to junction Ohio Highway 776, thence over Ohio Highway 776 to Jackson, Ohio, thence along U.S. Highway 35 to junction Ohio Highway 124, thence over Ohio Highway 124 to junction Ohio Highway 346, thence along Ohio Highway 346 to Athens, thence along Highway 50 to Belpre, Ohio; and points in Kentucky on and east of a line beginning at South Shore, Ky., and extending south along Kentucky Highway 7 to junction Kentucky Highway 1.

Thence along Kentucky Highway 1 to the Kentucky-West Virginia State line at Louisa, Ky., to points in Arkansas, Oklahoma, and that part of Missouri west of a line beginning at the Arkansas-Missouri State line and extending north along U.S. Highway 67 to junction Missouri Highway 8, thence west along Missouri Highway 8 to junction Missouri Highway 68, thence over Missouri Highway 68 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Missouri-Iowa State line; and (3) *mining machinery and parts* thereof, which, because of size or weight require the use of special equipment, from points in West Virginia; points in Ohio on and south and east of a line beginning at Belpre, Ohio, and extending west along U.S. Highway 50 to Chillicothe, thence along U.S. Highway 23 to the Ohio-Kentucky State line at or near Portsmouth, Ohio; and points in Kentucky on and east of a line beginning at the Kentucky-Tennessee State line and extending north along U.S. Highway 27 to Lexington, thence northeast along U.S. Highway 68 to the Ohio-Kentucky State line at or near Maysville, Ky., to the points of entry located at or near Niagara Falls, New York, and Alexandria Bay, N.Y. The purpose of this filing is to eliminate the gateway of Huntington, W. Va., in (1) and (2) above; and Charleroi, Pa., in (3).

No. MC–30280 (Sub-No. E47), filed May 13, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Philadelphia, Pa., to Atlanta, Ga. The purpose of this filing is to eliminate the gateways of Danville, Va., Reidsville, N.C., and Greenville, S.C.

No. MC–30280 (Sub-No. E48), filed May 17, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton and textile* products, from points in Hudson, Bergen, Essex, Passaic, Union, and Middlesex Counties, N.J., to points in South Carolina. The purpose of this filing is to eliminate the gateway of Pelham, N.C.

No. MC 30280 (Sub-No. E–49), filed May 14, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Finished and unfinished cotton and woolen piece goods*, from points in that part of South Carolina on and west of a line beginning at the North Carolina-South Carolina state line, thence along U.S. Highway 1 to Patrick, thence along South Carolina Highway 102 to junction U.S. Highway 15, thence along U.S. Highway 15 to Bishopville, thence along South Carolina Highway 341 to junction South Carolina Highway 58, thence along South Carolina Highway 58 to Turbeville, thence along U.S. Highway 301 to Manning, thence along South Carolina Highway 260 to junction South Carolina Highway 45 at or near the Santee Dam, thence along South Carolina Highway 45 to Prioleau, thence along South Carolina Highway 6 to junction South Carolina Highway 173, thence along South Carolina Highway 173 to junction U.S. Highway 78, thence along U.S. Highway 78 to Summerville, thence along U.S. Alternate Highway 17 to junction South Carolina Highway 61, thence along South Carolina Highway 61 to junction South Carolina Highway 165, thence along South Carolina Highway 165 to junction U.S. Highway 17, thence along U.S. Highway 17 to Osborn, thence along South Carolina Highway 174 to Otter Island, to Norfolk, Va. The purpose of this filing is to eliminate the gateways of Greensboro, N.C., and Danville, Va.

No. MC–30280 (Sub-No. E50), filed May 17, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton and textile products*, from New York, N.Y., to points in Georgia. The purpose of this filing is to eliminate the gateway of Charlotte, N.C.

No. MC–30280 (Sub-No. E51), filed May 17, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton and textile products*, from Baltimore, Md., to points in South Carolina. The purpose of this filing is to eliminate the gateway of Pelham, N.C.

No. MC–30280 (Sub-No. E52), filed May 17, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton and textile products*, from New York, N.Y., to points in South Carolina. The purpose of this filing is to eliminate the gateway of Charlotte, N.C.

No. MC–30280 (Sub-No. E53), filed May 17, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton and textile products*, from New York, N.Y., to points in (1) that part of North

Carolina on, south, and east of a line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 15 to Laurinburg, thence along U.S. Highway 401 to Fayetteville, thence along U.S. Highway 30 to junction U.S. Highway 70, thence along U.S. Highway 70 to Kinston, thence along U.S. Highway 258 to Jacksonville, thence along U.S. Highway 17 to Dixon, thence along North Carolina Highway 210 to the Atlantic Ocean coast; and (2) points in that part of North Carolina on and west of North Carolina Highway 18. The purpose of this filing is to eliminate the gateway of Pelham, N.C.

No. MC–30280 (Sub-No. E54), filed May 17, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton and textile products*, from points in Hudson, Bergen, Passaic, Essex, Union, and Middlesex Counties, N.J., to points in Georgia. The purpose of this filing is to eliminate the gateway of Charlotte, N.C.

No. MC–30280 (Sub-No. E55), filed May 17, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from points in Lunenburg, Mecklenburg, Halifax, Charlotte, Prince Edward, and Nottoway Counties, Va., to New York, N.Y., Philadelphia, Pa., and Wilmington, Del. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC–31435 (Sub-No. E1), filed May 8, 1974. Applicant: OVERLAND TRANSPORTATION CO., P.O. Drawer N, Akron, Ohio 44312. Applicant's representative: H. D. Gilbert (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) from points in, north, and east of Van Wert, Allen, Hardin, Union, Delaware, Licking, Perry, Morgan, and Washington Counties, Ohio, to points in North Carolina on and east of a line beginning at the junction of U.S. Highway 25 and the North Carolina-South Carolina State line; thence north over U.S. Highway 25 to Asheville, thence north over U.S. Highway 23 to the North Carolina-Tennessee State line; (2) from points in Mercer, Auglaize, Darke, Shelby, Logan, Miami, Champaign, Preble, Montgomery, Clark, Madison, Franklin, Greene, Fayette, Pickaway, Fairfield, Butler, Warren, Clinton, Ross, Hocking, Vinton and Athens Counties, Ohio, to points in North Carolina located on and east of a line beginning at the junction of U.S. Highway 321 and the North Carolina-South Carolina State line; thence north over U.S. Highway 321 to the junction of North Carolina Highway 16 at or near Conover, thence north over North Carolina Highway 16 to junction of North Carolina Highway 18 at or near Wilkesboro, thence north over North Carolina Highway 18 to the North Carolina-Virginia State line; (3) from points in Hamilton County, Ohio, to points in North Carolina on and east of a line beginning at the junction of U.S. Highway 601 and the North Carolina-South Carolina State line near Monroe, thence north over U.S. Highway 601 to the junction of U.S. Highway 52.

Thence north over U.S. Highway 52 to the North Carolina-Virginia State line; (4) from points in, north, and east of Van Wert, Auglaize, Hardin, Union, Franklin, Fairfield, Hocking, Vinton, and Meigs Counties, Ohio, to points in South Carolina on, east, and south of a line beginning at the junction of U.S. Highway 29 and the South Carolina-Georgia State line; thence north and east over U.S. Highway 29 to the North Carolina-South Carolina State line; (5) from points in Mercer, Darke, Miami, and Montgomery Counties, Ohio, to points in South Carolina on, south, and east of a line beginning at the junction of U.S. Highway 301 and the South Carolina-Georgia State line, thence north and east over U.S. Highway 301 to the junction of U.S. Highway 78 at Bamberg, thence east over U.S. Highway 78 to Branchville, thence north over U.S. Highway 21, through Columbia to the North Carolina-South Carolina State line; (6) from points in Clinton, Fayette, Pickaway, and Ross Counties, Ohio, to points in South Carolina located on and east of a line beginning at the junction of U.S. Highway 25 and the South Carolina-Georgia State line, thence north and east over U.S. Highway 25 to Johnston, thence north and east over South Carolina Highway 121 to the North Carolina-South Carolina State line; (7) from points in Shelby, Logan, Champaign, and Clark Counties, Ohio, to points in South Carolina located on, south, and east of a line beginning at the junction of U.S. Highway 221 and the South Carolina-Georgia State line, thence north and east over U.S. Highway 221 to Greenwood, thence north over U.S. Highway 25 to Greenville, thence north and east over U.S. Highway 29 to the North Carolina-South Carolina State line; and (8) from points in Greene and Madison Counties, Ohio, to points in South Carolina on, south, and east of a line beginning at the junction of U.S. Highway 221 and the Georgia-South Carolina State line, thence north and east over U.S. Highway 221 to Greenwood, thence north and east over South Carolina State Highway 72 to Clinton, thence north over Interstate Highway 26 to Spartanburg, thence north and east over U.S. Highway 29 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateway of Marietta, Ohio.

No. MC–46219 (Sub-No. E1), filed May 14, 1974. Applicant: STERNBERGER MOTOR CORPORATION, 45–55 Pearson Street, Long Island City, N.Y. 11101. Applicant's representative: James E. Wilson, 13th and Pennsylvania Avenue NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated new furniture*, from points in North Carolina (except points in Ashe, Alleghany, Surry, Stokes, Watauga, Wilkes, Yadkin, Forsyth, Mitchell, Avery, Caldwell, Alexander, Iredell, Davie, Davidson, Haywood, Madison, Buncombe, Yancey, McDowell, Burke, Catawba, Rowan, Cabarrus, Mecklenburg, Gaston, Lincoln, Cleveland, Rutherford, Polk, Henderson, Transylvania, Jackson, Macon, Clay, Cherokee, Graham, and Swain Counties), to points in Pennsylvania, and points in Westchester, Rockland, Orange, Putnam, Dutchess, Ulster, Sullivan, Delaware, Greene, Columbia, Rensselaer, Albany, Schohaire, Otsego, Montgomery, Schenectady, Saratoga, Fulton, Washington, Warren, Essex, and Clinton Counties, N.Y. The purpose of this filing is to eliminate the gateway of Alexandria, Va., and New York, N.Y.

No. MC–46219 (Sub-No. E2), filed May 14, 1974. Applicant: STERNBERGER MOTOR CORPORATION, 45–55 Pearson Street, Long Island City, N.Y. 11101. Applicant's representative: James E. Wilson, 13th and Pennsylvania Avenue NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated new furniture*, from points in Granville, Vance, Warren, Halifax, Northampton, Gates, Hertford, Camden, Currituck, Pasquotank, Perquimans, Chowan, Bertie, Tyrrell, Dare, Hyde, Washington, Beaufort, Pamlico, Craven, Martin, Pitt, Greene, Lenoir, Jones, Onslow, Carteret, Duplin, Pender, New Hanover, Brunswick, Columbus, Bladen, Sampson, Cumberland, Harnett, Johnston, Wayne, Wilson, Wake, Franklin, Nash, and Edgecombe Counties, to points in Ashtabula, Lake, Trumbull, Mahoning, Portage, Geauga, Summit, Cuyahoga, Medina, Lorain, Stark, and Columbiana Counties, Ohio. The purpose of this filing is to eliminate the gateway of Alexandria, Va., and Warren, Pa.

No. MC–46219 (Sub-No. E3), filed May 14, 1974. Applicant: STERNBERGER MOTOR CORPORATION, 45–55 Pearson Street, Long Island City, N.Y. 11101. Applicant's representative: James E. Wilson, 13th and Pennsylvania Avenue NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated new furniture*, from points in North Carolina to

points in Pennsylvania (except points in Beaver, Allegheny, Washington, Greene, Fayette, and Somerset Counties), and points in Westchester, Rockland, Orange, Putnam, Dutchess, Ulster, Sullivan, Delaware, Greene, Columbia, Rensselaer, Albany, Schoharie, Otsego, Montgomery, Schenectady, Saratoga, Fulton, Washington, Warren, Essex, Clinton, Franklin, St. Lawrence, Hamilton, Herkimer, Jefferson, Lewis, Oneida, Madison, Chenango, and Broome Counties, N.Y. The purpose of this filing is to eliminate the gateway of New York, N.Y., Alexandria, Va., and Warren, Pa.

No. MC–46219 (Sub-No. E4) filed May 14, 1974. Applicant: STERNBERGER MOTOR CORPORATION, 45–55 Pearson Street, Long Island City, N.Y. 11101. Applicant's representative: James E. Wilson, 13th and Pennsylvania Avenue NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated new furniture*, from points in Louisiana to points in New York (except Oswego, Onondaga, Cayuga, Schuyler, Steuben, Yates, Ontario, Seneca, Wayne, Livingston, Allegany, Wyoming, Genesee, Orleans, Niagara, Erie, and Monroe Counties), and points in Pennsylvania (except Erie, Crawford, Mercer, Venango, Clarion, Lawrence, Butler, Armstrong, Beaver, Allegheny, Westmoreland, Fayette, Greene, and Washington Counties), and points in Maine. The purpose of this filing is to eliminate the gateways of Alexandria, Va., New York, N.Y., Jamestown, N.Y., and Warren, Pa.

No. MC–46219 (Sub-No. E5), filed May 14, 1974. Applicant: STERNBERGER MOTOR CORPORATION, 45–55 Pearson Street, Long Island City, N.Y. 11101. Applicant's representative: James E. Wilson, 13th and Pennsylvania Avenue NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated new furniture*, from points in South Carolina to points in Pennsylvania (except Beaver, Allegheny, Washington, Greene, Fayette, and Somerset Counties), and points in New York (except Monroe, Ontario, Yates, Schuyler, Chemung, Steuben, Livingston, Allegany, Wyoming, Genesee, Orleans, Niagara, and Erie Counties). The purpose of this filing is to eliminate the gateway of Alexandria, Va., Warren, Pa., and New York, N.Y.

No. MC–46219 (Sub-No. E6), filed May 14, 1974. Applicant: STERNBERGER MOTOR CORPORATION, 45–55 Pearson Street, Long Island City, N.Y. 11101. Applicant's representative: James E. Wilson, 13th and Pennsylvania Avenue NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated new furniture*, from points in South Carolina (except York, Cherokee, Spartanburg, Greenville, Pickens, Oconee, Anderson, Union, Laurens, Greenwood, McCormick, and Abbeville Counties), to points in Pennsylvania, and points in New York (except Monroe, Ontario, Yates, Schuyler, Chemung, Steuben, Livingston, Allegany, Wyoming, Genesee, Orleans, Niagara, and Erie Counties). The purpose of this filing is to eliminate the gateway of Alexandria, Va., New York, N.Y., and Warren, Pa.

No. MC–46219 (Sub-No. E7), filed May 14, 1974. Applicant: STERNBERGER MOTOR CORPORATION, 45–55 Pearson Street, Long Island City, N.Y. 11101. Applicant's representative: James E. Wilson, 13th and Pennsylvania Avenue NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Philadelphia, Pa., to points in North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, and Florida. The purpose of this filing is to eliminate the gateway of Hampton, Va.

No. MC–46219 (Sub-No. E8), filed May 14, 1974. Applicant: STERNBERGER MOTOR CORPORATION, 45–55 Pearson Street, Long Island City, N.Y. 11101. Applicant's representative: James E. Wilson, 13th and Pennsylvania Avenue NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, uncrated (or crated when moving in the same vehicle with uncrated), from points in Bradford, Susquehanna, Wyoming, Lackawanna, Wayne, Pike, Luzerne, Monroe, Carbon, Northampton, Lehigh, Bucks, Montgomery, and Philadelphia Counties, Pa., to points in Florida. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC–46219 (Sub-No. 1 E9), filed May 14, 1974. Applicant: STERNBERGER MOTOR CORPORATION, 45–55 Pearson Street, Long Island City, N.Y. 11101. Applicant's representative: James E. Wilson, 13th and Pennsylvania Avenue NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Pennsylvania (except Susquehanna, Lackawanna, Monroe, Wayne and Pike Counties) to points in Massachusetts and points in Connecticut. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC–46219 (Sub-No. E19), filed May 14, 1974. Applicant: STERNBERGER MOTOR CORPORATION, 45–55 Pearson Street, Long Island City, N.Y. 11101. Applicant's representative: James E. Wilson, 13th and Pennsylvania Avenue NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated store and office furniture and fixtures*, from points in Franklin, Clinton, Essex, Warren, Hamilton, Herkimer, Fulton, Saratoga, Washington, Montgomery, Schenectady, Rensselaer, Albany, Schoharie, Otsego, Delaware, Greene, Columbia, Ulster, Sullivan, Dutchess, Orange, Rockland, Putnam, Nassau, Suffolk, and Westchester Counties, N.Y., to points in North Carolina, South Carolina, Georiga, Alabama, Mississippi, Louisiana, and Florida. The purpose of this filing is to eliminate the gateway of New York, N.Y., and Philadelphia, Pa., and Hampton, Va.

No. MC–46219 (Sub-No. E20) filed May 14, 1974. Applicant: STERNBERGER MOTOR CORPORATION, 45–55 Pearson Street, Long Island City, N.Y. 11101. Applicant's representative: James E. Wilson, 13th and Pennsylvania Avenue NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, from points in New Jersey (except Sussex, Passaic and Bergen Counties) to points in Connecticut, Massachusetts, Vermont, New Hampshire, Rhode Island, and St. Lawrence, Franklin, Clinton, Essex, Hamilton, Herkimer, Fulton, Warren, Saratoga, Washington, Rensselaer, Albany, Schenectady, Montgomery, Schoharie, Greene, Columbia, Dutchess, Putnam, Westchester, Nassau, and Suffolk Counties, N.Y. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC–46219 (Sub-No. E21), filed May 14, 1974. Applicant: STERNBERGER MOTOR CORPORATION, 45–55 Pearson Street, Long Island City, N.Y. 11101. Applicant's representative: James E. Wilson, 13th and Pennsylvania Avenue NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, uncrated (or crated when moving in the same vehicle with uncrated), from points in New Jersey (except Sussex, Bergen, and Passaic) to points in Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Florida, Alabama, Georgia, Louisiana, South Carolina, and points in St. Lawrence, Franklin, Clinton, Essex, Hamilton, Herkimer, Fulton, Warren, Saratoga, Washington, Rensselaer, Albany, Schenectady, Montgomery, Schoharie, Greene, Columbia, Dutchess, Putnam, Westchester, Nassau, and Suffolk Counties, N.Y. The purpose of this filing is to eliminate the gateway of New York, N.Y., and Alexandria, Va.

No. MC–46219 (Sub-No. E27), filed May 14, 1974. Applicant: STERNBERGER MOTOR CORPORATION, 45–55 Pearson Street, Long Island City, N.Y. 11101. Applicant's representative: James E. Wilson, 13th and Pennsylvania Avenue NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, from points in Rhode Island to points in Niagara, Erie, Chautauqua, Cattaraugus, Wyoming, Allegany, Steuben, Schuyler, Tompkins, Chemung, Tioga, Broome, Sullivan, Orange, Rockland, Nassau, and Suffolk Counties, N.Y., and points in Ohio, New Jersey, Maryland, Delaware,

West Virginia, and Virginia and the District of Columbia. The purpose of this filing is to eliminate the gateway of Jamestown and New York, N.Y.

No. MC–51018 (Sub-No. E2), filed May 31, 1974. Applicant: THE BESL TRANSFER COMPANY, 5550 Este Ave., Cincinnati, Ohio 45232. Applicant's representative: Raymond A. Besl (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of size of weight, requires the use of special equipment, (2) *self-propelled articles*, each weighing 15,000 pounds or more (restricted to commodities which are transported on trailers), and (3) *related machinery, tools, parts, and supplies* moving in connection with the commodities described in (2) above, between points in that part of Ohio on, south, and east of a line beginning at the Ohio-Michigan State line, thence along Ohio Highway 15 to Ottawa, thence along Ohio Highway 65 to Lima, thence along Interstate Highway 75 to Troy, thence along Ohio Highway 41 to junction U.S. Highway 68, thence along U.S. Highway 68 to Xenia, thence along U.S. Highway 42 to Cincinnati, on the one hand, and, on the other, points in that part of West Virginia on and south of Interstate Highway 70. The purpose of this filing is to eliminate the gateway of points in Hamilton County, Ohio, on points in that part of Ohio on and south of Interstate Highway 70 and on and west of Interstate Highway 75.

No. MC–51018 (Sub-No. E3), filed May 31, 1974. Applicant: THE BESL TRANSFER COMPANY, 5550 Este Avenue, Cincinnati, Ohio 45232. Applicant's representative: Raymond A. Besl (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, (2) *self-propelled articles*, each weighing 15,000 pounds or more (restricted to commodities which are transported on trailers), and (3) *related machinery, tools, parts, and suppplies*, moving in connection with the commodities described in (2) above, between points in Ohio (except points in Williams County and that part of Defiance County north and west of Ohio Highway 2), on the one hand, and, on the other, points in that part of Illinois on and south of a line beginning at the Illinois-Iowa State line thence along U.S. Highway 136 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateway of points in Hamilton County, Ohio, on points in that part of Ohio on and south of Interstate Highway 70 and on and west of Interstate Highway 75.

No. MC–51018 (Sub-No. E4), filed May 31, 1974. Applicant: THE BESL TRANSFER COMPANY, 5550 Este Avenue, Cincinnati, Ohio 45232. Applicant's representative: Raymond A. Besl (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, (2) *self-propelled articles*, each weighing 15,000 pounds or more (restricted to commodities which are transported on trailers), and (3) *related machinery, tools, parts, and supplies* moving in connection with the commodities described in (2) above, between points in Ohio (except points in Wililams County and that part of Defiance County north and west of Ohio Highway 2), on the one hand, and on the other, points in that part of Indiana on and south of a line beginning at the Illinois-Indiana State line thence along Interstate Highway 74 to junction Interstate Highway 465, thence along Interstate Highway 465 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Ohio-Indiana State line. The purpose of this filing is to eliminate the gateway of points in Hamilton County, Ohio, on points in that part of Ohio on and south of Interstate Highway 70 and on and west of Interstate 75.

No. MC–51018 (Sub-No. E5), filed May 30, 1974. Applicant: THE BESL TRANSPORT COMPANY, 5550 Este Avenue, Cincinnati, Ohio 45232. Applicant's representative: Raymond A. Besl (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, (2) *self-propelled articles*, each weighing 15,000 pounds or more (restricted to commodities which are transported on trailers), and (3) *related machinery, tools, parts, and supplies* moving in connection with the commodities described in (2) above, between points in Illinois on the one hand, and, on the other, points in that part of Ohio on and south of a line beginning at Union City, thence along Ohio Highway 47 to Bellefontaine, thence along U.S. Highway 33 to Marysville, thence along U.S. Highway 36 to Millwood, thence along U.S. Highway 62 to the Ohio-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of points in Hamilton County, Ohio, on points in that part of Ohio on and south of Interstate Highway 70 and on and west of Interstate Highway 75.

No. MC–51018 (Sub-No. E6), filed May 30, 1974. Applicant: THE BESL TRANSFER Co., 5550 Este Ave., Cincinnati, Ohio. 45232. Applicant's representative: Raymond A. Besl (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, (2) *self-propelled articles*, each weighing 15,000 pounds or more (restricted to commodities which are transported on trailers), and (3) *related machinery, tools, parts, and supplies* moving in connection with the commodities described in (2) above, between points in that part of Indiana on and south of a line beginning at the Indiana-Illinois State line, thence along U.S. Highway 30 to Wanatah, thence along U.S. Highway 421 to Reynolds, thence along U.S. Highway 24 to Wabash, thence along Indiana Highway 15 to Jonesboro, thence along U.S. Highway 35, to Richmond, on the one hand, and, on the other, points in that part of Ohio on and south of a line beginning at the Ohio-Indiana State line, thence along Interstate Highway 70 to Springfield, thence along Ohio Highway 4 to Marysville, thence along U.S. Highway 36 to Millwood, thence along U.S. Highway 62 to the Ohio-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of points in Hamilton County, Ohio, on points in that part of Ohio on and south of Interstate Highway 70 and on and west of Interstate Highway 75.

No. MC–51018 (Sub-No. E7), filed May 30, 1974. Applicant: THE BESL TRANSFER COMPANY, 5550 Este Avenue, Cincinnati, Ohio 45232. Applicant's representative: Raymond A. Besl (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, (2) *self-propelled articles*, each weighing 15,000 pounds or more (restricted to commodities which are transported on trailers), and (3) *related machinery, tools, parts, and supplies* moving in connection with the commodities described in (2) above, between points in that part of Ohio on, south, and west of a line beginning at the Ohio-Indiana State line, thence along U.S. Highway 30 to Delphos, thence along U.S. Highway 30S to Kenton, thence along Ohio Highway 31 to Marysville, thence along U.S. Highway 33 to junction Interstate Highway 270, thence along Interstate Highway 270 to junction U.S. Highway 23, thence along U.S. Highway 23 to Portsmouth, on the one hand, and, on the other, points in that part of New York on and east of a line beginning at Oswego, thence along New York Highway 57 to Syracuse, thence along Interstate Highway 81 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of points in Hamilton County, Ohio, on points in that part of Ohio on and south of Interstate Highway 70 and on and west of Interstate Highway 75.

No. MC–51018 (Sub-No. E8), filed May 30, 1974. Applicant: THE BESL TRANSFER CO., 5550 Este Ave., Cincinnati, Ohio 45232. Applicant's representative: Raymond A. Besl (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, (2) *self-propelled*

articles, each weighing 15,000 pounds or more (restricted to commodities which are transported on trailers), and (3) *related machinery, tools, parts, and supplies* moving in connection with the commodities described in (2) above, between points in that part of Ohio on and west of a line beginning at Toledo, thence along Interstate Highway 75 to Findlay, thence along U.S. Highway 68 to Xenia, thence along U.S. Highway 42 to Cincinnati, on the one hand, and, on the other, points in Kentucky. The purpose of this filing is to eliminate the gateway of points in Hamilton County, Ohio, or points in that part of Ohio on and south of Interstate Highway 70 and on and west of Interstate Highway 75.

No. MC-73165 (Sub-No. E49), filed May 20, 1974. Applicant: EAGLE MOTOR LINES, INCORPORATED, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe and pipe fittings*, (1) from points in Florida, and points in Mississippi, Alabama, and Georgia on and south of U.S. Highway 80 to points in South Dakota, North Dakota, and Montana; and (2) from points in New Mexico, Arizona, and points in California on and south of Interstate Highway 80 to points in Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine. The purpose of this filing is to eliminate the gateways of Gilmer, Tex., and the plantsite of Western Foundry Company, a division of Woodward Company, at or near Tyler, Tex.

No. MC-88368 (Sub-No. E17), filed May 15, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Ave. NW., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) from points in Montana to points in Alabama (points in Colorado, Kansas, and Mississippi, and Florence, Sheffield, and Tuscumbia, Ala.),* points in Arkansas (points in Wyoming, points in Kimball, Banner, and Cheyenne Counties, Nebr., and Newton, Kans., and points within 15 miles thereof),* points in California (points in Idaho in and north of Idaho County),* points in Georgia (points in Colorado, Kansas, and Mississippi, and Florence, Sheffield, and Tuscumbia, Ala.),* points in Illinois (points in Wyoming, points in Kimball, Banner, and Cheyenne Counties, Nebr., Harlan, Iowa, and points within 15 miles thereof, and Bloomington, Ill., and points within 25 miles thereof),* points in Indiana within 100 miles of Danville, Ill. (points in Wyoming, points in Kimball, Banner, and Cheyenne Counties, Nebr., Harlan, Iowa, and points within 15 miles thereof, and Bloomington, Ill., and points within 25 miles thereof),* points in Iowa within 15 miles of Harlan, Iowa (points in Wyoming and points in Kimball, Banner, and Cheyenne Counties, Nebr.),* points in Kansas (points in Wyoming, points in Kimball, Banner, and Cheyenne Counties, Nebr., and Newton Kans., and points within 15 miles thereof),* points in Louisiana (points in Colorado, points in Cowley County, Kans., and points in Cherokee County, Tex.),* points in Mississippi (points in Colorado and Kansas),* points in Missouri (points in Colorado),* points in Kimball, Banner, and Cheyenne Counties, Nebr. (points in Wyoming),* points in New Jersey (points in Wyoming, points in Kimball, Banner, and Cheyenne Counties, Nebr., Newton, Kans., and points within 15 miles thereof, Bloomington, Ill., and points within 25 miles thereof, points in Jefferson County, Ohio, and Philadelphia, Pa.),* points in North Carolina (points in Colorado, Kansas, and Mississippi, and Florence, Sheffield, and Tuscumbia, Ala.),* points in Oregon (points in Washington east of the Cascade Mountains),* points in Tennessee (points in Wyoming, points in Kimball, Banner, and Cheyenne Counties, Nebr., and Newton, Kans., and points within 15 miles thereof),* points in Virginia (points in Wyoming, points in Kimball, Banner, and Cheyenne Counties, Nebr., Newton, Kans., and points within 15 miles thereof, Bloomington, Ill., and points within 25 miles thereof, and points in Harlan County, Ky.);* (2) from points in Montana (except Butte and points within 125 miles thereof) to points in Idaho in and south of Adams, Valley, and Lemhi Counties, in excess of 125 miles of Butte, Mont. (Butte, Mont., and points within 125 miles thereof);* (3) from points in Montana west of the Continental Divide to points in Indiana in excess of 100 miles of Danville, Ill. (points in Wyoming, points in Kimball, Banner, and Cheyenne Counties, Nebr., and Newton, Kans., and points within 15 miles thereof);* and (4) from points in Montana (except Butte and points within 125 miles thereof), to points in Utah (Butte, Mont., and points within 125 miles thereof).* The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC-95540 (Sub-No. E224), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned vegetables and canned pimentos*, in vehicles equipped with mechanical refrigeration, from Oxnard, Calif., to points in New Hampshire. The purpose of this filing is to eliminate the gateway of the plantsite and warehouse sites of the Commercial Cold Storage, Inc., located at or near Doraville, Ga.

No. MC-95540 (Sub-No. E227), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products* as defined in Appendix A to the report in Modification of Permits-Packing House Products, 46 M.C.C. 23 (except commodities in bulk, in tank vehicles), from Dade City, Fla., to points in Texas. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC-95540 (Sub-No. E228), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salad dressing, canned tuna, and canned and preserved olives*, in vehicles equipped with mechanical refrigeration, from San Diego, Calif, to points in New Hampshire. The purpose of this filing is to eliminate the gateway of the plantsite and warehouse site of the Commercial Cold Storage, Inc., located at or near Doraville, Ga.

No. MC-95540 (Sub-No. E232), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pizza, salads, and sandwich spreads*, in vehicles equipped with mechanical refrigeration, from Greensboro, N.C., to points in Colorado. The purpose of this filing is to eliminate the gateway of Doraville, Ga.

No. MC-95540 (Sub-No. E241), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Tampa and Jacksonville, Fla., to points in Washington. The purpose of this filing is to eliminate the gateway of Gulfport, Miss.

No. MC-95540 (Sub-No. E243), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned vegetables and canned pimentos*, in vehicles equipped with mechanical refrigeration, from Oxnard, Calif., to points in Vermont. The purpose of this filing is to eliminate the gateway of the plant site and warehouse sites of the Commercial Cold Storage Inc., located at or near Doraville, Ga.

No. MC–95540 (Sub-No. E250), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Tampa and Jacksonville, Fla., to points in Utah. The purpose of this filing is to eliminate the gateway of Gulfport, Miss.

No. MC–95540 (Sub-No. E615), filed May 8, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and edible meat byproducts, dairy products, and edible articles distributed by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration, from Orangeburg, S.C., to points in Nebraska. RESTRICTION: The service authorized immediately above is subject to the conditions that such commodities as do not require refrigeration shall be transported only in mixed truckloads with commodities requiring refrigeration. The purpose of this filing is to eliminate the gateway of Doraville, Ga.

No. MC–100666 (Sub-No. E65), filed May 23, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Proposal 1: *Gypsum plaster products* and *building materials* (only wallboard, fiberboard, particleboard, roofing, insulating, sheathing joint system compounds, and building paper and tape) (except commodities in bulk), from the plant site and warehouse facilities of National Gypsum Company at or near Rotan, Tex., to points in Kentucky and Tennessee. The purpose of this filing is to eliminate the gateway of West Memphis, Ark. Proposal 2: *Building materials* (except commodities in bulk), from the plant site described in proposal 1 to points in Ohio. The purpose of this filing is to eliminate the gateway of Shreveport, La. Proposal 3: *Gypsum products* and *building materials* (except commodities in Bulk), from the plant site (1) to points in Florida. The purpose of this filing is to eliminate the gateway of the plant sites and warehouse facilities of the National Gypsum Company at New Orleans, La. Proposal 4: *Gypsum wallboard, gypsum lath, gypsum wallboard products, metal lath, metal studs, clips, tape, joint cement, and joint systems* (except commodities in bulk), from the plant site described in Proposal 1 above to points in Alabama, Georgia, Illinois, and Indiana. The purpose of this filing is to eliminate the gateway of Briar, Ark.

Proposal 5: *Gypsum products and building materials* (except commodities in bulk) from the plant site described in proposal 1 above to points in Colorado, Kansas, and Missouri. The purpose of this filing is to eliminate the gateway of Duke, Okla. Proposal 6: *Gypsum products and building materials* (except commodities in bulk) from the plant site described in proposal 1 above to points in Nebraska. The purpose of this filing is to eliminate the gateways of Duke, Okla., and Acme, Tex. Proposal 7: *Gypsum wallboard and prefinished wall panels, composition board, wallboard, plywood, and mouldings* (except commodities in bulk, from the plant site described in proposal 1 above to points in Connecticut, Delaware, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, North Dakota (only points on and east of State Highway 1), Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. The purpose of this filing is to remove the gateways of Duke, Okla., and Pittsburg, Kans.

No. MC–107496 (Sub-No. E2), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, from Sidney, Nebr., to points in Tennessee. The purpose of this filing is to eliminate the gateway of the plant site of Ashland Chemical Company at or near Valley Park, Mo.

No. MC–107496 (Sub-No. E3), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, urea, and fertilizer*, in bulk, from Omaha, Nebr., to points in Kentucky. The purpose of this filing is to eliminate the gateway of Ft. Madison, Iowa.

No. MC–107496 (Sub-No. E4), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, from Sidney, Nebr., to points in Indiana (except points in Lake County). The purpose of this filing is to eliminate the gateway of the plantsite of Ashland Chemical Co., at or near Valley Park, Mo.

No. MC–107496 (Sub-No. E5), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, in bulk, in tank vehicles, from points in Nebraska (except points south of U.S. Highway 6) to points in Tennessee (except points on and south of U.S. Highway 64 ad west of U.S. Highway 45.) The purpose of this filing is to eliminate the gateways of Omaha, Nebr., Ft. Madison, Iowa, and the plantsite of Ashland Chemical Company at or near Mapleton, Ill.

No. MC–107496 (Sub-No. E6), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from points in Nebraska on and west of U.S. Highway 83 and on and south of U.S. Highway 30 to points in North Dakota on and west of North Dakota Highway 8. The purpose of this filing is to eliminate the gateways of Sidney and North Platte, Nebr., and points in Pennington County, S. Dak.

No. MC–107496 (Sub-No. E7), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check, Attorney (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from points in Nebraska to points in Kansas. The purpose of this filing is to eliminate the gateways of Doniphan, Sidney, and Omaha, Nebr.

No. MC–107496 (Sub-No. E19), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed supplements*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Idaho. The purpose of this filing is to eliminate the gateway of Morrill, Nebr.

No. MC–107496 (Sub-No. E20), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonedible animal oils*, in bulk, in tank vehicles, from all points in North Dakota to points in Iowa (except points west of U.S. Highway 71 and north of Interstate Highway 80). The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC–107496 (Sub-No. E21), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855,

Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-edible animal oils*, in bulk, in tank vehicles, from points in North Dakota to points in Missouri. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC–107496 (Sub-No. E22), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Dubuque, Iowa, to points in Indiana on and south of a line from the Illinois-Indiana State line over Indiana Highway 24 to Peru, thence over Indiana Highway 124 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of the plant site of Ashland Chemical Co., at Mapleton, Ill.

No. MC–107496 (Sub-No. E23), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Des Moines, Iowa, to points in Wisconsin on and north of a line from the Minnesota-Wisconsin State line over U.S. Highway 16 to Tomah, thence over Wisconsin Highway 21 to Oshkosh, thence over U.S. Highway 41 to Green Bay. The purpose of this filing is to eliminate the gateway of the terminal of Williams Brothers at Rochester, Minn.

No. MC–107496 (Sub-No. E25), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry phosphoric*, in bulk, in tank vehicles, from the plant and storage facilities of Arkla Chemical Corporation, in Phillips County, Ark., to points in Iowa on and west of U.S. Highway 69. The purpose of this filing is to eliminate the gateway of Lawrence, Kans.

No. MC–107496 (Sub-No. E28), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Dubuque, Iowa, to points in Kentucky. The purpose of this filing is to eliminate the gateway of the plant site of Ashland Chemical Company at or near Mapleton, Ill.

No. MC–107496 (Sub-No. E29), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Dubuque, Iowa, to points in Tennessee. The purpose of this filing is to eliminate the gateway of the plant site of Ashland Chemical Company at or near Mapleton, Ill.

No. MC–107496 (Sub-No. E30), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Dubuque, Iowa, to points in Louisiana. The purpose of this filing is to eliminate the gateway of the plant site of Ashland Chemical Co. at or near Mapleton, Ill.

No. MC–107496 (Sub-No. E51), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles, from points in Wyoming on and south of U.S. Highway 26 to points in Minnesota. The purpose of this filing is to eliminate the gateway of Fremont, Nebraska.

No. MC–107496 (Sub-No. E52), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the site of the pipeline terminal of Hydrocarbon Transportation, Inc., at or near Plattsmouth, Nebraska, to points in Iowa. The purpose of this filing is to eliminate the gateway of points in Iowa on and west of U.S. Highway 169.

No. MC–107496 (Sub-No. E53), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from points in Nebraska east of U.S. Highway 83 to points in Utah. The purpose of this filing is to eliminate the gateway of points in Colorado, Wyoming, and points in Nebraska on and west of U.S. Highway 83.

No. MC–107496 (Sub-No. E54), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Wyoming (except points in Yellowstone National Park and Park, Teton, and Hot Springs Counties, Wyo.), to points in North Dakota.

No. MC–107496 (Sub-No. E55), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, from Ft. Madison, Iowa, to points in Colorado. The purpose of this filing is to eliminate the gateway of the plant site of Ashland Chemical Company at or near Mapleton, Ill.

No. MC–107496 (Sub-No. E122), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lecithin*, in bulk, in tank vehicles, from Des Moines, Iowa, to points in Indiana. The purpose of this filing is to eliminate the gateway of the plantsite of Ashland Chemical Co., at or near Mapleton, Ill.

No. MC–107496 (Sub-No. E123), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, from Muscatine, Iowa, to points in New York. The purpose of this filing is to eliminate the gateway of Troy Grove, Ill.

No. MC–107496 (Sub-No. E124), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, from Muscatine, Iowa, to points in Ohio. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–107496 (Sub-No. E125), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemical insecticide*, in bulk, in tank vehicles, from Minneapolis and St. Paul, Minn., to points in Ohio. The purpose of this filing is to eliminate the gateway of the plant site of Ashland Chemical Company at or near Mapleton, Ill.

No. MC–107496 (Sub-No. E151), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855,

Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from points in Minnesota on and north of Minnesota Highway 14 to points in Kansas. The purpose of this filing is to eliminate the gateways of Mankato, Minn., and the plant site of Archer-Daniels-Midland Company at or near Lincoln, Nebr.

No. MC–107496 (Sub-No. E152), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible vegetable oils*, in bulk, in tank vehicles, from points in Minnesota to points in Arizona (except Phoenix). The purpose of this filing is to eliminate the gateways of Mankato, Minn., and the plantsite of Archer-Daniels Midland Company at or near Lincoln, Nebr.

No. MC–107496 (Sub-No. E153), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from St. Paul, Minn., to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Eau Claire, Wis.

No. MC–107496 (Sub-No. E154), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemical coal tar products*, in bulk, from St. Paul, Minn., to points in Illinois on and south of U.S. Highway 24. The purpose of this filing is to eliminate the gateway of the plant site of the Hawkeye Chemical Company at or near Clinton, Iowa.

No. MC–107496 (Sub-No. E160), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Iowa (except points in Adams, Taylor, Montgomery, Page, Mills, Fremont, Ringgold, and Union Counties), to points in Kansas. The purpose of this filing is to eliminate the gateways of Council Bluffs, Iowa, and points within 10 miles thereof and Bethany, Mo.

No. MC–107496 (Sub-No. E163), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrazine mix*, in bulk, in tank vehicles from White Sands Missile Range, N. Mex., to points in Wyoming. The purpose of this filing is to eliminate the gateway of Rocky Mountain Arsenal at Denver, Colo.

No. MC–107496 (Sub-No. E202), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Clear Lake, Iowa, to points in South Dakota, south of U.S. Highway 16. The purpose of this filing is to eliminate the gateway of the site of the pipeline terminal outlet of Kaneb Pipeline Company at or near Le Mars, Iowa.

No. MC–107496 (Sub-No. E226), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and liquid fertilizer solutions*, in bulk, in tank vehicles, from the plant site and warehouse site of the Royster Company near Francesville, in Pulaski County, Ind., to points in Iowa. The purpose of this filing is to eliminate the gateway of the plant site of Amoco Chemicals Corporation located approximately six miles southwest of Joliet, Ill.

No. MC–107496 (Sub-No. E227), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and liquid fertilizer materials*, in bulk, in tank vehicles, from the plant site and warehouse site of the Royster Company near Francesville, in Pulaski County, Ind., to points in Wisconsin on and west of U.S. Highway 51. The purpose of this filing is to eliminate the gateway of the plant site of the Stauffer Chemical Co. (formerly the Des Plaines Chemical Co.) at or near Morris, Ill.

No. MC–107496 (Sub-No. E228), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions and amoniating solutions*, in bulk, in tank vehicles, Carmel, Ind., to points in Iowa. The purpose of this filing is to eliminate the gateway of the storage facilities of the Kaiser Agricultural Chemicals at Fulton, Ind.

No. MC–107496 (Sub-No. E229), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions and ammoniating solutions*, in bulk, in tank vehicles, from the facilities of the Kaiser Agricultural Chemicals, Division of Kaiser Aluminum and Chemical Corporation, at Fulton, Ind., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Webster City, Iowa.

No. MC–107496 (Sub-No. E230), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry* fertilizer and fertilizer ingredients from the plant site of W. R. Grace and Co., located at or near Henry, Ill., to points in North Dakota. The purpose of this filing is to eliminate the gateway of Welcome, Minn.

No. MC–107496 (Sub-No. E231), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plant site of C. F. Industries, Inc., at or near Albany, Ill., to points in Kentucky. The purpose of this filing is to eliminate the gateway of the plant site of Central Nitrogen, Inc., near Terre Haute, Ind.

No. MC–107496 (Sub-No. E232), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plant site or storage facility of CF Industries, at or near Albany, Ill., to points in North Dakota. The purpose of this filing is to eliminate the gateway of Savage, Minn.

No. MC–107496 (Sub-No. E233), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer, dry fertilizer materials, dry urea, and dry ammonia nitrate* from the plant site of Stauffer Chemical Co. (formerly the Des Plaines Chemical Company), at or near Morris, Ill., to points in Kansas. The purpose of this filing is to eliminate the gateway of Clinton, Iowa.

No. MC–107496 (Sub-No. E234), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855,

Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and liquid fertilizer solutions*, in bulk, in tank vehicles, from the plant site of Amoco Chemicals Corporation located approximately six miles southwest of Joliet, Ill., to points in Kentucky. The purpose of this filing is to eliminate the gateway of the plant site of Central Nitrogen, Inc., near Terre Haute, Ind.

No. MC–107496 (Sub-No. E270), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except those needing heat in transit), in bulk, in tank vehicles, from Havana, Ill., to points in Utah. The purpose of this filing is to eliminate the gateway of Alexandria, Mo., Council Bluffs, Iowa, and points in Nebraska west of U.S. Highway 83.

No. MC–107496 (Sub-No. E271), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lacquer, paint thinners, and paint removers*, in bulk, in tank vehicles, from Mapleton, Ill., to points in Texas. The purpose of this filing is to eliminate the gateway of Kansas City, Mo.

No. MC–107496 (Sub-No. E272), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Yoder, Ind., to points in Minnesota. The purpose of this filing is to eliminate the gateway of the plant site of the Apple River Chemical Company at or near East Dubuque, Ill.

No. MC–107496 (Sub-No. E273), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Peru, Ill., and points within 10 miles of Peru to points in Colorado. The purpose of this filing is to eliminate the gateways of Mt. Ayr, Ft. Dodge, Sioux City, and Council Bluffs, Iowa.

No. MC–107496 (Sub-No. E274), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed ingredients* (except animal fats and vegetable oils) in bulk, from the facilities of Cargill, Inc., at or near Buffalo, Iowa, to points in Michigan. The purpose of this filing is to eliminate the gateway of the plant site of the Occidental Chemical Company near Montpelier, Iowa.

No. MC–107496 (Sub-No. E275), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed ingredients* (except animal fats and vegetable oil), in bulk, from the facilities of Cargill, Inc., at or near Buffalo, Iowa, to points in Indiana. The purpose of this filing is to eliminate the gateway of the plant site of the Occidental Chemical Company near Montpelier, Iowa.

No. MC–107496 (Sub-No. E276), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Peoria, Ill., and points within 10 miles thereof to points in Wyoming. The purpose of this filing is to eliminate the gateways of Ft. Madison and Council Bluffs, Iowa, and points in Nebraska west of U.S. Highway 83.

No. MC–107496 (Sub-No. E277), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed ingredients* (except animal fats and vegetable oils) in bulk, from the facilities of Cargill, Inc., at or near Buffalo, Iowa, to points in Nebraska. The purpose of this filing is to eliminate the gateway of the plant site of the Occidental Chemical Company near Montpelier, Iowa.

No. MC–107496 (Sub-No. E278), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from points in Minnesota (except points south of Minnesota Highway 30 and west of Minnesota Highway 15) to points in New Mexico. The purpose of this filing is to eliminate the gateways of Mankato, Minn., and the plant site of Archer-Daniels-Midland Company at or near Lincoln, Nebr.

No. MC–107496 (Sub-No. E279), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in bulk, in tank vehicles, from Madison, Wis., and points within 15 miles thereof, points in Schuyler, Scotland, Clark, Adair, Knox, Lewis, Marion, Shelby, Macon, Rolls, and Monroe Counties, Mo. The purpose of this filing is to eliminate the gateway of Rochelle, Iowa, and points within 15 miles thereof, and Ft. Madison, Iowa, and points within 10 miles thereof.

No. MC–107496 (Sub-No. E280), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Colorado on and west of U.S. Highway 85 and on and south of Colorado Highway 119 to its junction with U.S. Highway 6 thence on and south of U.S. Highway 6, to points in South Dakota. The purpose of this filing is to eliminate the gateway of Denver, Colorado.

No. MC–107496 (Sub-No. E281), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles, from points in Wyoming to points in Iowa (except points north of Iowa Highway 3 and west of U.S. Highway 59). The purpose of this filing is to eliminate the gateway of Fremont, Nebraska.

No. MC–107496 (Sub-No. E282), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lacquer, paint thinners, and paint removers* (except petroleum products) from Denver, Colo., to points in Alabama. The purpose of this filing is to eliminate the gateway of Kansas City, Mo.

No. MC–109094 (Sub-No. E1), filed May 13, 1974. Applicant: GAULT TRANSPORTATION, INC., P.O. Drawer L, Wareham, Mass. 02571. Applicant's representative: Frank L. Hand (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Newport, Providence, Pawtucket, East Providence, and Tiverton, R.I., and Fall River, Mass., to points in New York, except points in that port of New York, N.Y., Commercial Zone, as defined in the

fifth supplemental report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided by Section 203(b)(8) of the Interstate Commerce Act (the exempt zone). The purpose of this filing is to eliminate the gateway of Boston, Mass.

No. MC–111545 (Sub-No. E183), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer), from Talladega, Ala., to points in Connecticut, Delaware, Maryland (except Baltimore and Odenton), Massachusetts, Rhode Island, and Virginia, restricted to the transportation of crates and crate parts. The purpose of this filing is to eliminate the gateway of Ringgold, Ga.

No. MC–111545 (Sub-No. E185), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pallets*, from Talladega, Ala., to points in Connecticut, Delaware, Maryland (except Baltimore and Odenton), Massachusetts, Minnesota, Rhode Island, and Virginia. The purpose of this filing is to eliminate the gateway of Ringgold, Ga.

No. MC–111545 (Sub-No. E186), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between the District of Columbia, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateway of Ringgold, Ga., and Cairo, Ill.

No. MC–111545 (Sub-No. E187), filed May 21, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Georgia 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, between points in Tennessee within 175 miles of Chattanoga, Tenn., on the one hand, and, on the other, points in New Jersey. The purpose of this filing is to eliminate the gateway of Asheville, N.C.

No. MC–111545 (Sub-No. E194), filed May 21, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30060. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Kentucky within 175 miles of Chattanooga, Tenn., which are on and south of a line beginning at the Tennessee River at Linton, thence along Kentucky Highway 164 to Hopkinsville, thence along Kentucky Highway 80 to Pikeville, thence along U.S. Highway 460 to the Kentucky-Virginia State line, on the one hand, and, on the other hand, points in that part of New York on and east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 79 to junction New York Highway 7, thence along New York Highway 7 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 8, thence along New York Highway 8 to junction U.S. Highway 9, thence along U.S. Highway 9 to the United States-Canada International Boundary line, and all points in Maryland. The purpose of this filing is to eliminate the gateway of Mt. Airy, N.C.

No. MC–111594 (Sub-No. E2), filed April 26, 1974. Applicant: C. W. TRANSPORT, INC., 610 High St., Wisconsin Rapids, Wis. 54494. Applicant's representative: Thomas D. O'Connor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles.

Proposal 1: From that part of Lake County, Ill., on, east, and south of a line beginning at Zion, and extending in a southwesterly direction to Grays Lake, thence in a southeasterly direction to Libertyville, thence in a southwesterly direction through Lake Zurich, to the Lake County-Cook County line, to points in Delaware, Louisiana, and New York, that part of Indiana located on and south of a line beginning at the junction of U.S. Highways 50 and 41 at or near Vincennes; thence east over U.S. Highway 50 to the Indiana-Ohio State line, that part of Michigan located on, north, and east of a line beginning at the junction of Michigan Highway 110 and 55 at or near Mainstee; thence east over Michigan Highway 55 to junction Michigan Highway 115, thence southeast over Michigan Highway 115 to junction U.S. Highway 10; thence southeast over U.S. Highway 10 to Pontiac; thence south over U.S. Highway 24 to the Michigan-Ohio State line, that part of the Upper Peninsula of Michigan located on and north of a line beginning at the junction of U.S. Highway 2 and Ironwood; thence east over U.S. Highway 2 to Crystal Falls; thence east over Michigan Highway 69 to Sagola; thence north over Michigan Highway 95 to junction U.S. Highway 41; thence east over U.S. Highway 41 to junction Michigan Highway 35; thence southeast over Michigan Highway 35 to Gladston; thence north and east over U.S. Highway 2 to junction Michigan Highway 134; thence east over Michigan Highway 134 to Lake Huron. That part of Ohio located on, east, and south of a line beginning at the junction of Ohio Highway 53 and Port Clinton; thence southwest over Ohio Highway 53 to the junction of Ohio Highway 12; thence southwest over Ohio Highway 12 to Findlay; thence south over U.S. Highway 68 to Springfield; thence west over U.S. Highway 40 to the Ohio-Indiana State line.

That part of Wisconsin located on, north, and west of a line beginning at the junction of Wisconsin Highway 25 and the Wisconsin-Minnesota State line at or near Nelson; thence north over Wisconsin Highway 25 to junction U.S. Highway 8; thence east over U.S. Highway 8 to Rhinelander; thence north over Wisconsin Highway 17 to the Wisconsin-Michigan State line.

Proposal 2: From that part of Cook County, Ill., located on, north, and west of a line beginning at the junction of Illinois Highway 58, and the town of Evanston; thence west over Illinois Highway 58 to junction Illinois Highway 83; thence south over Illinois Highway 83 to the Cook County line, thence west over Cook County line to its junction with Kane County line, to points in Delaware, Louisiana, and New York, that part of Indiana located on, east, and south of a line beginning at the junction of U.S. Highways 50 and 41 at or near Vincennes; thence east over U.S. Highway 50 to junction Indiana Highway 3; thence north over Indiana Highway 3 to junction Indiana Highway 46; thence east over Indiana Highway 46 to junction Indiana Highway 1; thence north over Indiana Highway 1 to junction U.S. Highway 40; thence east over U.S. Highway 40 to the Indiana-Ohio State line, that part of Michigan located on, east, and south of a line beginning at the junction of U.S. Highway 10 and the town of Ludington; thence southeast over U.S. Highway 10 to Flint; thence south over U.S. Highway 23 to the Michigan-Ohio State line, that part of the Upper Peninsula of Michigan located on and north of a line beginning at the junction of U.S. Highway 2 and the town of Ironwood; thence east over U.S. Highway 2 to the junction of Michigan Highway 134; thence east over Michigan Highway 134 to Lake Huron.

That part of Ohio located on, east, and south of a line beginning at the junction of U.S. Highway 23 and the Ohio-Michigan State line at or near Sylvania; thence south over U.S. Highway 23 to the town of Perrysburg; thence south over U.S. Highway 25 to Findlay; thence south over Ohio Highway 68 to junction U.S. Highway 36; thence west over U.S. Highway 36 to the Ohio-Indiana State line, that part of Wisconsin located on, west, and north of a line beginning at the junction of Wisconsin Highway 93 and the town of

Trempealeau; thence north on Wisconsin Highway 93 to Eau Claire; thence north on U.S. Highway 53 to junction U.S. Highway 8; thence east over U.S. Highway 8 to the Wisconsin-Michigan State line.

Proposal 3: From that part of Du Page County, Ill., located on and north of Alternate U.S. Highway 30 to all points in Delaware, Louisiana, and New York, that part of Indiana located on and south of a line beginning at the junction of U.S. Highways 50 and 41 at or near Vincennes; thence east over U.S. Highway 50 to the Indiana-Ohio State line, that part of Michigan located on and east of a line beginning at the junction of U.S. Highways 23 and 31 at or near Mackinaw City; thence southwest over U.S. Highway 31 to Traverse City; thence south over Michigan Highway 37 to junction Michigan Highway 115 at or near Messick; thence southeast over Michigan Highway 115 to junction U.S. Highway 10 at or near Clare; thence southeast over U.S. Highway 10 to Detroit.

That part of the Upper Peninsula of Michigan located on and north of a line beginning at the junction of U.S. Highway 2 and the town of Ironwood; thence east over U.S. Highway 2 to the junction of Michigan Highway 134; thence east over Michigan Highway 134 to Lake Huron, that part of Ohio located on, east, and south of a line beginning at the junction of Ohio Highway 53 and the town of Port Clinton; thence southwest over Ohio Highway 53 to the junction of Ohio Highway 12; thence southwest over Ohio Highway 12 to Findlay; thence south over U.S. Highway 68 to Springfield; thence west over U.S. Highway 40 to the Ohio-Indiana State line. That part of Wisconsin located on, west, and north of a line beginning at the junction of Wisconsin Highway 93 and Trempealeau; thence north on Wisconsin Highway 93 to Eau Claire; thence north on U.S. Highway 53 to junction Wisconsin Highway 64; thence east over Wisconsin Highway 64 to junction U.S. Highway 51; thence north over U.S. Highway 51 to junction U.S. Highway 8; thence east over U.S. Highway 8 to the Wisconsin-Michigan State line.

Proposal 4: From that part of Will County, Ill., located on, north, and east of a line beginning at the junction of Interstate Highway 80 and the eastern border of Will County, thence west over Interstate Highway 80 to junction U.S. Highway 30; thence northwest over U.S. Highway 30 to the western border of Will County to points in Delaware, Louisiana, and New York, that part of the Upper Peninsula of Michigan located on and north of line beginning at the junction of U.S. Highway 2 and Ironwood; thence east over U.S. Highway 2 to the junction of Michigan Highway 134; thence east over Michigan Highway 134 to Lake Huron. That part of Ohio located on and east of a line beginning at the junction of Ohio Highways 45 and 531 at or near Ashtabula; thence south over Ohio Highway 45 to the Ohio-West Virginia State line.

That part of Wisconsin located on, north, and west of a line beginning at the junction of U.S. Highway 53 and the town of La Crosse; thence north over U.S. Highway 53 to junction U.S. Highway 10; thence east over U.S. Highway 10 to junction Wisconsin Highway 13; thence north over Wisconsin Highway 13 to junction Wisconsin Highway 29; thence east over Wisconsin Highway 29 to Wausau; thence northeast over Wisconsin Highway 52 to junction Wisconsin Highway 32; thence north over Wisconsin Highway 32 to junction U.S. Highway 8; thence east over U.S. Highway 8 to the Wisconsin-Michigan State line.

Proposal 5: From that part of Kane and De Kalb Counties, Ill., bounded by a line beginning at the Kane County-Du Page County line at or near Elgin, and extending in a southwesterly direction through Sycamore, to De Kalb, and thence extending in a southeasterly direction through Aurora, to the Kane County-Will County line, to points in Delaware, Louisiana, and New York, that part of Michigan located on, north, and east of a line beginning at the junction of U.S. Highway 10 and the town of Ludington; thence east over U.S. Highway 10 to junction U.S. Highway 23; thence south over U.S. Highway 23 to the Michigan-Ohio State line. That part of the Upper Peninsula of Michigan located on and north of a line beginning at the junction of U.S. Highway 2 and the town of Ironwood; thence east over U.S. Highway 2 to the junction of Michigan Highway 134; thence east over Michigan Highway 134 to Lake Huron.

That part of Ohio located on and east of a line beginning at the junction of U.S. Highway 25 and the Ohio-Michigan State line at or near Toledo; thence south over U.S. Highway 25 to Findlay; thence south over U.S. Highway 68 to Springfield; thence southwest over Ohio Highway 4 to Hamilton; thence southwest over Ohio Highway 128 to the Ohio-Kentucky State line at or near North Bend. That part of Wisconsin located on, west, and north of a line beginning at the junction of Wisconsin Highway 25 and the Wisconsin-Minnesota State line at or near Nelson; thence north over Wisconsin Highway 25 to junction U.S. Highway 8; thence east over U.S. Highway 8 to the Wisconsin-Michigan State line.

Proposal 6: From Lemont, Ill., to points in Delaware, Louisiana, and New York, that part of Michigan located on, east, and north of a line beginning at the junction of Interstate Highway 75 and Mackinaw City; thence south on Interstate Highway 75 to junction Michigan Highway 76, thence southeast over Michigan Highway 76 to West Branch; thence east over Michigan Highway 55 to Lake Huron. That part of the Upper Peninsula of Michigan located on and north of a line beginning at the junction of U.S. Highway 2 and Ironwood; thence east over U.S. Highway 2 to the junction of Michigan Highway 134, thence east over Michigan Highway 134 to Lake Huron; that part of Ohio located on, east, and south of a line beginning at the junction of U.S. Highway 62 and Ripley; thence north over U.S. Highway 62 to junction U.S. Highway 22; thence east over U.S. Highway 22 to Lancaster; thence north over Ohio Highway 37 to junction Ohio Highway 16; thence northeast over Ohio Highway 16 to junction Ohio Highway 83; thence north over Ohio Highway 83 to Wooster; thence north over Ohio Highway 3 to Cleveland.

That part of Wisconsin located on, north, and west of a line beginning at the junction of U.S. Highway 53 and La Crosse; thence north over U.S. Highway 53 to junction U.S. Highway 10; thence east over U.S. Highway 10 to junction Wisconsin Highway 73; thence north over Wisconsin Highway 73 to junction Wisconsin Highway 64; thence east over Wisconsin Highway 64 to Merrill; thence north over U.S. Highway 51 to junction U.S. Highway 8; thence east over U.S. Highway 8 to the Wisconsin-Michigan State line.

Proposal 7: From Chicago Heights, Ill., to points in Delaware, Louisiana, and New York, that part of the Upper Peninsula of Michigan located on and north of a line beginning at the junction of U.S. Highway 2 and Ironwood; thence east over U.S. Highway 2 to the junction of Michigan Highway 134; thence east over Michigan Highway 134 to Lake Huron. That part of Wisconsin located on, north, and west of a line beginning at the junction of U.S. Highway 53 and La Crosse; thence north over U.S. Highway 53 to junction U.S. Highway 10; thence east over U.S. Highway 10 to junction Wisconsin Highway 13; thence north over Wisconsin Highway 13 to junction Wisconsin Highway 29; thence east over Wisconsin Highway 29 to Wausau; thence northeast over Wisconsin Highway 52 to junction Wisconsin Highway 32; thence north over Wisconsin Highway 32 to junction U.S. Highway 8; thence east over U.S. Highway 8 to the Wisconsin-Michigan State line. The purpose of this filing is to eliminate the gateway of Waukegan, Ill.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-16237 Filed 7-15-74;8:45 am]

[Notice 550]

ASSIGNMENT OF HEARINGS

JULY 11, 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 shall take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No

amendments will be entertained after July 15, 1974.

I&S-M-27723, Capacity Load Minimum Charges, From, to and within the South, now assigned August 6, 1974, at Washington, D.C., is postponed to October 1, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

AB-82, Marianna & Blountstown Railroad Abandonment between Marianna and Blountstown, In Jackson and Colhoun Counties, Florida, now being assigned August 26, 1974 (1 week), at Marianna, Fla., in a hearing room to be later designated.

AB-72 Sub-1, Marianna And Blountstown Railroad Abandonment at Marianna, In Jackson County, Fla., now being assigned August 26, 1974 (1 week), at Marianna, Fla., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-16234 Filed 7-15-74;8:45 am]

[Notice 97]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 8, 1974.

The following are notices of filing of application; except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 Calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 13426 (Sub-No. 26 TA), filed June 25, 1974. Applicant: UNITED PARCEL SERVICE, INC., 300 N. Second Street, St. Charles, Ill. 60174. Applicant's representative: James A. Rogers, 643 West 43rd Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) Between points in Montana, Utah, Idaho (except (a) that part of Idaho north and west of a line beginning at a point on the Washington-Idaho State line near Lewiston, Idaho, thence extending southeasterly along U.S. Highway 95 to Grangeville, Idaho, thence northeasterly along Idaho Highway 13 to junction Idaho Highway 9, thence along Idaho Highway 9 to eastern boundary of Nez Perce County, Idaho, thence northerly along the eastern boundaries of Nez Perce, Latah, Benewah, and Kootenai Counties, Idaho, to U.S. Highway 10, thence easterly along U.S. Highway 10 to the Idaho-Montana State line, thence northerly along the Idaho-Montana State line to the United States-Canada Boundary line; (b) that part of Idaho bounded by a line beginning at the Oregon-Idaho State line, thence extending easterly along U.S. Highway 30-N to Weiser, Idaho, thence southerly along U.S. Highway 95 to junction Idaho Highway 52, thence easterly along Idaho Highway 52 to Horse Shoe Bend, Idaho, thence southerly along Idaho Highway 15 to Boise, Idaho, thence westerly along U.S. Highway 30 to Nampa, Idaho, thence westerly along Idaho Highway 72 to junction U.S. Highway 95, thence southerly along U.S. Highway 95 to the Oregon-Idaho State line, and thence northerly along the Oregon-Idaho State line to the point of beginning, including all points on the described highways and those on the described county lines which do not coincide with State lines, Nevada (except (a) that part of Nevada bounded by a line beginning at a point on the California-Nevada State line, near Verdi, Nev.).

Thence extending easterly along U.S. Highway 40 (Interstate Highway 80) to junction Alternate U.S. Highway 95 thence easterly along Alternate U.S. Highway 95 through Hazen, Nev., to junction U.S. Highway 50, thence westerly along U.S. Highway 50 to Carson City, Nev., thence southerly along U.S. Highway 395 to the California-Nevada State line, and thence northerly along the California-Nevada State line to the point of beginning; and (b) that part of Nevada bounded by a line beginning at a point on the California-Nevada State line, thence extending northerly along U.S. Highway 91 (Interstate Highway 15) to Las Vegas, Nev., thence southeasterly along U.S. Highway 93 to junction U.S. Highway 95, thence southerly along U.S. Highway 95 to the California-Nevada State line, and thence northwesterly along the California-Nevada State line to the point of beginning; and Fallon and Boulder City, Nev., including all points on the described highways, and Arizona (except (a) Phoenix and points within 25 miles of Phoenix United States Post Office; (b) Tucson and points within 15 miles of the Tucson United States Post Office; (c) Yuma and Somerton; (d) On and within two miles of: U.S. Highways 66 and 89, and Arizona Highways 84, 87, and 187, between Flagstaff and Nogales, through Prescott, Wickenburg, Phoenix, Mesa, Coolidge, Tucson, and Casa Grande, Arizona Highway 187 between Florence and Coolidge. U.S. Highways 60, 70, and 80 between Buckeye and Globe through Florence Junction. U.S. Highway 80 between Tucson and Douglas; including all points in any city or town including the commercial zone thereof, any part of which lies within the Arizona areas described above).

(2) Between points in (1) above, on the one hand, and, on the other, points in California, Oregon, and Washington and the excepted portions of Idaho, Nevada, and Arizona described above. (3) Between points in Montana, Utah, Idaho, Nevada, Arizona, California, Oregon, and Washington, on the one hand, and, on the other, points in Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Illinois, Tennessee, and Mississippi, for 180 days.

NOTE.—Applicant will tack the authority requested herein with its existing authority at MC 115495, Subs 3, 4, and 14. Applicant will interline with its affiliated company, United Parcel Service, Inc., New York, N.Y., within the scope of the authority of the New York company at MC 116200, Subs 2, 3, and 5: (a) No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment; and (b) No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day.

SUPPORTING SHIPPERS: There are approximately 1,632 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: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 107403 (Sub-No. 904 TA), filed June 25, 1974. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid detergents*, in bulk, in tank vehicles, from Lima, Ohio, to Danville, Ill., for 180 days. SUPPORTING SHIPPER: D. E. Clinger, Traffic Analyst, The Procter & Gamble Manufacturing Company, P.O. Box 599, Cincinnati, Ohio 45201. SEND PROTESTS TO: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Arch

Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 107515 (Sub-No. 929 TA), filed June 27, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet, yarn and textile products*, from Ringgold, Ga., to points in Florida for 180 days. SUPPORTING SHIPPER: Sweetwater Carpet Corporation, Ringgold, Ga. 30736. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 W. Peachtree St. NW., Room 309, Atlanta, Ga. 30309.

No. MC 107515 (Sub-No. 930 TA), filed June 27, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Topeka, Kans., to points in Alabama, Florida, Georgia, and South Carolina, for 180 days. SUPPORTING SHIPPER: Seymour Foods, Inc., P.O. Box 1220, Topeka, Kans. 66601. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 309, 1252 West Peachtree St., NW., Atlanta, Ga. 30309.

No. MC 110525 (Sub-No. 1102 TA), filed June 26, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, from Chattanooga, Tenn., to Charlotte, N.C., for 180 days. SUPPORTING SHIPPERS: Ambrosia Chocolate Company, Div. W. R. Grace & Co., 1133 N. Fifth Street, Milwaukee, Wis. 53203, and Swift Edible Oil Co., Division of Swift & Co., 115 W. Jackson Blvd., Chicago, Ill. 60604. SEND PROTESTS TO: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, Room 3238, 600 Arch Street, Philadelphia, Pa. 19106.

No. MC 113024 (Sub-No. 130 TA) (CORRECTION), filed June 3, 1974, published in the FEDERAL REGISTER issue of June 19, 1974, and republished as corrected this issue. Applicant: ARLINGTON J. WILLIAMS, INC., R.D. No. 2, S. Du Pont Highway, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rubber hose*, and *material and supplies* (except in bulk) used in the manufacture thereof, between points in Elmhurst and Cook Counties, Ill., on the one hand, and, on the other, points in Essex County, N.J., under a continuing contract or contracts with Electric Hose and Rubber Company, Wilmington, Del., for 180 days. SUPPORTING SHIPPER: Mr. Fred H. Evick, Dir. of Distribution, Electric Hose and Rubber Company, Box 910, Wilmington, Del. 19899. SEND PROTESTS TO: William L. Hughes, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 814–B Federal Bldg., Baltimore, Md. 21201.

NOTE.—The purpose of this republication is to correct the destination point to Essex County, N.J., in lieu of Essex County, Ill., which was published in the FEDERAL REGISTER in error.

No. MC 115279 (Sub-No. 8 TA), filed June 27, 1974. Applicant: CLICK MESSENGER SERVICE, INC., 922 South Avenue W, Westfield, N.J. 07090. Applicant's representative: Morton E. Kiel, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Class A and B explosives, household goods, and commodities requiring special equipment in specialized delivery service) in econoline type vehicles, between Mahopac, N.Y., and Raritan, N.J., for 180 days. SUPPORTING SHIPPER: Ortho Diagnostics, Inc., Route 202, Raritan, N.J. 08869. SEND PROTESTS TO: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton St., Newark, N.J. 07102.

No. MC 119399 (Sub-No. 43 TA), filed June 26, 1974. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, Joplin, Mo. 64801. Applicant's representative: David L. Sitton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from Mission, S. Dak., to Boscobel and Dodgeville, Wis., for 180 days. SUPPORTING SHIPPER: Sioux Dairy Cooperative Assn., Mission, S. Dak. 57555. SEND PROTESTS TO: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 600, Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 124796 (Sub-No. 118 TA), filed June 28, 1974. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 E. Salt Lake Avenue, P.O. Box 1257, City of Industry, Calif. 91749. Applicant's representatives: William J. Monheim (same address as applicant) and J. Max Harding, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aerosol products*, from Berkeley, R.I., and Danville, Ill., to Union City, Calif., and Memphis, Tenn., for the account of Morton-Norwich Products, Inc., for 180 days. SUPPORTING SHIPPER: Morton-Norwich Products, Inc., P.O. Box 368, Greenville, S.C. 29602. SEND PROTESTS TO: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 127539 (Sub-No. 37 TA), filed June 25, 1974. Applicant: PARKER REFRIGERATED SERVICE, INC., 3533 East 11th Street, Tacoma, Wash. 98421. Applicant's representative: George R. LaBissoniere, Suite 101, 130 Andover Park East, Seattle, Wash. 98188. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, wood chips, vermiculite, lighter fluid and fireplace logs* (except commodities in bulk), from Springfield, Oreg., to the United States/Canada International Boundary line at or near Blaine, Wash., for 180 days. SUPPORTING SHIPPER: The Clorox Company, P.O. Box 24305, Oakland, Calif. 94623. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 134405 (Sub-No. 22 TA), filed June 26, 1974. Applicant: BACON TRANSPORT COMPANY, a Corporation, P.O. Box 1134, Ardmore, Okla. 73401. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 NW. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt and fuel oil*, in bulk, in tank vehicles, from Ardmore, Okla., to points in Arkansas, for 180 days. SUPPORTING SHIPPER: Riffe Petroleum Company, O. Homer Riffe, Exec. Vice-Pres., 1700 Philtower Bldg., Tulsa, Okla. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old P.O. Building, 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 134755 (Sub-No. 40 TA), filed June 17, 1974. Applicant: CHARTER EXPRESS, INC., 1959 East Turner, Springfield, Mo. 65804. Applicant's representative: Warren H. Sapp, 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: *Tires, tubes, block rubber, and rubber repair materials*, (a) from the plant site and storage facilities of The Seiberling Tire and Rubber Co., located at or near Akron, Ohio, to Texarkana, Ark., and Carrolton, Republic, and Willow Springs, Mo.; (b) from Texarkana, Ark., to Republic, Mo., and Paducah, Tex.; (c) from Des Moines, Iowa, to Carrolton and Republic, Mo.; (d) from Republic, Mo., to Texarkana, Ark.; Madill, Okla.; and Temple, Tex.; (e) from McAlester, Okla., to Joplin, Republic, and Willow Springs, Mo.; (f) from Madill, Okla., to Republic, Mo.; (g) from Oklahoma City, Okla., to Joplin and Republic, Mo.; and (h) from Paris and

Waco, Tex., to Willow Springs, Mo., for 180 days. SUPPORTING SHIPPER: Bacon Tire Service, 101 South Main Street, Republic, Mo. 65738. SEND PROTESTS TO: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 135256 (Sub-No. 2 TA), filed June 27, 1974. Applicant: JOHN ALLEN BRUSH, doing business as DATA TRANSPORT, P.O. Box 234, Greenlawn, N.Y. 11740. Applicant's representative: William J. Augello, 120 Main Street, Huntington, N.Y. 11748. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, and documents*, (1) between Brooklyn, N.Y., on the one hand, and, on the other, Paramus, N.J., and (2) Woodbridge and Paramus, N.J., on the one hand, and, on the other, A & S Stores in New York City (except Brooklyn), Nassau and Suffolk Counties, N.Y., for 150 days. SUPPORTING SHIPPER: Federated Department Stores, Inc., Abraham & Straus Division, 420 Fulton St., Brooklyn, N.Y. 11201. SEND PROTESTS TO: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC–135616 (Sub-No. 2 TA), filed June 27, 1974. Applicant: PERRYSBURG TRUCKING CO., INC., 24982 Thompson Road, Perrysburg, Ohio 43551. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass*, between the facilities of Paulding Glass Products, Inc., at or near Paulding, Ohio, on the one hand, and, on the other, points in the United States (except Hawaii and Alaska), for 180 days. SUPPORTING SHIPPER: Paulding Glass Products, Inc., West Caroline Street, Paulding, Ohio. SEND PROTESTS TO: Keith W. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC–136211 (Sub-No. 24 TA), filed June 28, 1974. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., 210 St. Mary's Drive, Suite G (P.O. Box 5067), Oxnard, Calif. 93030. Applicant's representative: Joseph E. Rebman, 1230 Boatmen's Bank Bldg., St. Louis, Mo. 63102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, new home furnishings, appliances and recreational equipment*, from the warehouse and shipping facilities of The May Department Stores Company in St. Louis, Mo., to those points in Illinois located on and within a line beginning at the Missouri-Illinois state line and extending east over Illinois Highway 96 to junction with Illinois Highway 100, thence south over Illinois Highway 100 to junction with Illinois Highway 16, thence east over Illinois Highway 16 to junction with Illinois Highway 127, thence south over Illinois Highway 127 to junction with Illinois Highway 149, thence west of Illinois Highway 149 to junction with Illinois Highway 3, thence west and north over Illinois Highway 3 to the Illinois-Missouri state line at Chester, Ill., and *returned or rejected shipments* of the above described commodities from the above destination points to the above specified origin, for 180 days. SUPPORTING SHIPPER: The May Department Stores Company, doing business as Famous-Barr Co., Sixth and Olive Streets, St. Louis, Mo. 63101. SEND PROTESTS TO: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 138516 (Sub-No. 3 TA), filed June 27, 1974. Applicant: ROUNTREE TRANSFER, INC., 210 East Main Street, Swainsboro, Ga. 30401. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture frames*, wood, knocked down, from the plantsite of Larkin Industries, Inc., at Swainsboro, Ga., to Reading, Pa., for 180 days. SUPPORTING SHIPPER: Larkin Industries, Inc., P.O. Box 330, Swainsboro, Ga. 30401. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree St. NW., Room 309, Atlanta, Ga. 30309.

No. MC 139729 (Sub-No. 1 TA), filed June 26, 1974. Applicant: DAKOTA-NORTH EASTERN EXPRESS CO., P.O. Box 276, Cloquet, Minn. 55720. Applicant's representative: Elmer B. Trousdale, W. 1781 First National Bank Bldg., St. Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, Gravel and Crushed Rock*, in bulk, from points in Carlton and St. Louis Counties, Minn., to points in North Dakota on and east of U.S. Highway 83 from Canadian border to the South Dakota border for 180 days. SUPPORTING SHIPPER: Northern Improvement Company, 2500 9th Avenue So., Fargo, N. Dak. SEND PROTESTS TO: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 139897 (Sub-No. 1 TA), filed June 24, 1974. Applicant: ORRAN HOFSTETTER, INC., Box 237, Orrville, Ohio 44667. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from the facilities of Valley Camp Coal Company at or near Valley Grove, Ohio County, W. Va., to points in Sandusky and Seneca Counties, Ohio, for 180 days. SUPPORTING SHIPPER: Valley Camp Coal Company, P.O. Box 218, Triadelphia, W. Va. 26059. SEND PROTESTS TO: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 220 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

MOTOR CARRIERS OF PASSENGERS

No. MC 139915 (Sub-No. 1 TA), filed June 28, 1974. Applicant: REVEREND J. B. JOHNSON, doing business as HARVESTERS FOR CHRIST, P.O. Box 113, Century, Fla. 32535. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, between church sites in Escambia County, Fla., on the one hand, and, on the other, church retreats in Buncombe County, N.C.; Hidalgo County, Tex.; and Santa Fe County, N. Mex., for 180 days. SUPPORTING SHIPPERS: (1) First Baptist Church, 500 N. Palafox Street, Pensacola, Fla. 32501; (2) Pensacola Bay Baptist Association, P.O. Box 5506, Pensacola, Fla. 32505; (3) Brownsville Baptist Church, Box 5338, Pensacola, Fla. 32505; and (4) Warrington Baptist Church, P.O. Box 4368, Pensacola, Fla. 32507. SEND PROTESTS TO: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–16235 Filed 7–15–74;8:45 am]

[Notice 98]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 8, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certi-

fy 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 57254 (Sub-No. 15 TA), filed June 28, 1974. Applicant: ASSOCIATED FREIGHT LINES, 841 Folger Avenue, Berkeley, Calif. 94710. Applicant's representative: Ronald D. Davis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, used household goods as described in 17 M.C.C. 467, and Classes A and B explosives), (1) from Brockway, Calif., over Nevada State Highway 28 to its junction with U.S. Highway 50 at a point approximately 3 miles east of Glenbrook, Nev., and return over the same route, serving all intermediate points; and (2) from the junction of Nevada State Highway 28 and U.S. Highway 50 at a point approximately 3 miles east of Glenbrook, Nev., over U.S. Highway 50 to South Lake Tahoe, Calif., and return over the same route, serving all intermediate points, for 180 days.

NOTE.—Applicant intends to tack with MC 57254, Sub 13 and interline service will be offered at all points around Lake Tahoe, including Crystal Bay, Incline Village, Zephyr Cove, and Stateline, Nev. SUPPORTING SHIPPERS: There are approximately 40 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: A. J. Rodriguez, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 76449 (Sub-No. 23 TA), filed June 27, 1974. Applicant: NELSON'S EXPRESS, INC., 675 North Market Street, Millersburg, Pa. 17061. Applicant's representative: John M. Musselman, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in cargo containers, and empty cargo containers, between Baltimore, Md.; Philadelphia, Pa.; and Port Elizabeth, N.J., on the one hand, and, on the other, points in Berks, Carbon, Columbia, Cumberland, Dauphin, Lackawanna, Lebanon, Lehigh, Lancaster, Lycoming (except the plant site of Avco Corporation, Lycoming Division, at or near Williamsport, Pa., and the plant site of Litton Industries, Electron Tube Division, at or near Loyalsock, Pa.), Luzerne, Montour, Northampton, Northumberland, Schuykill, Wyoming, and York Counties, Pa., for 180 days. SUPPORTING SHIPPER: Sea-Land Service, Inc., McLester & Tripoli Streets, P.O. Box 2000, Elizabeth, N.J. 07207. SEND PROTESTS TO: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 228 Walnut Street, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 95084 (Sub-No. 103 TA), filed July 1, 1974. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies* used in the manufacture, processing, sale, and distribution of *agricultural and farm machinery, implements, and equipment; industrial and construction machinery and equipment; and parts, accessories, and attachments* for the above commodities, from points in Alabama, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, and Texas, to Fort Dodge, Iowa, for 180 days. SUPPORTING SHIPPER: Bush Hog, P.O. Box 1039, Selma, Ala. 36701. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 107496 (Sub-No. 960 TA), filed June 28, 1974. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar emulsion*, in bulk, in tank vehicles, from Compton, Ill., to Minneapolis, Minn., and Milwaukee and Waukesha, Wis., for 180 days. SUPPORTING SHIPPER: Cosmicoat, Inc., 3400 Cleveland Road, Wooster, Ohio 44691. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 109612 (Sub-No. 37 TA), filed June 28, 1974. Applicant: LEE MOTOR LINES, INC., 4319 S. Madison, Muncie, Ind. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers* and closures therefor, corrugated boxes, knocked down, from the plant site of Universal Glass Products, Star City Glass, Division of National Bottle Corp. at Joliet, Ill., to Louisville, Ky., for 180 days. SUPPORTING SHIPPER: National Bottle Corp., One Decker Square, Bala Cynwyd, Pa. 19004. SEND PROTESTS TO: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne Street, Room 204, Ft. Wayne, Ind. 46802.

No. MC 124711 (Sub-No. 32 TA), filed June 28, 1974. Applicant: BECKER AND SONS, INC., P.O. Box 1050, El Dorado, Kans. 67042. Applicant's representative: T. M. Brown, 600 Leininger Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from the plant site of Farmland Industries, Inc., Nitrogen Plant at or near Enid, Okla., to points in Arkansas, Colorado, Kansas, Louisiana, Missouri (except St. Louis and its Commercial Zone), Oklahoma, and Texas (except points in Chambers, Montgomery, Harris, Ft. Bend, Galveston, Liberty, and Brazoria Counties), for 180 days. SUPPORTING SHIPPER: Farmland Industries, Inc., P.O. Box 7305, Kansas City, Mo. 64116. SEND PROTESTS TO: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC-128030 (Sub-No. 70 TA), filed June 27, 1974. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177, Urbana, Ill. 61801. Applicant's representative: R. C. Stout (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, (1) from Baltimore, Md., and Detroit, Mich., to Lawrenceville, Ill.; (2) from Cleveland, Ohio; Belleville, Ill.; Frankenmuth, Mich.; St. Paul, Minn., to Lawrenceville, Ill., and Terre Haute, Ind.; (3) from Ft. Wayne, Ind., to Louisville, Ky.; and (4) from Kansas City, Mo.; Longview, Tex.; and Memphis, Tenn., to Olney, Ill., and Terre Haute, Ind.; (5) from St. Louis, Mo., to Danville, Ill.; Louisville, Ky.; and Vincennes, Ind.; (6) from Peoria Heights, Ill.; Milwaukee, La Crosse, and Sheboygan, Wis., to Vincennes, Ind.; and (7) from Trenton, N.J., to Terre Haute, Ind., for 180 days. SUPPORTING SHIPPERS: Linda Schmitt, Treasurer, Schmitt Distributing Company, Inc., Box 216, Lawrenceville, Ill. 62439; Clark J. Dishong, Owner, Dishong Distributing Company, 1130 Whittle Ave., Olney, Ill. 62450; Max D. Gibb, President, Vincennes Distributing Co., 314 Harrison St., Vincennes, Ind.; Richard Bennett, Secretary-Treasurer, Pfeifer Distributing Co., Inc., 1024 Crawford St., Terre Haute, Ind. 47807; Mr. E. J. Himmer, President, H & R Distributor, Inc., 1821 Commerce Rd., Louisville, Ky. 40208; Red Bright Beer Distributing Co., Inc., Robert G. Bright, Vice President, 1200 6th Ave., Terre Haute, Ind. 47807; and Danville Falstaff Distributors, Inc., Mr. Jack Mihelic, Secretary/Treasurer, 855 E. Main St., Danville, Ill. SEND PROTESTS TO: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 128499 (Sub-No. 5 TA), filed June 28, 1974. Applicant: JAMES A. TUCKER, doing business as JIMMIE TUCKER TRUCKING, Route 1, Box 40-B, Broken Bow, Okla. 74728. Applicant's representative: Rufus H. Lawson,

106 Bixler, Building, 2400 NW. 23rd Street, Oklahoma City, Okla. 73107. Authority sought to operate as a *common* routes, transporting: *Wood shavings and wood chips*, from (a) plant site of Weyerhaeuser Company, at or near Mt. Pine, Ark.; (b) plant site of Georgia-Pacific Corporation, at or near Glenwood, Ark.; and (c) plant site of Potlatch Corporation, at or near Prescott, Ark., to points in McCurtain County, Okla., for 180 days. SUPPORTING SHIPPER: Weyerhaeuser Company, T. R. Sims, Manager, Transportation Service, P.O. Box 1060, Hot Springs, Ark. 71901. SEND PROTESTS TO: 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 133966 (Sub-No. 36 TA), filed June 26, 1974. Applicant: NORTH EAST EXPRESS, INC., P.O. Box 127, Mountaintop, Pa. 18707. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Miniature golf courses, portable tennis courts, and games and sporting goods*, from Scranton, Pa., to points in the United States (except Alaska and Hawaii), for 150 days. SUPPORTING SHIPPER: Lomma Enterprises, Inc., Lomma Building, Scranton, Pa. 18503. SEND PROTESTS TO: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 139905 (Sub-No. 1 TA), filed June 28, 1974. Applicant: R. B. STUCKY AND N. M. STUCKY, doing business as S & S DAIRIES, Route 2, Moundridge, Kans. 67107. Applicant's representative: Clyde N. Christey, 641 Harrison, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, from Rocky Ford, Colo., to Hutchinson, Kans., for 180 days. SUPPORTING SHIPPERS: Jackson Ice Cream Company, Inc., 2600 East Fourth Street, Hutchinson, Kans. 67501, and American Crystal Sugar Company, P.O. Box 2286, Fargo, N. Dak. 58102. SEND PROTESTS TO: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-16236 Filed 7-15-74;8:45 am]

[Ex Parte No. MC-92]

MOTOR COMMON CARRIERS

Investigation of Impact of Rising Costs

The Commission on March 27, 1974 instituted a proceeding to investigate the impact of rising costs on motor common carriers, 39 FR 13221, April 11, 1974. The Commission by report and order dated July 8, 1974 and served July 10, 1974 ordered as follows:

1. That Special Permission No. 74-2525, dated February 7, 1974, as amended February 8, 1974, is further amended by providing that the authority shall expire 45 days from date of service of the report;

2. That surcharges published under authority of Special Permission No. 74-2525 that are not cancelled by the date the special permission is terminated shall be cancelled by order of the Commission;

3. That the proceeding in Ex Parte No. MC-92 be, and it is hereby, discontinued.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-16233 Filed 7-15-74;8:45 am]

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PART II

CONSUMER PRODUCT SAFETY COMMISSION

■

BICYCLES

Establishment of Safety Standards and Proposed Labeling Requirements

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER C—FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS

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

PART 1512—REQUIREMENTS FOR BICYCLES

Banning of Hazardous Bicycles; Establishment of Safety Requirements

The purpose of this document is to increase the safety of bicycles by promulgating 16 CFR Part 1512, a regulation that establishes safety requirements for bicycles and 16 CFR 1500.18(a)(12), a regulation which provides that bicycles intended for children introduced into interstate commerce on or after January 1, 1975, which do not meet the requirements of 16 CFR Part 1512 shall be considered banned hazardous substances. These regulations are issued under sections 2 (f)(1)(D), (q)(1)(A), and (s) and 3(e)(1) of the Federal Hazardous Substances Act (15 U.S.C. 1261, 1262), which authorize the Commission to declare toys and other articles intended for use by children to be banned hazardous substances if such toys or other articles present a "mechanical hazard" as defined in section 2(s) of the act.

Under section 4 of the act (15 U.S.C. 1263), it is unlawful for any person to introduce or deliver for introduction in interstate commerce any banned bicycle; receive a banned bicycle in interstate commerce and deliver or offer to deliver it; or alter a bicycle while in interstate commerce or being held for sale if the alteration results in the bicycle becoming a banned hazardous substance.

Persons committing such unlawful acts are subject to criminal penalties and any banned bicycle may be seized when introduced into or while in interstate commerce.

Additionally, under the repurchase regulations issued February 4, 1974 (39 FR 4469), the manufacturer, distributor, and retail dealer of a banned bicycle are required to give notice of the fact that they have sold a banned article or substance and to repurchase it from the person to whom they have sold it, reimbusing that person the reasonable and necessary expenses incurred in returning it.

Part 1512 requires that a bicycle have reasonable ease of assembly; have no exposed sharp edges, protrusions, or dangerous projections; have screws, bolts, or nuts used to attach or secure components of sufficient quality to perform satisfactorily; be equipped with brakes that meet the minimum performance standards specified in the regulation; have handlebars and a handlebar stem that allow safe and comfortable operation and that meet minimum strength requirements; have a drive chain that operates without catching or binding and that, in certain cases, is guarded by a chain or derailleur guard; have the recommended inflation pressure molded onto the sidewall of the tires and be equipped with tires capable of withstanding inflation to 110 percent of the recommended inflation pressure; have wheels that are complete, properly aligned, of adequate strength, and positively locked to the bicycle frame; have a fork and frame capable of withstanding specified forces without fracturing; have no feature on the seat that would substantially interfere with the rider's dismounting; be equiped with front, rear, side, and pedal reflectors that meet prescribed minimum performance standards; and be accompanied with adequate instructions for assembly, operation, and maintenance. Finally, the regulation requires that all individual components and the complete bicycle as an entity perform satisfactorily when subjected to a road test to simulate conditions of use by consumers.

The need for these requirements has been demonstrated by investigations, studies, and staff analysis available to the Commission and data provided by the National Electronic Injury Surveillance System (NEISS) which show that bicycles and the components which these requirements address are, or can be, a contributing factor in the serious injury and death of children.

Background

In the Federal Register of May 10, 1973 (38 FR 12300), the Commissioner of Food and Drugs proposed 21 CFR Part 191c, a regulation to establish safety requirements for bicycles intended for use by children less than 16 years old, and proposed 21 CFR 191.a(12), a regulation banning such bicycles if they did not meet the requirements of proposed 21 CFR Part 191c.

Effective May 14, 1973, functions under the Federal Hazardous Substances Act were transferred to the Consumer Product Safety Commission by section 30(a) of the Consumer Product Safety Act (Public Law 92–573; 86 Stat. 1231; 15 U.S.C. 2079(a)).

Subsequently, on September 27, 1973 (38 FR 27012), the Consumer Product Safety Commission revised and transferred the regulations under the Federal Hazardous Substances Act from 21 CFR to 16 CFR. Accordingly, proposed 21 CFR Part 191c and 21 CFR 191.9a(12) are acted upon below as 16 CFR Part 1512 and 16 CFR 1500.18(a)(12).

1. *Scope.* Section 191c.1 of the proposal of May 10, 1973, stated that the regulation would be applicable to "bicycles intended for use by children of less than 16 years of age." Almost half of the comments considered by the Commission concern the question of how the Commission would distinguish bicycles intended for use by children less than 16 years old, and therefore subject to the regulation, from bicycles not intended for such children and outside its coverage. In this connection, many of the comments express the view that a regulation intended to protect children should not be applied to bicycles designed and intended for adult use. These comments recommend that the regulation not be applied to lightweight, relatively expensive and sophisticated bicycles primarily used by adults for touring and other recreational purposes.

The Commission carefully considered the question of whether bicycles should be regulated under the Federal Hazardous Substances Act, and if so, whether the regulation should be made applicable to lightweight touring bicycles, a good percentage of which are purchased by adults. Petitions on this issue were received from the Bicycle Manufacturers Association requesting that bicycles be regulated under the Consumer Product Safety Act. These petitions were denied because the Commission believes the risk of injury associated with bicycles can be reduced to a sufficient extent by regulations issued under the Federal Hazardous Substances Act.

Section 2(f)(1)(D) of the Act includes in the definition of a hazardous substance "Any toy or other article intended for use by children which the Secretary by regulation determines, in accordance with section 3(e) of this Act, presents an electrical, mechanical, or thermal hazard." The Commission is aware that a large percentage of bicycles produced, particularly in recent years, are lightweight, relatively expensive and sophisticated bicycles which are bought by adults for commuting, touring, and other recreational purpose. However, these same bicycles can be, and are used by children and adolescents. It is clear there is no precise way of distinguishing between those bicycles intended exclusively for adults and those intended for children as well as adults. Neither the manufacturer nor the retailer can accurately predict who the subsequent user will be, nor can the seller predict whether the adult purchaser will be the exclusive user or whether the purchaser will give the bike to a child or share it with a child. Indeed, the bicycle may be purchased exclusively for adult use and when a child in the family become physically able to ride it the use may change. Moreover, an adult purchaser may subsequently sell the bicycle to a parent for a child's use.

Therefore, fully understanding the legal and practical considerations, the safety benefits the Commission believes will be derived from the regulations in a relatively short time, and the minor effect the regulations will have on the weight and performance of touring bicycles used by adults and children, the Commission promulgates the regulations, with limited exceptions for "racing bicycles" and "one-of-a-kind-bicycles," and makes them applicable to all bicycles as that term is defined in § 1512.2(a) below.

One group of comments state that "track bicycles," which are designed for the exclusive purpose of racing on a prepared track, should be exempted from the proposed regulation because its provisions would require modifications to such bicycles that would limit their performance in competition. The Commission concludes that exclusion of such

bicycles from coverage of the regulation would not seriously diminish the degree of protection offered by the regulation. The regulation therefore specifically exempts "track bicycles," as defined in § 1512.2(d) below, from its coverage.

Another group of interested parties request exemption of bicycles built to the order of individual consumers. The Commission finds that because many of the tests to determine whether a bicycle meets the requirements of Part 1512 are destructive, application of those tests to a bicycle built to the order of an individual consumer is not practicable. The Commission also concludes that the degree of protection afforded by the regulation would not be seriously diminished by exclusion of "one-of-a-kind" bicycles, as defined in § 1512.2(e), from coverage.

2. *Assembly and maintenance.* a. Proposed § 191c.3(b) specified that a bicycle sold to a consumer in an unassembled or partially assembled condition must be accompanied by any tools required for assembly of the bicycle other than a standard 7-inch flat-bladed screw driver, standard slip-joint pliers, and an air pump for tire inflation. Comments from one bicycle manufacturer, one importer, and one association of retailers urge elimination of this provision because it would require a consumer to absorb the cost of any tool furnished for assembly that he might already possess. These comments recommend instead a requirement that the consumer be advised of the tools necessary to assemble a bicycle sold in an unassembled or partially assembled condition.

The Commission adopts this suggestion because it will reduce the possibility of unnecessary additional cost to consumers and provide that consumers be informed of the tools needed for proper assembly. Accordingly, § 1512.19(b)(1) below provides that when a bicycle is sold in less than fully assembled condition, a list of tools necessary to assemble and adjust the bicycle shall be disclosed clearly on any promotional display material and on the shipping carton.

b. A retailer and a consumer group request that a provision be added to require disclosure of the size of rider that a bicycle can safely accommodate. The Commission concludes that such a provision would be appropriate for bicycles sold to consumers in an unassembled or partially assembled condition. Accordingly, § 1512.19(b)(2) below requires a drawing, illustrating the minimum leg length required of a rider to use such a bicycle, to appear on any display sales promotion material and on the shipping cartons of such bicycles.

c. Proposed § 191c.3(c) required that consumers be provided with instructions (in an owner's manual) for proper maintenance of brakes, control cables, bearing adjustments, wheel adjustments, lubrication, gearing adjustments, reflectors, handlebar and seat adjustments, and tires. An importer and a retailer comment that many consumers lack the skills necessary to make adjustments to bearings, brakes, and gears.

The Commission concludes that many consumers do possess the skills required to make such adjustments if given explicit instructions. Accordingly, § 1512.19(a)(3) below prescribes that the required instruction manual include directions for proper maintenance of brakes, control cables, bearing adjustments, wheel adjustments, lubrication, reflectors, tires, and handlebar and seat adjustments. In response to these two comments, however, § 1512.19(a)(3) provides for the instruction manual to specify types of maintenance which the manufacturer has determined to be beyond the capability of the consumer if it also lists the locations of service facilities where such maintenance can be obtained.

3. *Sharp edges.* Proposed § 191c.3(e) required that a bicycle have no unfinished sheared metal edges or other sharp parts. An association of bicycle manufacturers and a manufacturer of components request that the term "sharp part" be defined. A retailer suggests requiring rolled edges on bicycle parts made from metal of less than a specified thickness. Another retailer and a bicycle manufacturer suggest adding a test to establish the absence of sharp edges.

After considering these comments, the Commission concludes that the requirement proposed as § 191c.3(e) should be adopted with clarifying language. Accordingly, § 1512.4(b) below so provides. A proposal to add a sharp edge test to § 1512.18(a) is being considered and may be published in the FEDERAL REGISTER in the future.

4. *Protrusions.* a. Proposed section 191c.3(f) set forth certain restrictions on bicycle protrusions in general and specified certain limitations on protruding screw threads. Eleven comments state that adjustment for various bicycle parts and assemblies, such as derailleur mechanisms, are made with screws of small diameter that necessarily protrude beyond the proposed limits.

The intent of proposed § 191c.3(f) was to minimize exposure of protrusions that had the potential to produce injuries to susceptible parts of the rider's body, particularly arms and legs. The Commission agrees that the regulation as proposed could impose unnecessary restrictions. The Commission finds that any bicycle protrusion located in a position where it cannot make direct contact with the rider's arms or legs need not be regulated. Accordingly, only protrusions having the potential for direct contact with body parts are considered to be exposed and subject to the restrictions of § 1512.4(e). Screw threads are required to be limited in length in § 1512.4(h).

b. Proposed § 191c.3(f) also prohibited protrusions between the bicycle seat and the handlebar stem that extended more than 3½ inches to the rear of the handlebar stem. An association of domestic manufacturers and a foreign manufacturer request that this restriction be changed from 3½ to 5 inches.

The purpose of the restriction is to minimize injury to the rider's crotch area when he stops the bicycle and moves forward of the seat to place both feet on the ground, in which case he is astride the bicycle frame between the seat and the handlebar stem. When the rider places his hands on the handlebars, his arms can support his body sufficiently to prevent the body from advancing to within 3½ inches of the handlebar stem. Many bicycles now in use have gear shift levers on the handlebar stem that operate within the 3½ inch limit. Some bicycles, however, have oversize shift levers located on the top tube or extending more than 3½ inches to the rear of the handlebar stem that may make contact with the rider's crotch or legs with sufficient energy to cause injury. To avoid this uncomfortable situation, many riders will touch the ground with only one foot and keep the other leg over the seat, thereby assuming an unstable stop position. This greatly increases the chance of the rider's falling over the bicycle, either while stopped or while attempting to start again from the unstable position.

The Commission finds that styling rather than utility is the primary reason gear shift levers extend or are mounted more than 3½ inches to the rear of the handlebar stem. Accordingly, the Commission concludes that the 3½ inch limit should be retained (section 1512.4(g) below) because this requirement will reduce identifiable and unreasonable hazards without detracting from the utility of bicycles.

5. *Attaching hardware.* Proposed section 191c.5(c) required that screws, bolts, and studs used to attach or secure components of a bicycle be nonbrittle. One manufacturer comments that this requirement is unnecessarily restrictive and would preclude the use of the high-tensile hardware preferred by many manufacturers of bicycles and components to reduce weight. The Commission agrees and the requirement has been deleted from the attachment hardware provisions (§ 1512.4(d) below).

6. *Brake performance.* Proposed section 191c.8 set forth requirements for brake performance. The Department of Transportation suggests that a provision be added to allow a break-in period before brakes are subjected to performance testing. On the basis of information from tests of bicycles now on the market, using a variety of riders and a cement floor that provides a coefficient of friction with the bicycle tire of 0.50 to 0.55, the Commission finds that the brake performance tests specified in proposed § 191c.8 are both reasonable and practicable. The consumer should not be expected to operate a new bicycle for a specified break-in period before he can obtain adequate performance from the brakes. Accordingly, the modification requested by DOT has not been made.

Performance requirements for brakes appear in § 1512.5 below. Test procedures and criteria for handbrakes are in § 1512.18(d) and for footbrakes are in § 1512.18(e). Minor revisions and additions have been made to the footbrake force measurements of proposed § 191c.8(e) to standardize the results without requiring the use of overly sophisticated test instruments. The

linear relationship between the applied pedal force and the braking force has been changed from 10 percent in proposed § 191c.8(e) to 20 percent in § 1512.18(e)(2) below.

7. *Brake components.* a. Proposed § 191c.4(h)(7) required that caliper brakeshoes be replaceable and securely attached to the caliper brake assembly and that the brakeshoe holder have a retainer at each end of the brakeshoe to prevent the brakeshoe material from detaching upon application of the brakes. Six consumers, a manufacturer, two trade associations, and a retailer object to requiring a retainer at each end of the brakeshoe because the design specified in proposed § 191c.4(h)(7) is only one of several designs for brakeshoes that prevent loss of brakeshoe material upon application of the brakes.

The Commission concurs and the design requirement has been changed to a performance test to provide that caliper brakes retain the brakeshoes when the brakes are applied. The requirements applicable to caliper brakeshoes appear in § 1512.5(b)(6) below and the test procedure and criteria applicable to retention of brakeshoes are in § 1512.18(d)(2)(iii) and (iv).

b. Proposed § 191c.4(h)(8) required that footbrakes used on bicycles be actuated by applying force to the pedal in a direction opposite to that of the drive force and that the differential between the drive and brake positions of the crank not exceed 45°. Comments from a bicycle manufacturer, three manufacturers of components, and two trade associations state that the 45° limitation is unnecessarily restrictive and beyond the performance level of most currently available bicycles.

The Commission concludes that a satisfactory level of safety can be achieved if the requirement regarding the differential between the pedal drive and braking position is changed to not more than 60°. This appears in § 1512.5(c)(3) below.

8. *Braking surface.* Proposed § 191c.4(a)(4) required braking surfaces exposed to moisture from rain or other wet road conditions to be smooth and free of embossment or stippling. Five consumers, a consumer group, two trade associations, a manufacturer of components, and two retailers comment that embossed braking surfaces provide better braking performance than smooth braking surfaces under wet weather conditions. None of these comments, however, present substantiating data.

The Commission notes that the exclusion of embossed braking surfaces was based on results of limited test experience indicating that embossed braking surfaces exposed to moisture are lubricated continuously resulting in inadequate braking capability. CPSC staff have conducted additional tests using selected embossed braking surfaces for which claims of superior braking performance in wet weather have been made. Test results indicate that some of the embossed braking surfaces provided braking performance equal to or better than that obtained using smooth braking surfaces.

The conflicting nature and limited extent of the available test data indicate that additional testing of the entire bicycle braking system is required to formulate safety requirements for wet-braking performance. The provision of proposed § 191c.4(a)(4) precluding use of embossed braking surfaces therefore has not been adopted. The Commission may propose later to add requirements for wet-braking performance.

9. *Location of brake controls.* Proposed § 191c.3(g) provided that for bicycles equipped with handbrakes, the cable controlling the rear brake must be actuated by a hand lever mounted on the right handlebar, and the cable controlling the front brake must be actuated by a lever mounted on the left handlebar. A commenter requested that the consumer be allowed to specify an opposite arrangement to this if he so preferred. The Commission concludes that adopting this suggestion will not diminish the level of protection afforded. The provision (§ 1512.5(b)(8) below) has been changed accordingly.

10. *Handlebar stem.* Proposed § 191c.4(e) required that the handlebar stem be capable of supporting a load of 450 pounds without fracture. Two consumers question the validity of the 450-pound test load.

Injury investigations show that handlebar stem fracture is not an uncommon occurrence and often results in serious injury. The final stem requirements adopted by the Commission are designed and intended to prevent fracture failure. The aluminum and steel handlebar stems tested during the development of the 450-pound requirement all supported loads of from 900 to 1300 pounds before ductile failure occurred. To prevent stem failure resulting from repeated loading over a protracted period of time, the static load specified has been selected to represent a stress level at least twice as great as the normal level of use.

The requirements relating to handlebar stem insertion depth and stem strength are in § 1512.6 (a) and (b), and the procedure and criteria for testing the handlebar stem are in § 1512.18(g) below.

11. *Handlebars.* Proposed § 191c.4(i) specified permissible handlebar width and height above the seat to insure greater safety in use. The Commission has adopted these requirements (§ 1512.6 (c) below). Additionally, § 1512.6(d) prohibits unprotected handlebar ends.

The Bicycle Manufacturers of America recommends that any requirements for handlebars should specify force and deflection limits because safe performance is dependent upon the energy absorption ability of the handlebar assembly. It was pointed out that in some cases 100 pounds may be supported without deflection, yet 200 inch-pounds of energy would provide a reasonable level of safety. After due deliberation the Commission has adopted this concept in § 1512.6(e) below which specifies that the handlebar and clamps shall be tested in accordance with the handlebar test in § 1512.18(h).

12. *Pedals.* Pedal design variations and their usage were the subjects of fifteen comments representing the views of consumers, manufacturers, retailers, and a trade association. Among the comments made were accurate explanations that pedals used for road racing and touring have undergone design evolution through many years of usage under extreme conditions, and that the result is a high level of safety built into a number of the present designs. In recognition of these facts the Commission in the application of its regulation differentiates between the pedals with toe clips, which are designed for specialized usage (road racing, touring), and those intended for general everyday use by the casual rider.

Proposed § 194c.4(f) required that a label be securely attached to pedals intended for use with removable toe clips, reading "CAUTION—Use of this pedal without toe clips is dangerous." Section 1512.7(b) below requires that such pedals have the clips permanently attached to them. The label requirement has therefore been deleted.

Two comments request reexamination of the provision in proposed 194c.(f) specifying that pedals were to have right-hand and left-hand thread symmetry for the attachment of the pedals of their respective cranks. The Commission finds that the requirement is nonsafety related that use of such threads is universal in practice. Further, use of pedal bearings, which is dictated by modern design practice, virtually eliminates loosening torque. Consequently, the requirement has been deleted.

Proposed § 191c.4(g) prescribed a slip resistance test for pedals that did not include the use of leather against the pedal surface. Several comments suggest that this factor should be included. The question is under study by CPSC and the National Bureau of Standards. Consequently, the pedal slip test has not been adopted below. When this matter has been resolved, the Commission may propose to add pedal slip requirements to § 1512.18.

13. *Chain guards.* Twenty comments were received on the chain guard requirements of proposed § 191c.3(i), representing the views of consumers, manufacturers, retailers, and a retail trade association. Many contend that the requirements have very little hazard reduction value. The lower chain segment of a derailleur equipped bicycle has a slack chain and a reversible pedal feature that would, because of its design, be unlikely to inflict injury to a body part that might get between the chain and the sprocket. Some contend that the forward derailleur chain-shifting cage affords sufficient protection against the possibility of any body part entering the sprocket-chain assembly.

The Commission agrees with these comments and § 1512.9(a) below accordingly excludes from the chain guard requirements bicycles possessing a reverse free-wheeling capacity. Bare sprockets,

however, are subject to the sharp edge and protrusion requirements of § 1512.4 (b) and (e) below. Bicycles with nonreversible pedal rotation do represent an injury hazard potential and are therefore subject to § 1512.9(a) below.

14. *Drive chain.* Proposed § 191c.4(k) required that the drive chain operate over each sprocket without bending and that the tensile strength of the chain be not less than 1,800 pounds. Two consumers, two manufacturers, a retail trade association, and an importer question the validity of the 1,800-pound tensile strength requirement.

The 1,800-pound value was selected to coincide with the minimum value specified by the International Standards Organization (ISO) in their standard R606. Information provided to the Commission indicates that chain breakage is not a current problem area because industry has adopted the ISO standard, which has specifications that allow for wear and life-cycle degradation.

Consequently, the proposed drive-chain requirements are adopted (§ 1512.8 below) except that the minimum drive chain tensile strength for sidewalk bicycles shall be 1,400 pounds.

15. *Tires.* Proposed § 191c.3(j) requires the manufacturer's recommended inflation pressure to be molded into the sidewall of the bicycle tire, in characters not less than one-eighth of an inch high. Additionally, the bicycle tire must be compatible with the rim design and capable of remaining intact on the rim with no evidence of creeping after inflation to 110 percent of the maximum recommended inflation.

Eighteen responses from consumers, manufacturers, and an industry trade association commented on proposed section 191c.3(j). Almost all observe that the sidewalls of tubular sew-up tires are not molded and cannot support a legend of recommended tire pressure. The Commission finds that tubular sew-up tires are used principally by riders who demand extremely high performance. Since such tires are used in conjunction with special rims, their use by casual recreational riders is in most cases restricted to adults. The Commission concludes that tubular sew-up tires and nonpneumatic tires should be exempted from the molding requirement (§ 1512.10 below).

A tire manufacturer recommends that all tires and rims be required to meet the current Tire and Rim Association Standard. The Commission finds the current TRA standard to be design oriented and that adopting it would tend to restrict inovative development of safer tires and rims.

A comment suggests that the inflation pressure required for the proof test be increased from the proposed 110 percent to 200 percent of the manufacturer's recommended inflation pressure. The Commission finds that the 110-percent specification will help assure adequate sealing of the tire bead to the rim and that requiring 200 percent of the recommended inflation pressure might cause unnecessarily heavy tire design without significant additional benefit. Accordingly, § 1512.10 below retains the 110-percent requirement, but also requires the tire to pass the rim test prescribed by § 1512.18(j) while inflated at 110 percent of the manufacturer's recommended inflation pressure.

16. *Rim test.* Proposed § 191c.4(a)(6) prescribed a rim test requiring that the fully assembled wheel assembly be subjected to a load of 450 pounds for not less than 30 seconds and then be inspected for compliance with proposed § 191c.4(a)(1), which required that spokes be tight, that any spoke that rattles be considered loose, and that there be no missing spokes. Three comments request clarification and/or reduction of the test load applied to the axle in the rim test.

The proposed test was designed to simulate spoke loading under actual roadway conditions. Hazards associated with wheel collapse will be minimized if the spokes do not fail or pull out under conditions of high loading. The stress level induced under the proposed test conditions is well below the yield stress of steel spokes, yet is high enough to simulate a bicycle running through a pot hole at moderate speeds. The intent of the test is to insure the integrity of the entire wheel assembly.

The Commission concludes that the test should be adopted as proposed. The test provisions are in § 1512.18(j) below.

17. *Wheel hubs.* Proposed § 191c.4(a)(7) required (1) that a bicycle have removable wheels and a positive wheel locking device secure against a minimum of 10 inch-pounds of torque; (2) that the levers of quick-release hubs indicate whether the levers are in a locked or unlocked position; (3) that the quick-release clamping action emboss the frame or fork when locked; and (4) that threaded nuts used to secure the wheel axle to the frame or fork incorporate a locking provision.

Proposed § 191c.4(a)(7) (i), (ii), and (iii) required respectively (1) a positive retention feature for front hubs that use threaded nuts, (2) a positive retention feature for attaching rear hubs to the frame, and (3) a spoke protection disc and provision for preventing the drive chain from interfering with the rotation of the rear wheel.

Twenty comments on these provisions were received from consumers, manufacturers of component parts, a bicycle manufacturers' trade association, a medical association, importers, retailers, and a retail association.

On the basis of the available facts and consideration of the comments, the Commission has established requirements for wheel hubs in section 1512.12 and for derailleur guards in § 1512.9(b) below. These provisions are not applicable to sidewalk bicycles. Section 1512.12 specifies that: (1) Wheels shall be secured to the frame with a positive locking device (locking nuts or threaded axles shall have rotation of at least 180° from finger-tight condition to full tightness); (2) quick-release devices shall be adjustable to permit user to set proper tightness; (3) a quick-release hub shall have levers clearly visible to the rider and shall indicate whether the levers are in a locked or unlocked position; (4) the quick-release clamp action shall emboss the frame; and (5) nonquick-release front hubs shall have a positive retention device. Section 1512.9(b) requires that derailleur rear wheels be guarded to prevent the drive chain from stopping rotation of the wheel through improper adjustments or damage.

The Commission has not adopted the requirement in proposed § 191c.4(a)(7) for removable wheels and for a wheel locking device to be secure against a minimum of 10 inch-pounds of torque, because these requirements are not inherently safety-related.

For the same reason, the Commission has not adopted the requirement for a positive retention feature for attaching rear hubs to the frame proposed in § 191c.4(a)(7)(ii). Requirements relating to rear wheel derailleurs, proposed in § 191c.4(a)(7)(ii), have been revised and appear in § 1512.9(b) below.

18. *Fork test.* A bicycle manufacturer, a manufacturer of bicycle components, five associations, and one retailer commented on the requirements of proposed section 194c.4 (b) and (c) relating to the front fork of a bicycle.

Proposed § 194c.4(b) required that the front fork be capable of absorbing 350 inch-pounds of energy without fracture. Proposed § 194c.4(c) specified the conditions for conducting the fork test. A salient feature of this test was that the 350 inch-pounds of energy absorption must be obtained at a 2-inch deflection.

The comments indicate some confusion or misunderstanding of the fork test. The test is a destructive type designed to establish that (1) the front fork will take a reasonable load prior to failure and (2) that failure will occur through a ductile mechanism rather than by brittle fracture.

One comment suggests that the 350 inch-pounds of energy absorption be obtained at less than the specified 2-inch deflection. Two leading foreign manufacturers suggest that 350 inch-pounds of energy absorption be measured at a deflection of 2.5 inches to permit the design of lightweight frames in the larger wheel sizes.

After considering the comments and other relevant information, including the result of tests performed at the National Bureau of Standards, the Commission concludes that the proposed fork test should be modified by changing the deflection from 2 to 2.5 inches (section 1512.18(k)(1) below). Inducing a full deflection, as required, is necessary to insure ductility as a deterrent to failure through brittle fracture. Section 1512.13 exempts sidewalk bicycles from the fork test.

19. *Frame.* Three comments question the level of protection provided by the frame test proposed in § 191c.4(d): "A bicycle frame shall be capable of supporting the fork without fracture when a load of 200 pounds is applied to the fork at the axle attachment point against

the direction of the rake in line with the rear wheel axle."

A bicycle frame should support the fork under reasonable frontal loading conditions without suffering fracture or deformation that significantly limits the steering angle over which the front wheel may be turned. Accordingly, the Commission endorses retention of the frame test. To provide more objective and practicable methods for compliance, however, § 1515.14 below describes the mechanical strength the bicycle frame must exhibit and § 1512.18(k)(2) describes the procedure and criteria for testing a bicycle frame to determine its strength and, therefore, its relative safety.

20. *Seat clamps and load test.* Proposed § 191c.4(j) specified that "the seat adjustment clamps shall resist without movement a torque of 25 ft-lb applied in a horizontal plane and a torque of 75 ft-lb applied in a vertical plane." A foreign manufacturer suggests that the seat clamp integrity be measured by the application of force to the extremities of the seat since bicycle seats are available in a wide variety of sizes and shapes.

The Commission agrees and the regulations have been changed accordingly (§§ 1512.15(c) and 1512.18(l) below).

The Commission also concludes that a direct force, as opposed to torque force, should be applied to the seat when testing its movement in any direction under normal conditions of use. The test procedures in § 1512.18(l) below insure the integrity of the clamp regardless of the seat size. Through simulation of actual use conditions, the Commission has determined that these requirements and test procedures on seat clamps will provide a basic level of safety for the construction of bicycles.

21. *Rear reflector.* Regarding proposed § 191c.6(b), several commenters request that rear reflector location dimensions be specified and that the reference to appropriate clothing be eliminated in favor of specific mounting directions for the rear reflectors.

The Commission agrees and therefore § 1512.16(d) below prescribes detailed mounting instructions for rear reflectors. Section 1512.18(m) outlines the procedure and criteria for testing reflector mounting and alignment.

22. *Side reflectors.* Twelve commenters suggest that proposed § 191c.6(d) be changed to specify a more definite location for the side reflectors.

The Commission agrees and § 1512.16(b) below accordingly details the method to be utilized in the placing of side reflectors.

23. *Prismatic reflector performance.* Seven manufacturers of bicycle parts, four bicycle manufacturers, seven consumers, an industrial standards association, an importer, and a retailer question proposed § 191c.6(e), which detailed the photometric requirements for all bicycle reflectors. They contend that the values given in the Society of Automotive Engineers' standard SAEJ594e are adequate and appropriate for automobiles and therefore should be adopted for bicycles.

The proposed regulation increased the performance requirements of standard SAEJ594e by 50 percent. The Commission finds that this increase in performance capabilities is attainable and well within the technical competence of manufacturers. The increase will make the bicycle and its rider more visible and therefore safer. Accordingly, the proposed requirements for the prismatic reflector test have been retained (section 1512.18(n) below).

The commenters also object to the provisions of proposed § 191c.6 (c) and (d) that provided for optional clear or colorless reflectors on the side of the front wheel and on the pedals, contending that such reflectors are inconsistent with the Department of Transportation's color scheme of amber for forward and red for rear.

The Commission finds that clear reflectors give back more light and that amber and red reflectors have filters which decrease the amount of returned light. The Commission therefore endorses the use of clear reflectors as providing increased safety for the rider. The Commission does not find it essential to follow DOT's position on reflectors since it is designed for automobiles, not for bicycles.

Nevertheless, the Commission has retained an optional approach to the coloring of reflectors in § 1515.16 (d) and (e) below because many local jurisdictions currently require the amber-red color scheme.

24. *Pedal clearance.* Proposed § 191c.3(h) specified that the toe clearance, with respect to pedals, shall be at least 4½ inches measured from the rotation axis of the pedal at the center of the foot tread forward to the tire or fender surface. Fourteen consumers, a manufacturer, two trade associations and a retailer object to this requirement, noting that racing and touring bicycles have a reduced toe clearance necessary to insure maneuverability at high speeds. They comment that this reduced toe clearance is not a problem because bicycles used for touring and racing are equipped with toe clips that keep the foot in place with respect to the pedal.

The 4½-inch specification was chosen to provide clearance for a shoe size of an upper percentile 15-year-old rider. The Commission has reexamined its position on pedal clearance and § 1512.17(d) below provides that bicycles not equipped with positive foot retaining devices, such as toe clips, shall have at least a 3½-inch clearance between the pedal and the front tire and fender, when turned to any position. This change from 4½ to 3½ inches represents a toe clearance that the Commission concludes will offer the required protection to the younger rider and not restrict development of functional and safety features for the older, more experienced rider.

In addition, proposed § 191c.3(h), required that the pedals allow 25° minimum lateral tilt of the bicycle from the vertical when the pedal crank is in its lowest position and the tread surface of the pedal is parallel to the ground plane.

One comment suggested that the 25° requirement be reduced to 20° because smaller bicycles covered by the regulation, as a practical matter, do not attain a lateral tilt of 25° because of the slower speeds these bicycles are capable of.

The Commission considered this comment and concludes that an inclination of up to 25° is required to provide an ample margin of safety under reasonable operating conditions during mounting or demounting as well as maneuvering.

Therefore, this requirement is retained in § 1512.17 below.

25. *Retroflective tire sidewalls.* Proposed § 191c.6(f), dealing with reflectance requirements for tire sidewalls, drew comments from six consumers, two manufacturers of bicycle parts, a trade association, and a State department of public health (Alabama). The comments indicate some confusion with the mathematical expressions contained in the proposal.

The Commission points out that the proposal described a new procedure to test the effectiveness of reflective sidewalls that is compatible with the prismatic reflector testing results. Due to the apparent confusion caused by the format of the proposed test for reflectance, this section has been rewritten for clarification. The mathematical expressions in § 1512.18(o) below, however, have been retained in their original proposed form.

26. *Road test.* Two retailers, a manufacturer of bicycle parts, a consumer, and the Department of Transportation question proposed § 191c.7 which prescribed the bicycle road test. Three commenters requested that a test speed be specified; one suggested 10 m.p.h. as a possible test speed.

The Commission agrees that a test speed should be specified and finds that 15 m.p.h. is a reasonable speed to be maintained over the test course (§ 1512.18(p)(1) below).

Commenters express concern that some classes of lightweight equipment would be unable to withstand the rigors of the proposed road test.

Tests demonstrate that lightweight bicycles, fitted with lightweight rims and sew-up tubular tires, will be able to pass the road test with a 215-pound rider properly seated and traveling at 30 feet per second. The Commission, therefore, finds no reason for modifying the road test procedures (§ 1512.18(p) below).

27. *Qualifications for sidewalk bicycles.* A manufacturer of sidewalk bicycles objects to proposed § 191c.9(e), which described the brake performance required for sidewalk bicycles. The commenter requests that the footbrake not be restricted to the coaster type and has demonstrated that an alternative footbrake is available and effective for use by children.

The Commission encourages innovation that does not increase hazards and therefore agrees to deletion of the restriction. Accordingly, § 1512.18(f) below contains no requirement for the type of footbrake used on sidewalk bicycles; it

requires only that a specified braking force be maintained.

Another manufacturer requests reduction of the chain strength requirement for sidewalk bicycles contained in proposed § 191c.4(k). The proposal required the tensile strength per single strand of the drive chain to be not less than 1,800 pounds.

In consideration of the reduced rider loading for sidewalk bicycles, the Commission has revised this requirement and section 1512.8 below provides that the tensile strength per single strand of the drive chain shall be not less than 1,400 pounds for sidewalk bicycles.

28. *Effective date.* The proposal of May 10, 1973, did not suggest an effective date for the provisions of the regulations. Since the establishment of the Consumer Product Safety Commission on May 14, 1973, the Commission has thoroughly investigated the extent to which manufacturers of bicycles and bicycle components currently meet the requirements of the regulations, and the modifications that would be required of those bicycles and bicycle components now in production to comply with the regulations. Included in the investigation were discussion and comments from persons concerned with the requirements for reflectors. On the basis of this investigation, the Commission concludes that adequate time for redesign and retooling will be available if the requirements of § 1500.18(a)(12) and Part 1512 become effective January 1, 1975. Consequently, the provisions of § 1500.18(a)(12) and Part 1512, promulgated below, shall be applicable to bicycles (except "tract bicycles" and "one-of-a-kind bicycles") that are introduced into interstate commerce on or after January 1, 1975.

Although not suggested by the comments, the Commission is proposing an amendment to 16 CFR 1512.19 to require a method of labeling bicycles to indicate that a bicycle is subject to the regulations and is in conformance with the requirements of 16 CFR Part 1512. The purpose of this amendment is to aid consumers in making a knowledgeable choice between conforming and nonconforming bicycles and to enable the Commission to identify those bicycles that have been manufactured in compliance with the requirements of 16 CFR Part 1512.

Accordingly, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2(f)(1)(D), (q)(1)(A), (s), 3(e)(1), 74 Stat. 372, 374, 375, as amended 80 Stat. 1304–05, 83 Stat. 187–89; 15 U.S.C 1261, 1262) and under authority vested in the Commission by the Consumer Product Safety Act (sec. 30(a), 86 Stat. 1231; 15 U.S.C. 2079(a)), a new paragraph (a)(12) is added to § 1500.18 and a new Part 1512 is added to Title 16, Chapter II, as follows (although unchanged, the introductory text of § 1500.18(a) is included below for context):

§ 1500.18 Banned toys and other banned articles intended for use by children.

(a) *Toys and other children's articles presenting mechanical hazards.* Under the authority of section 2(f)(1)(D) of the act and pursuant to provisions of section 3(e) of the act, the Commission has determined that the following types of toys or other articles intended for use by children present a mechanical hazard within the meaning of section 2(s) of the act because in normal use, or when subjected to reasonably forseeable damage or abuse, the design or manufacture presents an unreasonable risk of personal injury or illness:

* * * * *

(12) Any bicycle as defined in § 1512.2 (a) of this chapter (except a bicycle that is a "track bicycle" or a "one-of-a-kind bicycle" as defined in § 1512.2 (d) and (e) of this chapter) that is introduced into interstate commerce on or after January 1, 1975, and that does not comply with the requirements of Part 1512 of this chapter.

* * * * *

Sec.

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AUTHORITY: Secs. 2(f)(1)(D), (q)(1)(A), (s), 3(e)(1), 74 Stat. 372, 374, 375, as amended, 80 Stat. 1304–05, 83 Stat. 187–89 (15 U.S.C. 1261, 1262).

§ 1512.1 Scope.

This part sets forth the requirements for a bicycle as defined in § 1512.2(a) (except a bicycle that is a "track bicycle" or a "one-of-a-kind bicycle" as defined in § 1512.2 (d) and (e)) which is not a banned article under § 1500.18(a)(12) of this chapter.

§ 1512.2 Definitions.

For the purposes of this part:

(a) "Bicycle" means a two-wheeled vehicle having a rear drive wheel that is solely human-powered.

(b) "Sidewalk bicycle" means a bicycle with a seat height of no more than 635 mm (25.0 in.); the seat height is measured with the seat adjusted to its highest position.

(c) "Seat height" means the dimension from the point on the seat surface intersected by the seat post center line (or the center of the seating area if no seat post exists) and the ground plane, as measured with the wheels aligned and in a plane normal to the ground plane.

(d) "Track bicycle" means a bicycle designed and intended for sale as a competitive machine having tubular tires, single crank-to-wheel ratio, and no freewheeling feature between the rear wheel and the crank.

(e) "One-of-a-kind bicycle" means a bicycle that is uniquely constructed to the order of an individual consumer other than by assembly of stock or production parts.

(f) "Normal riding position" means that the rider is seated on the bicycle with both feet on the pedals and both hands on the handlegrips (and in a position that allows operation of handbrake levers if so equipped); the seat and handlebars may be adjusted to positions judged by the rider to be comfortable.

§ 1512.3 Requirements in general.

Any bicycle subject to the regulations in this part shall meet the requirements of this part in the condition in which it is offered for sale to consumers; any bicycle offered for sale to consumers in a disassembled or partially assembled condition shall meet these requirements after assembly according to the manufacturer's instructions.

§ 1512.4 Mechanical requirements.

(a) *Assembly.* Bicycles shall be manufactured such that mechanical skills required of the consumer for assembly shall not exceed those possessed by an adult of normal intelligence and ability.

(b) *Sharp edges.* There shall be no unfinished sheared metal edges or other sharp parts on bicycles that are, or may be, exposed to hands or legs; sheared metal edges that are not rolled shall be finished such as to remove any feathering or beveling of edges, or any burrs or spurs caused during the shearing process.

(c) *Integrity.* There shall be no visible fracture of the frame or of any steering, wheel, pedal, crank, or brake system component resulting from testing in accordance with: The handbrake loading and performance test, § 1512.18(d); the foot brake force and performance test, § 1512.18(e); and the road test, § 1512.18 (p) (or the sidewalk bicycle proof test, § 1512.18(q)).

(d) *Attachment hardware.* All screws, bolts, or nuts used to attach or secure components shall not fracture, loosen, or otherwise fail their intended function during the tests required in this part. All threaded hardware shall be of sufficient quality to allow adjustments and maintenance. Recommended quality thread form is specified in Handbook H28, "Screw Thread Standards for Federal Services",[1] issued by the National

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[1] Copies may be obtained from:
Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402

Bureau of Standards, Department of Commerce; recommended mechanical properties are specified in ISO Recommendation R898, "Mechanical Properties of Fasteners." [2]

(e) *Protrusions.* The assembled bicycle shall be tested for exposed protrusion in accordance with the exposed protrusion test, 1512.18(b); protrusions having ends within 25 mm (1.0 in.) of an adjacent surface that do not project more than 7.8 mm (5/16 in.) beyond the surface or that cannot come in contact with the surface of the cylinder specified are not exposed protrusions. Exposed protrusions greater than 7.8 mm (5/16 in.) long having a major end dimension greater than 12.7 mm (½ in.) shall have at least a 6.3 mm (¼ in.) radius; the minor dimension shall not be less than 3.2 mm (⅛ in.).

(f) *Protective caps.* Protective caps used to mask exposed protrusions shall be tested in accordance with the protective cap and end-mounted devices test, 1512.18(c), and shall withstand a removal force of 66.7N (15 lbf).

(g) *Projections.* There shall be no projection located within the area bounded by (1) a line 89 mm (3½ in.) to the rear and parallel with the handlebar stem, (2) a verticle line through the center of the seat area, (3) a line through the center of the top bar, and (4) a line connecting the front of the seat (when adjusted to its highest position) with the point of intersection of the handbar and handlebar stem.

(h) *Screw length.* Screw lengths shall be such that the threads of the internally threaded fastener are fully engaged by the screw (or the threads of the internally threaded fastener are engaged for a length of more than one screw diameter); and shall be limited to a length of one major diameter of the screw beyond the internally threaded mating member except that those exposed to any part of a rider's body in a normal riding position shall be limited to 3.2 mm (⅛ in.) extension beyond the internally threaded mating member.

(i) *Control cable ends.* Ends of all control cables shall be provided with protective caps or otherwise treated to prevent unraveling. Protective caps shall be tested in accordance with the protective cap and end-mounted devices test, § 1512.18(c), and shall withstand a pull of 8.9N (2.0 lbf).

(j) *Control cable abrasion.* Control cables shall not rub or abrade over fixed parts and shall enter and exit cable sheaths in a direction in line with the sheath entrance and exit so as to prevent abrading.

§ 1512.5 Requirements for braking system.

(a) *Braking system.* Bicycles shall be equipped with front- and rear-wheel brakes or rear-wheel brakes only.

[2] Copies may be obtained from:
American National Standards Institute
1430 Broadway
New York, New York 10018

(b) *Handbrakes.* Handbrakes shall be tested at least ten times by applying a force sufficient to cause the handlever to contact the handlebar, or a maximum of 445 N (100 lbf), in accordance with the loading test, 1512.18(d)(2), and shall be rocked back and forth with the weight of a 68.1 kg (150 lb) rider on the seat with the same handbrake force applied in accordance with the rocking test, 1512.18(d)(2)(iii); there shall be no visible fractures, failures, movement of clamps, or misalignment of brake components.

(1) *Stopping distance.* A bicycle equipped with only handbrakes shall be tested for stopping distance by a rider of at least 68.1 kg (150 lb) weight in accordance with the performance test, 1512.18(d)(2) (v) and (vi), and shall have a stopping distance of no greater than 4.5 m (15 ft.) from the actual test speed as determined by the equivalent ground speed specified in 1512.18(d)(2)(vi).

(2) *Hand lever access.* Hand lever mechanisms shall be located on the handlebars in a position that is readily accessible to the rider when in a normal riding position.

(3) *Grip dimension.* The grip dimension (maximum outside dimension between the brake hand lever and the handlebars in the plane perpendicular to the center line of the handgrip) shall not exceed 89 mm (3½ in.) at any point between the cable end of the lever and lever midpoint; the grip dimension for sidewalk bicycles shall not exceed 76 mm (3 in.). The grip dimension may increase toward the open end of the lever but shall not increase by more than 12.7 mm (½ in.) except for the last 12.7 mm (½ in.) of the lever.

(4) *Attachment.* Brake assemblies shall be securely attached to the frame by means of a locking device such as a lock washer and locknut or equivalent and shall not loosen during the rocking test, 1512.18(d)(2)(iii). The cable anchor bolt shall not cut any of the cable strands.

(5) *Operating force.* A force of less than 44.5 N (10 lbf) shall cause the brake pads to contact the braking surface of the wheel when applied to the handlever at a point 25 mm (1.0 in.) from the open end of the handlever.

(6) *Pad and pad holders.* Caliper brake pad shall be replaceable and adjustable to engage the braking surface without contacting the tire or spokes and the pad holders shall be securely attached to the caliper assembly. The brake pad material shall be retained in its holder without movement when the bicycle is loaded with a rider of at least 68.1 kg (150 lb) weight and is rocked forward and backward as specified in the rocking test, 1512.18(d)(2)(iii).

(7) *Pad material.* Brake pad material when placed in a pre-heated oven at a temperature of at least 121°±3° C (250°±5° F) for 30 minutes shall not melt or blister.

(8) *Hand lever location.* The rear brake shall be actuated by a control located on the right handlebar and the front brake shall be actuated by a control located on the left handlebar. The left-hand/right-hand locations may be reversed in accordance with an individual customer order.

(9) *Hand lever extensions.* Bicycles equipped with hand lever extensions shall be tested with the extension levers in place and the hand lever extensions shall also be considered to be hand levers.

(c) *Footbrakes.* All footbrakes shall be tested in accordance with the force test, 1512.18(e)(2), and the measured braking force shall not be less than 178 N (40 lbf) for an applied pedal force of 311 N (70 lbf).

(1) *Stopping distance.* Bicycles equipped with footbrakes shall be tested in accordance with the performance test, 1512.18(e)(3), by a rider of at least 68.1 kg (150 lb) weight and shall have a stopping distance of no greater than 4.5 m (15 ft.) from an actual test speed of at least 16 km/hr (10 mph). If the bicycle has a footbrake only and the equivalent ground speed of the bicycle is in excess of 24 km/hr (15 mph) (in its highest gear ratio at a pedal crank rate of 60 revolutions per minute), the stopping distance shall be 4.5 m (15 ft.) from an actual test speed of 24 km/hr (15 mph) or greater.

(2) *Operating force.* Footbrakes shall be actuated by a force applied to the pedal in a direction opposite to that of the drive force.

(3) *Crank differential.* The differential between the drive and brake positions of the crank shall be not more than 60° with the crank held against each position under a torque of at least 13.6 N-m (10 ft-lb).

(4) *Independent operation.* The brake mechanism shall function independently of any drive-gear positions or adjustments.

(d) *Footbrakes and handbrakes in combination.* Bicycles equipped with foot brakes and handbrakes shall meet all the requirements for footbrakes in 1512.5(c), including the tests specified. In addition, if the equivalent ground speed is 24 km/hr (15 mph) or greater (in its highest gear ratio at a pedal crank rate of 60 revolutions per minute), the actual test speed specified in 1512.18(e)(3) shall be increased to 24 km/hr (15 mph) and both braking systems may be actuated to achieve the required stopping distance of 4.5 m (15 ft.)

(e) *Sidewalk bicycles.*

(1) Sidewalk bicycles shall not have handbrakes only.

(2) Sidewalk bicycles with a seat height of 0.56m (22 in.) or greater (with seat height adjusted to its lowest position) shall be equipped with a footbrake meeting all the footbrake requirements of 1512.5(c), including the specified tests except that the braking force transmitted to the rear wheel shall be in accordance with the Sidewalk Bicycle Footbrake Force Test, § 1512.18(f).

(3) Sidewalk bicycles with a seat height less than 0.56 (22 in.) (with seat height adjusted to its lowest position) shall not have a free-wheel feature. Such

sidewalk bicycles equipped with a footbrake shall be tested for brake force in accordance with the sidewalk bicycle footbrake force test, § 1512.18(f). Such sidewalk bicycles not equipped with brakes shall be identified with a permanent label clearly visible from a distance of 3.0 m (10 ft.) in daylight conditions and promotional display material and shipping cartons shall prominently display the words "No Brakes."

§ 1512.6 Requirements for steering system.

(a) *Handlebar stem insertion mark.* The handlebar stem shall contain a permanent ring or mark which clearly indicates the minimum insertion depth of the handlebar stem into the fork assembly. The insertion mark shall not affect the structural integrity of the stem and shall not be less than 2½ times the stem diameter from the lowest point of the stem. The stem strength shall be maintained for at least a length of one shaft diameter below the mark.

(b) *Handlebar stem strength.* The handlebar stem shall be tested for strength in accordance with the handlebar stem test, § 1512.18(g), and shall withstand a force of 2000 N (450 lbf) for bicycles and 1000 N (225 lbf) for sidewalk bicycles.

(c) *Handlebar.* Handlebars shall allow comfortable and safe control of the bicycle. The inside dimension at the ends of the handlebars shall not be less than 356 mm (14 in.) nor more than 712 mm (28 in.) apart. Handlebar ends shall be symmetrically located with respect to the longitudinal axis of the bicycle and no more than 406 mm (16 in.) above the seat surface when the seat is in its lowest position and the handlebar ends are in their highest position.

(d) *Handlebar ends.* The ends of the handlebars shall be capped or otherwise covered. Handgrips, end plugs, control shifters, or other end-mounted devices shall be secure against a removal force of no less than 66.8 N (15 lbf) in accordance with the protective cap and end-mounted devices test, § 1512.18(c).

(e) *Handlebar and clamps.* The handlebar and clamps shall be tested in accordance with the handlebar test, § 1512.18(h).

§ 1512.7 Requirements for pedals.

(a) *Construction.* Pedals shall have right-hand/left-hand symmetry and the tread shall be an integral part of the pedal construction to the extent that removal of the tread material would substantially destroy the pedal. The tread surface shall be present on both top and bottom surfaces of the pedal except that if the pedal has a definite preferred position, the tread surface need only be on the surface presented to the rider's foot.

(b) *Toe clips.* Pedals intended to be used only with toe clips shall have toe clips permanently attached to them and need not have tread surfaces. Pedals designed for optional use of toe clips shall have tread surfaces.

(c) *Pedal reflectors.* Pedals for bicycles other than sidewalk bicycles shall have reflectors in accordance with § 1512.16(e). Pedals for sidewalk bicycles are not required to have reflectors.

§ 1512.8 Requirements for drive chain.

The drive chain shall operate over the sprockets without catching or binding. The tensile strength of the drive chain shall be no less than 8010 N (1,800 lb) or 6230 N (1,400 lb) for sidewalk bicycles.

§ 1512.9 Requirements for protective guards.

(a) *Chain guard.* Bicycles having a single sprocket ratio that cannot be freewheeled in a direction opposite to the drive direction shall have the drive sprocket and chain guarded where the chain engages the sprocket. Such chain guard shall prevent a rod of 9.4 mm (⅜ in.) diameter and 76 mm (3.0 in.) length from entrapment between the upper junction of the chain and the sprocket when introduced from the chain side of the bicycle in any direction within 45° from a line normal to the sprocket.

(b) *Derailleur guard.* Derailleurs shall be guarded to prevent the drive chain from interfering with or stopping the rotation of the wheel through improper adjustments or damage.

§ 1512.10 Requirements for tires.

The manufacturer's recommended inflation pressure shall be molded into or onto the sidewall of the tire with lettering no less than 3.2 mm (⅛ in.) in height. After inflation to 110 percent of the maximum recommended inflation pressure, the tire shall remain intact on the rim, including while under test and side-loaded with 2000 N (450 lbf) in accordance with the rim test, § 1512.18(j). Tubular sew-up tires and nonpneumatic tires are exempt from this requirement.

§ 1512.11 Requirements for wheels.

(a) *Spokes.* There shall be no missing spokes.

(b) *Alignment.* The wheel assembly shall be aligned such that no less than 1.6 mm (1/16 in.) clearance exists between the tire and fork or any frame member when the wheel is rotated to any position.

(c) *Rims.* Rims shall retain the spokes and tire when side-loaded with 2000 N (450 lbf) and tested in accordance with the rim test, § 1512.18(j). Sidewalk bicycles need not meet this requirement.

§ 1512.12 Requirements for wheel hubs.

All bicycles (other than sidewalk bicycles) shall meet the following requirements:

(a) *Locking devices.* Wheels shall be secured to the bicycle frame with a positive locking device. Locking nuts or threaded axles shall require rotation of at least 180° from finger-tight condition to full tightness.

(b) *Quick-release devices.* Lever-operated quick-release devices shall be adjustable to allow setting the lever position for tightness. Quick-release levers shall be clearly visible to the rider and shall indicate whether the levers are in a locked or unlocked position. Quick-release clamp action shall emboss the frame or fork when locked.

(c) *Front hubs.* Front hubs not equipped with lever-operated quick-release devices shall have a positive retention feature that shall be tested in accordance with the front hub retention test, § 1512.18(j)(3), to assure that when the locking devices are released the wheel will not separate from the fork.

§ 1512.13 Requirements for front fork.

The front fork shall be tested for strength by application of at least 39.5 J (350 in-lb) of energy in accordance with the fork test, § 1512.18(k)(1), without visible evidence of fracture. Sidewalk bicycles need not meet this requirement.

§ 1512.14 Requirements for frame.

The fork and frame assembly shall be tested for strength by application of at least 39.5 J (350 in-lb) of energy in accordance with the frame test, § 1512.18(k)(2), without visible evidence of fracture or frame deformation that significantly limits the steering angle over which the wheel can be turned. Sidewalk bicycles need not meet this requirement.

§ 1512.15 Requirements for seat.

(a) *Seat limitation.* No part of the seat, seat supports, or accessories attached to the seat shall be more than 125 mm (5.0 in.) above the top of the seat surface at the point where the seat surface is intersected by the seat post axis.

(b) *Seat post.* The seat post shall contain a permanent mark or ring that clearly indicates the minimum insertion depth (maximum seat-height adjustment); the mark shall not affect the structural integrity of the seat post. This mark shall be located no less than two seat-post diameters from the lowest point on the post shaft, and the post strength shall be maintained for at least a length of one shaft diameter below the mark.

(c) *Adjustment clamps.* The seat adjustment clamps shall be capable of securing the seat in any position to which it can be adjusted and preventing movement of the seat in any direction under normal conditions of use. Following the road test, § 1512.18(p) (or the sidewalk bicycle proof test, § 1512.18(q), as applicable), the seat clamps shall be tested in accordance with the seat adjustment clamps and load test, § 1512.18(l).

§ 1512.16 Requirements for reflectors.

Bicycles shall be equipped with reflective devices to permit recognition and identification under illumination from motor vehicle headlamps. Sidewalk bicycles are not required to have reflectors.

(a) *Front, rear, and pedal reflectors.* There shall be an essentially colorless front-facing reflector, essentially colorless or amber pedal reflectors, and a red rear-facing reflector.

(b) *Side reflectors.* There shall be retroreflective tire sidewalls or, alternatively, reflectors mounted on the spokes of each wheel; the center of spoke-mounted reflectors shall be within 76 mm (3.0 in.) of the inside of the rim. Spoke-mounted reflectors shall be visible on each side of the wheel.

(c) *Front reflector.* The reflector or mount shall not contact the ground plane when the bicycle is resting on that plane in any orientation. The optical axis of the reflector shall be directed forward within 5° of the horizontal-vertical alignment of the bicycle when the wheels are tracking in a straight line. The reflectors and/or mounts shall incorporate a provision to preclude assembly in other than the intended manner. The front reflector shall be tested in accordance with the reflector mount and alignment test, § 1512.18(m), to assure the reflector alignment cannot be altered by a force of 89 N (20 lbf) applied to either the reflector or mounting device at any point and in any direction.

(d) *Rear reflector.* The reflector or mount shall not contact the ground plane when the bicycle is resting on that plane in any orientation. The reflector shall be mounted such that it is to the rear of the seat with the top of the reflector at least 76 mm (3.0 in.) below the point on the seat surface that is intersected by the line of the seat post. The optical axis of the reflector shall be directed rearward within 5° of the horizontal-vertical alignment of the bicycle when the wheels are traveling in a straight line. The reflectors and/or mounts shall incorporate a provision to preclude assembly in other than the intended manner. The rear reflector shall be tested in accordance with the reflector mount and alignment test, § 1512.18(m), to assure that the reflector alignment will not be affected when a force of 89 N (20 lbf) is applied to either the reflector or the mounting device at any point in any direction.

(e) *Pedal reflectors.* Each pedal shall have reflectors located on the front and rear surfaces of the pedal. The reflector elements may be either integral with the construction of the pedal or mechanically attached, but shall be sufficiently recessed from the edge of the pedal, or of the reflector housing, to prevent contact of the reflector element with a flat surface placed in contact with the edge of the pedal.

(f) *Side reflectors.* Reflectors affixed to the wheel spokes shall be mounted either flat on the spokes or within the spoke cage such that the angle between the optical axis and the normal to the plane of the wheel shall not exceed the angle of the spokes with the plane of the wheel. The reflectors shall not interfere with any wheel adjustments. The side-mounted reflector devices shall be essentially colorless or amber on the front wheel and essentially colorless or red on the rear wheel.

(g) *Reflector tests.* The pedal, front-mount, rear-mount, and side-mount reflectors shall be tested in accordance with the reflector test, § 1512.18(n), to assure the reflectance values over the angles given in tables 1 and 2.

(h) *Retroreflective tire sidewalls.* When retroreflective tire sidewalls are used in lieu of spoke-mounted reflectors, the reflecting material shall meet the following requirements:

(1) The retroreflective material shall form a continuous circle on the sidewall.

(2) The retroreflective material shall adhere to the tire such that after the tire has been subjected to a temperature of 50°±3° C (120°±5° F) for 30 minutes, the retroreflective material cannot be peeled or scraped away without removal of tire material.

(3) The retroreflective material shall be as resistant to abrasion as is the adjacent sidewall material so that when retroreflective material is removed from the inflated tire by abrasion with a wet, steel bristle brush, tire material will be removed along with the retroreflective material.

(4) The retroreflective material shall be tested for performance in accordance with the retroreflective tire test, § 1512.18(o), to assure the reflectance properties over the angles given in table 3. When a portion of the retroreflective material is selected (and the remainder is masked as specified in § 1512.18(o)(2)(i)), the selected portion shall not contact the ground plane when the assembled bicycle is resting on that plane in any orientation.

§ 1512.17 Other requirements.

(a) *Road test.* Bicycles, other than sidewalk bicycles, shall be ridden at least 6.4 km (4.0 mi.) by a rider weighing at least 68.1 kg (150 lb.) and travel five times over a 30 m (100 ft.) cleated course in accordance with the road test, § 1512.18(p), and shall exhibit stable handling, turning, and steering characteristics without difficulty of operation. There shall be no system or component failure of the structure, brakes, or tires, and there shall be no loosening or misalignment of the seat, handlebars, controls, or reflectors during or resulting from this test.

(b) *Sidewalk bicycle proof test.* Sidewalk bicycles shall be dropped a distance of at least 300 mm (1.0 ft.) three times onto a paved surface with weights attached in accordance with the sidewalk bicycle proof test, § 1512.18(q). There shall be no fracture of wheels, frame, seat handlebars, or fork during or resulting from this test.

(c) *Ground clearance.* With the pedal horizontal and the pedal crank in its lowest position and any training wheels removed, it shall be possible to tilt the bicycle at least 25° from the vertical without the pedal or any other part (other than tires) contacting the ground plane.

(d) *Toe clearance.* Bicycles not equipped with positive foot-retaining devices (such as toe clips) shall have at least 88 mm (3½ in.) clearance between the pedal and the front tire or fender (when turned to any position). The clearance shall be measured forward and parallel to the longitudinal axis of the bicycle from the center of either pedal to the arc swept by the tire or fender, whichever results in the least clearance.

§ 1512.18 Test and test procedures.

(a) *Sharp edge test.* [Reserved]

(b) *Exposed protrusion test.* (Ref. § 1512.4(e))

(1) *Apparatus.* A cylinder of 88 mm (3¼ in.) diameter and 250 mm (10 in.) length.

(2) *Procedure.* All protrusions greater than 7.8 mm (5/16 in.) in length which terminate in less than a full 6.3 mm (¼ in.) radius shall be located and tested with the test apparatus to determine whether the protrusions can be brought into contact with the surface of the cylinder. Any protrusion of the dimensions specified that can be brought into contact with the cylinder are exposed protrusions.

(c) *Protective cap and end-mounted devices test.* (Ref. § 1512.4 (f) and (i), § 1512.6(d).) Any device suitable for exerting a removal force of at least 67 N (15 lbf) for protective caps and 8.9 N (2.0 lbf) for end caps at any point and in any direction may be used. All protective caps and end-mounted handlebar devices shall be tested to determine that they cannot be removed by application of the specified forces.

(d) *Handbrake loading and performance test.* (Ref. § 1512.5(b).)

(1) *Apparatus.* A spring scale or other suitable device for measuring the specified forces on the handbrake levers and a dry, clean, level, paved surface of adequate length.

(2) *Procedure.* The loading test, § 1512.18(d)(2)(i), and the rocking test, § 1512.18(d)(2)(iii), shall be performed before the performance test, § 1512.18(d)(2)(v), is performed and no adjustments shall be made between these tests.

(i) *Loading test procedure.* The hand levers shall be actuated with a force applied at a point no more than 25 mm (1.0 in.) from the open end of the lever. If the hand lever contacts the handlebar (bottoms) before a force of 445 N (100 lbf) is reached, the loading may be stopped at that point, otherwise the loading shall be increased to at least 445 N (100 lbf). Application of the loading force shall be repeated for a total of 10 times and all brake components shall be inspected.

(ii) *Loading test criteria.* There shall be no visible fractures, failures, misalignments, and clearances not in compliance with applicable parts of § 1512.5.

(iii) *Rocking test procedure.* A weight of at least 68.1 kg (150 lb) shall be placed on the seat; the force required for the hand levers to contact the handlebars, or 445 N (100 lbf), as determined in 1512.18(d)(2), shall be applied to the hand levers; and the bicycle shall be rocked forward and backward over a dry, clean, level, paved surface at least six times and for a distance of at least 3 inches in each direction.

(iv) *Rocking test criteria.* There shall be no loosening of the brake pads, pad holders, or cable and hand-lever securing devices or any other functional brake component.

(v) *Performance test procedure.* The bicycle shall be ridden over a dry, clean, level paved test course and, after attaining the specified ground speed, shall be stopped by the rider while remaining in a normal riding position throughout the stop and using only the brake system

under test. The stopping distance shall be measured. The stopping distances specified are based on a rider weight of 68.1 kg (150 lb) and greater stopping distances are allowable for heavier riders at the rate of 0.30 m per 4.5 kg (1.0 ft per 10 lb).

(vi) *Performance test criteria.* The stopping force applied to the hand lever at a point no closer than 25 mm (1.0 in.) from the open end shall not exceed 180 N (40 lbf). Bicycles with an equivalent ground speed in excess of 24 km/hr (15 mph) (in its highest gear ratio at a pedal crank rate of 60 revolutions per minute) shall stop from an actual test speed of 24 km/hr (15 mph) or greater within a distance of 4.5 m (15 ft); when the equivalent ground speed is less than 24 km/hr (15 mph) under the same conditions, the bicycle shall stop from an actual test speed of 16 km/hr (10 mph) or greater within a distance of 4.5 (15 ft).

(e) *Footbrake force and performance test.* (Ref. § 1512.5(c) (1) and (2))

(1) *Apparatus.* Suitable devices for exerting and measuring the required forces and a dry, clean, level, paved surface of adequate length.

(2) *Force test.* The braking force shall be measured as the wheel is rotated in a direction of forward motion, and the braking force is measured in a direction tangential to the tire during a steady pull and after ½ to 1 revolution of the wheel. The brake shall be capable of producing a linearly proportional (within 20 percent) brake force for a gradually applied pedal force from 89 N to 310 N (20 to 70 lbf) and shall not be less than 180 N (40 lbf) for an applied pedal force of 310 N (70 lbf).

(3) *Performance test.* The procedure of § 1512.18(d)(2)(v) shall be followed to test the footbrake performance. The stopping distance shall be less than 4.5 m (15 ft.) from an actual test speed of 16 km/hr (10 mph). In addition, if the equivalent ground speed is in excess of 24 km/hr (15 mph) (in its highest gear ratio at a pedal crank rate of 60 revolutions per minute), the stopping distance shall be 4.5 m (15 ft.) from an actual test speed of 24 km/hr (15 mph) or greater.

NOTE: No allowances shall be made for rider weight.

See 1512.5(d) for additional requirements for bicycles with both handbrakes and footbrakes.

(f) *Sidewalk bicycle footbrake force test.* For sidewalk bicycles, the Footbrake force test is the same as for bicycles except: the brake force transmitted to the rear wheel shall continually increase as the pedal force is increased from 44.5 N to 225 N (10 to 50 lbf). The ratio of applied pedal force to braking force shall not be greater than two-to-one.

(g) *Handlebar stem test.* (Ref. § 1512.6(b))

(1) *Procedure.* The handlebar stem shall be tested for strength by applying a force of 2000 N (450 lbf), in a forward direction, for bicycles, or 1000 N (225 lbf) for sidewalk bicycles, at a point in line with the handlebar attachment point and at an angle of 45° from the stem centerline (See fig. 2).

(2) *Criteria.* No visible fractures shall result from this test.

(h) *Handlebar test.* (Ref. § 1512.6(e))

(1) *Stem-to-fork clamp test.*

(i) *Procedure.* The handlebars shall be in place on the bicycle and secured according to manufacturers' instructions. The handlebars shall be subjected to a torque applied about the axis of the stem.

(ii) *Criteria.* The stem-to-fork clamps shall prevent movement of the stem when a torque of 67.5 N-m (50 ft-lb) is applied for bicycles or 47.2 N-m (35 ft-lb) for sidewalk bicycles.

(2) *Handlebar strength and clamp test*—(i) *Procedure.* The stem shall be in place on the bicycle or in an equivalent test fixture and secured according to manufacturers' instructions. A load shall be applied equally to each handlebar end in a direction to cause the greatest torque about the handlebar-to-stem clamp; deflection shall be measured along the line of applied force.

(ii) *Criteria.* The handlebars shall support a force of no less than 445 N (100 lbf) or absorb no less than 22.6 J (200 in-lb) of energy through a maximum deflection of no more than 76 mm (3.0 in.); the handlebar clamp shall prevent rotational movement of the handlebars relative to the clamp, and there shall be no visible fractures.

(i) *Pedal slip test.* [Reserved]

(j) *Rim test.* (Ref. §§ 1512.10 and 1512.11(c))

(1) *Procedure.* Only one wheel need be tested if the front and rear wheel are of identical construction. The wheel to be tested shall be removed from the bicycle and be supported circumferentially around the tire sidewall. A load of 2000 N (450 lbf) shall be applied to the axle and normal to the plane of the wheel for at least 30 seconds. If the wheel hub is offset, the load shall be applied in the direction of the offset.

(2) *Criteria.* The wheel and tire assembly shall be inspected for compliance with the requirements of § 1512.11(a) and shall be remounted on the bicycle according to the manufacturer's instructions and shall turn freely without roughness and shall comply with the requirement of § 1512.11(b).

(3) *Front hub retention test.* (Ref. § 1512.12(c))

(i) *Procedures.* Front hub locking devices shall be released. When threaded nuts and axles are used, the nuts shall be opened at least 360° from a finger tight condition. A separation force of at least 11.2N (25 lbf) shall be applied to the hub on a line along the slots in the fork ends.

(ii) *Criteria.* The front hub shall not separate from the fork; fenders, mudguards, struts, and brakes shall not be allowed to restrain the separation.

(k) *Fork and frame test.* (Ref. §§ 1512.13 and 1512.14)

(1) *Fork test.*

(i) *Procedure.* With the fork stem supported in a 76 mm (3.0 in.) vee block and secured by the method illustrated in figure 1, a load shall be applied at the axle attachment in a direction perpindicular of the center line of the stem and against the direction of the rake. Load and deflection readings shall be recorded and plotted at the point of loading. The load shall be increased until a deflection of 64 mm (2½ in.) is reached.

(ii) *Criteria.* Energy of at least 39.5 J (350 in-lb) shall be absorbed with a deflection in the direction of the force of no more than 64 mm (2½ in.).

(2) *Frame test.*—(i) *Procedure.* The fork, or one identical to that tested in accordance with the fork test, 1512.18(k)(1), shall be replaced on the bicycle in accordance with the manufacturer's instructions; and a load of 890 N (200 lbf), or an energy of at least 39.5 J (350 in-lb), whichever results in the greater force, shall be applied to the fork at the axle attachment point against the direction of the rake in line with the rear wheel axle.

(ii) *Criteria.* There shall be no visible evidence of fracture and no deformation of frame that significantly limits the steering angle over which the front wheel can be turned.

(l) *Seat adjustment clamps and load test.* (Ref. § 1512.15(c))

(1) *Procedure.* A force of at least 668 N (150 lbf) shall be applied vertically downward (334 N (75 lbf) for sidewalk bicycles) to a point within 25 mm (1.0 in.) from either the front or rear of the sea, whichever produces the greatest torque on the seat clamp. After removal of this force, a force of 222 N (50 lbf) shall then be applied horizontally (111 N (25 lbf) for sidewalk bicycles) to a point within 25 mm (1.0 in.) from either the front or rear of the seat, whichever produces the greatest torque on the clamp.

(2) *Criteria.* No movement of the seat with respect to the seat post, or of the seat post with respect to the bicycle frame, shall have resulted from application of the forces specified.

(m) *Reflector mount and alignment test.* (Ref. § 1512.16 (c) and (d))

(1) *Procedure.* A force of 89 N (20 lbf) shall be applied to the reflector mount in at least three directions selected as most likely to affect its alignment. At least one of those directions shall be selected to represent a force that would be expected in lifting the bicycle by grasping the reflector.

(2) *Criteria.* The optical axis of the reflector shall remain within 5° of the intersection of a plane containing the center of both wheels and seat stem and a line parallel to that containing the center of both wheels.

(n) *Reflector test.* (Ref. § 1512.16(g))

(1) *Conditioning.* The following conditioning in the order given shall be performed prior to testing for performance.

(i) *Warpage conditioning.* The reflector shall be held in a preheated oven for at least one hour at 50°±5° C (120° ±3° F). A pedal reflector may be conditioned integrally with its pedal.

(ii) *Mechanical impact conditioning.* The reflector shall be mounted faceup in a manner similar to the way in which it

is mounted on the bicycle. A 13 mm (½ in.) diameter polished steel ball shall be dropped normal to the center of the face of the reflector from a height of 0.76 m (30 in.). The ball may be guided by a tube with holes, but not restricted in free fall. Pedal reflectors are exempt from this impact conditioning.

(iii) *Moisture conditioning.* The reflector shall be submerged in tap water in a suitable container. The container shall be pressurized in 17.2 kN/m² (2.5 psi) (equivalent to 1.7 m (5¾ ft.)) of water for 15 minutes and then released.

(2) *Reflector performance test.* (i) Arrangements for the reflector performance test shall be as shown in figure 3 and the distance D between the light source and the reflector shall be 30 m (100 ft.). The source of illumination shall be a lamp with a 51 mm (2.0 in.) effective diameter and a filament operating at 2,856±10 percent color temperature. The observation point shall be colocated (as close as practicable) with the source of illumination. The reflector shall be mounted with the center of the reflector at the center of rotation and at the same horizontal level as the source of illumination. Photometric measurements shall be made at the observation angles and entrance angles given in tables 1 and 2.

(ii) The observation angle is the angle formed by a line from the point of observation to the center of the reflector with a second line from the center of the reflector to the source of illumination. The entrance angle is the angle between a line normal to the center of the reflector and a line from the center of the reflector to the source of illumination. The entrance angle shall be designated left, right, up, and down in accordance with the position of the source of illumination with respect to the axis of the reflector as viewed from behind the reflector.

(iii) Photometric measurements shall be made either visually or photoelectrically. With either method, the light reflected to the observation point shall be determined. Also, the illumination on the reflector from the source shall be measured.

(iv) For visual measurements a comparison lamp, emitting red light similar in spectral quality to the reflector, shall be located adjacent to the reflector (at an angle not to exceed ½°) and arranged so that the candlepower can be varied from 0.01 to 0.25 to make the intensity duplicate that of the reflector under test. Means shall be provided to change the intensity of the source of illumination without changing the filament color temperature. The comparison lamp shall be designed to avoid reflection from the source of illumination back in the direction of the observer. It shall be of such size and so diffused that when viewed by the observer (through a 2½× reducing monocular), the candlepower can be readily compared and adjusted to that of the reflector. The observer shall have at least 10 minutes of dark adaption before making observations. For photoelectric measurements, the opening to the photocell shall not be more than ½ inch vertical by 1 inch horizontal.

(v) Reflectors that mount on the bicycle in a fixed rotational position with respect to the bicycle, or the bicycle component on which they are mounted (such as pedals or spokes), shall be tested with a single orientation. Reflectors that do not mount on the bicycle in a fixed rotational position with respect to the bicycle shall be rotated about their axis through 360° to find the minimum candlepower per footcandle for each test point. If the measurement falls below the minimum requirement at any test point, the reflector shall be rotated ±5° about its axis from the angle where the minimum occurs, and the maximum candlepower per footcandle within this angle shall be the measured value.

(vi) Should uncolored reflections from the front surface interfere with photometric readings at any test point the lowest reading and location within 1° above, below, right, and left of the test point shall meet the minimum requirement for the test point.

(vii) A recommended coordinate system for definition of color is the "Internationale de l'Eclairage (CIE 1931)" system in the *IES Lighting Handbook*[3], fifth edition, 1972. Recommended color boundaries in this coordinate system are: For red, $y=0.980-x$ and $y=0.335$; for yellow, $y=0.382$, $y=0.790-0.667x$, and $y=x-0.120$.

(o) *Retroreflective tire test.* (Ref. § 1512.16(h)).

(1) *Apparatus.* Arrangements for the reflective intensity measurement shall be as shown in figure 3. A light projector (having a maximum lens diameter of D/500, where D is the distance from the source to the sidewall being measured) capable of projecting light of uniform intensity shall be used to illuminate the sample. The light falling on the sample shall have a color temperature of 2856K±10% (equivalent to a tungsten filament lamp operated at a color temperature of 2856K±10% having approximately the relative energy distribution given in table 4). The light reflected from the test surface shall be measured with a photoelectric receiver, the response of which has been corrected for the spectral sensitivity of the average photopic human eye. The dimensions of the active area of the receiver shall be such that no point on the perimeter is more than d/1000 (where d is the distance from the receiver to the sidewall). Tires to be tested shall be mounted on a wheel, the rim and spokes of which have been masked in flat black so that when measured without the tire they indicate no appreciable reflectance. The tire shall be mounted and fully inflated. Distances shall be measured from the point of intersection of the axle of the wheel with the center of the wheel. For the tests, the distance D between the projector and the center of the wheel and distance d between the center of the wheel and the receiver shall each be at least 15 m (50 ft.).

(2) *Procedure.*—(i) *Masking.* The reflecting strip to be tested shall be within two concentric circles, the larger of which is no more than 0.02 m (0.79 in.) greater in radius than the smaller. While additional reflecting material is permitted outside such boundaries, such additional material shall not be counted in determining the average width of the reflecting strip and shall be masked off with opaque, matte black tape in testing the reflecting material.

(ii) *Orientation.* With the tire mounted and inflated, every position of the reflecting strip to be tested shall be oriented so that the normal to this portion is within 40° of parallel to the axis of rotation of the wheel.

(iii) *Measurement.* Measure the distance from the receiver to the specimen (the minimum diameter of the unmasked reflective strip). Measure the illumination incident on the reflective strip at uniform intervals of no more than 45° around the wheel, with the receiver oriented in the direction of the incident radiation. The average of such readings will be the mean illumination of the sample ^{E}s. If any one of such reading differs by more than 10 percent from the mean illumination, then a more uniform source must be obtained. Measure the illumination on the receiver due to reflection from the sidewall for each entrance angle and each observation angle given in table 3. The illumination incident on the test surface and the receiver shall be measured in the same units on a linear scale. Compute the ratio A for each combination of entrance angle and observation angle listed in table 3 as follows:

$$A=\frac{^{E}r}{^{E}s}\times\frac{d^2}{r}$$

Where:

^{E}r=Illumination incident upon the receiver,

^{E}s=Illumination incident upon a plane perpendicular to the incident ray at the specimen position (see instructions above for averaging), measured in the same units as ^{E}r,

d=The distance from the receiver to the center of the wheel in meters,

r=The minimum radius of the boundary circles of the retroreflective strip in meters.

The value of A shall be greater than that listed in table 3 for each combination of entrance angle and observation angle.

(iv) *Criteria.* The mathematical description of the reflective properties as given by the ratio A shall serve as the measure of performance required of the sidewall reflector. Alternatively, the reflective material shall satisfy the following definition without regard to the ratio A. The average reflectance factor $\overline{P}$ of

[3] Copies may be obtained from Illuminated Engineering Society, 345 East 47th Street, New York, New York 10017.

the sidewall measured over 0.02 m (0.79 in.) radial strip shall be not less than:

$$P=\frac{100}{1+\left(\frac{\phi}{0.225}\right)^{3/2}}$$

here ϕ is the angle of observation. The reflectance factor shall be defined relative to a perfect white diffusing reflector. The formula above shall apply for entrance angles up to 40° and observance angles ϕ of 0.2° to 1.5°. The reflectance is not specified beyond these limiting angles.

(p) *Road test.* (Ref. §§ 1512.15(c) and 1512.17(a))

(1) *Procedure.* The bicycle shall be ridden at least 6.4 km (4.0 mi.) by a rider weighing at least 68.1 kg (150 lb.) with the tires inflated to maximum recommended pressure. Travel shall include riding the bicycle five times over a 30 m (100 ft.) course of wooden cleats fastened to a paved surface. The cleats shall be a full 25 mm (1.0 in.) high by 51 mm (2.0 in.) wide lumber with a 12 mm by 12 mm (½ in. by ½ in.) chamfer of 45° on the corners contacting the tires. The cleats shall be spaced every 1.8 m (6.0 ft.) over the 30 m (100 ft.) course. The bicycle shall be ridden over the cleated course at a speed of at least 24 km/hr (15 mph) with the rider firmly seated.

(2) *Criteria.* The bicycle shall exhibit stable handling, turning, and steering characteristics without difficulty of operation. There shall be no system or component failure of the structure, brakes, or tires and there shall be no loosening or misalignment of the seat, handlebars, controls, or reflectors.

(q) *Sidewalk bicycle proof test.* (Ref. §§ 1512.15(c) and 1512.17(b)).

(1) *Procedure.* The bicycle shall be loaded with weights of 14 kg (30 lb.) on the seat surface and 4.5 kg (10 lb.) attached to the end of each handle grip for a total lead of 22 kg (50 lb.). The bicycle shall be lifted a distance of 0.3 m (1.0 ft.) and dropped (while maintaining an upright position) three times onto a paved surface. Following this and with weight removed, it shall be allowed to fall in any configuration and attitude from an upright position to the paved surface three times on each side.

§ 1512.19 Instructions and labeling.

A bicycle shall have an instruction manual attached to its frame or included with the packaged unit.

(a) The instruction manual shall include at least the following:

(1) Operations and safety instructions describing operation of the brakes and gears, cautions concerning wet weather and night-time operation, and a guide for safe on-and-off road operation.

(2) Assembly instructions for accomplishing complete and proper assembly.

(3) Maintenance instructions for proper maintenance of brakes, control cables, bearing adjustments, wheel adjustments, lubrication, reflectors, tires and handlebar and seat adjustments; should the manufacturer determine that such maintenance is beyond the capability of the consumer, specifics regarding locations where such maintenance service can be obtained shall be included.

(b) A bicycle less than fully assembled and fully adjusted shall have clearly displayed on any promotional display material and on the outside surface of the shipping carton the following: (1) A list of tools necessary to properly accomplish assembly and adjustment, (2) a drawing illustrating the minimum leg-length dimension of a rider and a method of measurement of this dimension.

(c) The minimum leg-length dimension shall be readily understandable and shall be based on allowing no less than one inch of clearance between (1) the top tube of the bicycle and the ground plane and (2) the crotch measurement of the rider. A girls' style frame shall be specified in the same way using a corresponding boys' model as a basis.

§ 1512.20 Separability.

If any section or portion thereof of this Part 1512 or its application to any person or circumstance is held invalid, the remainder of the section(s) and its (their) application to other persons or circumstances is not thereby affected.

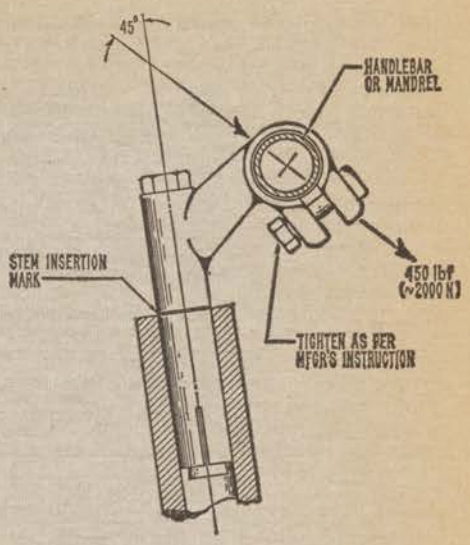


FIG 2—HANDLEBAR STEM LOADING

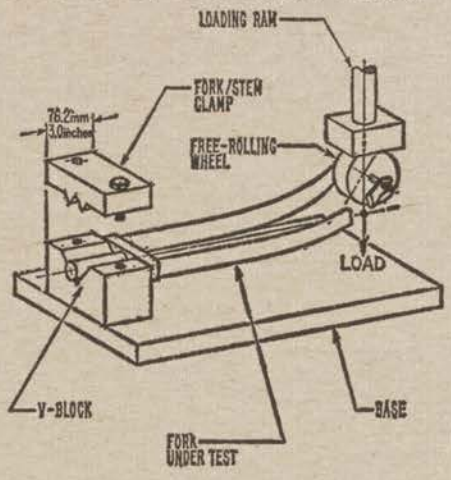


FIG 1—BICYCLE FRONT FORK CANTILEVER BENDING TEST RIG

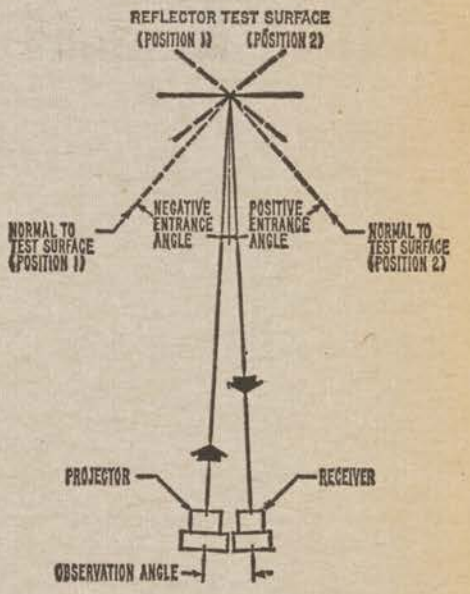


FIG 3—ENTRANCE & OBSERVATION ANGLES

TABLE 1.—*Minimum candlepower per incident foot-candle for clear reflector* [1]

Observation angle	Front, rear, and side reflectors; entrance angle in degrees			Pedal reflectors; entrance angle in degrees		
	0	10 up/down	20 left/right	0	10 up/down	20 left/right
0.2	27.0	18.0	9.0	7.5	6.0	3.0
.3				6.0	4.8	2.4
1.5	.28	.20	.12	.28	.20	.12

[1] Amber values shall be ⅚×clear values. Red values shall be ¼×clear values.

TABLE 2.—*Minimum candlepower per incident foot-candle for clear reflector* [1]

Observation angle	Front, rear, and side reflectors; entrance angle in degrees		
	30 left/right	40 left/right	50 left/right
0.2	8.0	7.0	6.0
1.5	.12	.12	.12

[1] Amber values shall be ⅝×clear values. Red values shall be ¼×clear values.

TABLE 3.—*Minimum acceptable values for the quantity A defined in the retroreflective tire test procedure*

Observation angle (degrees)	Entrance angle (degrees)	Minimum acceptable value of A	
		Meters	Feet
0.2	−4	2.2	7.25
.2	20	1.9	6.27
.2	40	1.3	4.29
1.5	−4	.22	.73
1.5	20	.19	.63
1.5	40	.13	.43

TABLE 4.—*Relative energy distribution of sources*

Wavelength (nanometers)	*Relative energy*	*Wavelength (nanometers)*	*Relative energy*
380	9.79	410	17.68
390	12.09	420	21.00
400	14.71	430	24.67

TABLE 4.—*Relative energy distribution of sources*

Wavelength (nanometers)	*Relative energy*	*Wavelength (nanometers)*	*Relative energy*
440	28.70	610	136.34
450	33.09	620	143.62
460	37.82	630	150.83
470	42.87	640	157.98
480	48.25	650	165.03
490	53.91	660	171.96
500	59.86	670	178.77
510	66.06	680	185.43
520	72.50	690	191.93
530	79.13	700	198.26
540	85.95	710	204.41
550	92.91	720	210.36
560	100.00	730	216.12
570	107.18	740	221.66
580	114.44	750	227.00
590	121.73	760	232.11
600	129.04		

Effective date. The regulations promulgated above, 16 CFR 1500.18(a)(12) and Part 1512, shall become effective January 1, 1975.

(Secs. 2(f)(1)(D), (q)(1)(A), (s), 3(e)(1), 74 Stat. 372, 374, 375, as amended 80 Stat. 1304–05, 83 Stat. 187–89 (15 U.S.C. 1261, 1262))

Dated: June 28, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74–15315 Filed 7–15–74;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1512]

BICYCLE LABELING

Compliance With Safety Regulations

Published elsewhere in this issue of the FEDERAL REGISTER (p. 26098) is a CPSC document promulgating regulations (16 CFR Part 1512) establishing safety requirements for bicycles and a regulation (16 CFR 1500.18(a)(12) banning the introduction of bicycles into interstate commerce after January 1, 1975, that do not meet the safety requirements of Part 1512.

The Commission anticipates that bicycles introduced into interstate commerce before January 1, 1975, and not manufactured to conform with the requirements of Part 1512, will be available for a period of time after that date for sale to consumers in retail outlets.

To assist consumers who wish to know when making a purchasing decision, whether a bicycle meets the safety requirements of Part 1512, the Commission proposes to require for two years after January 1, 1975, that bicycles subject to Part 1512 be labeled to show they meet the requirements.

Such bicycles offered for sale to consumers in a fully assembled condition would bear a label (such as a hang tag) stating "Meets U.S. Consumer Product Safety Commission Safety Regulations for Bicycles." The retail cartons of such bicycles offered for sale to consumers in an unassembled or partially assembled condition would be labeled with the same statement.

Accordingly, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2 (f)(1)(D), (q)(1)(A), (s), 3(e)(1), 74 Stat. 372, 374, 375, as amended 80 Stat. 1304–05, 83 Stat. 187–89; 15 U.S.C. 1261, 1262) and under authority vested in the Commission by the Con-Consumer Product Safety Act (Public Law 92–573, sec. 30(a), 86 Stat. 1231; 15 U.S.C. 2079 (a)), the Commission proposes to add a new paragraph (d) to 16 CFR 1512.19 as follows:

§ 1512.19 Instructions and labeling.

* * * * *

(d) Every bicycle subject to the requirements of this Part 1512 and introduced into interstate commerce on or after January 1, 1975, through December 31, 1976, shall be labeled with the statement "Meets U.S. Consumer Product Safety Commission Safety Regulations for Bicycles."

(1) Every such bicycle, displayed or offered for sale to consumers in a fully assembled condition, shall bear a label (such as a hang tag) at least 6.4 centimeters (2½ inches) by 17.8 centimeters (7 inches) setting forth the required labeling statement legibly and conspicuously in capital letters at least 0.6 centimeter (¼ inch) high. No other words or symbols may appear on the label.

(2) The required labeling statement shall appear legibly and conspicuously in capital letters at least 1.3 centimeters (½ inch) high on the retail carton of every such bicycle offered for sale to consumers in an unassembled or partially assembled condition.

Interested persons are invited to submit, on or before August 15, 1974, written comments regarding this proposal. Comments and any accompanying data or material should be submitted, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the Office of the Secretary, 10th floor, 1750 K Street NW., Washington, D.C., during working hours Monday through Friday.

Dated: June 28, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74–15314 Filed 7–15–74;8:45 am]

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PART III

FEDERAL COMMUNICATIONS COMMISSION

■

Medical Communications Services

Title 47—Telecommunications

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19576, etc.; FCC 74-707]

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

PART 89—PUBLIC SAFETY RADIO SERVICES

Medical Communications Services

Report and order (Proceedings Terminated). In the matter of amendment of Subpart P, Part 89 of the Commission's rules (Eligibility of Comprehensive Health Services); Docket No. 19576, RM-2017.

Amendment of Parts 2 and 89 of the Commission's rules to allocate 157.450 MHz to the Special Emergency Radio Service for medical paging systems in hospitals; Docket No. 19643.

Amendment of Parts 2 and 89 of the Commission's rules and regulations relating to communications for Emergency Medical Services; Docket No. 19880.

1. The Commission has under consideration its notice of inquiry and proposed rule making in Docket 19880, adopted November 28, 1973, and published in the FEDERAL REGISTER December 6, 1973 (38 FR 33617). The Notice invited comments on proposals by the Office of Telecommunications Policy (OTP), developed from a report of the Interdepartment Radio Advisory Committee (IRAC), relating to establishment of an Emergency Medical Radio Service under Part 89 of the Commission's rules. The Notice also solicited public views on recommendations contained in the contract study report prepared for the Commission by Advanced Technology Systems (ATS) concerning radio communications requirements for emergency medical services (EMS). As a result of these comments, the Commission stated that final rules could be adopted.

2. Matters under consideration in Docket 19880 also directly relate to proposals contained in two other rule making actions, Dockets 19576 and 19643. Accordingly, these proceedings are being consolidated for disposition in this action. In Docket 19576, we adopted a notice of proposed rule making on August 29, 1972, to provide eligibility for comprehensive health services in the Special Emergency Radio Service (SERS). This Notice was published in the FEDERAL REGISTER on September 13, 1972 (37 FR 18570). In Docket 19643, a Notice was released on November 29, 1972, to allocate the frequency 157.450 MHz to the Special Emergency Radio Service for medical paging systems in hospitals. This Notice was published in the FEDERAL REGISTER on December 1, 1972 (37 FR 25546).

BACKGROUND

3. The basic proceeding in Docket 19880 was initiated in recognition of the need for an up-dated licensing and regulatory structure to accommodate the nation's rapidly changing and expanding requirements for medical radio communications. Many factors have lent impetus to our effort. For one, there is an increased awareness and response on the part of the medical community to the potential of radio for the more effective treatment of patients. An example is the use of biomedical radio telemetry techniques to transmit electrocardiograms to hospital-based physicians for diagnosis and treatment of stricken cardiac patients before their arrival at a medical facility.[1]

4. Federal and State programs for standardizing medical communications capability are also playing a part. In recent years, we have seen establishment of Federal and State EMS organizations who are specifically charged with providing guidance in the use of new radio communications techniques and procedures for medical functions. Their activities have led to widespread implementation of emergency telephone access systems ("911"), and they are responsible for insuring compliance with such new federal specifications as those requiring two-way radio capability in all medical ambulance vehicles.[2] We have followed, too, the introduction of new funding programs, private and State, as well as Federal, which are providing dollars for planning, training, equipment, and operations in EMS radio systems. One federal program just underway is based upon the Emergency Medical Service Systems Development Act of 1973, an amendment to the Public Health Services Act (42 U.S.C. 201). This law authorizes grants under the administration of the Secretary, U.S. Department of Health, Education and Welfare (HEW), for research and development of area-wide EMS communications systems.

5. All of these activities are producing a modern communications picture which promises to significantly outmode many of today's limited medical radio systems. This fact was emphasized in the Commission's contract study prepared by ATS, where emergency medical communication requirements involving more flexible and expanded radio capabilities were identified. There is, for example, the development of the "common system" approach to the conduct of medical radio operations. This involves a determination of a medical service area—whether it be a county, a city, a geographic region, or any combination of these—for development of an area-wide coordinated radio communications plan whereby all medical communication activities are integrated through common dispatch or control centers to optimize the area's use of radio spectrum and facilities in meeting the needs for prompt emergency medical treatment.[3]

6. It has also been demonstrated in a number of studies that the present complex of available frequencies, and the rule provisions which cover their use, are not adequate or are, at best, a piecemeal approach for meeting many medical communication requirements. For instance, other than for some exclusive telemetry channels and some high band paging frequencies, medical communications, whatever their nature, are generally conducted on channels shared for non-medical as well as medical activities, and for non-emergency as well as emergency traffic. Currently, nearly all medically-related communications are conducted in the Special Emergency Radio Service, where five frequencies in the 155 MHz VHF band are allocated to be utilized on a shared basis exclusively for hospitals and associated ambulances. However, only one of these frequencies, 155.340 MHz, is used extensively for these purposes. Eight additional 155 MHz band frequencies are allocated to the service to be shared for a number of other categories of licensees including rescue squads, school buses, and disaster relief organizations. However, in addition to the practical limitations on shared frequencies, there are adjacent channel coordination requirements that severely reduce the number of areas in which these frequencies are able to be used.[4] More-

[1] Seven pairs of frequencies in the 460 MHz band were allocated to the SERS for biomedical ambulance-to-hospital telemetry and ambulance dispatch operations in the Commission's Report and Order adopted in Docket 19261 on March 23, 1972. (34 FCC 2d 241)

[2] See Federal Specification KKK-A-1822, developed by the United States Department of Transportation, and approved January 2, 1974, for Ambulance Emergency Medical Care Vehicles.

[3] In regulations proposed for administration of grants under section 1203 of the Emergency Medical Service Systems Development Act of 1973 (Public Health Services Act—42 USC 201), HEW has noted that an area-wide communication plan for EMS systems should "join the personnel, facilities, and equipment of the system by a central communications system so that requests for emergency health care services will be handled by a communications facility which utilizes emergency medical telephonic screening; utilized (or, within such period as the Secretary may prescribe, will utilize) the universal emergency telephone number 911; and will have direct communication connection and interconnections with the personnel, facilities, and equipment of the system and with other appropriate emergency medical services."

"A central communications system," HEW proposed, "includes a system command and control center which is responsible for establishing those communication channels and providing those public resources essential to the most effective and efficient emergency medical services management of the immediate problem, and which has the necessary equipment and facilities to permit immediate interchange of information essential for the system's resource management and control. The essentials of such a communications center are that: (a) all requests for system response are directed to the center; (b) all system resource response is directed from the center; and (c) all system liaison with other public safety and emergency response systems is coordinated from the center. Except to the extent provided (elsewhere), the center need not direct or control medical care or treatment."

[4] These coordination requirements are being relaxed to some extent in Docket 19523. The Commission anticipates issuing a Report and Order in this Docket in the near future.

over, because of the limited number of suitable frequencies available in the SERS, licensees are not permitted two-frequency operations or the use of mobile relay methods.

7. Medical operations being conducted in other frequency bands or radio services include bio-medical ambulance-to-hospital telemetry and dispatch systems that are authorized in the SERS on seven pairs of frequencies in the 460 MHz UHF band, while in-hospital telemetry operations can be licensed under Part 15, and on certain low-power industrial frequencies. Paging operations are permitted on certain SERS frequencies at 35 and 43 MHz, as well as on Business Radio Services channels. In the Fire Radio Service, and to a lesser extent in the Police and Local Government Radio Service many communities provide medical ambulance dispatch service as part of police and fire communication systems.

IRAC AND ATS PROPOSALS AND PROPOSALS IN DOCKET 19576 AND DOCKET 19643

8. Changes proposed in Docket 19880 would replace the present fragmented structure for medical communications with a more unified and comprehensive medical radio service category in the Commission's rules. In major part, this would be accomplished by allocation of additional frequencies in the 450–470 MHz UHF band to permit the development of full-capacity medical systems. It was not contemplated, however, that licensees of present medical systems that are operated in the 155 MHz VHF band would be required to change frequencies or the basic nature of their system; although it is clear that the advantages of the "common system" licensing and operational method would probably encourage such change.

9. The major proposals in this proceeding are contained in the report of the Interdepartment Radio Advisory Committee (IRAC) to the Office of Telecommunications Policy. The report recommends that the Commission establish a new EMS radio service and emphasized the need for allocation of dedicated spectrum which will permit the development of common systems that integrate all medically related communication requirements, both within any medical service area and from one area to another. Similar proposals are included in the recommendations contained in the Commission's contract study report developed by ATS. Frequency allocations recommended are in both the VHF and UHF bands. It is proposed that operations on UHF frequencies be categorized for specific medical activities to include command and control (dispatch), medical instruction, paging, bio-medical telemetering, common-calling (inter-system and intra-system), and hospital-to-hospital.

10. IRAC's report also recommends that the frequency 152.0075 MHz (a 15 kHz splinter channel) be made available for regular paging; the frequencies 150.775 and 150.790 MHz,[5] which are now government military channels, are recommended to be reallocated for low-power (five watts) medical paging; and another government frequency 162.6625 MHz, is proposed for medical operations. As to present frequencies in this band, the report proposes that 155.340 MHz be "reallocated from existing hospital routine and administrative communications use" to use for common-calling between licensees of different systems. It is also recommended that 155.280 MHz be reallocated for use in hospital-to-hospital (point-to-point) communications.

11. In the UHF bands, IRAC has proposed reallocation of 449.850–449.950 MHz for use for medical paging. This band is now allocated primarily for government radiolocation operations and, on a secondary basis, for amateur radio operations. Reallocation is also proposed of the frequency pairs 453.025/458.025, 453.075/458.075, 453.125/458.125, and 453.175/458.175 MHz, from the Local Government Radio Service, where they are assignable for highway call box operations, to an EMS category for medical systems. The IRAC report also advocated removal of the present limitations on the 460 MHz band bio-medical telemetry frequencies to permit their use for other types of medical communications, including doctor-talk circuits, dispatch, and data handling. Finally, it is proposed that the presently unallocated frequency pairs 463.125/468.125, 463.150/468.150, and 463.175/468.175 MHz be made assignable for EMS operations.

12. The proposal in the related rule making Docket 19576 is to establish an eligibility category in the SERS to cover Comprehensive Health Services organizations. These groups provide complete medical care service through their clinical facilities to local communities, usually in rural, low income areas. The other proposal, in Docket 19643, is for allocation of an exclusive frequency, 157.450 MHz, for limited-area, hospital one-way paging systems. It was proposed that present medical paging operations that are conducted on regular VHF two-way voice channels in the SERS would be required to be shifted to this frequency if harmful interference to voice operations occurred.

COMMENTS

13. Proposals in these proceedings have generated a great deal of interest and response as reflected by the more than two hundred formal comments that were received. The comments were very helpful in their extensive treatment of medical radio communication problems and recommended solutions, and have afforded the Commission considerable guidance for resolution of the complex issues involved. A complete listing of the parties who filed comments is attached as Appendix A.

14. Most of the comments concern the inquiry and proposals in Docket 19880. Almost without exception, parties directly involved in medical radio operations endorsed the proposal for a separate and distinct radio service category with dedicated spectrum that could accommodate total requirements for medical comunication systems. Generally, the comments also agreed that the allocation of frequencies in the UHF bands is the reasonable solution to meeting these requirements in light of the limited spectrum available at VHF. A number of parties, however, apparently plan to stay with presently assigned systems in the 155 MHz VHF band and expressed concern as to their prospects for being permitted to continue those operations, at least until equipment investment is amortized. There was also concern as to the specific nature of a medical radio service in terms of eligibility and permissible communications. Here, while eligibility of hospitals, physicians, and medical ambulances was assumed, there was mixed reaction to including such related categories as nursing homes, public health organizations, veterinarians, oral surgeons, and rescue organizations. Some parties also recommended that we restrict licensing in a medical radio service to participants in area-wide medical communication plans, or that we license only state divisions and local governments which coordinate such plans. With respect to permissible communications, issues were raised as to permitting medical administrative traffic in addition to emergency transmission; as to whether paging operations, both voice and tone, and particularly wide-area paging, should be allowed; and as to whether we should make provision for telemetry operations on VHF frequencies.

15. The majority of the comments dealt with the proposed frequency allocations. In general, users directly involved in medical radio operations were enthusiastic as to the communications capabilities afforded by additional exclusive spectrum in the UHF bands. Many parties, however, indicated that they had hoped for additional allocations in the 155 MHz band for expansion of present systems. Nevertheless, most agreed with the necessity for utilizing UHF frequencies and, apparently, intend to establish "common systems" for meeting their total medical communication requirements.

16. The frequency plan developed by IRAC was generally acceptable to most parties. Some comments sought greater flexibility in the recommended frequency allocation structure. For example, there were parties advocating local determination as to the types of communications for which frequencies would be assigned, while others urged primary categorizations of frequencies for such functions as dispatch, medical coordination, doctor-talk etc., with provision for departure

[5] Actually IRAC had originally proposed 150.785 MHz, but in order to preserve the standard 15 kHz channel spacing, it was agreed to change this to 150.790 MHz.

from these categories, as needed, on a secondary basis. There were objections to specific IRAC proposals for "national calling" frequencies to be used to interconnect medical systems from one area to another, and for frequencies for hospital-to-hospital intercommunications. A number of parties felt that dedication of channels for these purposes was not justified for what they considered to be relatively isolated requirements. For paging channels, a large number of comments were submitted by amateur radio operators and organizations opposing use of the government band 449.850–449.950 MHz for this purpose. There were many objections, too, as to the proposed reallocation of Local Government highway radio call box frequencies in the 450 MHz band for EMS operations. These parties wanted to retain the frequencies for highway call box purposes where they could be used for citizen access to medical control centers for required assistance.

17. We received many alternative frequency allocation plans that are well conceived. For one, in its contract study, ATS has developed a frequency program that is designed for interconnecting contiguous areas for mutual medical assistance. Many of the frequency allocation programs included recommendations for, among other things, mobile relay operations in the 460–470 MHz band. Presently, the limited number of frequencies available for medical operations at VHF precludes authorization of relay or repeater systems. One plan incorporates a requirement that equipment be capable of multi-channel operations to cover all UHF frequencies to assure that each licensee's operations are compatible with both intra-system and inter-system area-wide programs. There were variations in paging capability from one plan to another, with request for provision for response on the same frequency in one program; request for limited-area, as against wide-area paging in another plan; and no provision at all for paging in still another program. A few allocation plans saw the need for full-duplex operations between hand-carried units and hospitals in bio-medical telemetry systems. Here, there were recommendations that highway radio call box frequencies in the 450 MHz band be utilized additionally for this purpose. Finally, there were requests for clarification as to permissibility of "multiplexing", continuous-tone squelch, "trunking", slow-scan video, digital data transmission, facsimile, and other techniques which may be associated with land mobile systems.

18. The comments in Docket 19576 supported the proposal that an eligibility category for Comprehensive Health Services be established in the SERS which will permit these organizations to conduct their medically-related communication operations. These communication requirements logically fall within the categories of needs to be covered by the proposed medical radio service and are being considered in that context herein.

19. In Docket 19643, the comments generally supported the proposed allocation of an exclusive one-way hospital paging channel, 157.450 MHz for limited-area medical operations. There were requests, however, for wide-area paging capability as well. Also, a number of parties argued that one exclusive paging channel would not serve to meet anticipated requirements, especially if we were to require, as proposed, present hospital paging operations to shift to the new frequency.

Rule Changes Adopted for Medical Services

20. In our consideration of proposals in these rule making proceedings, the Commission has attempted to establish the nature and extent of licensing and operational standards needed for meeting medical radio communication requirements. As indicated, we have relied in large measure upon information and recommendations developed in the comments. We have also worked closely on a number of committees and in regional conferences with other Federal, State and local government representatives, manufacturers, and medical and technical organizations who are directly involved in EMS planning and operations. Two patterns of importance with respect to an understanding of medical requirements have emerged. First, in many areas of the country, medical systems are being developed, often on a state-wide basis, to operate on the 150 MHz band frequencies that are presently available in the Special Emergency Radio Service. Many of these licensees indicate that they want to stay with VHF systems. They note that although these are limited systems, they are nevertheless effective for operations within the parameters of the particular licensee's needs. The second picture that emerges involves users who have made only tentative efforts in the planning and development of medical communication systems. These parties have been discouraged by the interference problems and operational limitations of VHF channels in their particular locations. Many of these licensees are already conducting bio-medical telemetry operations in the 460 MHz band and they see these rule changes proposals for additional UHF allocations as the necessary means to expand to a "total" EMS radio system. Their views were summarized in the comments from Dr. John Turner of Dade County, Florida:

> The Special Emergency Radio Service no longer meets the needs of medicine. Basically, the Special Emergency Radio Service is intended for use by highly independent entities who usually have only the most simple demands to make of radio. The total amount of equipment authorizable for a single licensee tends to be quite limited. The limited total capital investment by an individual licensee has failed to justify the development of technically qualified staffs. In general, radio for medicine within the Special Emergency Radio Service has led to simple unsophisticated, unimaginative use of spectrum. It has produced a "way of life" or patterns of usage, which meet limited needs in certain areas. Honorable and capable people serve the public within the framework of the Special Emergency Radio Service but it is difficult (probably impossible) to meet the immediate future needs of medicine within the regulatory framework and/or the spectrum allocations provided within the Special Emergency Radio Service.

21. It is clear from this analysis that whichever direction is taken in the establishment of medical radio systems, the proposals are both timely and urgent. Many parties expressed this urgency and asked for prompt action to effectuate the basic purposes in these proposals. The Commission agrees and we have determined that it is in the public interest to amend the rules as follows to establish a separate service category with dedicated spectrum that can more fully accommodate licensing and operation of medical radio systems. Rule changes being adopted, in accordance with the Notices in the various proceedings herein, amend Parts 2 and 89 of the Commission's rules.

The Medical Services Category

22. In Part 89, primary changes in the Special Emergency Radio Service Rules incorporate the present hospital, physician, and ambulance, categories into a new and more comprehensive division for Medical Services.[6] This category will cover the operations of licensees who regularly provide or coordinate communications for the rendition and delivery of medical services to the public.[7] These include, in addition to hospitals and ambulance companies, any institutions and organizations which regularly provide medical services in clinics, public health facilities, and similar establishments. Thus, under this expanded provision, qualified public or private nursing and old-age homes can be licensed for their medical operations, as well as comprehensive public health organizations of the nature contemplated in Docket 19576.

23. In the eligibility provided for physicians, we have taken this opportunity to include oral surgeons. It has been shown that these practitioners are often required to participate in EMS activities. Also, we have relieved a present restrictive provision, that is no longer considered to be necessary, to expand the use of radio to all members of medical associations.

24. Rescue organizations are made eligible under the Medical Services category, when they need to meet communication requirements of participation in medical activities. A separate rescue organization category is being retained in the SERS for non-medically related search and patrol activities of these groups (Section 89.505). It is noted that to the extent feasible, these provisions meet the basic objectives in the comments received from the Colorado

[6] Veterinarians will continue in a separate category under § 89.507 of the Rules.

[7] Federal entities engaged in these operations are not licensed directly by the Commission but will be participating in these EMS systems under other licensing authorities.

Search and Rescue Board, where it was requested that a class of service "to be denoted Land Search and Rescue Radio Service" be created, "to be coordinated with a proposed Emergency Medical Radio Service."

25. Eligibility under Medical Services also includes associations comprised of other eligible organizations and entities, such as a county hospital association, or an association of ambulance operators, who may hold a single license to cover communication operations of their members. This provision should enhance the development of common systems by simplifying the licensing requirements for participation in an area-wide medical communications plan. Similarly, governmental entities and agencies have been made eligible to hold licenses for coordinated medical operations in their areas of jurisdiction. An example of this latter licensing arrangement is Orange County, California, which will hold the licenses for all of the eligible medical organizations under a communications plan that provides for county dispatch and coordination of public and private medical services radio operations in the area.

26. It is recognized that there often exist requirements for persons other than those shown as eligible to participate in Medical Services activities. A provision is included, therefore, to permit communication units of a licensed hospital, ambulance operator, etc., to be operated in a vehicle or be hand-carried by any person with whom cooperation or coordination is required for medical services activities.

27. Consistent with our emphasis on area-wide, centrally-coordinated medical communication systems, provision is included in the Medical Services category for voluntary submission of communications plans. Many of these plans are being developed by State EMS offices for integrated state-wide medical radio operations; other plans are more narrowly regionalized. In any event, the Commission is arranging to maintain files in Washington, D.C., for public inspection of these plans for the guidance of applicants. Also, a listing of plans that are relevant to an applicant's area of operation will be furnished to enable applicants to request copies from plan developers.

28. A number of parties sought assurance that they would be able to meet administrative requirements indirectly relating to their medical services activities. Many hospitals, for example, use radio in connection with security and other administrative responsibilities, and physicians often use radio for office activities. These requirements are presently authorized to be met in systems licensed in the Special Emergency Radio Service and we have included provisions permitting operations of this nature by license in the Medical Services category on a secondary, non-interference basis.

UHF Frequency Allocations

29. The major allocation proposals being adopted are in the 450–470 MHz band where we have been able to provide a frequency complex that should prove sufficient with proper system planning to afford full capability and flexibility for EMS operations. The finalized allocations reflect recommendations, in the IRAC proposals and in many of the comments, for categorization of frequencies, with certain channels being assignable for both primary and secondary uses. The specific frequencies and the purposes authorized are as follows:

(a) The paired frequencies 460.525/465.525 and 460.550/465.550 MHz are available for dispatch operations in medical systems. They may also be designated for common calling for intersystem mutual assistance.

(b) The paired frequencies 463.000/468.000, 463.025/468.025, and 463.050/468.050 MHz, are retained for primary use in ambulance to hospital bio-medical telemetry operations. On a secondary basis, subject to non-interference to telemetry operations, these frequencies may be utilized for any other permissible communications purposes authorized for medical services.

(c) The paired frequencies 463.075/468.075, 463.100/468.100, 463.125/468.125, 463.150/468.150, and 463.175/468.175 MHz are primarily assignable for communications between medical facilities, vehicles, and personnel related to supervision and instruction for treatment and transport of patients in the rendition and delivery of medical services. On a secondary basis, subject to non-interference to the foregoing, these frequencies may be utilized for any other permissible communications purposes, authorized for medical services, including bio-medical telemetry.

(d) The frequencies 458.025, 458.075, 458.125, and 458.175 MHz are assignable only for use in bio-medical telemetry/voice systems to transmit from a portable unit to an ambulance for automatic retransmission (mobile repeater) from a patient to a hospital or other medical-care facility. These frequencies are shared for highway radio call box operations with stations in the Local Government Radio Service, and are limited to the same transmit output power of one watt.

30. The provisions for use of these UHF allocations incorporate the features desired for medical systems as developed in the studies and recommendations we have considered. For example, for those users requiring additional telemetry capability, coordinated system planning should now enable them to utilize as many as eight frequency pairs for this purpose. On the other hand, if it is locally determined and mutually agreed within a medical service area to use all channels for medical purposes other than telemetry, the eight pairs of 463/468 MHz channels may be so utilized by taking advantage of both the primary and secondary usage provisions. To facilitate this flexibility, the Commission intends to assign these eight contiguous frequency pairs in a "block" to enable licensees to use all of the channels involved and to modify use of any of the frequencies to meet changing system requirements. Further, the rules will require licensees to employ multi-channel equipment that is designed for use of any of these frequencies, or all of them, if necessary. This will contribute to greater efficiency in selection and utilization of channels, and will enable licensees to be compatible for participation in the development of common systems under medical communication plans. Equipment of this nature is already in use to some extent in present bio-medical telemetry operations, and we have been assured by manufacturers that required equipment can be made generally available within a short period.[8]

31. The problem of how, if at all, to use the highway call box frequencies in connection with medical systems has been resolved by making the 458 MHz band highway call box channels available to be shared for extended portable telemetry operations. This shared use, when limited to one-watt power, appears to be compatible and answers the requirement for duplex capability for portable operation sought in a number of pending applications for bio-medical telemetry systems. Further, as noted in a number of comments, when used for highway radio call box operations, these frequencies will be invaluable in providing citizens access to EMS systems.

32. New rules for operations on UHF frequencies will permit the use of mobile relay stations for extending the transmission range of mobile service communications. Fixed-repeater station operations may be authorized only on frequencies available to operational-fixed stations (generally, frequencies in the 72–76 MHz band, and frequencies above 952 MHz; but, see also, § 89.101(p) for secondary fixed station frequencies in the 450–470 MHz band).

33. We have noted comments regarding certain specialized communication techniques on these UHF frequencies. Some parties plan to "multiplex" voice and telemetry tones to permit simultaneous full-duplex voice and medical telemetry transmission. This is a permissible technique already being employed in some currently authorized bio-medical telemetry systems. Tone-coded squelching methods are also being utilized in accordance with § 89.105 of the rules. "Trunking", for multiple-access of block-assigned frequencies, is a well recognized technique that requires no special authorization. Some parties plan to use television in certain medical communications applications. This technique is authorized in microwave frequency bands above 952 MHz which are available to all licensees in the Special Emergency Radio Service.

34. One type of operation we are not providing on these UHF frequencies is paging communications. Paging operations have generally proven to be incompatible with regular two-way radio

[8] A special showing of capability to meet these requirements will be required for type-acceptance of equipment.

systems shared on the same channels, and we are requiring that they be conducted on separate paging-only frequencies. It had been proposed that frequencies in the 449.850–449.950 MHz band be reallocated for these paging operations. These frequencies are presently available primarily for government radiolocation operations and, secondarily, for amateur stations. However, under treaty agreements to which the U.S. is a party, use of these frequencies is restricted along border areas. Further, there is no apparent need for paging to be conducted on UHF frequencies and these operations will be permitted instead in lower frequency bands, as discussed with respect to VHF frequency allocations.

VHF Frequency Allocations

35. The Commission has covered in some detail the limitations of the 150 MHz VHF band for meeting EMS system requirements. Essentially, we believe the solution lies in the use of 450–470 MHz UHF band frequencies, where full-capacity systems can be developed, and we anticipate that most new medical systems will be established in that part of the spectrum. Nevertheless, practically all present medical communications are being conducted in the VHF region, and it is recognized that these operations will remain intact for some time to come. To somewhat ameliorate the communication difficulties of these systems, a number of rule changes applicable to VHF operations have been adopted, as follows.

36. In Docket 19643, we considered whether to prohibit paging operations on regular two-way voice channels in the VHF band. As noted, paging communications have been demonstrated to be disruptive to voice operations on these frequencies, and it was proposed to allocate the frequency 157.450 MHz exclusively for low-power (30 watts), limited-area, hospital paging operations. This proposal is being adopted. In addition, the frequencies 152.0075 and 162.6625 MHz were recommended for medical system operations in the IRAC report and are suitable for wide-area paging operations. These frequencies are also being allocated for paging.

37. New medical paging systems will be authorized on the foregoing VHF band frequencies being made available and also on the present high-band hospital paging channels, 35.64, 35.68, 43.64 and 43.68 MHz, which we are modifying to make them generally assignable by deleting the hospital limitation. Present paging operations on other frequencies may be continued until January 1, 1980, subject to not causing harmful interference to regular two-way voice operations. Authorized paging is limited to one-way operations and no provision is being made for response on paging frequencies, since such operations minimize the effectiveness and availability of these frequencies.

38. IRAC had proposed that the government frequencies 150.7 and 150.7 MHz be made available for low power medical paging systems since they are limited to five watts output power. However, with this power, these frequencies are unsuitable for extended-area paging operations. They do, however, meet the requirement for communicating from a portable (hand-carried) unit (not from a vehicle) to an ambulance or other emergency vehicle for automatic retransmission (mobile-repeater) to a base station facility on a regular mobile frequency; and provision is included for this usage.

39. IRAC had also proposed that the frequency 155.340 MHz be reallocated for common calling purposes. However, this frequency is presently extensively authorized for general hospital operations and there were a number of objections to changing from this use. We are retaining this channel for general medical services, but will also permit it to be designated by common consent as an intersystem mutual assistance frequency under area-wide medical communications plans.

40. Finally, we have looked at the problem of interface between VHF and UHF systems. This will take on increasing importance as new UHF systems begin to emerge. Accordingly, we have determined to include as part of the rules covering mobile relay stations (§ 89.523(a)) provisions to permit cross-band mobile relay operations as required for coordination between VHF and UHF systems.

Summary

41. The specific rule changes adopted in this proceeding are set forth in the attached Appendix B. Essentially, these amendments follow recommendations and proposals from the Office of Telecommunications Policy and other parties who sought establishment of a new radio service to cover operations for medical services. The new rules provide a Medical Services category in the Special Emergency Radio Service. This category authorizes licensing and operation of medical radio communication systems for the rendition and delivery of medical care to the public. Expanded eligibility provisions include, in addition to hospitals, physicians, and ambulance operators, facilities such as public health organizations, nursing homes, and other institutions and organizations which regularly provide medical services. Additional frequencies, primarily in the 450–470 MHz UHF frequency band, are allocated for medical services operations. Emphasis is placed upon flexibility in permissible communications with primary and secondary uses permitted to meet differing requirements in different areas. Allocations include two frequency pairs at 460/465 MHz for dispatch and common calling or mutual aid communications; three frequency pairs at 463/468 MHz, available primarily for bio-medical telemetry operations, and secondarily for other medical requirements; five additional frequency pairs at 463/468 MHz, available primarily for general medical requirements, and secondarily for telemetry and other medical or medically-related communications; and four frequencies at 458 MHz (shared for highway call box operations) for extended portable operations in telemetry systems. Present VHF frequency allocations are retained and are augmented by three additional frequencies for one-way medical paging systems; and two low-power frequencies at 150 MHz are available for extended portable operations. Mobile relay operations which are presently precluded in the SERS, are authorized in the UHF bands and, also, to a limited extent, on VHF frequencies when required to cross-band UHF and VHF medical communication systems. Frequencies for use in Medical Services are shared by all licensees in an area. It is expected, therefore, that the most efficient and effective use of new frequencies being made available in the UHF bands will only result from user cooperation in the development of common systems involving the establishment of central-dispatch and control centers for coordinated EMS operations under area-wide communication plans. Such common system promote full-capacity operations and are emphasized and encouraged in the new rules.

Conclusion

42. In consideration of the foregoing, the Commission finds that adoption of the rule changes proposed in Docket 19576, Docket 19643, and Docket 19880, as modified herein, will serve the public interest, convenience and necessity.

43. Accordingly, pursuant to authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, *It is ordered*, That, effective August 15, 1974, Parts 2 and 89 of the Commission's rules are amended as shown in the attached Appendix B. *It is further ordered*, That these proceedings are terminated.

Adopted: July 2, 1974.

Released: July 16, 1974.

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

Federal Communications Commission,
Vincent J. Mullins,
Secretary.

Appendix A

A. COMMENTS AND REPLY COMMENTS IN DOCKET 19880

Alabama Department of Public Health
Althoff, Thomas H.; Sylvania, Ohio
American Association of State Highway & Transportation Officials, Inc.
American College of Emergency Physicians
American College of Surgeons
American Hospital Association
American Medical Association
American Radio Relay League, Inc.
American Trauma Society
Arapahoe Radio Club, Englewood, Colorado
Arkansas Department of Health
Associated Public-Safety Communications Officers, Inc.
Aurora FM Amateur Radio Repeater Association, Inc., Aurora, Ill.
Beaufort-Jasper Comprehensive Health Services, Inc.
Berryessa Amateur Radio Klub, Inc., Sacramento, Calif.

Bloethe, William G.; Ames, Iowa
Brandt, Henry Robert
Brask, Thomas B.; New Haven, Connecticut
Burnett, Joseph D., Jr.; Aurora, Colorado
California Department of Health
Capital Area Comprehensive Health Planning Council, Inc.; Richmond, Va.
Capwell, Allen; Sheriff, Wyoming County, New Jersey
Clark County Nevada District Health Department
Collins, Lewis D.; Arlington, Massachusetts
Colorado Council of Amateur Radio Clubs, Inc. (CCARC)
Community Emergency Care, Inc.
Connecticut Advisory Committee on Emergency Medical Services
Connecticut Hospital Association
Delaware County Emergency Health Services Council, Inc.
Denver Radio Club, Inc.
Durante, James M.; Elgin, Illinois
Electronics Industries Association, Land Mobile Section, Communications & Industrial Electronics Division (EIA)
Emergency Department Nurses Association, Upland, Pa.
Emergency Medical Services Administrators Assn. (EMSSA)
Fair, Joseph; Littleton, Colorado
Florida Department of General Services, Div. of Communications
Florida Department of Transportation
General Electric Company
Glass, Clyde E.; Loveland, Colorado
Grauer, Paul; Wilson, Kansas
GTE Service Corporation
Haldeman, Ellwood W.; Philadelphia, Pa.
Hashimoto, Lloyd K.; Laramie, Wyoming
Hospital Council of Northern California (HCNC)
Houston, Texas Fire Department
Illinois Department of Public Health, Div. of EMS & Highway Safety
Illinois Hospital Association
Illinois Repeater Council
International Bridge, Tunnel and Turnpike Assn. (IBTTA)
Interational Municipal Signal Association (IMSA)
Kaatz, Gary F.; Streamwood, Illinois
Kansas City Amateur Radio Club, Inc.
Kelsey, Willima F.; Chino, California
Koons Robert L.; Englewood, Colorado
Lambrew, Costas T., M.D.; Stony Brook, New York
Levy, Robert S., Aurora, Colorado
Lifland, Thomas A.; Cedarhurst, New York
Long Island Mobile Amateur Radio Club, Inc.
Louisiana Hospital Association
Manson, D. J.; Missouri Repeater Council
Massachusetts General Hospital
Massachusetts Institute of Technology, UHF Repeater Association
Mayo Clinic, Emergency Care Clinic, Rochester, Minnesota
Mennen-Greatbach Electronics, Inc.
Merrill, Charles; Santa Monica, California
Mid-America FM Association, Inc.
Mid-States Repeater Society
Mo-Kan Amateur Repeater Club
Motorola, Incorporated
Mount Vaca Radio Club, Inc.
Nagel, Eugene L., M.D.; Miami, Florida
Nassau County Police Department
National Association of Business & Educational Radio (NABER)
National Ski Patrol System, Inc.
Nelsch, Donald R.; Cuyahoga Falls, Ohio
New England Council for EMS Communications Committee
New Jersey Hospital Association
New Mexico Regional Medical Program
New York Department of Health
New York State Technical Advisory Committee (STAC)
North Carolina FM Repeater Association, Inc.
Northeast Repeater Association, Inc.
Northern California Chapter of Associated Public-Safety Communications Officers, Inc. (NCAPCO)
Northwestern Nevada Emergency Medical Services Council
Owens, J. Cuthbert, M.D.; Denver, Colorado
Parma Radio Club, Cleveland, Ohio
Peavler, Robert J.; Kirksville, Missouri
Philadelphia Health Management Corporation
Porrett, Edward C.; Arlington Heights, Illinois
Reynolds, Howard W.; Hagerstown, Maryland
Rule, Robert R.; Laramie, Wyoming
San Antonio/Bexar County Emergency Medical Services Council
San Francisco Department of Electricity
Sarasota Fire Department
Schlesinger, Gordon; San Diego, California
Spectra Associates, Inc.
State of Colorado
Tele-Engineering Corporation
Tennessee Department of Health, EMS Division
Texas Medical Association
Tri-Med, Charleston, South Carolina
Tulsa Repeater Organization, Inc.
Turner, John, M.D.; Jacksonville, Fla.
U.S. Department of Health, Education, & Welfare
U.S. Department of Transportation
Vogt, Fred B., M.D.; Austin, Texas
Welch, Eugene E.; Waseca, Minnesota
Western Massachusetts Health Planning Council, Inc.
Widmer, Rex; Kansas City, Missouri
Wisconsin Emergency Medical Services Program, University of Wisconsin-Madison
Zwisler, C. F., Jr.; Mankato, Minnesota

REPLY COMMENTS (19880)

American College of Cardiology
American Radio Relay League
Associated Public-Safety Communications Officers, Inc.
Colorado Council of Amateur Radio Clubs, Inc.
Communication Specialties Company, Aurora, Colorado
Emergency Medical Services Systems Subcommittee on Communications of the Interagency Committee on EMS Systems
Florida Department of General Services, Div. of Communications
Illinois Chapter of Associated Police Communication Officers, Inc.
Minnesota Mining and Manufacturing Company.
National Association of Business & Educational Radio, Inc. (NABER)
Rochester Regional Medical Program
Vogt, Fred B.; Austin, Texas

B. COMMENTS AND REPLY COMMENTS IN DOCKET 19643

Acadian Ambulance Service, Morgan City, La.
Andrew Corporation
American Hospital Association
Arizona State Department of Health
Arnot-Ogden Memorial Hospital, Elmira, N.Y.
Associated Public Safety Comunications Officers
Baton Rouge General Hospital
Bethesda-Chevy Chase Rescue Squad, Inc.
Beth Israel Hospital, Passaic, N.J.
Bloomington Hospital, Bloomington, Ind.
Boulder County Sheriff's Department
Butterworth Hospital, Grand Rapids, Michigan
Caney Valley Memorial Hospital, Wharton, Texas
Colorado Search and Rescue Board
Community General Hospital, Thomasville, N.C.
Greater Cleveland Hospital Association
Holy Cross Hospital, Merrill, Wisconsin
Hospital Association of New York State
Hospital Association of Pennsylvania
Illinois Civil Defense Agency
Indiana Hospital Emergency Radio Network
Iowa Hospital Association, Inc.
Iowa State Department of Health
Kansas Hospital Association
Lafayette General Hospital, Lafayette, La.
Lancaster General Hospital, Lancaster, Pa.
Massachusetts Hospital Association
Memorial Hospital, Philadelphia, Pa.
Memorial Medical Center, Corpus Christi, Texas
Mercer Hospital, Trenton, New Jersey
Mid-America Regional Council, Kansas City, Mo.
Missouri Division of Health and Welfare
Multitone Electronics, Springfield, N.J.
National Association of Business and Educational Radio
New England Council of Emergency Medical Services
New Jersey Hospital Association
New Jersey State Department of Health
New York State Bureau of Emergency Medical Services
North Claiborne Hospital, Haynesville, La.
Northern California Chapter of Associated Public Safety Communications Officers, Incorporated
Oakland First Aid Squad
Oklahoma Trauma Research Society, Inc.
Radiocall Paging Service, Oklahoma City, Okla.
Rapides General Hospital, Alexandria, La.
Research Hospital and Medical Center, Kansas City, Miss.
Roman Memorial Hospital, Salisbury, N.C.
Spectra Associates, Inc.
Spohn Hospital, Corpus Christi, Texas
St. Francis Hospital, Tulsa, Oklahoma
St. John Medical Center, Steubenville, Ohio
St. Mary's Hospital, Reno Nevada
St. Vincent Hospital, Santa Fe, N. Mex.
Tennessee Department of Health
Tennessee Hospital Association
Terrebonne General Hospital, Houma, La.
Texas Hospital Association
Texas State Department of Health
Touro Infirmary, New Orleans, La.
Town and Country Animal Clinic, Newton, Kansas
Tri-State Regional Medical Program, Boston, Mass.
Turner, John; Jacksonville, Florida
Underwood Memorial Hospital, Woodbury, N.J.
University of Kansas Medical Center
U.S. Department of Health, Education, and Welfare
U.S. Department of Transportation
Valley Hospital, Ridgewood, N.J.
Vermont State Health Department
Warner Brown Hospital, El Dorado, Ark.
Western Massachusetts Health Planning Council
Wichita-Sedgwick County Department of Community Health
Wilmington Medical Center, Wilmington, Delaware

C. COMMENTS AND REPLY COMMENTS IN DOCKET 19576

Associated Public-Safety Communications Officers, Inc.
Beaufort Civil Defense Headquarters, Beaufort, S.C.
Beaufort-Jasper Comprehensive Health Service, Inc., Beaufort, S.C.
Candler General Hospital, Savannah, Georgia
Central Virginia Community Health Center
Community Health Project, Hayneville, Ala.
County Council of Beaufort County, Beaufort, S.C.
Georgia Hospital Association
Health Co., Inc., Soul City, N.C.
Jackson Hinds Comprehensive Health Center

Jasper County Council, Ridgeland, S.C.
Jasper County General Hospital
Keyserling, Ben H., M.D., Beaufort, S.C.
Low County Regional Planning Council, Yemassee, S.C.
Maricopa Community Health Network
Medical University of South Carolina
National Association of Business and Educational Radio
National Ski Patrol System, Inc.
Saint Joseph's Hospital, Savannah, Ga.
Sangre de Cristo Health Systems
Savannah State College, Savannah, Ga.
Sea Island Comprehensive Health Care Corp., John's Island, S.C.
Southeastern Kentucky Regional Health Demonstration, Inc.
U.S. Department of Health, Education, and Welfare
U.S. Office of Economic Opportunity.
Wallace, L. W., Sheriff of Beaufort County

APPENDIX B

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

A. Part 2 (Frequency Allocations and Radio Treaty Matters; General Rules and Regulations):

1. In § 2.106, new footnote US216 is added in column 6 of the table for the frequency bands 150.05–150.8, 150.8–157.0375, 162.0125–173.2, and 450–470 MHz; and new footnote NG111 is added for the frequency band 157.1875–162.0125 MHz. Columns 5 and 6 of the table and the listing of footnotes are amended to read as follows:

§ 2.106 Table of frequency allocations.

* * * * *

UNITED STATES

Band (MHz) 5	*Allocation* 6
* * *	* * *
150.05–150.8	G (US216)
150.8–157.0375	NG (US216)
* * *	* * *
157.1875–162.0125	NG (US77) (US200) (NG111)
162.0125–173.2	G (US8) (US11) (US13) (US216)
* * *	* * *
450–470	NG (US87) (US100) (US201) (US209) (US216)
* * *	* * *

* * * * *

US216. The bands 150.7675–150.7975, 152–152.0150, 162.6500–162.6750, 460.5125–460.5625, 462.9875–463.1875, 465.5125–465.5625 MHz may be used for Government or Non-government operations in medical radio communications systems.

* * * * *

NG111. The band 157.4375–157.4625 MHz may be used for one-way paging operations in the Special Emergency Radio Service.

* * * * *

B. Part 89 (Public Safety Radio Services):

2. In § 89.259(f), the frequency chart is amended by deleting the frequencies 460.525 and 460.550 MHz, paragraph (g)(11) is amended and (g)(13) is deleted. The amended text reads as follows:

§ 89.259 Frequencies available to the Local Government Radio Service.

* * * * *

(f) * * *

Frequency or band	Class of station(s)	Limitations
*	*	*
458.975	do	4, 5, 7
470.512	Base and mobile	12
*	*	*

(11) Available for the class of stations designated for communications related to safety on highways in accordance with the provisions of § 89.102(b). Those frequencies utilized for transmissions from highway call box installations are also available for medical services mobile station operations in the Special Emergency Radio Service. (See § 89.525(b)(11).)

* * * * *

3. In § 89.359, the frequency chart in (f) is amended by deletion of the frequencies 460.525, 460.550, 465.525 and 465.550 MHz, and in (g), subparagraph 10 is deleted and shown as reserved. The chart as amended reads as follows:

§ 89.359 Frequencies available to the Fire Radio Service.

* * * * *

(f) * * *

Frequency or band	Class of station(s)	Limitations
*	*	*
458.950	do	2, 4
460.575	Base and mobile	1, 2
460.600	do	1, 2
460.625	do	1, 2
465.575	Mobile only	1, 2, 4
*	*	*

* * * * *

4. Subpart P (§§ 89.501—89.525) is revised to read as follows:

Subpart P—Special Emergency Radio Service

Sec.
89.501 Availability of service.
89.503 Medical services.
89.505 Rescue organizations.
89.507 Veterinarians.
89.509 Disaster relief organizations.
89.511 School buses.
89.513 Beach patrols.
89.515 Establishments in isolated areas.
89.517 Communication standby facilities.
89.519 Emergency repair of public communications facilities.
89.521 Points of communication.
89.523 Station limitations.
89.525 Frequencies available to the Special Emergency Radio Service.

AUTHORITY: Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.

Subpart P—Special Emergency Radio Service

§ 89.501 Availability of service.

Special Emergency Radio Service is available only to the extent and for the purposes described in succeeding sections of this subpart. The eligiblity requirements, classes of stations available to each eligible group, permissible communications in accordance with eligibility, and other applicable conditions of use are set forth as separate sections of this subpart.

§ 89.503 Medical services.

(a) *Eligibility.* Licenses will be granted under this section only to the following described persons, and only for the purpose of conducting radio operations for the delivery or rendition of medical services to the public:

(1) Hospital establishments that offer services, facilities and beds for use beyond 24 hours in rendering medical treatment.

(2) Institutions and organizations regularly engaged in providing medical services through clinics, public health facilities, and similar establishments.

(3) Ambulance companies regularly engaged in providing medical ambulance services.

(4) Rescue organizations, to participate in activities for providing medical services.

(5) Associations comprised of two or more of the organizations eligible under paragraph (a)(1), (2), (3) and (4) of this section, for the purpose of coordination of the medical services communication activities of such organizations.

(6) Physicians, schools of medicine, and oral surgeons, which may include an association of physicians or oral surgeons in a locality (such as a county, city, or metropolitan area), which is chartered by a national, State, or regional association of physicians or oral surgeons, provided that such association shall be subject fully to the provisions of § 89.13 governing the cooperative use of radio stations in the mobile service, and provided further, that stations authorized to such associations must be used only for messages related to the medical activities of its members.

(7) Governmental entities and agencies for providing or coordinating medical services communication activities.

(b) *Eligibility Showing.* Initial applications under this section shall be accompanied by a statement describing the basis of the applicant's eligibility for licensing and the nature and extent of the proposed medical services radio operations. In the event that applicant is participating in an area-wide medical communications plan which provides central dispatch of radio operations for two or more entities eligible for licensing under this section, the plan may be filed with the application. A listing of current plans will be made available upon request to applicants and other interested parties in connection with the development of radio communications systems for medical services. In addition, copies of plans will be maintained for public inspection in the license records of the Commission's Washington, D.C. offices.

(c) *Class and number of stations available.* (1) The number and classes of stations which may be authorized will be dependent upon the frequencies selected

and the demonstrated system requirements.

(2) Subject to the provisions of § 89.157, communication units of a mobile station authorized under this section may be installed in a vehicle or be hand-carried for use by any person with whom cooperation or coordination is required for medical services activities.

(d) *Permissible communications.* Except for test transmissions as permitted by § 89.151(e), stations may be used primarily for the transmission of messages necessary to rendition or delivery of medical services. On a secondary non-interference basis, stations may be used for the transmission of messages related to the efficient administration of organizations and facilities engaged in medical services operations.

§ 89.505 Rescue organizations.

(a) *Eligibility.* Persons or organizations operating a rescue squad are eligible in this service.

(b) *Eligibility showing.* The initial application from a person or organization operating a rescue squad shall be accompanied by a statement describing the radio communication facilities desired and indicating how they would be used to enhance the safety of human life in the service being rendered. The statements also shall indicate the number of vehicles actually engaged in the emergency operation.

(c) *Class and number of stations available.* Each rescue squad normally may be authorized to operate not more than one base station and a number of mobile units, excluding mobile units of the hand or pack carried type, not in excess of the number of vehicles actually engaged in the emergency operation. Mobile units of the hand carried or pack carried type may be authorized to an extent not to exceed two such units for each radio equipped rescue squad vehicle. Additional base stations or mobile units will be authorized only in exceptional circumstances when the applicant can show a specific need therefor.

(d) *Permissible communications.* Except for test transmissions as permitted by § 89.151(e), stations licensed to rescue squads may be used only for the transmission of messages pertaining to the safety of life or property and urgent messages necessary for the rendition of an efficient emergency rescue service.

§ 89.507 Veterinarians.

(a) *Eligibility.* A veterinarian or a school of veterinary medicine is eligibile under this section.

(b) *Eligibility Showing.* The initial applications of persons eligible under this section shall include a statement in sufficient detail to permit a determination of the applicant's eligibility.

(c) *Class and number of stations available.* Each veterinarian or school of veterinary medicine may normally be authorized to operate one base station and two mobile units. Additional base stations or mobile units will be authorized only in exceptional circumstances.

(d) *Permissible communications.* Except for test transmissions permitted by § 89.151, stations authorized under this section may be used only for the transmission of messages pertaining to the safety of life or property and urgent messages relating to medical duties of the licensee.

§ 89.509 Disaster relief organizations.

(a) *Eligibility.* Organizations established for disaster relief purposes and which have an emergency communications plan involving the use of radio are eligible in this service.

(b) *Eligibility showing.* The initial application from a disaster relief organization shall be accompanied by a copy of the charter or other authority under which the organization was established and a copy of the communications plan with a full explanation as to how the requested radio facilities would be used under such plan and integrated into any other communication facilities which normally would be available to assist in the alleviation of the emergency condition.

(c) *Class and number of stations available.* Disaster relief organizations may be authorized to operate an unlimited number of base, mobile and fixed stations.

(d) *Permissible communications.* Except for transmissions which are necessary for drills and tests as permitted by § 89.151(e), stations licensed to disaster relief organizations may be used only for the transmission of communications relating to the safety of life or property, the establishment and maintenance of temporary relief facilities, and the alleviation of the emergency situation during periods of actual or impending emergency, or disaster, and until substantially normal conditions are restored.

§ 89.511 School buses.

(a) *Eligibility.* Persons or organizations operating school buses on a regular basis over regular routes are eligible in this service.

(b) *Eligibility showing.* The initial application from a person or organization operating a school bus service shall be accompanied by a statement describing the radio communication facilities desired. The statement shall also indicate the school or schools being served and describe the area in which the service is operated. If the applicant is not a government subdivision the statement shall indicate the authority under which the school buses are being operated and the tenure of any contractual agreement in effect.

(c) *Class and number of stations available.* Each school bus operator normally may be authorized to operate not more than one base station and a number of mobile units not in excess of the total of the number of buses and maintenance vehicles regularly engaged in the school bus operation. Additional base stations or mobile units will be authorized only in exceptional circumstances when the applicant can show a specific need therefor.

(d) *Permissible communications.* Stations licensed to school bus operators may be used to transmit messages pertaining to either the efficient operation of the school bus service or the safety and general welfare of the students they are engaged in transporting.

§ 89.513 Beach patrols.

(a) *Eligibility.* Persons or organizations operating beach patrols having responsibility for life-saving activities are eligible in this service.

(b) *Eligibility showing.* The initial application from a person or organization operating a beach patrol shall be accompanied by a statement describing the radio communication facilities desired and the area served by the beach patrol. The statement shall also clearly indicate the proposed method of operation and the number and classes of stations required.

(c) *Class and number of stations available.* Eligibles in this category will be authorized to operate base, mobile, and fixed stations in the stated area served by the beach patrol. The number of such stations requested shall be fully justified in the eligibility showing.

(d) *Permissible communications.* Except for test transmissions as permitted by § 89.151(e) stations licensed to persons or organizations operating beach patrols may be used only for the transmission of messages pertaining to the safety of life or property.

§ 89.515 Establishments in isolated areas.

(a) *Eligibility.* Persons or organizations maintaining establishments in isolated areas where public communication facilities are not available and where the use of radio is the only feasible means of establishing communication with a center of population, or other point from which emergency assistance might be obtained if needed, are eligible in this service.

(b) *Eligibility showing.* The initial application requesting a station authorization for an establishment in an isolated area shall be accompanied by a statement describing the radio communication facilities desired, the applicant's need therefor, and the proposed method of operation, including the location, class of station and name of licensee of the station with which communication is requested. The statement shall also describe the status of public communication facilities in the area of the applicant's establishment and indicate the results of any attempts the applicant may have made to obtain public communication service. In the event radio communications service is to be furnished the proposed station by another station which is not licensed to the applicant, a statement shall be submitted from the licensee of the station involved indicating that the proposed service will be rendered.

(c) *Class and number of stations available.* Persons or organizations in this category may be authorized to operate

not more than one fixed station at any isolated establishment and in addition not more than one fixed station in a center of population.

(d) *Permissible communications.* Except for test transmissions as permitted by § 89.151(e), stations licensed for use at establishments in isolated areas may be used only during an actual or impending emergency endangering life, health or property for the transmission of essential communications arising from the emergency. The transmission of routine or non-emergency communications is strictly prohibited.

(e) *Communication service rendered and received.* (1) The licensee of a fixed station at an establishment in an isolated area shall make the communication facilities of such station available at no charge to any person desiring the transmission of any communication permitted by paragraph (d) of this section.

(2) For the purpose of providing the communications link desired the licensee of a fixed station at an establishment in an isolated area either may be the licensee of a similar station at another location or may obtain communication service under a mutual agreement from the licensee of any station in the Public Safety Radio Services or any other station which is authorized to communicate with the special emergency fixed station.

§ 89.517 Communication standby facilities.

(a) *Eligibility.* Persons or organizations operating communication circuits are eligible for standby radio facilities in this service: *Provided,* That the applicant can qualify under either of the following conditions:

(1) The applicant is a communications common carrier.

(2) The applicant is a person or organization operating communications circuits which normally carry essential communications of such a nature that any disruption thereof will endanger life or public property.

(b) *Eligibility showing.* The initial application from an eligible in this category proposing to operate a radio standby facility for other normal communication circuits shall be accompanied by a statement describing the radio communication facilities desired and the proposed method of operation. When appropriate, the statement shall include a description of the messages normally being carried and explain how a disruption thereof will endanger life or public property.

(c) *Class and number of stations available.* Eligibles in this category may be authorized to operate an unlimited number of fixed stations as standby radio facilities. Any such fixed station may be licensed for operation either at a specified location or at any temporary location within a specified area. In the latter case the area of desired operation must be specified by the applicant.

(d) *Permissible communications.* Except for test transmission as permitted by § 89.151 (e), stations licensed for communication circuit standby facilities may be used only during periods when the normal circuits are inoperative due to circumstances beyond the control of the user. During such periods the radio facilities may be used to transmit any communication which would normally be carried by the regular circuits.

§ 89.519 Emergency repair of public communications facilities.

(a) *Eligibility.* Communications common carriers are eligible in this service for radio facilities to be used in effecting expeditious repairs to interruptions of public communications facilites where such interruptions have resulted in disabling intercity circuits or service to a multiplicity of subscribers in a general area.

(b) *Eligibility showing.* The initial application from a communications common carrier under the provisions of this section shall be accompanied by a statement describing the radio communications facilities desired and the proposed method of use under such emergency conditions as the applicant expects to arise. The statement shall aso clearly indicate the number and classes of stations required in the proposed operation.

(c) *Class and number of stations available.* Eligibles in this category may be authorized to operate base, mobile and fixed stations. The number of such stations requested shall be fully justified in the eligibility showing.

(d) *Permissible communications.* Except for test transmissions as permitted by § 89.519(e) stations authorized under the eligibility provisions of this section may be used only, when no other means of communication is readily available, for the transmission of messages relating to the safety of life and property and messages which are necessary for the efficient restoration of the public communication facilities which have been disrupted.

§ 89.521 Points of communication.

(a) Special emergency base stations are primarily authorized to intercommunicate with special emergency mobile stations. Special emergency mobile stations are primarily authorized to intercommunicate with base and other special emergency mobile stations.

(b) Special emergency base and mobile stations are secondarily authorized to intercommunicate with other stations in the Public Safety Radio Services and to transmit to receivers at fixed locations: *Provided,* That no harmful interference will be caused to the service of any station transmitting to a point of communication for which that station is primarily authorized.

(c) Special emergency fixed stations are authorized to intercommunicate with other stations in the Public Safety Radio Services and to transmit to receivers at fixed locations. Such stations are also authorized to intercommunicate with any other station which is authorized to communicate with the special emergency fixed station.

§ 89.523 Station limitations.

(a) Mobile relay stations will not be authorized in the Special Emergency Radio Service on frequencies below 450 MHz, except that cross-banded mobile relay operations will be permitted as required for coordination between very high frequency (VHF) and ultra high frequency (UHF) systems.

(b) Except for fixed stations operating on frequencies assigned under the provisions of limitation note 9 of § 89.525(f), each operator of a station in the Special Emergency Radio Service shall listen on the licensed frequency of the station prior to transmitting and shall not transmit until it has been reasonably determined that harmful interference will not be caused to any authorized communication in progress on the frequency.

(c) Where a radio station authorization in the Special Emergency Radio Service is held by a person or organization engaging in activities beyond the scope of those indicated in the eligibility provisions of this service the operation of such station shall be strictly confined to those activities on which the eligibility was established except for messages relating to the safety of life.

(d) Effective August 15, 1974, paging operations may be authorized in the Special Emergency Radio Services only on frequencies assigned under the provisions of limitation note 12 of § 89.525(f). Paging operations on other frequencies, authorized prior to August 15, 1974, may be continued for the balance of the license term then effective. In addition, such operation may be renewed for one additional five-year license term subject to the condition that harmful interference is not caused to regularly authorized operations in the Special Emergency Radio Service.

§ 89.525 Frequencies available to the Special Emergency Radio Service.

(a) The frequencies or bands of frequencies listed herein are available for assignment to stations in the Special Emergency Radio Service subject to the conditions and limitations of this section.

(b) The amount of separation between assignable frequencies listed in this section does not necessarily indicate the amount of frequency separation required for systems operation; accordingly, grants of adjacent channel assignments in all bands shall be in the discretion of the Commission.

(c) The operation of mobile systems in the Special Emergency Radio Service on frequencies below 450 MHz will normally be limited to only one frequency, except that (1) an additional frequency may be assigned for paging operations from those frequencies available in accordance with paragraph (f)(12) of this section; (2) an additional frequency may be assigned for mobile-repeater operations from those frequencies available in accordance with paragraph (f)(14) of this section; and (3) the frequency 155.340 MHz may be assigned as an additional frequency when it is designated as

a mutual assistance frequency as provided in paragraph (f)(18) of this section.

(d) Frequencies indicated normally for base and mobile stations in the Special Emergency Radio Service will be authorized to fixed stations also subject to the condition that harmful interference will not be caused to the mobile service.

(e) The following tabulation indicates the frequency or bands of frequencies, the class of station(s) to which they are normally available, and the specific assignment limitations, which are developed in paragraph (f) of this section:

Frequency or band	Class of station(s)	Limitations
kHz		
2000 to 3000	Fixed	9
2726	Base and mobile	10
3201	do	
MHz		
33.02	do	6
33.04	do	
33.06	do	6
33.08	do	
33.10	do	6
35.64	Base	12, 13
35.68	do	12, 13
37.90	Base and mobile	6
37.94	do	6
37.98	do	6
43.64	Base	12
43.68	do	12
45.92	Base and mobile	15
45.96	do	15
46.00	do	15
46.04	do	15
47.42	do	7
47.46	do	
47.50	do	
47.54	do	
47.58	do	
47.62	do	
47.66	do	
72.00 to 76.00	Operational fixed	3
150.775	Mobile only	14
150.790	do	14
152.0075	Base	12
155.160	Base and mobile	15
155.175	do	16
155.205	do	16
155.220	do	15
155.235	do	16
155.265	do	16
155.280	do	15
155.295	do	16
155.325	do	16, 17
155.340	do	15, 18
155.355	do	16, 17
155.385	do	16, 17
155.400	do	15, 17
157.450	Base	12, 21
162.6625	do	12
458.025	Mobile only	1, 11, 20
458.075	do	1, 11, 20
458.125	do	1, 11, 20
458.175	do	1, 11, 20
460.525	Base and mobile	1, 2, 8
460.550	do	1, 2, 8
463.000	do	1, 2, 4
463.025	do	1, 2, 4
463.050	do	1, 2, 4
463.075	do	1, 2, 19, 20
463.100	do	1, 2, 19, 20
463.125	do	1, 2, 19, 20
463.150	do	1, 2, 19, 20
463.175	do	1, 2, 19, 20
465.525	Mobile only	1, 2, 8
465.550	do	1, 2, 8
468.000	do	1, 2, 5, 20
468.025	do	1, 2, 5, 20
468.050	do	1, 2, 5, 20
468.075	do	1, 2, 19, 20
468.100	do	1, 2, 19, 20
468.125	do	1, 2, 19, 20
468.150	do	1, 2, 19, 20
468.175	do	1, 2, 19, 20
(For frequencies 952 MHz and above, see § 89.101.)		

(f) Explanation of assignment limitations appearing in the frequency tabulation of paragraph (e) of this section:

(1) For two-frequency systems, separation between base and mobile transmit frequencies is 5 MHz.

(2) For radio systems first authorized after August 1, 1974, the base-mobile frequencies 460.525, 460.550, 463.000, 463.025, 463.050, 463.075, 463.100, 463.125, 463.150, 463.175 MHz; and the mobile-only frequencies 465.525, 564.550, 468.000, 468.025, 468.050, 468.075, 468.100, 468.125, 468.150, 468.175 MHz will be assigned in a block for shared operations under § 89.503(a). Licensees operating on the paired 463/438 MHz frequencies in this block must utilize equipment that is type-accepted for eight-channel capacity, i.e., capability for all respective transmit or receive frequencies in either the 463 or 468 MHz band.

(3) The frequencies available in the band 72 to 76 MHz are listed in § 89.101 (c). These frequencies, which are shared with other services, are available only in accordance with the provisions of § 89.101.

(4) This frequency is primarily authorized for use under § 89.503(a), for communications from physicians and hospitals to medical care vehicles and personnel equipped with bio-medical telemetry capability to furnish instructions for patients' care. On a secondary basis, subject to non-interference to the foregoing types of operations, this frequency may be utilized for any other permissible communications consistent with § 89.503(d).

(5) This frequency is primarily authorized for use under § 89.503(a), for operation of mobile bio-medical telemetry units in ambulances and other medical-care vehicles, or when hand-carried by medical personnel. For these purposes, F2, F3, and F9 emissions may be authorized. On a secondary basis, subject to non-interference to regular telemetry operations, this frequency may be utilized for any other permissible communications consistent with § 89.503(d).

(6) This frequency is shared with the Highway Maintenance Radio Service.

(7) This frequency is reserved for assignment only to National organizations established for disaster relief purposes.

(8) This frequency is authorized for use under § 89.503(a) in the dispatch of medical-care vehicles and personnel for the rendition or delivery of medical services. Central-dispatch operations serving multi-system requirements in an area-wide medical radio communications plan is authorized and may include the designation of this frequency for intra-system and inter-system mutual assistance purposes.

(9) Appropriate frequencies in the band 2000–3000 kilohertz which are designated in Part 83 of this chapter as available to Public Ship Stations for telephone communication with Public Coast Stations may be assigned on secondary basis to special emergency fixed stations for communication with Public Coast Stations only, provided such stations are located in the United States and the following conditions are met:

(i) That such fixed station is established pursuant to the eligibility provisions of § 89.515 and that the isolated area involved is an island or other location not more than 300 statute miles removed from the desired point of communication and isolated from that point by water.

(ii) That evidence is submitted showing that an arrangement has been made with the coast station licensee for the handling of emergency communications permitted by § 81.302(b) of this chapter and § 89.515(d).

(iii) That operation of the special emergency fixed station shall at no time conflict with any provision of Part 83 of this chapter and further, that such operation in general shall conform to the practices employed by Public Ship Stations for radiotelephone communication with the same Public Coast Station.

(10) This frequency is shared with the State Guard Radio Service.

(11) This frequency is authorized for use under § 89.503(a) for telemetry or voice transmission with maximum transmitter output power of 1 watt from a portable telemetering unit to an ambulance for automatic retransmission (mobile-repeater) from a patient to a hospital or other medical care facility. This frequency is also available in the Local Government Radio Service for highway radio call box operations. (See § 89.259(f) and (g)(11).)

(12) This frequency will be assigned only for one-way paging communications to mobile receivers. Transmissions for the purpose of activating or controlling remote objects on this frequency are not authorized.

(13) Prior to O ctober 1, 1974, no assignments will be made on the frequency 35.64 MHz within 40 miles of the center of Houston, Texas, Portland, Maine, Charleston, West Virginia, Boston, Massachusetts, and Binghamton, New York; or on 35.68 MHz within 40 miles of the center of Portland, Maine, Boston, Massachusetts, Binghamton, New York, and Charleston, West Virginia. The centers of cities are taken as the reference points indicated on pages 226–238 of the U.S. Department of Commerce publication "Air-Line Distances Between Cities in the United States."

(14) This frequency may be authorized for voice transmissions from a portable (hand carried) unit to an ambulance or other emergency vehicle for automatic retransmisson (mobile-repeater) on a regular mobile frequency to a base station facility. Operations on this frequency are limited to five watts output power.

(15) Available for assignment: *Provided,* That until further order of the Commission, application is accompanied by a written and signed statement that

licensees of all stations, excluding Special Emergency stations, located within a radius of 75 miles of the proposed location and authorized to operate on a frequency 30 kHz or less removed have concurred with such assignment, or is accompanied by an acceptable engineering report indicating that harmful interference to the operation of such existing stations will not be caused.

(16) Available for developmental operation: *Provided*, That (i) The proposed station location is removed by at least 40 miles from the station location of each other station, not including those authorized to other Special Emergency licensees, which is authorized to operate on frequencies 30 kHz or less removed; and

(ii) The application is accompanied by a written and signed statement that the licensees of all stations, excluding Special Emergency licensees, located within a radius of 75 miles of the proposed location and authorized to operate on a frequency 30 kHz or less removed have concurred with such assignment or is accompanied by an acceptable engineering report indicating that harmful interference to the operation of existing stations, excluding Special Emergency stations, will not be caused, together with a written statement that the licensees of all stations, excluding Special Emergency stations, located within a radius of 75 miles of the proposed station and authorized to operate on frequencies 30 kHz or less removed have been notified of the applicant's intention to request the assignment.

(17) This frequency is assignable only to those hospitals as described in § 89.503 (a)(1), and to those ambulances which submit a showing that they render coordination and cooperation with a hospital authorized on this frequency.

(18) This frequency is authorized for use under § 89.503(a) for the rendition and delivery of medical services, and may be designated by common consent as an inter-system mutual assistance frequency under an area-wide medical communications plan.

(19) This frequency is primarily authorized for use under § 89.503(a) for communications between medical facilities, vehicles, and personnel related to supervision and instruction for treatment and transport of patients in the rendition or delivery of medical services. On a secondary basis, subject to noninterference to the foregoing types of operations, this frequency may be utilized for any other permissible communications consistent with § 89.503, including biomedical telemetry transmission.

(20) The continuous carrier mode of operation is authorized for use of telemetry emission on this frequency.

(21) Operations on this frequency are limited to 30 watts transmitter output power.

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