AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

federal register

TUESDAY, SEPTEMBER 10, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 176

Pages 32601–32731



PART I

HIGHLIGHTS OF THIS ISSUE

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

PRESIDENTIAL PROCLAMATION—Granting Pardon to Richard Nixon 32601

MEDICAL CARE—VA provides for emergency treatment of Armed Forces members; effective 9–3–74 32605

SEAT BELTS—DoT/NHTSA proposes emergency-locking retractor adjustment of passive belts and limits on use of comfort clips; comments 11–12–74 32624

TRAFFIC NOISE—DoT/FHWA proposed standards for Federal-aid system projects; comments by 10–7–74 32616

FEDERAL HIGHWAYS—DoT/FHWA regulations on Federal land transfers and direct Federal acquisition; effective 9–3–74 32604

EMISSION STANDARDS—
EPA proposed standards for aircraft and aircraft engines 32631
EPA regulations for new motor vehicles and engines (2 documents), effective 9–4 and 10–10–74 ..... 32609, 32612

(Continued inside)

PART II:

NATIONAL BLOOD POLICY—HEW response to private sector implementation plan 32701

PART III:

CRUDE OIL ALLOCATION—FEA issues refiners buy–sell list 32713

PART IV:

PETROLEUM ALLOCATION—FEA proposed changes in mandatory price regulations 32717

September 10, 1974—Pages 32601–32731

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

This list includes only rules that were published in the FEDERAL REGISTER after October 1, 1972.

page no. and date

CAB—Delegation of authority to Director, Bureau of Operating Rights.
30034; 8–20–74

ATTENTION: Questions, corrections, or requests for information regarding the contents of this issue only may be made by dialing 202–523–5283. For information on obtaining extra copies, please call 202–523–5240.

federal register

Area Code 202 Phone 523–5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $45 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

MEETINGS—
National Science Foundation: Advisory Panel for Atmospheric Sciences, 9–24 and 9–25–74 32667
VA: Station Committee on Educational Allowances, 9–18–74 32670
Commerce/SESA: Census Advisory Committee on Population Statistics, 10–4–74 32639
USDA/AMS: Flue-Cured Tobacco Advisory Committee, 9–16–74 32639
DoT/NHTSA: Motor Vehicle Safety Advisory Council, dates changed to 9–17 and 9–18–74 32641
DOD: Defense Science Board Task Force on "Export of U.S. Technology; Implications to U.S. Defense", Air-Frame Subcommittee, 9–25–74 32634
SEC: Advisory Committee on the Implementation of a Central Market System, 9–27–74 32668
FEA: Second Electricity Conference, 9–19 and 9–20–74 .. 32652
HEW/NIH: Bacteriology and Mycology Study Section, Division of Research Grants, 9–27–74 32640
SBA: Los Angeles District Advisory Council, 9–18–74 32669

contents

THE PRESIDENT
Proclamation
Granting pardon to Richard Nixon 32601

EXECUTIVE AGENCIES

AGRICULTURAL MARKETING SERVICE
Proposed Rules
Limitations of handling; tomatoes grown in Florida 32616
Notices
Meeting; Flue-Cured Tobacco Advisory Committee 32639

AGRICULTURE DEPARTMENT
See Agricultural Marketing Service.

ATOMIC ENERGY COMMISSION
Notices
Applications, etc.:
Detroit Edison Co 32641
Mississippi Power and Light Co. and Middle South Energy, Inc 32641
Tuskegee Institute 32642

CIVIL AERONAUTICS BOARD
Notices
Hearings, etc.:
Certain unauthorized indirect air carriers 32643
International Air Transport Asociition (2 documents) 32642, 32643

CIVIL SERVICE COMMISSION
Rules
Excepted service:
Department of Agriculture 32603
Department of Housing and Urban Development 32603
General Services Administration 32603
National Credit Union Administration 32603
Treasury Department 32603
Notices
Defense Department; grant of authority 32644
Director, District of Columbia Public Library; manpower shortage 32644
Small Business Administration; revocation of authority 32644

COMMERCE DEPARTMENT
See Social and Economic Statistics Administration.

DEFENSE DEPARTMENT
Notices
Meeting; Defense Science Board Task Force on Export of U.S. Technology; Implications to U.S. Defense 32634

DRUG ENFORCEMENT ADMINISTRATION
Notices
Hearings, etc.:
Pennington Drug Co 32634
Serling Drug Co 32634

ENVIRONMENTAL PROTECTION AGENCY
Rules
Air quality implementation plans; various States 32606
Motor vehicles and motor vehicle engines; exclusion and exemption 32609
New motor vehicles and new motor vehicle engines; emissions control regulations 32612
Petroleum refining point source category; correction 32614
Proposed Rules
Energy related authority; proposed requirements 32624
In-use aircraft standards; extension of comment period 32631
Notices
Environmental impact statements and other actions; agency comments 32644
Hawaii; hearing and request for State program approval 32648
Notices of judgment; availability 32648
Pesticide registration:
Applications 32647
Intent to cancel 32648

FEDERAL AVIATION ADMINISTRATION
Rules
Airworthiness directive; Pathfinder Corp 32603
Transition area 32603

FEDERAL COMMUNICATIONS COMMISSION
Proposed Rules
Increase of monetary limit; extension of comment period 32631
Notices
Hearings, etc.:
American Telephone and Telegraph Co 32649
Brookhaven Broadcasting Co., Inc. and 21st Century Broadcasters, Inc 32649
Domestic public radio services applications accepted for filing 32651
Meeting; Cable Television Technical Advisory Committee, Panel 9 (Coded Television and Non-television Systems) 32651

FEDERAL CONTRACT COMPLIANCE OFFICE
Rules
Washington plan; extension of time 32615

FEDERAL ENERGY ADMINISTRATION
Proposed Rules
Petroleum; proposed price regulations 32717
Notices
Meeting; Second Electricity Conference 32652
Refiner buy-sell list; crude oil allocation 32713

FEDERAL HIGHWAY ADMINISTRATION
Rules
Federal land transfers and direct federal acquisition 32604
Proposed Rules
Drivers' daily logs; use of 7-day log form 32620
Noise standards and procedures; proposed amendments 32616

(Continued on next page)

FEDERAL POWER COMMISSION
Notices
Hearings, etc.:
Arkansas Louisiana Gas Co---- 32652
Central Maine Power Co------- 32653
Columbus and Southern Ohio Electric Co---------- 32653
Duke Power Co---------- 32653
Florida Power Corp---------- 32654
Gulf States Utilities Co------- 32656
Indiana and Michigan Electric Co ---------- 32656
Iowa Power and Light Co----- 32656
Jersey Central Power and Light Co ---------- 32656
Kentucky Utilities Co. (2 documents) ---------- 32657, 32658
Lowell Gas Co. and New England LNG Co., Inc---------- 32658
Minnesota Power and Light Co- 32659
Pennsylvania Electric Co------ 32660
San Diego Gas and Electric Co- 32661
Secretary of the Army and Cities Service Gas Co---------- 32662
Shell Oil Co---------- 32663
South Carolina Electric and Gas Co ---------- 32663
Southern Natural Gas Co------ 32663
Southern Services, Inc------- 32664
Tennessee Gas Pipeline Co. (3 documents) ---------- 32664, 32665
Texas Eastern Transmission Corp ---------- 32665
Valley Gas Transmission, Inc-- 32666
Virginia Electric and Power Co- 32666

FEDERAL TRADE COMMISSION
Proposed Rules
Franchising; disclosure requirements and prohibitions; correction ---------- 32631

FISH AND WILDLIFE SERVICE
Notices
Receipt of applications:
Endangered species permit---- 32634
Marine mammal permit------- 32635

FOOD AND DRUG ADMINISTRATION
Rules
Identity standard, table sirups; correction ---------- 32604
Proposed Rules
Food and labeling; correction---- 32616
Notices
Certain preparations containing carbazochrome salicylate; correction ---------- 32640
Food additive; lignin sulfonates-- 32640

HAZARDOUS MATERIALS REGULATIONS BOARD
Rules
Classification of corrosive hazards; postponement of mandatory effective date---------- 32615
Proposed Rules
Cryogenic liquids; extension of comment period---------- 32624

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See also Food and Drug Administration; National Institute of Health.
Notices
National Blood Policy; response to private sector implementation plan ---------- 32701

HEARINGS AND APPEALS OFFICE
Notices
Applications, etc.; Allied Chemical Corp. (2 documents) -- 32636, 32638

INTERIOR DEPARTMENT
See also Fish and Wildlife Service; Hearings and Appeals Office.
Notices
Environmental statement; Fontenelle Reservoir, Seedskadee Project, Wyoming---------- 32639

INTERSTATE COMMERCE COMMISSION
Notices
Abandonment of line:
Allegheny and Western Railway Co., et al---------- 32672
Nicholas, Fayette and Greenbrier Railroad Co. (2 documents) ---------- 32687, 32688
Hearings assignment---------- 32672
Irregular-route motor common carriers of property; elimination of gateway letter notices------- 32672
Lake Superior and Ishpeming Railroad Co.; abandonment of line and application to acquire trackage rights---------- 32687
Motor Carrier Board transfer proceedings ---------- 32687

JUSTICE DEPARTMENT
See Drug Enforcement Administration.

LABOR DEPARTMENT
See Federal Contract Compliance Office; Occupational Safety and Health Administration.

LIBRARY OF CONGRESS
Proposed Rules
Materials not subject to copyright; typeface designs-------- 32631

MANAGEMENT AND BUDGET OFFICE
Notices
Clearance of reports; list of requests ---------- 32667

NATIONAL CREDIT UNION ADMINISTRATION
Proposed Rules
Credit union service center; proposed establishment and operation ---------- 32632

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
Proposed Rules
Motor vehicle safety standards; seat belt adjustment requirements ---------- 32624
Notices
Meeting; National Motor Vehicle Safety Advisory Council; correction ---------- 32641

NATIONAL INSTITUTES OF HEALTH
Notices
Meeting; Bacteriology and Mycology Study Section, Division of Research Grants---------- 32640
Statement of organization, functions and delegation of authority ---------- 32640

NATIONAL SCIENCE FOUNDATION
Notices
Meeting; Advisory Panel for Atmospheric Sciences--------- 32667

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
Notices
Mississippi; modification of developmental plan---------- 32670
Applications, etc.:
Star Textile and Research, Inc- 32670
United Virginia Bankshares, Inc ---------- 32671

SECURITIES AND EXCHANGE COMMISSION
Notices
Meeting; Advisory Committee on the Implementation of a Central Market System---------- 32668
Hearings, etc.:
Boston Stock Exchange (3 documents) ---------- 32668, 32669
Canadian Javelin, Ltd--------- 32668
Royal Properties Inc---------- 32669
Winner Industries, Inc--------- 32669

SMALL BUSINESS ADMINISTRATION
Notices
Meeting; Los Angeles District Advisory Council---------- 32669

SOCIAL AND ECONOMIC STATISTICS ADMINISTRATION
Notices
Meeting; Census Advisory Committee on Population Statistics- 32639

TARIFF COMMISSION
Notices
Certain electronic audio and related equipment; receipt of amendment to complaint------ 32669

TRANSPORTATION DEPARTMENT
See Federal Aviation Administration; Federal Highway Administration; Hazardous Materials Regulations Board; National Highway Traffic Safety Administration.

VETERANS ADMINISTRATION
Rules
Hospitalization; miscellaneous amendments ---------- 32605
Notices
Meeting; Station Committee on Educational Allowances------- 32670
Pensions, bonuses and relief; continuance in effect of all current regulations and other matters- 32669

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

3 CFR

PROCLAMATION:

4311 32601

5 CFR

213 (5 documents) 32603

7 CFR

PROPOSED RULES:

966 32616

10 CFR

PROPOSED RULES:

210 32717

212 32717

12 CFR

PROPOSED RULES:

701 32632

14 CFR

39 32603

71 32603

16 CFR

PROPOSED RULES:

436 32631

21 CFR

30 32604

PROPOSED RULES:

1 32616

100 32616

102 32616

23 CFR

712 32604

PROPOSED RULES:

772 32616

37 CFR

PROPOSED RULES:

202 32631

38 CFR

17 32605

40 CFR

52 32606

85 (2 documents) 32609, 32612

419 32614

PROPOSED RULES:

55 32624

87 32631

41 CFR

60 32615

47 CFR

PROPOSED RULES:

31 32631

49 CFR

171 32615

172 32615

173 32615

174 32615

175 32615

177 32615

178 32615

PROPOSED RULES:

172 32624

173 32624

177 32624

178 32624

179 32624

395 32620

571 32624

CUMULATIVE LIST OF PARTS AFFECTED—SEPTEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during September.

3 CFR Page

EXECUTIVE ORDERS:
11802 ... 32111

PROCLAMATIONS:
4310 ... 32317
4311 ... 32601

4 CFR
6 ... 31997

5 CFR
213 ... 31873, 31874, 32603
294 ... 32537
300 ... 32537
315 ... 32537
336 ... 32537
351 ... 32537
352 ... 32537
353 ... 32538
531 ... 32539
532 ... 32539
713 ... 32540
731 ... 32540
752 ... 32541
771 ... 32542
772 ... 32545
831 ... 32548
870 ... 32548
890 ... 32548
891 ... 32549

7 CFR
24 ... 32004
26 ... 31874, 32124
52 ... 32004
301 ... 31875, 32126
330 ... 32319
401 ... 32010, 32127
650 ... 31879
780 ... 32321
908 ... 32128
910 ... 32549
931 ... 31879
932 ... 32010
947 ... 31879, 32011
2400 ... 32011

PROPOSED RULES:
650 ... 32139
948 ... 32139
966 ... 32616

8 CFR

PROPOSED RULES:
223 ... 32129
223a ... 32129

9 CFR
76 ... 32129
78 ... 32129
91 ... 32322
94 ... 32322
317 ... 31880
318 ... 31880
381 ... 31880

PROPOSED RULES:
78 ... 32139
92 ... 32146
102 ... 32332

10 CFR
205 ... 32262
210 ... 32283

10 CFR—Continued Page
211 ... 32283, 32306
212 ... 32286, 32306
215 ... 32286

PROPOSED RULES:
210 ... 32718
211 ... 31920, 32718
212 ... 32309, 32310

12 CFR
210 ... 32011

PROPOSED RULES:
701 ... 32632

13 CFR

PROPOSED RULES:
121 ... 32334

14 CFR
39 ... 32011, 32324, 32325, 32549, 32550, 32603
71 ... 31881, 32012, 32325, 32550, 32603
73 ... 32325
93 ... 32551
95 ... 32326
97 ... 31881, 32327
221 ... 31882
288 ... 32013
372a ... 32013

PROPOSED RULES:
39 ... 32332, 32333
71 ... 32333
121 ... 31913

16 CFR
13 ... 32555–32557

PROPOSED RULES:
436 ... 32631
1120 ... 31916

17 CFR
211 ... 31894
231 ... 31894
240 ... 32557
241 ... 31894
271 ... 32129

PROPOSED RULES:
240 ... 31920

18 CFR
703 ... 31896

PROPOSED RULES:
141 ... 32153–32155
201 ... 32156
260 ... 32154, 32155

19 CFR
10 ... 32015
11 ... 32015
12 ... 32015
18 ... 32015
19 ... 32015
24 ... 32015
25 ... 32015
113 ... 32015
114 ... 32023
133 ... 32023
141 ... 32023
142 ... 32023
172 ... 32023

PROPOSED RULES:
141 ... 32035

20 CFR Page
405 ... 32327
416 ... 32024

21 CFR
2 ... 31898, 32558
30 ... 32604
53 ... 31898
121 ... 31899
135a ... 32025

PROPOSED RULES:
1 ... 32616
20 ... 32562
100 ... 32616
102 ... 32616
132 ... 32146
1010 ... 32094
1040 ... 32094

23 CFR
712 ... 32604
752 ... 32031
753 ... 32032

PROPOSED RULES:
810 ... 32298
772 ... 32616

24 CFR
201 ... 32432
203 ... 32026, 32432
205 ... 32026, 32435
207 ... 32026, 32435
213 ... 32026, 32435
220 ... 32026, 32433, 32435
221 ... 32026, 32433, 32436
222 ... 32433
227 ... 32436
231 ... 32436
232 ... 32026, 32436
234 ... 32027, 32434, 32436
235 ... 32027, 32434
236 ... 32027, 32437
241 ... 32027
242 ... 32027, 32437
244 ... 32027, 32437
1915 ... 32329

25 CFR

PROPOSED RULES:
30 ... 31984
91 ... 31986
93 ... 31989

28 CFR
2 ... 31882

29 CFR
701 ... 32027

PROPOSED RULES:
529 ... 32037
1910 ... 32562

32 CFR
174 ... 31899

33 CFR
3 ... 32131, 32558
128 ... 32132
151 ... 31901
204 ... 32029

34 CFR — Page

212 — 32559
213 — 32134

36 CFR

252 — 32029
327 — 32111A

37 CFR

202 — 32631

38 CFR

17 — 31901, 32605
21 (2 documents) — 31901, 31902
21 — 31901, 31902

PROPOSED RULES:

21 — 32157

39 CFR

PROPOSED RULES:

123 — 32036
124 — 32036

40 CFR

52 — 31903, 32111A, 32113, 32329, 32559, 32606
85 — 32609, 32612
180 — 31903
419 — 32614

PROPOSED RULES:

52 — 31918, 32563
55 — 32624
87 — 32631
180 — 31919, 31920

41 CFR

5A-16 — 32029
60 — 32615
114-43 — 31904

42 CFR — Page

100 — 32029

PROPOSED RULES:

72 — 32035

43 CFR

PROPOSED RULES:

2800 — 31906

45 CFR

801 — 32031

PROPOSED RULES:

250 — 32562
1215 — 31914

46 CFR

PROPOSED RULES:

30 — 32147
31 — 32147
32 — 32147
33 — 32147
34 — 32147
35 — 32147
151 — 32147
531 — 32036

47 CFR

43 — 31904
73 — 32560
81 — 32560

PROPOSED RULES:

2 — 32148, 32566
31 — 32631
73 — 32148
76 — 32036
83 — 32150
89 — 32148
91 — 32148
97 — 32567

49 CFR — Page

171 — 32615
172 — 32615
173 — 32615
174 — 32615
175 — 32615
177 — 32615
178 — 32615
389 — 32561
390 — 32561
391 — 32561
396 — 32561
397 — 32561
393 — 32135
571 — 32030, 32321
1033 — 32137, 32138
1300 — 31905
1307 — 31905

PROPOSED RULES:

172 — 32624
173 — 32624
177 — 32624
178 — 32624
179 — 32624
395 — 32620
571 — 32624
575 — 32563
810 — 32298
1204 — 32333
1260 — 32333
1261 — 32333

50 CFR

20 — 31883
32 — 32030, 32031, 32116, 32117, 32330, 32331
33 — 31894
216 — 32117

PROPOSED RULES:

32 — 31907, 31908

FEDERAL REGISTER PAGES AND DATES—SEPTEMBER

Pages	*Date*
31872–31996	Sept. 3
31997–32109	4
32111–32315	5
32317–32536	6
32537–32600	9
32601–32731	10

presidential documents

Title 3—The President

PROCLAMATION 4311

Granting Pardon to Richard Nixon

By the President of the United States of America

A Proclamation

Richard Nixon became the thirty-seventh President of the United States on January 20, 1969 and was reelected in 1972 for a second term by the electors of forty-nine of the fifty states. His term in office continued until his resignation on August 9, 1974.

Pursuant to resolutions of the House of Representatives, its Committee on the Judiciary conducted an inquiry and investigation on the impeachment of the President extending over more than eight months. The hearings of the Committee and its deliberations, which received wide national publicity over television, radio, and in printed media, resulted in votes adverse to Richard Nixon on recommended Articles of Impeachment.

As a result of certain acts or omissions occurring before his resignation from the Office of President, Richard Nixon has become liable to possible indictment and trial for offenses against the United States. Whether or not he shall be so prosecuted depends on findings of the appropriate grand jury and on the discretion of the authorized prosecutor. Should an indictment ensue, the accused shall then be entitled to a fair trial by an impartial jury, as guaranteed to every individual by the Constitution.

It is believed that a trial of Richard Nixon, if it became necessary, could not fairly begin until a year or more has elapsed. In the meantime, the tranquility to which this nation has been restored by the events of recent weeks could be irreparably lost by the prospects of bringing to trial a former President of the United States. The prospects of such trial will cause prolonged and divisive debate over the propriety of exposing to further punishment and degradation a man who has already paid the unprecedented penalty of relinquishing the highest elective office of the United States.

NOW, THEREFORE, I, Gerald R. Ford, President of the United States, pursuant to the pardon power conferred upon me by Article II, Section 2, of the Constitution, have granted and by these presents do grant a full, free, and absolute pardon unto Richard Nixon for all offenses

against the United States which he, Richard Nixon, has committed or may have committed or taken part in during the period from January 20, 1969 through August 9, 1974.

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

[FR Doc.74-21059 Filed 9-9-74;11:28 am]

Gerald R. Ford

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 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that one additional position of Confidential Assistant to the Administrator, Food and Nutrition Service, is excepted under Schedule C.

Effective on September 10, 1974, § 213.-?313(q)(1) is amended as set out below.

§ 213.3313 Department of Agriculture

* * * * *

(q) *Food and Nutrition Service.*

(1) Three Confidential Assistants to the Administrator.

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–20775 Filed 9–9–74;8:45 am]

PART 213—EXCEPTED SERVICE

General Services Administration

Section 213.3337 is amended to show that one additional position of Confidential Assistant to the Administrator is excepted under Schedule C.

Effective on September 10, 1974, § 213.-3337(a)(6) is amended as set out below.

§ 213.3337 General Services Administration.

(a) *Office of the Administrator.* * * *

(6) Eight Confidential Assistants to the Administrator.

* * * * *

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–20777 Filed 9–9–74;8:45 am]

PART 213—EXCEPTED SERVICE

National Credit Union Administration

Section 213.3357 is amended to show that one position of Public Information Officer is excepted under Schedule C.

Effective on September 10, 1974, § 213.-3357(b) is added as set out below.

§ 213.3357 National Credit Union Administration.

* * * * *

(b) One Public Information Officer.

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 74–20778 Filed 9–9–74;8:45 am]

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to show that one position of Special Assistant to the Under Secretary is reestablished under Schedule C.

Effective on September 10, 1974, § 213.-3305(a)(35) is amended as set out below.

§ 213.3305 Treasury Department.

(a) *Office of the Secretary.* * * *

(35) One Special Assistant to the Under Secretary.

* * * * *

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–20776 Filed 9–9–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that the position of Deputy Under Secretary for Management is excepted under Schedule C.

Effective on September 10, 1974, § 213.-3384(a)(57) is added as set out below.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* * * *

(57) Deputy Under Secretary for Management.

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

UNITED STATES CIVIL SERVICE COMMISSION.
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–20842 Filed 9–9–74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74–GL–20]

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

Designation of Transition Area

On Page 25328 of the FEDERAL REGISTER dated July 10, 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 Troy, Ohio.

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 November 7, 1974.

(Sec. 307(a) of the Federal Aviation Act of 1958 (47 U.S.C. 1308), and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois, on August 22, 1974.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

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

TROY, OHIO

That airspace extending upward from 700 feet above the surface within a 7 mile radius of the Troy Skypark Airport (latitude 39°59'27" N., longitude 84°16'14" W.), excluding that portion which lies within the Piqua, Ohio and Dayton, Ohio transition areas.

[FR Doc.74–20763 Filed 9–9–74;8:45 am]

[Docket No. 74–GL–19; Amdt. 39–1956]

PART 39—AIRWORTHINESS DIRECTIVES

Pathfinder Emergency Locator Transmitters

There have been numerous reports of corrosion of Pathfinder Corporation Emergency Locator Transmitters. The corrosion, caused by gas escaping from the lithium battery, jams the cylindrical G force sensor plunger so that the ELT will not automatically activate at the specified G forces. In some cases the corrosion has bridged the circuitry and has

caused inadvertent transmission of an emergency signal. Since this condition is likely to exist or develop in other Pathfinder ELTs, an airworthiness directive is being issued to require inspection of these units, removal or repair of those units found to be corroded, and replacement with a serviceable ELT.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89 and 39 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PATHFINDER CORPORATION. Applies to Pathfinder Corporation Emergency Locator Transmitters, all Models. Compliance Required Within the Next 60 days, and Thereafter at Each Additional 60 day Interval

To detect corrosion which may, (1) jam the cylindrical G force sensor plunger, or (2) cause inadvertent transmission of an emergency signal, accomplish the following: Inspect the ELT for evidence of corrosion, particularly in the area of the G force sensor plunger, by removing the top dome assembly, reference Pathfinder Installation and Operation Manual. Determine that the plunger is free to move by manually sliding the plunger along the guide rod so as to actuate the switch, and determine that the ELT transmits properly. ELT test transmissions are authorized in the first five minutes of any hour, or at other times if coordinated with the nearest FAA tower or flight service station, for a total of three audio sweeps, reference Advisory Circular OO-35A or 20-81. If any evidence of corrosion or jamming of the plunger is found, or if the ELT does not transmit properly, repair or replace with a serviceable unit prior to next flight, except that flight may be conducted in accordance with the ferry flight provisions of FAR 91.52(e). Any repaired or replacement unit must comply with the provisions of FAR 91.52 (performance standards of TSO-C91), or be an equivalent unit approved by the Chief, Engineering and Manufacturing Branch, Great Lakes Region.

This amendment becomes effective September 13, 1974.

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

Issued in Des Plaines, Illinois on August 30, 1974.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.74-20762 Filed 9-9-74;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 30—TABLE SIRUPS

Establishment of Standards of Identity

Correction

In FR Doc. 74-13481, appearing at page 20879 in the issue for Friday, June 14, 1974, in the paragraph designated "14" in the summary of comments in the preamble, the word "igrum" in the ninth line should be changed to read "nigrum".

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER H—RIGHT-OF-WAY AND ENVIRONMENT

PART 712—THE ACQUISITION FUNCTION

Federal Land Transfers and Direct Federal Acquisition

The regulations of the Federal Highway Administration in 23 CFR Part 712 are hereby amended by adding a new subpart, Subpart E entitled "Federal Land Transfers and Direct Federal Acquisition". This subpart prescribes Federal Highway Administration (FHWA) policies and procedures relating to transfers of Federal lands to States for highway purposes and the direct acquisition of land by the Federal Highway Administration for highway purposes.

The regulation codifies material in Federal-Aid Highway Program Manual (FHPM) Volume 7, Chapter 2, Section 5, which revised and consolidated material formerly contained in Federal Highway Administration Policy and Procedure Memorandums 80-7 and 80-8.

General notice of proposed rulemaking is not required because the material published relates to grants, benefits or contracts and is exempt under 5 U.S.C. § 553 (a)(2).

These regulations are effective on September 3, 1974.

Issued on: September 3, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

Subpart E—Federal Land Transfers and Direct Federal Acquisition

Sec.
712.501 Purpose.
712.502 Applicability.
712.503 Federal land transfers.
712.504 Direct federal acquisition.
Appendix 1—Application for federal land transfers.

AUTHORITY: 23 U.S.C. 101(a), 107, 108 (a) and (b), 111, 204(a), 210(e), 308, 315, and 317; 42 U.S.C. 4633, 4651 and 4654; 23 C.F.R. 1.32; 49 C.F.R. 1.48(b) and Part 21.

Subpart E—Federal Land Transfers and Direct Federal Acquisition

§ 712.501 Purpose.

This regulation prescribes Federal Highway Administration (FHWA) policies and procedures relating to Federal land transfers and direct Federal acquisition.

§ 712.502 Applicability.

The provisions of 712.503 of this subpart apply to all projects on a Federal-aid system, direct Federal projects, or federally assisted highway projects. The provisions of 712.504 apply only to Interstate, Defense Access, and Forest highways.

§ 712.503 Federal land transfers.

(a) Title 23 U.S.C., sections 107(d) and 317, provide for the transfer of lands or interests in lands owned by the United States to a State Highway Department (SHD) or its nominee for highway purposes.

(b) If lands or interests in lands owned by the United States are needed for highway purposes, the SHD shall pursuant to 23 U.S.C. 107(d) and 317 file an application with the FHWA except that if such lands or interests therein are managed or controlled by the Army, Air Force, Navy, Veterans Administration, or Bureau of Indian Affairs, the SHD may make applications directly to said agencies or their land acquisition agent as indicated in Attachment 1. All applications shall include or be accompanied by the information shown in Attachment 1.

(c) Deeds for conveyance of lands or interests in lands owned by the United States shall be prepared by the SHD. Such deeds shall contain the clauses required by the FHWA and 49 CFR 21.7(a)(2). The SHD will submit the proposed deed to the FHWA for review, and execution. Following execution, the grantee shall record the deed in the appropriate land record office and so advise the FHWA of the recording data.

(d) When the need for the lands or the materials acquired under this subpart no longer exists, notice of that fact must be given by the SHD to the FHWA and to the concerned Federal agency, and such lands or materials will revert to the control of the Federal agency from which they were appropriated or to its assigns. The notice, in a form suitable for recording, shall state that the need for the lands or materials no longer exists for the purposes for which acquired.

§ 712.504 Direct federal acquisition.

(a) Title 23 U.S.C. 101(a), 107, and 210(e) authorize Federal acquisition of lands and interests in lands for any project authorized for Interstate, Defense Access or Forest highways where the State is unable to acquire the required rights-of-way or it is unable to obtain possession with sufficient promptness.

(b) To enable the FHWA to make the necessary findings to proceed with the acquisition of the rights-of-way, the SHD's written application for Federal acquisition shall include:

(1) Justification for the Federal acquisition of the lands or interests in lands;

(2) The date FHWA authorized the SHD to commence right-of-way acquisition, the date the project was advanced to Stage 2 program status, the date of the project agreement and a statement that the agreement contains the provisions required by sections 108(a), 108(b), and 111 of Title 23, U.S.C.;

(3) The necessity for acquisition of the particular lands under request;

(4) A statement of the specific interests in lands to be acquired, including the proposed treatment of control of access;

(5) The SHD's intentions with respect to the acquisition, subordination, or exclusion of outstanding interests, such as

minerals and utility easements, in connection with the proposed acquisition;

(6) A statement on compliance with the provisions of PPM 90–1 published in 23 CFR Chapter 1, Appendix A;

(7) Adequate legal descriptions, plats, appraisals, and title data;

(8) An outline of the negotiations which have been conducted by the agency with landowners;

(9) An agreement that the SHD will pay its pro rata share of costs, including but not limited to those set forth in § 712.504(f) incurred in the acquisition of, or the attempt to acquire rights-of-way; and

(10) A statement that assures compliance with the applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601, et seq.).

(c) If the landowner tenders a right-of-entry at any time before the FHWA makes a determination that the SHD is unable to acquire the rights-of-way with sufficient promptness, the SHD is legally obligated to accept such tender and the FHWA many not proceed with Federal acquisition.

(d) If the SHD obtains title to a parcel prior to the filing of the Declaration of Taking, it shall notify the FHWA and immediately furnish the appropriate U.S. Attorney with a disclaimer together with a request that the action against the landowner be dismissed (ex parte) from the proceeding and the estimated just compensation deposited into the registry of the Court for the affected parcel be withdrawn after the appropriate motions are approved by the Court.

(e) When the United States obtains a court order granting possession of the real property, the FHWA shall authorize the SHD to take over supervision of the property. The authorization shall include, but need not be limited to, the following:

(1) The right to take possession of unoccupied properties;

(2) The right to give 90 days notice to owners to vacate occupied properties and the right to take possession of such properties when vacated;

(3) The right to permit continued occupancy of a property until it is required for construction and, in those instances where such occupancy is to be for a substantial period of time, the right to enter into rental agreements, as appropriate, to protect the public interest;

(4) The right to request assistance from the U.S. Attorney in obtaining physical possession where an owner declines to comply with the court order of possession;

(5) The right to clear improvements and other obstructions;

(6) Instructions that the U.S. Attorney be notified prior to actual clearing, so as to afford him an opportunity to view the lands and improvements, to obtain appropriate photographs, and to secure appraisals in connection with the preparation of the case for trial;

(7) The requirement for appropriate credits to the United States for any net salvage or net rentals obtained by the State, as in the case of right-of-way acquired by the State for Federal-aid projects; and

(8) Instructions that the authority granted to the SHD is not intended to preclude the U.S. Attorney from taking action, before the SHD has made arrangements for removal, to reach a settlement with the former owner which would include provision for removal.

(f) If the Federal Government initiates condemnation proceedings against the owner of real property in a Federal Court and the final judgment is that the Federal agency cannot acquire the real property by condemnation, or the proceeding is abandoned, the court is required by law to award such a sum to the owner of the real property as will in the opinion of the court reimburse him for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incured because of the condemnation proceedings.

(g) As soon as practicable after the date of payment of the purchase price or the date of deposit in court of funds to satisfy the award of the compensation in a Federal condemnation, the FHWA shall reimburse the owner to the extent deemed fair and reasonable, the following costs:

(1) Recording fees, transfer taxes, and similar expenses incidental to conveying such real property to the United States;

(2) Penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering such real property; and

(3) The pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting title in the United States or the effective date of possession, whichever is the earlier.

(h) The lands or interests in lands, acquired under these provisions, will be conveyed to the State or the appropriate political subdivision thereof, upon agreement by the SHD, or said subdivision to:

(1) Maintain control of access where applicable;

(2) Accept title thereto;

(3) Maintain the project constructed thereon;

(4) Abide by any conditions which may be set forth in the deed; and

(5) Notify FHWA at the appropriate time that all the conditions have been performed by the State.

(i) The Deed from the United States to the State, or to the appropriate political subdivision thereof, shall include the conditions required by 49 C.F.R. Part 21. The deed shall be recorded by the grantee in the appropriate land record office, and the FHWA shall be advised of the recording date.

APPENDIX 1—APPLICATION FOR FEDERAL LAND TRANSFERS

(1) *Preparation of Application.* The State's application, referenced in § 712.503, shall include or be accompanied by the following information:

(a) The purpose for which the lands are to be used.

(b) The estate or interest in the land required by State statute.

(c) The Federal-aid project number.

(d) The name of the Federal agency exercising jurisdiction over the land and identity of the installation or activity in possession of the land.

(e) A commitment to construct the highway on or to remove materials from the lands to be transferred within a period of not more than 10 years following the transfer of the lands to the State.

(f) A map showing the survey of the lands to be acquired.

(g) A legal description of the lands desired.

(h) A statement on compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4332, et seq.), the Historic Preservation Act (16 U.S.C. 470(f)), and with provisions for Preservation of Parklands (49 U.S.C. 1653(f)), if applicable.

(2) *Submission of application.* The application referenced in § 712.503 shall be submitted to FHWA, except as otherwise prescribed herein. Certain Federal agencies have special legislation for granting rights-of-way over lands under their jurisdictions and may proceed under their own laws. In those cases, the SHD should file its application directly with the Federal agency. Although they have special authority, the Federal agencies sometimes wish to proceed under 23 U.S.C. 107(d) and 317 and, in such cases, the application should be filed with the FHWA. The agencies having special authority which would permit the State to file its application directly are as follows:

(a) *Bureau of Indian Affairs.* Application should be submitted directly to the Bureau of Indian Affairs, Washington, D.C., for rights-of-way across tribal lands or individually owned lands held in trust by the United States or encumbered by Federal restrictions. All other lands held by the Bureau of Indian Affairs are transferred under 23 U.S.C. 107(d) and 317.

(b) *Army or Air Force.* State should submit its application directly to the installation commander and the appropriate District Engineer, Corps of Engineers, Department of the Army.

(c) *Navy.* State should submit its application directly to the District Public Works Officer of the Naval District involved.

(d) *Veterans Administration.* State should submit its application directly to the Director, Veterans Administration, Washington D.C.

[FR Doc.74–20852 Filed 9–9–74;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 17—MEDICAL

Miscellaneous Changes

Part 17 of Title 38, Code of Federal Regulations, is amended as follows. Section 17.46(b)(1) is amended to discontinue the requirement for obtaining formal authorization when emergency treatment is rendered to active duty members of the uniformed services. Eligibilty for emergency treatment will be established by an appropriate military identification card. In §§ 17.45(d)(3) and 17.46(b)(2), references to Bureau of Employees' Compensation are changed to Office of Workers' Compensation Programs due to a reorganization within the Department of Labor. A minor editorial change is made in § 17.48(d). Section 17.49(a)(2) is amended to delete certain descriptive

terms no longer appropriate, i.e., authorized pass, leave of absence, completion of bed occupancy care, elopement status and trial visit. Replacement of these obsolete terms with correct terminology is not necessary as the remainder of the section is sufficiently clear in meaning and authority. The title of Associate Chief Medical Director for Operations in § 17.51a is changed to Associate Deputy Chief Medical Director for Operations.

Compliance with the provisions of § 1.12 of this chapter, as to notice of proposed regulatory development and delayed effective date, is deemed unnecessary in this instance since these changes are nonsubstantive.

1. § 17.45, paragraph (d) (3) is revised to read as follows:

§ 17.45 Persons entitled to hospital observation and physical examination.

* * * * *

(d) * * *

(3) Office of Workers' Compensation Programs—to determine identity, severity, or persistence of disability.

* * * * *

2. In § 17.46, paragraph (b) (1) and (2) are revised to read as follows:

§ 17.46 Persons entitled to hospital or domiciliary care.

* * * * *

(b) * * *

(1) Persons in the Armed Forces when duly referred with authorization therefor, may be furnished hospital care. Emergency treatment may be rendered, without obtaining formal authorization, to such persons upon their own application, when absent from their commands. Identification of active duty members of the uniformed services will be made by military identification card.

(2) Hospital care may be provided, upon authorization, for beneficiaries of the Public Health Service, Office of Workers' Compensation Programs, and other Federal agencies.

* * * * *

3. In § 17.48, paragraph (d) is revised to read as follows:

§ 17.48 Considerations applicable in determining eligibility for hospital or domiciliary care.

* * * * *

(d) Persons hospitalized pursuant to paragraph (c) (1), (d) or (f) of § 17.47, who it is believed may be entitled to hospital care or medical or surgical treatment or to reimbursement for all or part of the cost thereof by reason of any one or more of the following:

(1) (i) Membership in a union, fraternal or other organization; (ii) rights under a group hospitalization plan, or under any of the prepay medical care or insurance contracts or plans which provide for payment or reimbursement in whole or in part, for the cost of medical or hospital care, and conditions the obligation of the insurer to pay upon payment or incurrence of liability by the person covered; (iii) "Workmen's Compensation" or "employer's liability" statutes, State or Federal; and (iv) right to maintenance and cure in admiralty; or

(2) By reason of statutory or other relationships with third parties, including those liable for damages because of negligence or other legal wrong;

will not be furnished hospital care, medical or surgical treatment, without charge therefor to the extent of the amount for which such parties, referred to in paragraph (d) (1) or (2) of this section, are, or will become liable. Such patients will be requested to execute an appropriate assignment as prescribed in this paragraph. Patients who, it is believed, may be entitled to care under any one of the plans in paragraph (d) (1) of this section, will be requested to execute VA Form 10–2381, Power of Attorney and Agreement. Those patients who, it is believed, may be entitled to hospital care under the circumstances prescribed in paragraph (d) (2) of this section will be requested to complete VA Form 2–4763, Power of Attorney and Assignment. Notice of this assignment will be mailed promptly to the party or parties believed to be liable. When the amount of charges is ascertained, bill therefor will be mailed such party or parties.

* * * * *

4. In § 17.49, paragraph (a) (2) is revised to read as follows:

§ 17.49 Veterans Administration policy on priorities for hospital, nursing home and domiciliary care.

(a) * * *

(2) *Patients on hospital rolls and not occupying a bed.* As these patients are carried on the rolls of the hospital for further treatment of the condition for which they were originally hospitalized, readmission will be effected for treatment of this condition when required without regard to their entitlement under the priority groups set forth in paragraph (a) (3) of this section.

* * * * *

5. Section 17.51a is revised to read as follows:

§ 17.51a Extensions of community nursing home care beyond 6 months.

The Chief Medical Director, his deputy, Associate Deputy Chief Medical Director for Operations, or the Director, Field Operations may authorize, for any veteran whose hospitalization was not primarily for service-connected disability, an extension of nursing care in a public or private nursing home care facility at Veterans Administration expense beyond 6 months for circumstances of an unusual nature such as when a medical and economic need continues to exist, additional time is required to complete other arrangements for care, or when readmission to a hospital is not deemed professionally advisable despite terminal deterioration of the veteran's medical condition.

Effective date. These VA regulations are effective September 3, 1974.

Approved: September 3, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

[FR Doc.74-20830 Filed 9-9-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 254–8]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval and Disapproval of Plan Revisions for Michigan and Wisconsin

On May 31, 1972 (37 FR 10482), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of the Michigan and Wisconsin plans for implementation of the national ambient air quality standards and the dates for attainment of these standards. On February 19, 1974 (39 FR 6126) compliance schedules submitted by the States of Illinois, Indiana, Michigan, Minnesota and Wisconsin were published as proposed rulemaking by the Administrator and public comment was invited. On August 5, 1974 (39 FR 28155), the Administrator promulgated the approval and disapproval of a portion of these revisions. All of the compliance schedules for the State of Indiana which were proposed on February 19th were included in the August 5, 1974 promulgation. Additional individual source compliance schedules were submitted by the States of Illinois, Michigan, Minnesota and Wisconsin and were proposed as plan revisions by the Administrator on April 22, 1974 (39 FR 14221). Some of these schedules (relating to Michigan and Wisconsin) plus a group of schedules that were proposed on February 19, 1974 (also relating to Michigan and Wisconsin) and given an extended public comment period on April 8, 1974 (39 FR 12769) are the subject of today's rulemaking. Final rulemaking on the Minnesota and Illinois schedules will be forthcoming.

Individual compliance schedules whether approved or disapproved are incorporated into the Federal regulations by reference only. The approved schedules were adopted by the States and submitted to the Environmental Protection Agency after notice and public hearings in accordance with the procedural requirements of 40 CFR 51.4 and 51.6 and the substantive requirements of 40 CFR 51.15 pertaining to compliance schedules, and have been determined to be consistent with the approved control strategies of the States involved. Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the Federally approved State Implementation plan. This date is identified in the table below, under the heading "Final

Compliance Date". Where required, the schedules include incremental steps toward compliance with the applicable emission limitations. While the tables below do not include these interim dates, the actual compliance schedules do. These schedules are available for public inspection at the Region V office, One North Wacker Drive, Chicago, Illinois between the hours of 8:15 am and 4:45 pm, Monday through Friday.

In the February 19, FEDERAL REGISTER proposal, six compliance schedules affecting power plants in the State of Michigan were proposed as State Implementation Plan control strategy revisions to extend the final date for compliance with Rule 336.49 to January 1, 1980. With respect to the Consumer Power Company's Campbell plant and the Detroit Edison Company's Harbor Beach and Monroe Plants, approval of compliance schedules affecting these plants was made because the evidence examined unequivocally showed that all Federal ambient air standards are currently being met. In regards to the schedules affecting Consumers Power Company's Karn-Weadock complex and their Cobb plant, further evaluation of pertinent reports will be necessary before an approval/disapproval determination can be made. No action will be taken on the schedules affecting the Detroit Edison Company's St. Clair plant and Dow Chemical Company's South and West Side power plants, which were proposed in the April 22, 1974, FEDERAL REGISTER, because Michigan officials have advised that revised schedules will be forthcoming.

Several schedules have been disapproved because of failure to comply with substantive requirements relating to compliance schedules in 40 CFR 51.15. Many of these schedules are unenforceable by the State and are therefore not in accordance with § 51.15(c). Others do not contain sufficient number of increments of progress to permit close supervision for timely compliance or have final compliance dates which extend beyond the state implementation plan attainment dates.

The Administrator will take no action with regard to the compliance schedules of five sources proposed for approval in the April 22, 1974, FEDERAL REGISTER notices whose dates for final compliance will have passed by the date of this publication.

The air pollution sources on disapproved schedules remain subject either to Federally promulgated compliance schedules (August 23, 1973, 38 FR 22736, as amended) or to the immediate or future effective compliance dates as applicable in the Federally approved State implementation plans.

The regulations promulgated below do not affect the ability of States to develop new schedules or to correct deficiencies in schedules which are being disapproved at this time. In fact the States are encouraged to do so. If a State corrects deficiencies in a disapproved schedule and resubmits such schedule to EPA, that schedule will be reproposed for approval by the Administrator.

No written comments in connection with schedules which are the subject of today's rule-making have been submitted to the Regional Administrator for consideration in the evaluation of the schedules. Evaluation reports for all compliance schedule plan revisions and technical support documents for the approved control strategy revisions are available for public inspection at the Region V Office of the Environmental Protection Agency, One North Wacker Drive, Chicago, Illinois.

The regulations are effective immediately on the date of this FEDERAL REGISTER publication. The Administrator finds good cause for making these regulations immediately effective because the compliance schedules are already effective in the State and Federal approval imposes no additional requirements on the affected sources.

(Section 110(a) of the Clean Air Act, as amended (42 U.S.C. 1857-5(a)))

Dated: August 30, 1974.

RUSSELL E. TRAIN,
Administrator.

Subpart X—Michigan

1. In § 52.1170, paragraph (d) is amended as follows:

§ 52.1170 **Identification of plan.**

* * * * *

(d) Revisions to the plan were submitted on:

* * * * *

(2) February 16, 1973, May 4, 1973.

2. In § 52.1175, the following schedules are added to paragraph (e):

§ 52.1175 **Compliance schedules.**

* * * * *

(e) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.6 and § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

MICHIGAN

Source	Location	Regulations involved	Date schedule adopted	Final compliance date
ALLEGAN COUNTY				
Plainwell Paper Co.	Plainwell	336.44, 46	Mar. 14, 1973	June 30, 1975
Menasha Corp.	Otsego	336.49	do	[3] Dec. 31, 1977
EATON COUNTY				
Lansing Board of Water and Light (Erickson Station).	Lansing	336.49	Mar. 14, 1973	[2] July 1, 1975 [3] July 1, 1977
EMMET COUNTY				
Penn-Dixie Cement Corp.	Resort Township	336.44	Jan. 18, 1974	May 1, 1974
GENESEE COUNTY				
GMC Flint Assembly Plant (Chevrolet Div.).	Flint	336.49	Mar. 21, 1973	[3] July 1, 1978
GMC Fisher Body Div.:				
(a) Cold Water Rd.	do	do	Mar. 28, 1973	Do.
(b) No. 1 GMC	do	do	do	Do.
HURON COUNTY				
Detroit Edison (Harbor Beach Plant)	Harbor Beach	336.49	Nov. 9, 1973	Jan. 1, 1980
INGHAM COUNTY				
Morton Wheel Corp. (Centrifuse Div.):				
(a) Electric Arc Fur 1 & 2	Lansing	336.44, 46	Sept. 25, 1973	Aug. 1, 1975
(b) Electric Arc Fur.	do	do	do	Dec. 1, 1975
Lansing Board of Water and Light (Eckert Station):				
All units	do	336.49	Mar. 14, 1973	[2] July 1, 1975 [3] July 1, 1977
(a) Units 1-3	do	336.44, 49	do	July 1, 1977
(b) Units 4-5	do	336.44, 46	do	Oct. 1, 1975
(c) Unit 6	do	do	do	Dec. 1, 1974
Lansing Board of Water and Light (Moores Park Station): Units 11-14.	do	336.49	do	[2] July 1, 1975 [3] July 1, 1977
Lansing Board of Water and Light (Ottawa Station): Units 1-5.	do	do	do	[2] July 1, 1975 [3] July 1, 1977
MACOMB COUNTY				
Ford Motor Co.	Sterling Hts.	336.49	Mar. 14, 1973	[1] July 1, 1975 [3] July 1, 1978
MONROE COUNTY				
Consolidated Packing Corp. Boiler 8	Monroe	336.44, 46	Mar. 23, 1973	Jan. 5, 1974
Detroit Edison (Monroe Plant) Unit 1-4	do	336.49	Sept. 13, 1973	Jan. 1, 1980
Dundee Cement Co.	Dundee	336.44	May 25, 1973	Apr. 15, 1974
OTTAWA COUNTY				
Consumer Power (Campbell Plant)	West Olive	336.49	Sept. 18, 1973	Jan. 1, 1980
Holland Board of Public Works	Holland	336.44, 46	Mar. 30, 1973	June 1, 1975

See footnotes at end of table.

MICHIGAN

Source	Location	Regulations involved	Date schedule adopted	Final compliance date
		SAGINAW COUNTY		
GMC Saginaw Steering Gear Saginaw: Plant 2 (Power Boiler 1, 2) Plant 3, Boilers 1-5.	Saginaw	336.49	Mar. 30, 1973	[3] July 1, 1978
		ST. CLAIR COUNTY		
Detroit Edison	Port Huron	336.49	Mar. 14, 1973	[1] July 1, 1975 [2] July 1, 1978

[1] For the attainment of the primary standard.
[2] For the attainment of the secondary standard.
[3] For the maintenance of the secondary standard.

Subpart YY—Wisconsin

3. In § 52.2570 paragraph (d) is amended as follows:

§ 52.2570 Identification of plan.

* * * * *

(d) Revisions to the plan were submitted on:

* * * * *

(2) October 11, 1973, October 19, 1973, November 10, 1973 and December 12, 1973.

4. In § 52.2578, the following schedules are added to paragraphs (d) and (e):

§ 52.2578 Compliance schedules.

* * * * *

(d) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.6 and § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

WISCONSIN

Source	Location	Regulations involved	Date schedule adopted	Final compliance date
		DOUGLAS COUNTY		
ADM Grain Co	Superior	NR154.11(4)(b)	July 18, 1973	July 15, 1974
M&O Elevators Inc	do	do	Sept. 25, 1973	
(a) Units 1-6				June 30, 1974
(b) Units 7-11				Apr. 30, 1975
		KENOSHA COUNTY		
American Motors Corp. (Main Plant)	Kenosha	NR154.13(2)(i)	Sept. 25, 1973	Jan. 1, 1975
		LINCOLN COUNTY		
Owens-Ill. Inc. (Forest Products Div.):				
(a) Boilers 3, 4	Tomahawk	NR154.11(5)(b)	Sept. 25, 1973	Dec. 31, 1973
(b) Boilers 6, 7, 8	do	do	do	Dec. 31, 1974
		MARATHON COUNTY		
Weyerhaeuser Co	Rothschild	NR154.11(5)(b)	Sept. 17, 1973	Oct. 31, 1974
		ONEIDA COUNTY		
St. Regis Paper Co	Rhinelander	NR154.11(4)(b); (5)(b).	Oct. 11, 1973	Sept. 30, 1974
		OZAUKEE COUNTY		
Allis Chalmers Corp	Pt. Washington	NR154.13(2)(i)	July 13, 1973	Jan. 1, 1975
Doerr Electric Corp	Cedarburg	do	Sept. 4, 1973	Do.
EST Co. Inc	Grafton	do	do	Do.
Jor-Mac Co. Inc	do	do	do	Do.
Tecumseh Products Co. (Power Products Div.).	do	do	July 13, 1973	June 1, 1974
		RACINE COUNTY		
Emerson Electric Co. (In-Sink-Erator Div.).	Racine	NR154.13(2)(i)	Sept. 4, 1973	Jan. 1, 1975
Jacobsen Mfg. Co	do	do	Sept. 27, 1973	Do.
Keystone Ferrule and Nut Corp	Burlington	do	Sept. 4, 1973	July 1, 1974
Western Publishing Co	Racine	do	Apr. 16, 1973	Jan. 1, 1975
		WALWORTH COUNTY		
Alpha Cast Inc	Whitewater	NR154.11(4)(b)	July 27, 1973	Dec. 31, 1974

WISCONSIN

Source	Location	Regulations involved	Date schedule adopted	Final compliance date
	WASHINGTON COUNTY			
Braun Mfg. Co. Inc	Hartford	NR154.13(2)(i)	Aug. 9, 1973	Jan. 1, 1975
Chrysler Outboard Corp	do	do	Sept. 4, 1973	Do.
Gehl Co.	West Bend	do	Sept. 6, 1973	Do.
Kasten Mfg. Corp	Allenton	do	Sept. 25, 1973	June 1, 1974
International Stamping Co., Inc	Hartford	do	Sept. 12, 1973	Jan. 1, 1974
Regal Ware, Inc	Kewashkum	do	Aug. 6, 1973	Jan. 1, 1975
West Bend Co	West Bend	do	do	Mar. 1, 1974
	WAUKESHA COUNTY			
Aeroshale, Inc	Waukesha	NR154.13(2)(i)	Sept. 4, 1973	July 1, 1974
Amron Corp	do	do	July 5, 1973	Do.
E. D. Artz Inc	Brookfield	do	Sept. 6, 1973	Jan. 1, 1975
Oven System, Inc	New Berlin	do	Sept. 14, 1973	May 1, 1974
Wenthe-Davidson Engineering Co	do	do	Sept. 4, 1973	Jan. 1, 1974
	WOOD COUNTY			
Nekoosa Edwards Paper Co., Inc	Pt. Edwards	NR154.11(5)(b)	Aug. 20, 1973	Sept. 28, 1974

(e) The compliance schedule for the source category identified below is disapproved as not meeting the requirements of § 51.15 of this chapter. All regulatons cited are air pollution control regulations of the State, unless otherwise noted.

Source	Location	Regulations involved	Date schedule adopted
	DOUGLAS COUNTY		
M&O Elevators Inc. (c) Units 12-17	Superior	NR154.11 (4)(b)	Sept. 25, 1973

[FR Doc.74-20584 Filed 9-9-74;8:45 am]

[258-3]

PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Exclusion and Exemption of Motor Vehicles and Motor Vehicle Engines

On March 21, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 10601), setting forth the Environmental Protection Agency's proposed regulations under the Clean Air Act with respect to exclusion and exemption of motor vehicles and motor vehicle engines. Pursuant to that notice, which established a sixty day public comment period, several motor vehicle and motor vehicle engine manufacturers submitted comments on the proposed regulations. The regulations, as modified by the Agency to reflect the adopted comments, are promulgated below. A summary and explanation of the comments received follows:

Comments with regard to Exclusion. (1) Several comments were received which requested that EPA adopt lists of the specific vehicles excluded by the regulations. In this regard General Motors Corporation, Cummins Engine Company, and J. I. Case Company suggested incorporation of section 4540 A, B, C of the IRS Regulations, § 26.4061 of the IRS Code and Group Number 352 and 353 of the Standard Industrial Classification Manual respectively. While the proposed lists do contain many of the vehicles which will be excluded by the criteria stated in § 85.1703 of the regulations, there were vehicles on each list which would not be and, in EPA's judgment, should not be excluded. Also, future amendments to such lists might include vehicles not meriting exclusion. Some of the excluded items on the lists were machinery type attachments (e.g. shovels, rakes, cranes) which, while obviously excluded from the Act in their own right, might cause confusion when affixed to vehicles which would not be excluded. The confusion would arise from the possibility of someone observing the list, seeing the machinery attachment excluded, and necessarily concluding that the vehicle to which the attachment is affixed is also excluded. For these reasons, none of the lists were adopted. However, the Agency is of the opinion that industry needs would be served by promulgation of a list of excluded vehicles, particularly in those cases where the nature of the vehicle makes determinations as to exclusions difficult. Therefore, the Administrator will publish, from time to time, a list of excluded vehicles, by generic names, in order to address concerns of industry that specific guidance be available. The inclusion of any vehicle on the EPA exclusion list will be preceded by consultation with manufacturers who are concerned about the exclusion of such vehicles. The EPA exclusion list will be an Appendix to the 40 CFR Part 85 and will be published at such time as a sufficient number of exclusion determinations are made to warrant publication. Prior to publication, the list will be available from the Mobile Source Enforcement Division, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, Room 3220.

Recommendations were also received from the Specialty Equipment Manufacturers Association (SEMA) to exclude vehicles of limited production intended typically for show or hobby use (e.g., dune buggies) and from Diamond Reo Trucks, Inc., to exclude vehicles which incorporate special features which are designed primarily for vocational missions which would cause them to operate almost entirely off-road. The recommendation of SEMA was not accepted because such exclusion would be based solely upon the intended use by the purchaser rather than the capability of the vehicles. The Agency views a policy of exclusion based upon owner intent to be virtually unmanageable and inconsistent with the Act because vehicles with on-road, off-road capabilities are typically operated in both situations. The recommendation of Diamond Reo was not accepted because the Agency believes that it is not feasible to regulate a vehicle based on the use it is primarily designed for. In lieu of the "designed primarily for" test, we have adopted the "capable of" test which is consonant with the literal language and the apparent intent of the Act. A vehicle's capability is a more workable, objective standard than its intended or designed-for use, which is dependent upon the manufacturer's subjective determination of the ultimate use to which the vehicle will be put. Nevertheless, the criteria of § 85.1703 would operate to exclude most vehicles which, because of their inordinate size or the fact that their operation on the highway would be highly unlikely or impracticable, are primarily designed for off-road use.

(2) A number of comments were received on the 20 mph average speed criterion stated in § 85.1703(a)(1). General Motors recommended that a maximum speed of 35 mph be used, Cummins recommended a 45 mph maximum speed, and J. I. Case recommended that the average speed be increased to 40 mph. A maximum speed criterion would indeed has elected to adopt that approach. average speed criterion, and the Agency has elected to adopted that approach. Since a maximum speed criterion is explicitly objective and operates to exclude automatically any vehicles which fall within it, the Agency sought to ensure that no vehicles which are truly capable of significant on-road use would be excluded on the basis of maximum speed alone. An example would be a small vehicle manufactured for use in an urban environment where mobility and fuel economy are more critical than speed. Such a vehicle would obviously not be excluded by the criteria of § 85.1703(a)(2) and (3), but would become excluded by the maximum speed criterion if such limit was set too high, e.g., if such a vehicle could attain a maximum speed of only 30 mph and the maximum speed criterion was above 30 mph. Accordingly, the Agency determined that any vehicle unable to attain a maximum speed of 25 mph would be excluded. One factor used in this determination was that 25 mph

is the speed limit prescribed in many urban areas. This maximum speed criterion in § 85.1703(a)(1) will operate to exclude a substantial number of off-road vehicles outright. It is felt that application of the criterion in § 85.1703(a)(2) and (3) will exclude vehicles which are not on-road vehicles, but which have maximum speeds in excess of 25 mph.

(3) General Motors proposed additions to the exclusion section which would exclude specifically: (a) firetrucks, because of their higher horsepower requirements, emergency use, and intermittent operation, (b) vehicles which do not require state licenses, (c) vehicles manufactured solely for construction or maintenance of roads, and (d) vehicles of an inordinate size so as to exceed state legal limits or require permits for operation. These proposals were not accepted for the following reasons (lettered to correspond to the above proposed additions): (a) Firetrucks are not considered a special case since no demonstration of an impairment of their mission due to the use of emission control systems have been evidenced to this Agency. With regard to concern raised by manufacturers who must certify the firetruck engines at a horsepower rating above that usually required by other engine applications, it is suggested that they present their concerns to the Certification and Surveillance Division of the Mobile Source Air Pollution Control Program, 2565 Plymouth Road, Ann Arbor, Michigan 48105. It is possible that these concerns may be resolved in a manner similar to the situation involving emergency fuel rates for military diesel engines. (See 40 CFR 85.974–5, and 85.874–5) (b) State licensing procedures vary and would not facilitate uniform application. Situations will arise where one state has a standard for licensing which would operate to exclude a vehicle which would not be excluded by the standards in any other state. If the Agency based its regulations solely on state practices, it would then either allow one state's law to have nationwide impact or exclude some vehicles only if sold in a particular state. Neither of these options presents a cohesive Federal policy. (c) The fact that vehicles are manufactured for construction and maintenance of roads does not per se lead to the conclusion that such vehicles are not capable of on-road use. Therefore, exclusion of such vehicles as a class is not warranted. Of course, such vehicles as earth movers or bulldozers would be excluded by operation of § 85.1703(a)(1), (2), and (3). (d) the Agency considers the "inordinate size" criterion to be closely linked with the "highly unlikely" criterion so that in some cases a vehicle's inordinate size might contribute to its use on the road being highly unlikely even though its dimensions fall within state limits. And, as stated in (b) above, application of the different state laws does not lend itself to uniform federal regulation.

(4) As recommended by GM, § 85.1703(a)(2) was changed to read "* * * such features including, but not being limited to, a reverse gear (except in the case of motorcycles), a differential or safety features required by state and/or federal law;" This section had previously read "* * * and safety features required by state and/or federal law;".

(5) Cummins recommended that the definition of vehicle in § 85.1703(b) be the Clean Air Act definition of motor vehicle in section 214(2). This suggestion was not accepted because the definition was intended to apply to the term "vehicle" which is used in the criteria of § 85.1703(b). Upon further evaluation, however, the Agency determined that the definition of vehicle constituted a possible source of confusion and therefore, deleted it. Instead, § 85.1703(a) was changed to indicate that a self-propelled vehicle capable of transporting a person or persons or any material, or permanently or temporarily affixed apparatus is a motor vehicle unless excluded by the listed criteria.

Comments with regard to exemptions. (1) Ford was concerned that EPA does not have statutory authority to grant exemptions for in-use motor vehicles or motor vehicle engines since the exemption provision of the Act refers literally only to new vehicles. In lieu of in-use exemption, Ford submitted a recommendation changing the regulations to indicate that modification of an in-use vehicle or engine by a manufacturer would not be considered tampering, even if emissions were increased, if the modification was (i) part of a bona fide good faith test (ii) adequate records were kept (iii) the vehicle or engine would be labeled as one for test and (iv) the modification was temporary and the vehicle or engine was subsequently placed in certified configuration. This proposal was not accepted for the following reasons. (a) Interpreting "removing or rendering inoperative" to be inapplicable in cases where modifications cause emissions to increase constitutes no less, if not more, of a strain on the literal wording of the Act than to interpret "new vehicles" to include in-use vehicles in the exemption context. (b) While the authority to grant in-use exemptions is not explicitly stated in the Act, a reasonable construction of the exemption provision would allow in-use exemptions. Under the literal reading of the Act, EPA may grant a new motor vehicle exemption, and under such exemption, modifications could be performed on the exempted vehicle after sale to an ultimate purchaser (e.g., where an exemption is obtained, the vehicle sold while still in certified configuration, and modifications subsequently made for purposes of test or otherwise). However, in Ford's view, EPA could not grant an exemption for the same vehicle if the exemption were requested after sale rather than prior to sale.

Considering that in both cases the purposes justifying the exemption are valid, it appears illogical to grant in one and deny in the other. Therefore, the in-use exemption has been retained as a practical and consistent means of effecting the intent of the Act. It is emphasized that exemptions for in-use motor vehicles or engines are only necessary in cases where modifications will cause emission standards to be exceeded. Therefore, in the particular case raised by Ford where a manufacturer obtains competitive make vehicles for modification and test, he would be required to obtain an exemption, or be liable under the tampering provision only if the modifications caused emission standards to be exceeded.

(2) Ford's comment regarding § 85.1702(a)(5) recommended specifying that a pre-certification vehicle engine exemption applied to "heavy duty engines" rather than "engine." Ford noted that the latter term may be interpreted to include light duty engines, and since no standards or regulations apply to light duty engines, an illogical conclusion would result (i.e., that exemptions must be obtained for light duty engines). This proposal was accepted. While EPA is studying the need for regulatory efforts in the area of light duty engines, it is considered advisable for clarification purposes, to reflect current policy in the Exclusion and Exemption regulations.

(3) Two additional comments by Ford were also accepted. Section 85.1705 (d), (e), and (h) was changed to clarify that reference was to test programs for vehicles or engines, whichever were appropriate, rather than vehicles and engines in every case, and § 85.1705(g) was changed to allow a vehicle exempt for purposes of display to be operated on the road to a very limited extent, e.g., travel from the rail ramp to the clean-up facility to the display area. The exemption for display had prohibited any on-road use.

(4) General Motors submitted a number of comments on § 85.1705, Testing Exemption. In general, GM proposed that requirements for a testing exemption should be the same as those for a pre-certification exemption. This proposal was not accepted. The more stringent testing exemption requirements are proposed because the terms of this exemption allow lease or sale of the vehicles, whereas vehicles under a pre-certification may not be sold or leased. For this reason, the Agency believes that requests for testing exemptions where sale or lease is involved should be scrutinized more carefully and supported by more information. A number of specific proposals were also submitted: (i) a proposal to amend § 85.1705(d) to permit manufacturers to determine "reasonableness" of the test was not accepted because EPA believes that this determination must be made by EPA in the discharge of its responsibility to administer the exemption provision; (ii) a proposal to amend § 85.1705(d)(2) to substitute a maximum instead of an absolute number of vehicles was accepted; (iii) a proposal to delete § 85.1705(d)(3) (total sales proportion) was not accepted since this information is relevant to the determination of the reasonableness of the exemp-

tion request, particularly when dealing with small volume manufacturers who may request exemptions for an unusually high percentage of their total production line and thus use the exemption to avoid certification for a particular model; (iv) a recommendation to delete § 85.1705(e)(2) (site of the test) was not accepted since all that is required is to identify the site (which may be read as general geographic location(s)) to the extent possible at the time of the application and this information is required by EPA in its efforts to audit vehicles on exempt status; (v) a proposal to change § 85.1705(e)(3) to read "time or mileage" vice "time and mileage" (comment also submitted by Cummins) was accepted; and (vi) a proposal to delete the § 85.1705(e)(6) requirement to submit Vehicle Identification Numbers and Engine Serial Numbers with the application was accepted, although the requirement that this information be kept by the manufacturers and made available to the Agency when the need arises is retained.

(5) GM proposed that § 85.1708 (fuel conversion exemption) clearly state that an exemption for conversion to liquid petroleum gas (LPG) is permitted. Since section 203(c) authorizes exemptions for engine modifications for the purpose of fuel conversion only if the conversion will not cause the emission standards to be exceeded, and since the Agency interprets the tampering provision (section 203(a)(3)) to be applicable only to modifications which cause emission standards to be exceeded, then an exemption for a fuel conversion which did not exceed standards would be unnecessary. Furthermore, most of the fuel conversions which EPA is aware of involve propane or butane which, in most cases, result in very low exhaust emissions of the controlled pollutants. Section 85.1708 has been deleted from the final regulations. However, any manufacturer or dealer contemplating a fuel conversion modification is responsible for assuring himself that the conversion will not result in emissions exceeding the standards applicable to the engine or vehicle being converted.

(6) At the urging of Cummins and Chrysler, § 85.1704(a) was modified to clearly indicate that an export exemption need not be applied for, but is granted by operation of the statute and conditioned as provided in the regulations.

The regulations promulgated below shall be effective immediately. These regulations are promulgated under the authority of the Clean Air Act, as amended, sections 203(b) [42 U.S.C. 1857 f-2], 214(2) [formerly 213(2), 42 U.S.C. 1857 f-7, changed to 214(2) by Pub. L. 93-319, June 22, 1974], and 301 [42 U.S.C. 1857 g].

Dated: September 4, 1974.

RUSSELL E. TRAIN,
Administrator.

Subpart R—Exclusion and Exemption of Motor Vehicles and Motor Vehicle Engines

Sec.
85.1701 General applicability.
85.1702 Definitions.
85.1703 Application of section 214(2).
85.1704 Who may request an exemption.
85.1705 Testing exemption.
85.1706 National security exemption.
85.1707 Export exemptions.
85.1708 Granting of exemptions.
85.1709 Submission of exemption requests.

AUTHORITY: Secs. 208(6) (42 U.S.C. 1857f-2), 214(2) (formally 213(2), 42 U.S.C. 1857f-7, changed to 214(2) by Pub. L. 93-319, June, 1974), and 301 (42 U.S.C. 1857g).

§ 85.1701 General applicability.

(a) The provisions of this subpart regarding exemption are applicable to new and in-use motor vehicles and motor vehicle engines.

(b) The provisions of this subpart regarding exclusion are applicable after the effective date of these regulations.

§ 85.1702 Definitions.

(a) As used in this subpart, all terms not defined herein shall have the meaning given them in the Act:

(1) "Export exemption" means an exemption granted by statute under section 203(b)(3) of the Act for the purpose of exporting new motor vehicles or new motor vehicle engines.

(2) "National security exemption" means an exemption which may be granted under section 203(b)(1) of the Act for the purpose of national security.

(3) "Pre-certification vehicle" means an uncertified vehicle which a manufacturer employs in fleets from year to year in the ordinary course of business for product development, production method assessment, and market promotion purposes, but in a manner not involving lease or sale.

(4) "Pre-certification vehicle engine" means an uncertified heavy duty engine used in a vehicle which a manufacturer employs in fleets from year to year in the ordinary course of business for product development, production method assessment, and market promotion purposes, but in a manner not involving lease or sale.

(5) "Testing exemption" means an exemption which may be granted under section 203(b)(1) for the purpose of research investigations, studies, demonstrations or training, but not including national security where lease or sale of the test vehicle or engine is involved.

§ 85.1703 Application of section 214(2).

(a) For the purpose of determining the applicability of section 214(2), a vehicle which is self-propelled and capable of transporting a person or persons or any material or any permanently or temporarily affixed apparatus shall be deemed a motor vehicle, unless any one or more of the criteria set forth below are met, in which case the vehicle shall be deemed not a motor vehicle and excluded from the operation of the Act:

(1) The vehicle cannot exceed a maximum speed of 25 miles per hour over level, paved surfaces; or

(2) The vehicle lacks features customarily associated with safe and practical street or highway use, such features including, but not being limited to, a reverse gear (except in the case of motorcycles), a differential, or safety features required by state and/or federal law; or

(3) The vehicle exhibits features which render its use on a street or highway unsafe, impractical, or highly unlikely, such features including, but not being limited to, tracked road contact means, an inordinate size, or features ordinarily associated with military combat or tactical vehicles such as armor and/or weaponry.

(b) The Administrator will, from time to time, publish in the FEDERAL REGISTER a list of vehicles which have been determined to be excluded. This list will be in Appendix VI of 40 CFR Part 85.

§ 85.1704 Who may request an exemption.

(a) Any manufacturer may request any exemption provided by this subpart, or exempt, without application, vehicles as provided by § 85.1707. For heavy duty motor vehicle engines, exemption may be requested by the engine manufacturer or the vehicle manufacturer.

§ 85.1705 Testing exemption.

(a) Any manufacturer requesting a testing exemption must demonstrate the following:

(1) That the proposed test program has a purpose which constitutes an appropriate basis for an exemption in accordance with section 203(b)(1);

(2) That the proposed test program necessitates the granting of an exemption;

(3) That the proposed test program exhibits reasonableness in scope; and

(4) That the proposed test program exhibits a degree of control consonant with the purpose of the program and the Environmental Protection Agency's (hereafter EPA) monitoring requirements. Paragraphs (b), (c), (d), and (e) of this section describe what constitutes a sufficient demonstration for each of the four above identified elements.

(b) With respect to the purpose of the proposed test program, an appropriate purpose is one which is consistent with one or more of the bases for exemption set forth under section 203(b)(1), namely, research, investigations, studies, demonstrations, or training, but not including national security. A concise statement of purpose is a required item of information.

(c) With respect to the necessity that an exemption be granted, necessity arises from an inability to achieve the stated purpose in a practicable manner without performing one or more of the prohibited acts under section 203(a). In appropriate circumstances time constraints may be a sufficient basis for necessity, but the cost of certification alone, in the absence of extraordinary circumstances, is not a basis for necessity.

(d) With respect to reasonableness, a test program must exhibit a duration of reasonable length and affect a reasonable number of vehicles or engines. In

this regard, required items of information include:

(1) An estimate of the program's duration;

(2) The maximum number of vehicles or engines involved; and

(3) The fraction of the applicant's total sales represented by the absolute number of (2).

(e) With respect to control, the test program must incorporate procedures consistent with the purpose of the test and be capable of affording EPA monitoring capability. As a minimum, required items of information include:

(1) The technical nature of the test;

(2) The site of the test;

(3) The time or mileage duration of the test;

(4) The ownership arrangement with regard to the vehicles or engines involved in the test;

(5) The intended final disposition of the vehicles or engines;

(6) The manner in which vehicle identification numbers or the engine serial numbers will be identified, recorded, and made available; and

(7) The means or procedure whereby test results will be recorded.

(f) Paragraph (a) of this section applies irrespective of the engine's or vehicle's place of manufacture.

(g) Where an uncertified vehicle or engine is a display vehicle or engine to be used solely for display purposes, will not be operated on the public streets or highways except for that operation incident and necessary to the display purpose, and will not be sold unless an applicable certificate of conformity has been received, no request for exemption of the vehicle or engine is necessary.

(h) Paragraph (a) of this section does not apply for pre-certification vehicles or pre-certification engines. In such cases a request for exemption is necessary; however, the only information required is a statement setting forth the general nature of the fleet activities, the number of vehicles involved, and a demonstration that adequate record keeping procedures for control purposes will be employed.

§ 85.1706 National security exemption.

A manufacturer requesting a national security exemption must state the purpose for which the exemption is required and the request must be endorsed by an agency of the Federal Government charged with responsibility for national defense.

§ 85.1707 Export exemptions.

(a) A new motor vehicle or new motor vehicle engine intended solely for export, and so labeled or tagged on the outside of the container and on the vehicle or engine itself, shall be subject to the provisions of section 203(a) of the Act, unless the importing country has new motor vehicle emission standards which differ from the USEPA standards.

(b) For the purpose of paragraph (a) of this section, a country having no standards, whatsoever, is deemed to be a country having emission standards which differ from USEPA standards.

(c) EPA shall periodically publish in the FEDERAL REGISTER a list of foreign countries which have in force emissions standards identical to USEPA standards and have so notified EPA. New motor vehicles or new motor vehicle engines exported to such countries shall comply with USEPA certification regulations.

(d) It is a condition of any exemption for the purpose of export under section 203(b)(3) of the Act, that such exemption shall be void ab initio with respect to a new motor vehicle or new motor vehicle engine intended solely for export where:

(1) Such motor vehicle or motor vehicle engine is sold, or offered for sale, to an ultimate purchaser in the United States for purposes other than export; and

(2) The motor vehicle or motor vehicle engine manufacturer had reason to believe that any such vehicle would be sold or offered for sale as described in (d)(1) of this section.

§ 85.1708 Granting of exemptions.

(a) If upon completion of the review of an exemption request, the granting of an exemption is deemed appropriate, a memorandum of exemption will be prepared and submitted to the manufacturer requesting the exemption. The memorandum will set forth the basis for the exemption, its scope, and such terms and conditions as are deemed necessary. Such terms and conditions will generally include, but are not limited to, agreements by the applicant to conduct the exempt activity in the manner described to EPA, create and maintain adequate records accessible to EPA at reasonable times, employ labels for the exempt engines or vehicles setting forth the nature of the exemption, take appropriate measures to assure that the terms of the exemption are met, and advise EPA of the termination of the activity and the ultimate disposition of the vehicles or engines.

(b) Any exemption granted pursuant to paragraph (a) of this section shall be deemed to cover any subject vehicle or engine only to the extent that the specified terms and conditions are complied with. A breach of any term or condition shall cause the exemption to be void ab initio with respect to any vehicle or engine. Consequently, the introduction or delivery for introduction into commerce of any subject vehicle other than in strict conformity with all terms and conditions of this exemption shall constitute a violation of section 203(a)(1) of the Clean Air Act, shall render the manufacturer or person to whom the exemption is granted, and any other person to whom the provisions of section 203 are applicable, liable to suit under sections 204 and 205 of the Act.

§ 85.1709 Submission of exemption requests.

Requests for exemption or further information concerning exemptions and/or the exemption request review procedure should be addressed to:

Director
Mobile Source Enforcement Division
Environmental Protection Agency
401 M Street, S.W.,
Washington, D.C. 20460

[FR Doc.74-20754 Filed 9-9-74;8:45 am]

[FRL 209-7]

PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Low Emission Vehicles

On July 13, 1973 (38 FR 18686) EPA published a notice of proposed rulemaking (NPRM) to provide for the determination of low emission vehicle status for 1975 and later model year light duty vehicles, and for heavy duty vehicles. Section 212 of the Clean Air Act (42 U.S.C. 1857f-6e) established a process under which the Federal Government will pay premium prices for motor vehicles whose emissions control performance is significantly better than that required by the Federal standards in effect at the time of their procurement. To be eligible for these premium prices, a motor vehicle must first be classified as a "low emission vehicle" by EPA, and then approved by the interagency Low Emission Vehicle Certification Board as a suitable replacement for some class or model of vehicles that the Federal Government is then purchasing.

The provisions regarding light duty low emission vehicles have been revised to reflect EPA's current position on the required levels of oxides of nitrogen control. EPA has concluded that the oxides of nitrogen standard specified in the NPRM is in the near term more stringent than necessary from an air quality standpoint. Therefore, the regulations have been revised to specify that any light duty vehicle which meets the current statutory oxides of nitrogen standard (0.4 gms/mile) before such a standard becomes effective under section 202 will, subject to the other requirements in effect under section 212, qualify as a low emission vehicle. EPA has also reexamined the hydrocarbon and carbon monoxide standards specified in the NPRM with the view of considering a less stringent standard as adequate to qualify as a low emission vehicle, and has concluded that there is no justification for relaxing those standards. Thus no other changes from the NPRM were made regarding light duty low emission vehicles.

One commenter objected to the inclusion of heavy duty vehicles in the regulations. Heavy duty vehicles had been proposed to be included in the section 212 regulations based, in part, on an opinion from EPA's Office of General Counsel that section 212 was not intended by Congress to apply exclusively to light duty vehicles.

The current heavy duty vehicle regulations promulgated under section 206 apply to heavy duty engines, and not heavy duty vehicles. There are two types of heavy duty engines being produced now for use in heavy duty vehicles, heavy

duty gasoline and heavy duty diesel engines. Both types of engines are required to meet the same emission standards promulgated under section 202. However, both engines do not exhibit similar emissions characteristics. Because diesels normally operate with more air than is necessary to support combustion, emissions of carbon monoxide are extremely low and emissions of unburned hydrocarbons are also relatively low compared to gasoline engines.

However, since both gasoline and diesel engines are currently required to meet the same section 202 emissions standard, the current section 202 heavy duty engine carbon monoxide emission standard is far less stringent for diesel engines that the level of carbon monoxide that the diesel engine normally emits. The current carbon monoxide emission standard for heavy duty engines (section 202) is 40 grams per brake horsepower hour (gm/bhp-hr). Several diesel engines that were certified for sale in the 1974 model year had measured carbon monoxide levels as low as 1.0 gm/bhp-hr.

Section 212 requires, in part, that any new vehicle which emits any air pollutant in amounts significantly below new motor vehicle standards applicable under section 202 at the time of procurement to that type of vehicle shall be considered a low emission vehicle. The NPRM proposed that the carbon monoxide level for qualification as a low emission heavy duty vehicle should be 1.0 gm/bhp-hr, which is a substantial reduction from the section 202 carbon monoxide standard of 40 gm/bhp-hr. However, the several diesel engines that were certified for sale in the 1974 model year with carbon monoxide levels as low as 1.0 gm/bhp-hr cannot be considered to incorporate "low polluting propulsion technology", a concept which section 212 seeks to promote. To promulgate low emission heavy duty vehicle standards which are substantially below the emission levels being currently achieved by heavy duty diesel engines would require a new, more accurate heavy duty test procedure, as a reduction below 1.0 gm/bhp-hr carbon monoxide measured on the current test would be meaningless.

The Agency is currently developing a heavy duty emissions test procedure which will more accurately represent emissions from heavy duty vehicles than does the current test procedure, and from which the emissions results can be used to predict the air quality impact of heavy duty vehicles. The test method under development will include transient engine modes, and will be modeled after the transient engine modes seen by heavy duty vehicles operated in an urban environment. The new test method will allow the Agency to develop heavy duty emissions standards which can be directly related to air quality benefits, and will support the imposition of more stringent heavy duty standards, should they be necessary. This new test procedure and associated standards will be proposed during 1977.

Therefore, to provide for the development of more reasonable standards and test procedures to reflect the intent of section 212, i.e., to foster and promote new design technology in the area of low emission heavy duty engines, the heavy duty portion of the NPRM has been withdrawn and will be proposed again at a later date.

The Agency will propose low emission vehicle standards for light duty trucks at a later date. In the interim, applications will be accepted for light duty trucks to meet light duty low emission vehicle standards.

These regulations are issued under authority of section 212 of the Clean Air Act as amended (42 U.S.C. 1857f-6e), 84 Stat. 1676, and are effective on October 10, 1974.

Dated: September 4, 1974.

JOHN QUARLES,
Acting Administrator.

Part 85, Subpart Q, Title 40 of the Code of Federal Regulations, is amended as follows:

1. Section 85.1601 is revised to read as follows:

§ 85.1601 Definitions.

(a) As used in this subpart, the term:

(1) "Motor vehicle" means any self-propelled vehicle designed for use in the United States on the highways, other than a vehicle designed or used for military field training, combat or tactical purposes.

(2) "Inherently low-polluting propulsion system" means a propulsion system that does not require control devices for exhaust emissions that are external to the energy releasing activities of the propulsion system.

(3) "Light duty vehicle" means both any light duty vehicle as defined in §§ 85.002(a)(5) and 85.102(a)(5), and any vehicle which may, in the judgment of the Administrator, be a suitable substitute for a light duty vehicle used by agencies of the Federal Government.

(4) "Board" means the Low Emission Vehicle Certification Board established by section 212 of the Act.

(5) "Federal Government" includes the legislative, executive, and judicial branches of the Government of the United States, and the Government of the District of Columbia.

(6) "Low emission vehicle" means a low emission light duty vehicle.

(b) As used in this subpart, all terms not defined herein shall have the meaning given them in the Act or in this part.

2. Section 85.1602 is revised to read as follows:

§ 85.1602 Low emission vehicles.

(a) A "low emission light duty vehicle" is a light duty vehicle which, at the time of its procurement by the Federal Government, is covered by a determination made by EPA indicating that such a vehicle:

(1) Meets all emission standards then in effect under section 202 of the Act for light duty vehicles, and

(2) Meets the requirements of paragraph (b) of this section, and

(3) For vehicles purchased in model year 1975 and beyond, does not exceed the given level of one or more of the following pollutants:

(i) Hydrocarbons—0.08 grams per vehicle mile (gms/mile).

(ii) Carbon monoxide—0.7 gms/mile.

(iii) Oxides of nitrogen—0.4 gms/mile.

(b) No vehicle shall be considered to be a low emission vehicle unless such data as may be available to the Administrator indicate that it will not significantly increase the emissions of any air pollutant not subject to an emission standard under section 202 of the Act by comparison to the emissions of such pollutant by any class or model of motor vehicles for which the applicant vehicles may be a suitable substitute.

3. The heading and text of § 85.1603 is revised to read as follows:

§ 85.1602 Notice of intent to submit an application for certification.

(a) Any person desiring certification of a test vehicle under section 212 of the Act shall submit to the Administrator a notice of intent to submit a certification application with respect to such vehicle. The notice of intent shall contain a description of the vehicle, including the propulsion system and the fuel used by it and such other information as the Administrator may request.

(b) The Administrator shall, immediately upon receipt of the notice of intent, transmit a copy to the Board and publish in the FEDERAL REGISTER a notice of the receipt of the notice of intent, the name of the applicant, a brief description of the propulsion system and fuel used by the applicant vehicle, and information concerning the method by which the public may have access to data relating to the emission characteristics of the applicant vehicle. The FEDERAL REGISTER notice shall request written comments and documents from interested parties in support of, or in opposition to, certification of the class or model of vehicle described in the notice of intent. If the Administrator subsequently determines that the vehicle is a low emission vehicle, the comments will be transmitted to the Board to be used in making their determination whether the vehicle is a suitable substitute for any class or model of vehicles presently being purchased by the Federal Government for use by its agencies.

4. The heading and text of § 85.1604 is revised to read as follows:

§ 85.1604 Test procedures.

(a) Unless the Administrator determines otherwise under paragraph (b) of this section, the test procedures for determining whether a vehicle meets the standards specified in § 85.1602(a) for classification as a low emission light duty vehicle shall be the applicable 1975 Federal Test Procedure.

(b) As soon as practicable after receipt of a notice of intent to submit a certification application for a low emission vehicle, the Administrator shall determine whether the relevant test procedures referred to in paragraph (a) of this section

would result in satisfactory testing of that vehicle. If he determines that such test procedures would not, he shall, as soon as practicable after making the determination, promulgate new procedures to govern the testing of that vehicle.

5. The heading and text of § 85.1605 is revised to read as follows:

§ 85.1605 Selection of test vehicles.

Unless the Administrator determines otherwise, the applicant shall test or cause to be tested two durability data vehicles of each engine-system combination and four emission data vehicles of each engine family described in the notice of intent. The test vehicles shall be selected by the Administrator upon receipt of the notice of intent and after consultation with the Board to determine the models or classes of vehicles for which the applicant vehicle may be a suitable substitute.

6. The heading and text of § 85.1606 is revised to read as follows:

§ 85.1606 Testing.

All procedures specified in this part for obtaining a certificate of conformity under section 206 of the Act shall be applicable to low emission vehicles unless the Administrator determines that portions of the procedures are not relevant or practical as applied to the vehicle for which application is made.

7. The heading and text of § 85.1607 is revised to read as follows:

§ 85.1607 Application for certification.

(a) After completion of required testing of all test vehicles in accordance with applicable test procedures, the person desiring certification shall submit to the Administrator a written application signed by an authorized representative of the applicant. The application shall be in such form as the Administrator and the Board may require, and shall contain both (1) all emission data from the test of the emission data and durability test vehicles and (2) data required by the Board under § 400.4 of this title relative to the vehicle characteristics referred to therein.

(b) In addition to the information required under this section, and under § 400.4 of this title, the Administrator may require the applicant to submit any other information which the Administrator deems necessary in determining whether the applicant vehicle is a low emission vehicle. The application for certification may be considered incomplete unless all such information has been submitted.

8. The heading and text of § 85.1608 is revised to read as follows:

§ 85.1608 Administrator's determination.

(a) The Administrator will, within 90 days after receipt of a completed application for certification, determine whether the applicant vehicle meets the applicable requirements of § 85.1602.

(b) The Administrator will, upon making the determination required in paragraph (a) of this section, publish in the FEDERAL REGISTER notice of receipt of the formal low emission vehicle application, his determination whether the vehicle is a low emission vehicle, and the reasons therefor. If the Administrator determines the vehicle to be a low emission vehicle, he will state precisely the time period for which that vehicle will continue to qualify as a low emission vehicle under the emissions standards applicable to present and future model years.

(c) As long as a determination under paragraph (a) of this section is in effect for a vehicle, vehicles which are in all respects of the same design as the applicant vehicle as described by the required information in the application for certification will also be deemed low emission vehicles for all purposes of section 212 of the Act.

(d) Each determination under paragraph (a) of this section will serve as EPA certification of a vehicle under section 206 of the Act and will be made on the terms specified in §§ 85.075–30(a)(2) or 85.175–30(a)(2) for certificates of conformity.

(e) Each determination under paragraph (a) of this section shall be revocable whenever, owing to a change in emission standards, vehicles covered by it no longer meet the requirements of § 85.1602.

9. Section 85.1609 is added to read as follows:

§ 85.1609 Inherently low emitting propulsion system.

Whenever the Administrator makes a determination for a vehicle under § 85.1608, he will recommend to the Board whether or not, in his opinion, the vehicle is powered by an inherently low polluting propulsion system.

10. Section 85.1610 is added to read as follows:

§ 85.1610 Postcertification testing.

The Administrator will, at the request of the Board, test the emissions from vehicles certified under section 212 of the Act and purchased by the Federal Government. If these tests show that the emissions from such vehicles exceed the relevant standards contained in § 85.1602 and applicable at the time such vehicles were procured, the Administrator will notify the Board.

[FR Doc.74-20863 Filed 9-9-74;8:45 am]

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 262-7]

PART 419—PETROLEUM REFINING POINT

Source Category; Correction

In FR Doc. 74-10448 appearing on pages 16560 through 16573 in the issue of May 9, 1974, make the following changes:

1. Page 16560, in the last paragraph in the first column, the entire 17th line which reads "Petroleum Refining Segment of the" is deleted.

2. Page 16560, in the tenth line of the second full paragraph in the second column, the word "Industry" is deleted and the word "Institute" is substituted in lieu thereof.

3. Page 16560, in the first line of the next to last paragraph in the third column, the word "date" is amended to read "data."

4. Page 16561, the first line of the second full paragraph in the first column, "(6)" is added before "TOC."

5. In § 419.12(c)(1), at page 16564, in the second line "(lb/mgal)" is changed to read "(lb/Mgal)".

6. In § 419.13(b)(2), at page 16565, the words "Process configuration" and "Process factor" are inserted above the left and right hand columns of figures, respectively, as in the table in § 419.15(b)(2) on the same page.

7. In § 419.13(c)(2), at page 16565, after the word "COD" which appears twice in that table, and before the words "In any case" in the reference paragraph just below the table, the superscript (1) is deleted and a superscript asterisk (*) is inserted in lieu thereof. § 419.15(c)(2), at page 16566; § 419.22(a), at page 16567; § 419.23(a), at page 16567; § 419.25, at page 16567; § 419.32(a), at page 16568; § 419.33(a), at page 16569; § 419.35(a), at page 16569; § 419.42(a), at page 16570; § 419.43(a), at page 16571; § 419.45(a), at page 16571; § 419.52(a), at page 16572; § 419.53(a), at page 16572; and § 419.55(a), at page 16573 are amended in the same manner.

8. In § 419.15(c)(2), at page 16566, in the second line, the expression "kg/cu m lb/Mgal" is changed to read "kg/cu m (lb/Mgal)".

9. In § 419.23(b)(1), at page 16567, the third line of the table which reads "70 to 109.9" is changed to read "75 to 109.9".

10. In § 419.23(b)(2), at page 16567, the second line of the table which reads "2.50 to 5.49" is changed to read "3.50 to 5.49".

11. In § 419.33(b)(1), at page 16569, the third line of the table which reads "100 to 149.9____1.13" is changed to read "100 to 149.9____1.04".

12. In § 419.42(b)(2), at page 16570, the table heading which reads "Progress factor" is changed to read "Process factor".

13. In § 419.42(b)(3), at page 16570, the table heading which reads "Example.—Lube refinery 125 1,000 bbl per stream day throughput" is changed to read "Example.—Lube refinery 125,000 bbl per stream day throughput".

14. In § 419.42(b)(3), at page 16570, in the second line of the notes to the example, "125 1,000 bbl" is changed to read "125,000 bbl".

15. In § 419.42(b)(3), at page 16570, the fourth line of the notes to the example which reads, "BOD5 limit (maximum for any 1 day) = 11.8 × 0.88 × 0.93 = 9.7 lb per 1,000 bbl of feedstock" is amended to read "BOD5 limit (maximum for any 1 day) = 17.9 × 0.88 × 0.93 = 14.6 lb per 1,000 bbl of feedstock".

16. At page 16560 in the third column, delete the second paragraph of item (4) which begins "The limits are set * * *," and substitute the following: "The specific 30 day period of reference in the

term 'average of daily values for 30 consecutive days' as used in the regulation may be established in an individual permit."

Dated: September 4, 1974.

JOHN QUARLES,
Acting Administrator.

[FR Doc.74-20868 Filed 9-9-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 60—OFFICE OF FEDERAL CONTRACT COMPLIANCE, EQUAL EMPLOYMENT OPPORTUNITY, DEPARTMENT OF LABOR

PART 60-5—WASHINGTON PLAN

Extension of Time

On December 22, 1970, the Department of Labor published the Washington Plan (35 FR 19352). The Washington Plan is intended to implement the provisions of Executive Order 11246 (as amended) and the rules and regulations issued pursuant thereto, requiring a program of equal employment opportunity by Federal contractors and subcontractors in the Washington area, including the District of Columbia, the Virginia cities of Alexandria, Fairfax and Falls Church, the Virginia counties of Arlington, Fairfax, Loudoun, and Prince William and the Maryland counties of Montgomery and Prince Georges. It is deemed appropriate to further extend the Washington Plan for an additional three months through November 30, 1974 to provide an opportunity to review the minority employment results obtained through the Washington Plan for purposes of future construction industry requirements in the Washington, D.C., Standard Metropolitan Statistical Area. Therefore, § 60-5.30 Appendix A of the Washington Plan must be included in all invitations or other solicitations for bids on federally involved construction contracts for projects, the estimated total cost of which exceeds $500,000 in the Washington area until November 30, 1974. The goals contained in § 60-5.30 Appendix A for the year ending May 31, 1974, will be applicable to invitations and other solicitations for bids on federally involved construction contracts covered by the Washington Plan until November 30, 1974, and all invitations or other solicitations should be revised to reflect this extension through a revised Appendix.

Signed at Washington, D.C., this 30th day of August 1974.

PETER J. BRENNAN,
Secretary of Labor.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

PHILIP J. DAVIS,
Director, Office of Federal Contract Compliance.

[FR Doc.74-20856 Filed 9-9-74;8:45 am]

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM-57; Amdts. Nos. 171-14, 172-14, 172-20, 173-61, 173-74, 174-14, 175-7, 177-21, 178-26]

CLASSIFICATION OF CORROSIVE HAZARDS

Postponement of Mandatory Effective Date

In the matter of Parts 171, 172, 173, 174, 175, 177, 178.

On October 12, 1973 (38 FR 28292), the Hazardous Materials Regulations Board ("the Board") published a revised text to the next to the last paragraph of FR Doc. 73-1594 (39 FR 20837) which read as follows:

Amendments Nos. 171-14, 172-14, 172-20, 173-61, 173-74, 174-14, 175-7, 177-21, 178-26, except as they pertain to materials corrosive only to aluminum, are effective December 31, 1973, and are effective in their entirety on September 30, 1974. However, compliance with the regulations, as amended therein, is authorized immediately.

The Council for Safe Transportation of Hazardous Articles (COSTHA) has petitioned for a further extension of the effective date on materials corrosive only to aluminum pending the resolution of matters in Docket HM-112. In that Docket (39 FR 3022), the Board proposed reclassification of these materials as Other Regulated Materials, Group B (ORM-B), which would have certain marking requirements but would otherwise not be substantively regulated unless shipped by aircraft.

COSTHA points out that:

The original date for close of the comment period of Docket No. HM-112 has been extended from May 28, 1974 to August 31, 1974. It is unlikely that there could be any administrative determination on the status of regulation of aluminum corrosives before September 30, 1974. Furthermore, necessary packaging changes and alteration in shipping practices require a lead time of at least 6 months for many shippers.

The Board agrees with this evaluation of the circumstances and hereby changes the mandatory effective date of Amendments Nos. 171-14, 172-14, 172-20, 173-61, 173-74, 174-14, 175-7, 177-21, 178-26 as they pertain to materials corrosive only to aluminum from September 30, 1974 to September 30, 1975. However, voluntary compliance with these regulations as they pertain to aluminum is authorized.

(Transportation of Explosives Act (18 U.S.C. 831-835); sec. 6, Department of Transportation Act (49 U.S.C. 1655); Title VI and sec. 902(h), Federal Aviation Act of 1958 (49 U.S.C. 1421-1430, 1472(h), and 1655(c)))

Issued in Washington, D.C. on September 5, 1974.

R. P. SKULLY,
Board Member, for the Federal Aviation Administration.

ROBERT A. KAYE,
Board Member, for the Federal Highway Administration.

JOHN W. INGRAM,
Board Member, for the Federal Railroad Administration.

[FR Doc.74-20840 Filed 9-9-74;8:45 am]

proposed rules

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 966]

TOMATOES GROWN IN FLORIDA

Proposed Expenses and Rate of Assessment

Consideration is being given to authorizing the Florida Tomato Committee to spend not more than $112,500 for its operations during the fiscal period ending July 31, 1975, and to collect one-half cent per 30-pound equivalent on assessable tomatoes handled by first handlers under the program.

The committee is the administrative agency established under Marketing Agreement No. 125 and Order No. 966, both as amended, regulating the handling of tomatoes grown in designated counties in the State of Florida. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same, in duplicate, with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than September 25, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

§ 966.211 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending July 31, 1975, by the Florida Tomato Committee for its maintenance and functioning and for such other purposes as the Secretary may determine to be appropriate will amount to $112,500.

(b) The rate of assessment to be paid by each handler in accordance with this part shall be one-half cent ($0.005) per 30-pound container or equivalent quantity, of tomatoes handled by him as the first handler thereof during the fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in the marketing agreement and this part.

Dated: September 4, 1974.

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

[FR Doc.74-20809 Filed 9-9-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 1, 100, 102]

FOOD AND LABELING

Correction

In the correction appearing on page 28291 in the issue for Tuesday, August 6, 1974, in the third line, the document number listed as "FR Doc. 74–13479", should be changed to read "FR Doc. 74–13467".

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[23 CFR Part 772]

[Docket No. 74–6]

NOISE STANDARDS AND PROCEDURES

Proposed Amendments

The Administrator, Federal Highway Administration (FHWA), is considering amending the noise standards and procedures contained in 23 CFR Part 772.

Pursuant to section 136(b) of the Federal-Aid Highway Act of 1970, Pub. L. No. 91–605 (the 1970 Act), which added section 109(i) to Title 23 of the U.S. Code, the FHWA developed noise standards for use in the planning and design of new highway projects. The standards were promulgated on February 8, 1973, and published on June 19, 1973 (38 FR 15953) amending 23 CFR by the addition of Part 772.

Section 114 of the Federal-Aid Highway Act of 1973, Pub. L. No. 93–87 (the 1973 Act), revised 23 U.S.C. 109(i) to permit the FHWA to develop and promulgate "standards" for the control of traffic noise on previously constructed highways on any of the Federal-aid systems. Interim regulations providing guidelines for the submission and approval of noise abatement projects on previously constructed highways were promulgated on February 13, 1974, and published on February 22, 1974 (39 FR 6696) amending 23 CFR Part 772 by the addition of § 772.30.

The proposed regulations published herein represent an integration of the mandatory requirements of the 1970 Act and the permissive authority granted by the 1973 Act. These regulations are designed to establish comprehensive policies and procedures for dealing with the abatement of highway traffic noise and highway-related construction noise. Greater consideration has been given to projects on previously constructed highways, and every attempt has been made to incorporate the most up-to-date and reliable noise analysis techniques which are best suited for highway use.

Since the matters affected relate to grants, benefits or contracts within the purview of 5 U.S.C. 553(a)(2), general notice of proposed rulemaking is not required. However, because of its desire that these regulations respond to the public needs to the greatest possible extent, the FHWA wishes to offer an opportunity to interested persons to submit written comments, suggestions or objections.

All comments submitted should refer to the docket number appearing at the top of this document and should be submitted to the Office of Environmental Policy (HEV–1), Federal Highway Administration, Washington, D.C. 20590. All comments received before the close of business on October 7, 1974, will be considered before further action is taken on this proposal. Comments will be available for examination in the Office of the Chief of Environmental Development Division, Room 3246, 400 Seventh Street SW., Washington, D.C., both before and after the closing date for comments.

These proposed amendments are issued under the authority of 23 U.S.C. 315 and the delegation of authority by the Secretary of Transportation in 49 CFR 1.48(b).

Issued on September 5, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

Chapter I of Title 23 CFR would be amended by revising Part 772 to read as follows:

PART 772—NOISE STANDARDS AND PROCEDURES

Sec.

772.1 Purpose.
772.2 Definitions.
772.3 Retroactivity.
772.4 Applicability.
772.5 Analysis of noise impacts and abatement measures.
772.6 Design noise levels.
772.7 Procedure for requesting exceptions to the achievement of the design noise levels.
772.8 Coordination with local officials.
772.9 Noise abatement measures for lands which are undeveloped at the time of public knowledge of the highway project.
772.10 Federal participation.
772.11 Construction noise.
772.12 Traffic noise prediction method.

AUTHORITY: 23 U.S.C. 109(h) and 109(i); 49 CFR 1.48(b).

§ 772.1 Purpose.

(a) The purpose of this part is to promulgate for proposed Federal-aid system projects the following:

(1) Policies and procedures for noise studies and noise abatement measures,

(2) Design noise levels,
(3) Procedures for requesting exception to design noise levels, and
(4) Coordination with local officials.

(b) The highway traffic noise abatement procedures, coordination requirements, and design noise levels in this part constitute the noise standards mandated by section 109(i), Title 23, United States Code. All highway projects which are developed in conformance with this part shall be deemed in conformance with the FHWA noise standards.

§ 772.2 Definitions.

(a) Date of Public Knowledge of a Proposed Highway Project—the date that the highway agency holds the first public hearing for the highway sections. If a hearing is not held, it shall be the date the first notice of opportunity for a public hearing is published in a newspaper. The highway agency may, if it prefers, adopt as a "date of public knowledge of a proposed highway project" an alternate processing action which occurs later in the highway section development process than the date of the public hearing or date of notice of the opportunity for a public hearing indicated above. Such alternate processing action must be concurred in by the FHWA and made available to the public in the form of a public notice.

(b) *Type I project.* A proposed Federal or Federal-aid highway project for construction or reconstruction of a section of highway for which the highway location is approved after July 1, 1972, or the authorization to advertise for bids for the major grade and drain elements is given after July 1, 1975.

(c) *Type II project.* A proposed project for noise abatement on an existing section of a Federal-aid system highway for which construction or reconstruction of the roadway is not proposed.

(d) *Design noise level.* The noise levels established by this part for various activities or land uses. The design noise levels are used to determine the degree of impact of traffic noise on people's activities and for the evaluation of noise abatement measures.

(e) *Design year.* The future year used to estimate the probable traffic volume which is one of the primary bases for the roadway design. A time 20 years from construction is common for multilane and other major projects. Periods of 5 or 10 years are not uncommon for low volume roads.

(f) *Developed activities or land uses.* Those tracts of land or portions thereof which contain improvements or activities devoted to frequent human use or habitation. For improvements under construction or subsequently added, the date of issue of a building permit establishes the date of existence.

(g) L_{eq}. The equivalent steady sound level which in a stated period of time would contain the same acoustic energy as the time-varying sound level during the same time period.

(h) L_{10}. The sound level that is exceeded 10 percent of the time (the 90th percentile) for the period under consideration. This value is an indicator of both the magnitude and frequency of occurrence of the loudest noise events.

(i) *Level of Service C.* Traffic conditions (used and described in the Highway Capacity Manual—Highway Research Board, Special Report 87) where speed and maneuverability are closely controlled by high volumes, and where vehicles are restricted in their freedom to select speed, change lanes, or pass.

(j) *Location approval.* The approval given in the early 1970's by FHWA (at the request of a State highway agency) based upon a location study report and a corridor public hearing or opportunity therefor. This action established a particular location for a highway section and was prerequisite to authorization to proceed with design.

(k) *Noise level.* The weighted sound pressure level obtained by the use of a metering characteristic and weighting A as specified in American National Standard Institute Specification S1.4–1971. The abbreviation herein used is d.b.a.

(l) *Operating speed.* The highest overall speed at which a driver can travel on a given highway under favorable weather conditions and under prevailing traffic conditions, without at any time exceeding the safe speed as determined by the design speed on a section-by-section basis.

(m) *Project development.* Studies, surveys, coordination, reviews, approvals, or other activities and steps normally engaged in to determine the location and to design a highway project.

(n) *Truck.* A motor vehicle having a gross vehicle weight greater than 10,000 pounds and buses having a capacity exceeding 15 passengers.

§ 772.3 Retroactivity.

The requirements of this part are not retroactive. Approval actions taken in conformance with 23 CFR Part 772 as published on June 19, 1973 (38 FR 15953) and 23 CFR § 772.30 as published on February 22, 1974 (39 FR 6696) and with applicable FHWA directives in effect prior to publication of Part 772 shall remain in effect.

§ 772.4 Applicability.

(a) *Type I projects.* All requirements of this part apply to all Type I projects unless it is specifically indicated that a section applies only to Type II projects.

(b) The plans and specifications for Type I projects shall not be approved unless:

(1) The specifications include measures needed in accordance with § 772.11 (b) to minimize construction noise impacts,

(2) The project has been developed in accordance with the requirements of this part, and

(3) Noise abatement measures are incorporated to attain reductions to or below the design noise levels in Table I (§ 772.6) or incremental noise abatement measures (described in § 772.7(a)) are incorporated and exceptions to the design noise levels have been approved in writing for those activities and land uses where the design noise levels cannot be reasonably achieved.

(c) *Exceptions to the Achievement of Design Noise Levels for Type I Projects.* An exception to the achievement of the specified design noise level may be requested by the highway agency for an activity or land use or for a specific length or land use along Type I projects. Such requests may be made where the study and analysis required by this part demonstrate that abatement measures for such areas are not practicable or prudent (that is, the social, economic, and environmental consequences exceed noise abatement measure benefits).

(d) *Type II projects.* The development and implementation of Type II projects is not a requirement of 23 U.S.C. 109(i) and is therefore not a requirement of this part. The noise analysis procedure outlined in § 772.5(a) (1), (2) and (5) as well as provisions of §§ 772.5 (b) and (c), 772.10 (a), (b), (e), and (f), and 772.12 of this part, however, shall apply to the development and implementation of Type II projects when such projects are proposed for Federal-aid highway fund participation at the option of the highway agency.

§ 772.5 Analysis of noise impacts and abatement measures.

(a) For all Type I projects, the highway agency shall conduct a noise analysis during the project development stage. The level of analysis will need to vary from simple calculations to evaluate the significance of the noise impact for rural and low volume highways to extensive analysis for high volume controlled access highways in urban areas. The noise analysis is to be conducted in the following manner:

(1) Identify existing activities or land uses which may be affected by noise from the highway section. The traffic noise analysis may be terminated if it is analytically determined that activities or developed land uses are not sufficiently close to the proposed highway improvement to be adversely affected by noise.

(2) Predict the highway generated noise level as described in § 772.12 (a) and (b) for each alternative under detailed study.

(3) Determine (by measurement) the existing noise levels for activities or developed land uses. Measurements will not normally be necessary where it is clear that the existing levels can be satisfactorily estimated using approved noise prediction methods. The purpose of these existing noise levels is to quantify the existing acoustic environment and provide a base for assessing the impact of noise level increases from the proposed highway.

(4) Compare the predicted noise levels for each alternative under detailed study with existing noise levels and with the design noise levels in Table I. (It would also be desirable to predict noise levels for the "do nothing" alternative in the design year. Such information should not be used as a basis for requesting exceptions, but will be useful in describing the

noise impact of proposed highway improvements in contrast with noise levels likely to be reached in the same area if no highway improvement is undertaken.)

(5) Evaluate alternative noise abatement measures for reducing or eliminating the noise impact for activities on developed lands.

(6) Identify those lengths of highway (separately for each side of the highway) and individual land uses where noise abatement measures appear impracticable or imprudent and which may qualify under the exception procedures (§ 772.7 (a) and (b)).

(7) Prepare a noise study report including proposed noise abatement measures and recommended exceptions to the design noise levels. FHWA concurrence in the noise report will constitute its determination that adequate noise abatement measures have been taken to achieve the design noise levels.

(b) Highway agencies proposing to use Federal-aid highway funds for Type II projects shall perform a noise analysis similar to § 772.5(a) (1), (2) and (5) and shall prepare a report with recommendations.

(c) In requesting Federal funding for a Type II project, the highway agency shall indicate the critical nature of the proposed Type II project and its relationship with other critical noise problem highway sections. Some of the suggested factors which may be considered in the development of this relationship are:

(1) Applicable State law;

(2) Type of development to be protected;

(3) Magnitude of the traffic noise impact;

(4) Cost—benefits;

(5) Population density of the affected area;

(6) Day-night use of the property;

(7) Feasibility and practicability of noise abatement at the site;

(8) Availability of funds;

(9) Existing noise levels;

(10) Achievable noise reduction;

(11) Intrusiveness of highway noise (L_{10}—L_{90});

(12) Public's attitude;

(13) Local governments' efforts to control land use adjacent to the highway;

(14) Date of construction of adjoining development;

(15) Increase in traffic noise since the development was constructed.

§ 772.6 Design noise levels.

(a) In Type I project development the highway agency is to seek a balance between the benefits achieved by noise abatement measures and other social, economic and environmental costs. The design noise levels in Table 1 represent an upper limit of desirable noise level conditions. Lower noise levels (below the design noise levels) may often be achieved with minimal increase in the social, economic and environmental cost. Every reasonable effort is to be used to achieve substantial noise reductions when predicted noise levels exceed these design noise levels. However, any significant reduction in the existing or predicted noise level will be a benefit, and abatement measures to achieve such reductions shall be included in the project development where they are consistent with other social, economic, and environmental considerations. On the other hand, the social, economic and environmental cost of providing abatement measures may be too high. For these cases, this part provides for the approval by FHWA of design noise level exceptions.

(b) The design noise levels in Table 1 are not to be applied to areas having limited human use or where lowered noise levels would produce little benefit. Such areas would include but not be limited to junkyards, industrial areas, railroad yards, parking lots, and storage yards.

(c) The exterior design noise levels apply to outdoor areas which have regular human use and in which a lowered noise level would be of benefit to the public. These design noise level values are to be applied at those points within the sphere of human activity (at approximate ear level height) where outdoor activities actually occur. The values do not apply to an entire tract upon which the activity is based, but only to that portion in which such activity normally occurs.

(d) The interior design noise level in Category E applies to:

(1) indoor activities for those situations where no exterior noise sensitive land use or activity is identified;

(2) those situations where the exterior activities on a tract are either remote from the highway or shielded in some manner so that the exterior activities will not be significantly affected by the noise, but the interior activities will.

(e) The interior design noise level in Category E may be considered as a basis for "sound-proofing" public use institutional structures in special situations when, in the judgment of the highway agency and concurred in by the FHWA, such consideration is in the best interest of the public (see § 772.10(c)).

(f) In the absence of noise insulating values for specific structures, interior noise level predictions may be estimated from the predicted outdoor noise level by using the following noise reduction factors:

Building type	Window condition [1]	Noise reduction due to exterior of the structure [2]
All	Open	10 dB
Light frame	Ordinary sash (closed)	20
	With storm windows	25
Masonry	Single glazed	25
Do	Double glazed	35

[1] The open/close window determination shall consider:
a. the position of the window for extended periods of time,
b. the relationship between the open window position and high traffic noise levels, and
c. the structure use during the open window position/high noise period.
Structures in cold climates where windows are open only a few days a year and structures with air-conditioning will normally be considered as a closed-window condition. Likewise, structures in climates where windows are open for only a few hours a day during the summer months and situations where the open window period does not coincide with a high noise level from the highway may qualify for a closed-window condition.

[2] Noise reduction factors higher than those shown above may be used when field measurements in the structure in question indicate that a higher value is justified.

TABLE 1.—Design noise level/activity relationships

Activity category	Design noise levels—dBA[1] L_{eq}	Design noise levels—dBA[1] L_{10}	Description of activity category
A [2]	57 (exterior)	60 (exterior)	Tracts of land in which serenity and quiet are of extraordinary significance and serve an important public need, and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose. Such areas could include amphitheaters, particular parks or portions of parks, or open spaces which are dedicated or recognized by appropriate local officials for activities requiring special qualities of serenity and quiet.
B [2]	67 (exterior)	70 (exterior)	Residences, motels, hotels, public meeting rooms, schools, churches, libraries, hospitals, picnic areas, recreation areas, playgrounds, active sports areas, and parks.
C	72 (exterior)	75 (exterior)	Developed lands, properties or activities not included in categories A and B above.
D			For requirements on undeveloped lands see section 772.10(a).
E [3]	52 (interior)	55 (interior)	Residences, motels, hotels, public meeting rooms, schools, churches, libraries, hospitals, and auditoriums.

[1] Either L_{10} or L_{eq} design noise levels may be used.
[2] Parks in categories A and B include all such lands (public or private) which are actually used as parks as well as those public lands officially set aside or designated by a governmental agency as parks on the date of public knowledge of the proposed highway project.
[3] See section 772.6 (d) and (e) for method of application.

§ 772.7 Procedure for requesting exceptions to the achievement of the design noise levels.

(a) There may be situations along Type I highway projects where the existing or predicted noise level exceeds the design noise level specified for a particular activity or land use and where social, economic and environmental effects associated with the application of noise abatement measures exceed the benefits of abatement. In such situations, the noise analysis is to include evaluations of the effects and benefits of incremental reductions of the noise level. The purpose of this evaluation is to determine if a lesser level of noise abatement can be achieved and can correspondingly lessen the adverse noise impact.

(b) The highway agency may request an exception to the achievement of the specified design noise levels where it can be demonstrated that the adverse effects of achieving the specified design noise levels for specific activities or land uses along the highway exceed the benefits.

The highway agency shall include the results of the following in the report required by § 772.5(a)(7):

(1) Identification of the individual noise sensitive activities or groups of activities along the sections of highway which are experiencing existing traffic noise levels or are expected to experience future highway traffic noise levels in excess of the design levels.

(2) An evaluation of the benefits and adverse effects of incremental noise abatement measures.

(3) A weighing of the costs or effects of the noise abatement measures considered against the benefits which can be achieved as well as against other conflicting values such as economic reasonableness, esthetic impact, air quality, highway safety, or other similar values. Such weighing should establish that reduction of noise levels to more desirable levels is not in the best overall public interest for the particular highway section. These decisions must ultimately be based upon case-by-case judgment. However, every effort should be made to obtain detailed information on the costs, benefits and effects involved to assure that final decisions utilize a systematic, and factually based assessment.

(4) Recommendations for incorporation in the project of the incremental noise abatement measures (described in paragraph (a) of this section) determined to have benefits consistent with adverse effects.

(c) In reviewing requests for exceptions, the FHWA will give consideration to the type of highway and the width of the right-of-way. New freeway projects and most projects for the major reconstruction or upgrading of freeways allow for the use of noise control measures. Noise control measures are progressively more difficult to apply on other highways, particularly on local roads and streets because of:

(1) Numerous points of access;

(2) At-grade intersections;

(3) Limited ability to acquire additional right-of-way as buffer zones;

(4) The impossibility of altering roadway grades;

(5) Difficulty of constructing noise barriers;

(6) The impossibility of taking advantage of the terrain and other natural features.

(d) Except in the most unusual situations, exceptions will be approved when the predicted traffic noise level from the highway improvement does not exceed the existing noise level (originating from sources other than the highway being improved or replaced) for the activity or land use in question.

(e) Initiation of Type II projects is optional. Therefore specified design noise levels are not established and the proposed noise abatement measures are not required to achieve the design noise levels. Exceptions are not required where the proposed abatement measures do not achieve the design noise levels.

§ 772.8 Coordination with local officials.

(a) Highway agencies have the responsibility for taking measures that are prudent and feasible to assure that the location and design of highways are compatible with existing land use. Local governments, on the other hand, have responsibility for land development control and zoning. Highway agencies can be of considerable assistance to local officials in these efforts with a view toward promoting compatibility between land development and highways. Therefore, for undeveloped lands or properties associated with Type I projects, highway agencies shall cooperate with local officials (within whose jurisdiction the highway project is located) by furnishing:

(1) Approximate generalized future noise levels for various distances from the highway improvement,

(2) Information that may be useful to local communities to protect future land development from becoming incompatible with anticipated highway noise levels, and

(3) The FHWA policy regarding land use development or changes which are initiated after issuance of this part, as outlined in section 772.10(e).

§ 772.9 Noise abatement measures for lands which are undeveloped at time of public knowledge of the proposed highway project.

(a) Noise abatement measures are not required for lands which are undeveloped at the time of public knowledge of the proposed highway project.

(b) A highway agency may request Federal-aid participation in the cost of providing noise abatement measures for Type I projects adjoining undeveloped lands when the noise analysis demonstrates a need in the following situations:

(1) Development occurs between the time of public knowledge of the proposed highway project and the actual construction of the project, or

(2) Development is expected to occur within a few years and a strong case can be made in favor of providing noise abatement measures as part of the highway project based on consideration of need, expected long-term benefits to the public interest, and the difficulty and increased cost of later incorporating abatement measures.

(c) For lands which are undeveloped at the time of public knowledge of the highway project, it is recommended that the highway agency consider the activity or land use as if it were in existence in the following situations:

(1) The development is planned at the same time as the highway project, or

(2) The development was planned before the highway studies but the development has been delayed.

§ 772.10 Federal participation.

(a) The use of noise abatement measures shall be limited to those situations where:

(1) A traffic noise impact has been identified,

(2) The noise abatement measures will provide a significant noise reduction, and

(3) The overall noise abatement benefits are judged to outweigh the overall social, economic, and environmental costs of the noise abatement measures.

(b) Traffic management measures (such as limitations on types of vehicles, limitations on time of travel for certain types of vehicles, or combinations of such measures) and noise impact reducing horizontal and vertical alignments and grades can be used as noise abatement measures. The following noise abatement measures may also be incorporated in either Type I or II projects to reduce highway-generated noise impacts and the costs of such measures may be included in Federal-aid participating project costs:

(1) The acquisition of property rights (either in fee or lesser interest) for installation or construction of noise abatement barriers or devices.

(2) The installation or construction of noise barriers or devices (including landscaping), whether within the highway right-of-way or on an easement obtained for that purpose.

(c) In some specific cases, there may be compelling reasons to consider measures to "sound-proof" public use institutional structures. Situations of this kind may be considered on a case-by-case basis for Type I projects when only a few buildings are involved and when other abatement measures are not physically possible or when the alternatives are unreasonably expensive. Proposals of this type, together with the State's recommendation for approval, shall be submitted to FHWA for consideration.

(d) In other specific cases, the FHWA Division Engineer may authorize the acquisition of unimproved property for buffer zones on Type I projects only. Acquisition of occasional improved parcels may be included in such buffer zone acquisitions. Acquisition of other improved parcels may be authorized when it can be demonstrated that noise reduction benefits will accrue to activities or land uses other than those acquired. In authorizing any buffer zone acquisition, consideration shall be given to the needs and desires of the community and the overall public interest.

(e) FHWA encourages development of compatible activities and land uses in the vicinity of heavily traveled roadways. Consequently, for Type II projects, noise abatement measures will not normally be approved for activities and land uses which come into existence after the effective date of this part. Noise abatement measures may be provided, however, in those instances where local authorities have taken measures to exercise land use control over the remaining undeveloped lands adjacent to highways in the local jurisdictions to prevent further development of incompatible activities.

(f) The Federal share on Type II projects shall be the same as that for

the Federal-aid system on which the project is located.

§ 772.11 Construction noise.

The following general steps are to be performed for all Type I projects after the effective date of this part:

(a) Identify land uses or activities which may be affected by noise from construction of the highway. The identification is to be performed during the project development studies;

(b) Determine the special provisions which are needed in the contract documents to minimize or eliminate adverse construction noise impacts;

(c) Incorporate the needed special provisions in the contract documents.

§ 772.12 Traffic noise level prediction methods.

(a) Noise levels to be used in assessing noise impacts shall be obtained from a predictive method approved by FHWA.

(b) The predictive method and the noise level predictions shall account for variations in:

(1) Traffic characteristics (volume, speed, and truck traffic);

(2) Topography (vegetation, barriers, heigth, and distance); and

(3) Roadway characteristics (configuration and grades).

(c) The noise prediction method contained in National Cooperative Highway Research Program (NCHRP) Report 117 (as modified in NCHRP Report 144), the Barrier Nomograph (form FHWA 1443), and the method contained in Department of Transportation, Transportation Systems Center Report DOT–TSC–FHWA–72–1, are approved for use in applying the noise standards. Other noise prediction methods or variations of the above shall be furnished to the FHWA Office of Environmental Policy together with supporting and validation information for approval.

(d) In predicting the noise levels and assessing noise impacts, the following traffic characteristics shall be used:

(1) *Automotive volume.* The future volume (adjusted for truck traffic) obtained from the lesser of the design hourly volume or the maximum volume which can be handled under traffic level of service C conditions. For automobiles, level of service C is considered to be the combination of speed and volume which creates the worst noise conditions. The average hourly volume for the highest 3 hours on an average day for the design year may be used for those highway sections where the design hourly volume or the level of service C condition is not anticipated to occur on a regular basis during the design year.

(2) *Speed.* The operating speed which corresponds with the design year traffic volume selected in paragraph (d)(1) of this section and the truck traffic predicted from paragraph (d)(3) of this section. The operating speed must be consistent with the volume used.

(3) *Truck volume.* The design hourly truck volume shall be used for those cases where either the design hourly volume or level of service C was used for the automobile volume. Where the average hourly volume for the highest 3 hours on an average day was used for automobile traffic, comparable truck volumes should be used.

(e) As an optional alternative to paragraph (d) of this section, traffic characteristics may be selected to correspond with the critical times of day and night which will assess the most adverse traffic noise impacts upon the nearby activities and land uses.

[FR Doc.74-20853 Filed 9-9-74;8:45 am]

[49 CFR Part 395]

[Docket No. MC–47; Notice No. 74–20]

DRIVERS' DAILY LOGS; USE OF 7-DAY LOG FORM

Advance Notice of Proposed Rule Making

The Director of the Bureau of Motor Carrier Safety is considering an amendment to Part 395 of the Federal Motor Carrier Safety Regulations which would permit drivers of commercial motor vehicles engaged in interstate or foreign operations of motor carriers to make logs of their time on a new form. The major feature of the new form is that seven days' of driver activities would be recorded on a single sheet of paper.

This rulemaking proceeding stems from an experimental program of using a 7-day driver's daily log sheet which took place from April 1, 1973 to April 1, 1974. The program was announced by a Notice which the Director issued on January 31, 1973 (38 FR 4010). As the Director indicated in the Notice, the Bureau had been petitioned by the American Trucking Associations, Inc. to adopt a new form of daily log which would permit much of the information now required to be entered on a separate form, each occupying a single sheet of paper, to be compressed into seven forms occupying one sheet. The motivation for the petition, according to ATA, was to produce a saving in record-retention space and paperwork handling. ATA pointed out that the existing rules, which require a motor carrier to retain a daily log for at least one year for each driver he employs, create a substantial burden particularly for large carriers. It argued that the log form could be redesigned so that seven days of driver activities could be recorded on a single document without seriously detracting from the ability of drivers, carriers, and the Bureau to monitor compliance with the substantive hours-of-service rules, thereby producing a considerable saving in space, money and manpower.

Having reviewed the petition, the Director concluded that the ATA request may have virtues in the abstract, but its merits and weaknesses could not be assessed without a field trial involving the use of a 7-day drivers' log format in the actual operations of motor carriers. Accordingly, on January 31, 1973 he authorized 29 selected motor carriers (all of whom were volunteers) and their drivers to use the new format in lieu of the one prescribed in § 395.8 of the regulations (38 FR 3984). As noted above, the authorization became effective on April 1, 1973 and expired on April 1, 1974. During the program, the Bureau monitored the selected carriers and reviewed the logs submitted by their drivers on a continuing basis. Approximately 3,000 drivers participated in the experiment. The Bureau also solicited the informal comments of drivers and officials of carriers involved in the program to secure their views on the utility of the new format and their suggestions for changes in it.

In addition to the fact that the proposed 7-day log called for 7 days' activities to be recorded on a single sheet of paper, the new form differed from the present form of driver's log in the following principal respects:

1. The requirements for the driver to note his total mileage, his home terminal address, and his starting point and final destination were eliminated. Also eliminated was space for a co-driver's name.

2. The number of lines on the log "chart" was reduced from four to two. The two remaining lines were labelled for the depiction of driving time and on-duty time. Instructions accompanying the form told drivers to note time spent in off-duty status and time spent in a sleeper berth in the section of the form labelled "Remarks," found under the chart.

3. Instructional material, dealing with the proper way to fill out a log, was moved from the face of the form to the cover of the log book.

4. The right-hand margin of each long contained spaces for drivers to compute their hours of service expended and the remaining eligible hours at the close of each working day. There was also space for carriers to audit the driver's running account of his hours of service.

In the process of monitoring and evaluating the results of the experimental program, the Bureau examined thousands of logs, talked with many drivers and carrier officials, and secured the views of its field enforcement staff. While the program did clearly demonstrate that a reduction in paperwork resulted from use of the 7-day log, it also showed that there were serious deficiencies resulting from use of the new format.

The most prevalent problem was the inability of drivers to use the space provided on the right-hand margin of the form to compute their eligible hours. About half the logs examined contained errors in the computation, errors that were detectable merely by comparing the figures with the driver's report of how he spent his time each day. The prevalence of these types of errors is in sharp contrast with drivers' general ability to handle the task of correctly filling out the recapitulation section that appears on the right-hand side of the daily log form in general use today.

The form of log used during the experiment sharply reduced the size of the "Remarks" section, in which drivers must enter the location of each change of duty status. The result was that many

logs contained entries pertaining to changes in duty status that were illegible because the drivers were forced to cramp them into small spaces. Furthermore, by eliminating the separate chart lines for entry of sleeper-berth time and off-duty time, the new form compelled drivers to note time spent in the berth or off-duty in the "Remarks" section, thus exacerbating the problem of illegible entries. A general comment from Safety Investigators who audited the new form of log was that they were unable to determine whether a driver was reporting himself in an off-duty status or in a sleeper berth. In addition, review of the experimental log forms indicated that the 7-day log did not contain sufficient space for certain entries, such as the vehicle identification number and shipping document numbers. The lack of space for a co-driver's name presented problems in auditing daily logs pertaining to operations using more than one driver.

One additional problem that carriers encountered with use of the 7-day log is that adoption of the new format necessarily precluded continuation of the practice of having drivers file the daily vehicle condition report required by § 396.7 of the Federal Motor Carrier Safety Regulations by filling out a form stamped or printed on the reverse side of the daily log. Since the 7-day log is not turned over to the motor carrier at the end of each day's work or tour of duty, the requirement for a daily vehicle condition report cannot be satisfied by having a driver complete a form on the reverse side of the 7-day log form.

Given the existence of these and other difficulties with use of a 7-day log, many of which were not anticipated when experimental use of the new format was originally authorized, the Director has tentatively concluded that a change in the Regulations to authorize its use must be accompanied by restrictions and limitations on its general use. The Director now contemplates that motor carriers and drivers would be allowed to use a 7-day log form only after they have applied for, and received, approval from the Bureau of Motor Carrier Safety to do so. Approval would be granted only for operations that are regular and repetitive in nature, with the driver either beginning and ending his tour of duty at the same terminal or operating over a regular route between two permanent terminals. Further, approval would be limited to runs on which the driver is not required to make frequent changes in his duty status and on which there is little possibility of exceeding the maximum driving time provisions in the hours-of-service rules. Finally, the Director is considering conditioning approval of the use of the 7-day log upon a requirement that the motor carrier must maintain a separate cumulative record of the on-duty time of a driver who reports his hours of service on the 7-day log format. Administration of the program would be delegated to the Regional offices of the Federal Highway Administration, and applications for approval of use of the 7-day log could be handled by correspondence with the Regional Motor Carrier Safety Office.

Some modifications in the form of the 7-day log are also proposed. A copy of the newly revised form, together with instructions for completing it, is reproduced below. The space in the right-hand margin previously used for the purpose of recapitulating hours of service expended and available to the driver is now devoted to information concerning the date, the vehicle number, the shipping document numbers, and the name of the co-driver, if any. This information had previously been required to be inserted in the "Remarks" section of the form. Changing the location of those entries provides additional space in the "Remarks" section for notations relating to change of duty status.

In order to assist interested persons to make intelligent comments on this proposal, the Director believes that it is appropriate once again to advert to the policy framework in which the proposal is advanced. The Bureau has a responsibility, in accordance with the National Transportation Policy, to administer its program in a manner which does not impose undue red-tape and cost burdens on persons subject to its regulatory jurisdiction; changes in the rules that produce simplification and reduction of paperwork requirements, when feasible, are welcome steps that the Bureau will not hesitate to endorse. These considerations are, however, secondary to the overriding concern of the Bureau, which is safety of highway operations. Among the most frequent violations of the Federal Motor Carrier Safety Regulations encountered by the Bureau in the course of its inspection and surveillance activities is excessive hours of service. Violations of the hours-of-service rules are often accompanied by falsification of drivers' logs. These conditions are by no means universal, nor are they present in preponderance of the cases. They do occur with sufficient frequency to make it absolutely necessary for the Bureau to prescribe a drivers' log format which will provide the information carriers and the Bureau's enforcement staff must have in order to detect violations of the hour-of-service rules and to promote full compliance with those rules. Hence, the Bureau cannot sanction adoption of a new form of drivers' log which, by itself or by reason of the nature of the operations in which it is used, facilitates falsification or evasion of the substantive requirements relating to hours of service.

As noted above, a copy of the new format for the 7-day drivers' log, together with instructions for its use, is reproduced below. Comments on means of improving the organization of the format are solicited.

The Director invites interested persons to submit written data, views, or arguments pertaining to adoption of the new format subject to the constraints set forth in this Notice. All comments should refer to the docket number and notice number that appear at the top of this document and should be submitted in three copies to the Director, Bureau of Motor Carrier Safety, Washington, D.C. 20590. Comments received before the close of business on December 9, 1974 will be considered before further action is taken. Comments received will be available for examination by any interested person in the docket room of the Bureau of Motor Carrier Safety, Room 4136, 400 Seventh Street, SW., Washington, D.C. both before and after the closing date for comments.

This advance notice of proposed rule making is issued under the authority of section 204 of the Interstate Commerce Act, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation at 49 CFR 1.48 and the Federal Highway Administrator at 49 CFR 389.4.

Issued on August 29, 1974.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

INSTRUCTIONS FOR USE OF 7-DAY DRIVER'S LOG

A. GENERAL INSTRUCTIONS

1. *Entries current.* Entries must be current to the time of the last change of duty status.

2. *Entries by driver only.* The driver must make all entries in his own handwriting. The only exception is that the carrier's name and address may be preprinted on the form.

3. *Filing logs.* After a log sheet is completed, the original must be filed with the carrier. If a driver reports for duty at his home terminal on the day after he has completed the sheet, he should file the sheet on the day he reports for duty. If a driver does not report for duty at his home terminal on the day after he has completed the sheet, he shoud mail the sheet to the carrier or, if he will return to his home terminal within 5 days after the sheet is completed, deliver it to his home terminal when he returns to it.

B. HOW TO COMPLETE THE LOG

1. *Name and address of carrier.* Show full name of carrier and location of driver's home terminal. When a driver works for more than one carrier on the same day, the name of the other carrier or carriers should be written in the Remarks section at the appropriate starting and ending time. The driver of a leased vehicle must write the name of the carrier performing the transportation.

2. *Driver signature.* Write your first name, middle name or initial, and last name. Sign the log before making entries in it. Do not print.

3. *Date.* Fill in a log for each day, whether or not you perform work on that day. Use the space at the right side of each log form to show the month, day, and year.

4. *Vehicle identification.* In the space provided, write the carrier's number(s) or license plate number and state of registration for each vehicle or unit of a combination you operated on the day.

5. *Shipping document.* Write the shipping document number(s) for shipments carried on the day in the space provided. If shipping documents are not numbered, write the name of the shipper and the commodity.

6. *Co-driver identification.* Enter the initials and last name of each co-driver.

7. *Time base.* Use the time standard in effect at your home terminal to make and maintain your logs. Each log form is made on the basis of a 24-hour calendar day, beginning at midnight. However, if the carrier has

given written notification to the Direcor of the Regional Motor Carrier Safety Office for the Federal Highway Administration region in which his principal place of business is located, drivers for that carrier who work from any named terminal or terminals may prepare their logs on the basis of a 24-hour day beginning at noon and ending at noon of the following calendar day. If a driver makes his logs on a noon-to-noon basis, his eligible on-duty hours within a period of 7 or 8 consecutive days are computed by taking a period of 7 or 8 consecutive days beginning at 12:01 p.m. on any day.

8. *Driving time.* Use the top line of the log form to show driving time for each day. When driving time ends, draw a horizontal line from the time marker at the beginning of the driving period to the time marker at the end of the driving period.

9. *On-Duty time.* Use the bottom line of the log form to show on-duty—not-driving time. When on-duty—not-driving time ends, draw a horizontal line from the time marker at the beginning of the on-duty—not-driving time to the time marker at the end of the period of on-duty—not-driving time.

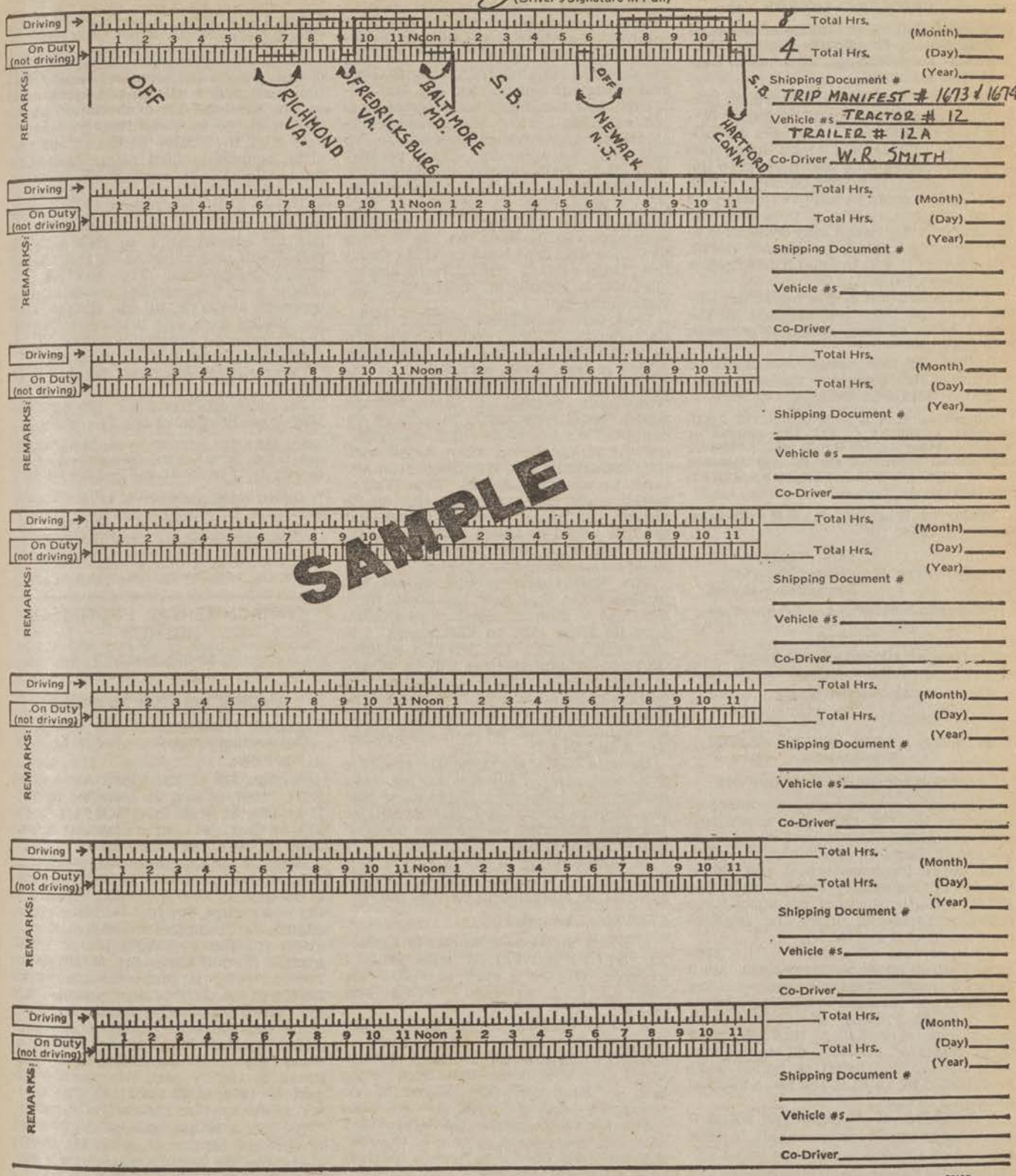
10. *Off-duty time.* When off-duty time begins, draw a short vertical line downward from the appropriate time marker into the remarks section and write the word "OFF." When off-duty time ends, draw a vertical line upward from the remarks section to the on-duty or driving line at the time marker corresponding to the time you went on driving status or on-duty—not-driving status.

11. *Sleeper berth time.* When sleeper berth time begins, draw a short vertical line downward from the appropriate time marker into the remarks section and write "S.B." in the remarks section. When sleeper berth time ends, draw a vertical line upward from remarks section to the on-duty or driving line.

12. *Remarks.* At each change of duty time, write the name of the city and State at or near which the duty change took place. Also state the reason for any driving or on-duty time in excess of the time permitted.

Driver's Terminal Address WASHINGTON TRANSPORTATION Co. WASHINGTON, D.C.

I certify these entries are true and correct: John E. Doe
(Driver's Signature in Full)



55107

[FR Doc.74-20731 Filed 9-9-74;8:45 am]

Hazardous Materials Regulations Board

[49 CFR Parts 172, 173, 177, 178, 179]

[Docket No. HM-115]

CRYOGENIC LIQUIDS

Change of Status From Notice of Proposed Rule Making To Advance Notice of Proposed Rule Making; Comments Date Postponed

On March 1, 1974, the Hazardous Materials Regulations Board published Notice 74-3 (39 FR 7950) proposing amendments to the Department's hazardous materials regulations that pertain to the transportation of cryogenic liquids. The Board has decided to convert Notice 74-3 to an advance notice of proposed rule making in order that it may consider several technical points in greater detail, after which it will publish a new notice under Docket HM-115.

In consideration of the foregoing, Notice 74-3 has been redesignated by the Board as an advance notice of proposed rule making.

In view of this action, the Board is extending the comment period on the Advance Notice to October 17, 1974.

(Transportation of Explosives Act (18 U.S.C. 831-835) section 6 of the Department of Transportation Act, 49 U.S.C. 1655); Title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421-1430, 1472(h), and 1655(c)).)

Issued in Washington, D.C., on September 4, 1974.

ALAN I. ROBERTS,
Secretary, Hazardous Materials Regulations Board.

[FR Doc.74-20841 Filed 9-9-74;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 74-32; Notice 1]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Seat Belt Adjustment Requirements

This notice proposes an amendment of Standard No. 208, Occupant crash protection, 49 CFR 571.208, that would limit the use of "comfort clips" in conjunction with upper torso restraints and would require an emergency-locking retractor (ELR) for adjustment of any upper torso restraint furnished under the requirements of S4.1.2 and S4.1.3.

With several exceptions, S7.1.1 provides that an upper torso restraint "shall adjust by means of an emergency-locking retractor or manual adjusting device * * * to fit persons" of a certain size range. One exception is that an upper torso restraint provided in accordance with the ignition interlock option must be adjusted by an ELR and not a manual adjusting device.

Volkswagen of America has asked if these adjustment requirements permit the use of a "comfort clip" as S7.1.1 applies to its "passive belt" assembly. The Volkswagen system consists of an upper torso restraint, and in place of a lap belt, knee padding under the dashboard. It appears that this belt assembly may be offered in compliance with S4.1.2.2 of the standard.

The use of a "comfort clip" (which introduces slack into a belt for occupant comfort) has been approved for upper torso restraints under limited circumstances. In a March 9, 1973, letter to General Motors, it was pointed out that adjustment of the upper torso restraint is not as critical when the assembly includes an independently adjustable lap belt, and that a comfort clip is permissible under such limited circumstances. The NHTSA believes this interpretation should appear as an adjustment provision in the standard. This proposal would specifically limit the use of comfort clips with seat belts provided under the "third option" (S4.1.2.3) to assemblies which include an individually adjustable lap belt.

Seat belt assemblies provided under the other two options would be subjected to performance testing and must meet injury criteria levels established to ensure adequate occupant protection. In compliance testing of these systems which "require no action by vehicle occupants," they must be capable of passing the requirements when tested with the comfort clip in the position most adverse to occupant safety. Thus Volkswagen could use a comfort clip on its passive belt upper torso restraint, but the belt would be tested with the maximum amount of slack in the belt which could be introduced by the clip.

The Volkswagen request raised the further point that only the upper torso restraint of ignition interlock assemblies must be fitted with an ELR as S7.1.1 is presently written. The NHTSA believes that passive belt systems will be offered in some cases in satisfaction of the other options of S4.1.2 and S4.1.3 and that the convenience offered by the ELR should be available to all users of belts under S4.1.2 and S4.1.3.

Because ELR's are presently available in a configuration suitable for use with passive belt systems, it is proposed that the effective date of the amendments be 180 days following the date of publication of the final rule.

In consideration of the foregoing, it is proposed that Standard No. 208 (49 CFR 571.208) be amended in part as follows:

571.208 [Amended]

1. S7.1.1 would be amended by replacing "S7.1.1.1 and S7.1.1.2" with "S7.1.1.1 through S7.1.1.3" and by changing "S4.1.2.3.1(a)" to read "S4.1.2 and S4.1.3."

2. S7.1.1 would be further amended by the addition of a new S7.1.1.3 to read:

S7.1.1.3 In the case of a seat belt assembly provided under S4.1.2.3, a device used to limit retractive action of an emergency-locking retractor for the comfort of the occupant may be provided with the upper torso portion of the seat belt assembly only if it has an individually adjustable lap belt.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: November 12, 1974.

Proposed effective date: 180 days following publication of the final rule.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on September 5, 1974.

ELWOOD T. DRIVER,
Acting Associate Administrator, Motor Vehicle Programs.

[FR Doc.74-20851 Filed 9-9-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 55]

[FLR 258-8]

ENERGY RELATED AUTHORITY

Proposed Requirements for Temporary Suspensions and Compliance Date Extensions

Section 119 of the Clean Air Act (42 U.S.C. 1857, et seq., as amended by Pub. L. 91-604, 84 Stat. 1676, and Pub. L. 93-319, 88 Stat. 246), which became law on June 22, 1974, provides that the Administrator of the Environmental Protection Agency shall prescribe regulations, within 90 days of the date of enactment of the new section, for fuel-burning sources eligible for compliance date extensions under the Energy Supply and Environmental Coordination Act of 1974. The Administrator is proposing regulations herein to satisfy this requirement of the Act. These proposed regulations also include provisions for temporary suspensions. A notice for a public hearing on these proposed regulations was published in the FEDERAL REGISTER on August 29, 1974, at 39 FR 31548. The hearing will be held on September 30, 1974.

Section 2 of the Energy Supply and Environmental Coordination Act of 1974 authorizes the Administrator of the Federal Energy Administration (FEA) to order that certain powerplants and other major fuel-burning installations convert

to coal as their primary fuel, provided that certain practicality, supply, and economic conditions are met. FEA authority to issue such initial orders expires after June 30, 1975; all such orders expire on January 1, 1979. There are two general categories of orders which FEA may issue: short term (which expire by June 30, 1975) and long term (which extend past June 30, 1975).

SHORT-TERM ORDERS (TEMPORARY SUSPENSIONS)

Before a short-term FEA order to burn coal takes effect, the EPA administrator must certify to FEA the date by which the source will be able (exclusive of economic considerations) to comply with the applicable air pollution requirements. If the source receives a short-term FEA order to burn coal but does not qualify for a temporary suspension, the effective date of the FEA order can be no earlier than that specified by EPA as the date by which the source will be able to comply with all applicable air pollution requirements. If EPA will issue the source a temporary suspension of any stationary source fuel or emission limitation, the effective date of the FEA order can be no earlier than that certified by EPA as the date by which the source will be able to comply with conditions prescribed by EPA to protect national primary ambient air quality standards during the period covered by the suspension. Temporary suspensions, like FEA's short term orders to burn coal, may not extend past June 30, 1975.

Two categories of persons are eligible for temporary suspensions. The first category includes those found by EPA to be unable to comply with fuel or emission limitations solely because of the unavailability of fuels that would allow compliance (because of strikes or embargoes, for example, but not as a result of an FEA order to burn coal under section 2(a) of the Energy Supply and Environmental Coordination Act.) The second category includes (1) those installations prohibited from burning oil or gas by a section 2(a) FEA order and converted to burning coal after September 15, 1973, and (2) those which began conversion to coal during the period beginning on September 15, 1973 and ending on March 15, 1974, whether or not section 2(a) orders to convert were issued to such sources by FEA. A temporary suspension can be issued to a source in the second category only if EPA determines that the source can comply during the suspension with any necessary "primary standard conditions" (to prevent any national primary ambient air quality standard from being exceeded).

All suspensions will be conditioned on compliance with reasonable and practicable interim requirements which shall include, but need not be limited to, necessary reporting requirements, emergency measures to protect against imminent and substantial endangerment to human health, and (for suspensions for unavailability of conforming fuel) requirements for inapplicability of the suspension during any period for which EPA determines that conforming fuel has become in fact reasonably available. In making a determination that conforming fuel has become available, the Administrator will consider the costs associated with utilization of such fuel and the period of time during which such fuel will be available to the source.

If, during the period covered by a suspension issued to a source in the second category, EPA finds that (1) a source under an FEA section 2(a) order to burn coal is unable to comply with necessary primary standard conditions (except due solely to unavailability of fuel); (2) the source is not meeting a primary standard condition but enforcement of it has been judicially restrained; or (3) the burning of coal by the source will result in an increase in emissions of a pollutant for which national ambient air quality standards have not been promulgated, and that such increase may cause or materially contribute to a significant risk to public health, then EPA will certify its finding of such facts to FEA and, the section 2(a) FEA order to burn coal will be ineffective during the period of the certification.

LONG TERM ORDERS (COMPLIANCE DATE EXTENSIONS)

FEA is authorized, through June 30, 1975, to issue orders to become effective before January 1, 1979, to burn coal for periods extending over a long term (beyond June 30, 1975). If a source subject to such an order can meet applicable air pollution requirements without a "compliance date extension", EPA will certify to FEA the date by which such requirements can be, or have been, met. If a source ordered to burn coal is not eligible for a compliance date extension, EPA will certify to FEA the earliest date the source will be able to burn coal and comply with the applicable air pollution requirements. The applicable air pollution requirements involved in EPA's certification to FEA in both of these cases are those mandated by the applicable implementation plan as well as any other federal, State, or local requirements. If the source ordered by FEA to burn coal is eligible for a compliance date extension, EPA will certify the date the source will be able to meet the requirements which will be imposed as conditions on the compliance date extension itself. These requirements are twofold: first, EPA will prescribe appropriate conditions to protect national primary ambient air quality standards (the "primary standard condtions"); and. second, a source located in an air quality control region in which a national primary air quality standard for a specific pollutant is being exceeded, must meet the State implementation plan requirements for that pollutant (the "regional limitation").

The following sources are eligible for compliance date extensions: (A) a source issued a section 2(a) FEA order to burn coal which converted to coal after September 15, 1973; and (B) a source which voluntarily began conversion to coal during the period beginning September 15, 1973 and ending March 15, 1974. The compliance date extension may not be granted unless EPA finds that (i) the source cannot burn coal available to it in compliance with applicable air pollution requirements without an extension; and (ii) during the extension the source will be able to comply with applicable primary standard conditions and any applicable regional limitations; and (iii) the source has submitted and EPA has approved a compliance plan with certain specified features.

If a source receives a compliance date extension, air pollution requirements may not prohibit it from burning coal until the extension expires, except during a period when EPA certifies that (1) a source ordered to burn coal cannot comply with the primary standard condition or regional limitation; (2) such condition or limitation is not being met but enforcement of it has been judicially restrained; or (3) the burning of coal by the source will result in increased emissions of pollutants for which national standards have not been promulgated in amounts which may cause or contribute to a significant risk to public health. Whenever such circumstances exist, EPA must so certify to FEA, at which time the section 2(a) FEA order to burn coal becomes ineffective during the period of the certification.

In certifying the dates by which a source can comply with air pollution requirements, the EPA Administrator will consider only the physical and technological feasibility of compliance by the plant or installation. The reasonableness of the cost of compliance is a matter reserve exclusively for consideration by the Administrator of FEA in detremining the practicability of a section 2(a) prohibition order. In order to enable him to make the necessary determinations of feasibility of compliance, it is necessary for the EPA Administrator to request that sources submit certain data, much of which is described in these proposed regulations, whether or not such a source is eligible or has applied for a compliance date extension or temporary suspension. Under section 114 of the Clean Air Act, the EPA Administrator may require the submittal of information reasonably necessary to carry out section 119.

COMPLIANCE DATE EXTENSION APPLICATIONS

Section 119(c)(2)(B) of the Clean Air Act directs the EPA Administrator to prescribe regulations requiring that any source to which a compliance date extension applies submit and obtain approval of its means for and schedule of compliance with the requirements of the applicable State implementation plan requirements. Specifically, EPA must require that the source achieve the most stringent degree of emission reduction that such source would have been required to achieve under the applicable

implementation plan which was in effect on the date of submittal of the source's plan for compliance (or if no applicable implementation plan was in effect on such date, under the first applicable implementation plan which takes effect after such date).

If an extension is granted, it may extend the date for compliance with all air pollution control requirements, whether imposed at the State, federal, or local level, and whether or not included in the applicable implementation plan. Therefore, it is possible that in some cases the compliance date extension will expire at some time after the schedule for compliance with applicable implementation plan provisions has been met and final compliance with such provisions has been achieved. Where the requirement affected by an extension is not federally enforceable (as in the case of a State or local requirement which is not part of an EPA approved implementation plan), EPA must certify to FEA the date by which the source can comply but does not have the authority to assure that a compliance plan has been developed and is being followed by the source.

These proposed regulations would require the submittal of revised schedules setting forth final dates for compliance for all air pollution requirements which are enforceable by EPA including new source performance standards, national emission standards for hazardous air pollutants, and requirements under State implementation plans. For compliance date extensions which are granted for State or local air pollution requirements not included in State implementation plans, it remains the responsibility of the respective State or local enforcement agencies to establish compliance schedules.

Section 119(c)(2)(C) also provides that EPA's regulations for compliance date extensions shall require that sources granted extensions achieve compliance as soon as practicable, but not later than December 31, 1978; except that, in the case of a source for which a continuous emission reduction system is required for sulfur-related emissions, reduction of such emissions shall be achieved on a date designated by the Administrator (but not later than January 1, 1979). These regulations require the source to specify its final compliance date in the compliance schedule it submits to the Administrator for approval. If the Administrator disapproves that date, then he will designate an acceptable one. If the date specified by the source is acceptable, the Administrator's approval of the compliance schedule will constitute his designation of the date for compliance.

It should be emphasized that the compliance date extension provision is applicable only to (1) certain sources which voluntarily began conversion from petroleum products or natural gas to coal during the period beginning September 15, 1973, and ending March 15, 1974, and which actually converted or (2) sources which converted from petroleum products or natural gas to coal as a result of an order issued by the Federal Energy Administrator under section 2 of the Energy Supply and Environmental Coordination Act of 1974. The compliance date extension provision does not apply to coal-burning sources which were burning coal prior to September 15, 1973, and which are ordered by FEA under section 2 to continue burning coal. In addition, any coal-burning source which temporarily converts to burning petroleum products or natural gas, after June 22, 1974, in anticipation of or for the purpose of obtaining a section 2 order, and which converts from coal for the purpose of establishing eligibility for a compliance date extension, will not be considered eligible for a compliance date extension because the compliance date extension provision was intended to cover only sources for which the normal plan of service would be interrupted by a section 2 FEA order to burn coal. The issuance of a compliance date extension to a source which does not convert in good faith would be inconsistent with the satement of purpose in section 1 of the Energy Supply and Environmental Coordination Act of 1974.

Primary standard conditions imposed on sources granted compliance date extensions or temporary suspensions will be emission limitations, requirements respecting pollution characteristics of coal, or other enforceable measures for control of emissions which the Administrator determines must be met by a source in order to assure that the burning of coal by that source will not cause or contribute to concentrations of any air pollutant in excess of any national primary ambient air quality standard. The Administrator may require that the source use intermittent or alternative controls during such period if he determines that such measures are enforceable and will provide the necessary assurance that the national primary air quality standard will be attained and maintained.

The regional limitation, which applies to any source which is located in an air quality control region in which any national primary ambient air quality standard for a particular pollutant is being exceeded, precludes such a source from emitting that pollutant in amounts which exceed any emission limitation or violate any other air pollution requirement for that pollutant under the applicable implementation plan. Thus, for example, sulfur oxide emissions from a source located in a region in which primary standards for particulates are not being met, could exceed applicable implementation plan limitations for sulfur oxides so long as the source complies with the primary standard conditions designed to protect the national primary standards for sulfur oxides. The source would have to meet the regional limitation (the implementation plan requirements) for particulates. Moreover, if at any subsequent time it is determined that the national primary standard for particulates is being attained in the region, then such source would no longer be subject to the regional limitation (but of course would be subject to all necessary primary standard conditions).

These proposed regulations are not intended to permit delay of existing compliance schedules for control of particulate emissions. Some slight delay may be necessary in light of revised compliance schedules for control of sulfur-related emissions. However, under some circumstances where previous controls for particulates were inadequate, the Administrator will allow time for the installation of necessary particulate controls.

Section 119(c)(1) provides that if a compliance date extension is issued to a source, such a source shall not, until January 1, 1979, be prohibited, by reason of the application of any air pollution requirement, from burning coal. A compliance date extension may be granted for any period up to January 1, 1979. In a case where an extension is granted for a shorter time, State and local air pollution requirements which are not federally enforceable may be enforced, upon expiration of the extension, by the State or local authorities so long as their enforcement does not involve a prohibition of coal burning.

These proposed regulations require sources to which the compliance date extension provisions apply to submit revised compliance schedules to the Enforcement Division Director in the appropriate EPA regional office within 90 days after the effective date of these regulations (or 90 days after a source is ordered to convert to coal by FEA under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974). The reason for requiring submittal within 90 days was to prevent, in accordance with Congressional intent, any unnecessary delay in achieving clean air goals.

Temporary Suspensions

Although Congress did not require EPA to prescribe regulations for temporary suspensions, the Administrator believes it is desirable to publish regulations setting forth (1) the conditions of eligibility for a temporary suspension, and (2) instructions as to where an eligible person should apply for a temporary suspension. These regulations require that applications be forwarded to the Enforcement Division Director in the appropriate EPA regional office.

Non-Criteria Pollutants

The Administrator of EPA is authorized to assure that FEA orders prohibiting the burning of petroleum products or natural gas under section 2(a) of the Energy Supply and Environmental Coordination Act will not create major new threats to health as a result of increased emissions of air pollutants for which national standards have not been established. Such pollutants are not limited to but may include sulfuric acid aerosols, sulfate particles, nitrates, cadmium, arsenic, and particulate polycyclic organic matter. These proposed regulations provide that the Administrator may require the submittal of emissions data for such pollutants.

COMPLIANCE SCHEDULES FOR SOURCES NOT GRANTED EXTENSIONS

In order to assure that sources subject to FEA orders to burn coal will be in compliance with all implementation plan requirements at the time such orders expire, EPA must develop a procedure to provide for enforceable compliance schedules which are appropriate under the circumstances and which can be enforced against such sources during the period that the FEA order is in effect. If such sources do not receive compliance date extensions (because, for example, they are merely ordered to continue burning coal for a certain period), it is possible that no federally approved State or local compliance schedules will assure ultimate compliance, either because existing schedules are inappropriate under the circumstances or because no schedules have yet been made applicable to such sources.

These proposed regulations (§ 55.06 (a)(2)) require that such sources submit compliance schedules and any other required information in order to permit EPA to make the necessary certification to FEA that the source will be able to meet air pollution requirements. EPA does not, however, have authority under § 119 of the Clean Air Act, to promulgate or order compliance schedules for such sources without following the procedures set forth in § 110 of the Act for revision of State implementation plans. It is, therefore, the Administrator's intent that schedules submitted by the sources under this provision be evaluated and modified as necessary, that EPA's certification to FEA state clearly that the source will be able to comply by the end date of the schedule but that it will be necessary for the source to expend the funds required to meet the schedule and that if the FEA order becomes effective, EPA will take the action necessary to make the schedule enforceable. Such action will consist of proposing and promulgating the schedule in 40 CFR Part 52, to become effective within 60 days unless the State submits an equally stringent approvable schedule in that time. These schedules could be enforced by civil or criminal action, under sections 110 and 113 of the Clean Air Act.

PUBLIC PARTICIPATION

Interested persons may participate in this rulemaking by submitting written comments (in duplicate) to the Division of Stationary Source Enforcement (EG–341), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, Attention: Mr. Richard D. Wilson, Director. The Administrator will welcome comments on all aspects of the proposed regulations. All relevant comments received not later than October 10, 1974, will be considered. Receipt of comments will be acknowledged, and the more important points will be discussed in the preamble to the final regulations. Comments received will be available for public inspection at the Office of Public Affairs, 401 M Street SW., Washington, D.C. 20460.

This notice of proposed rulemaking is issued under the authority of sections 114, 119 and 301 of the Clean Air Act, as amended.

Dated: September 4, 1974.

JOHN QUARLES,
Acting Administrator,
Environmental Protection Agency.

It is proposed to add a new Part 55 to Chapter I, Title 40, Code of Federal Regulations, as follows:

PART 55—ENERGY RELATED AUTHORITY UNDER THE CLEAN AIR ACT

Subpart A—Compliance Date Extensions, Temporary Suspensions, and One Year Postponements for Power Plant Shut Down

Sec.

55.01 Applicability.
55.02 Definitions.
55.03 Address.
55.04 Compliance date extensions.
55.05 Temporary suspensions.
55.06 Sources ordered to burn coal which are not eligible to apply for either a compliance date extension or a temporary suspension.
55.07 Petitions by air pollution control agencies.
55.08 One year postponement of power plant shut down.
55.09 General requirements.

AUTHORITY: Secs. 114, 119, and 301, Clean Air Act (42 U.S.C. 1857, et seq.), as amended, Pub. L. 91–604, 84 Stat. 1676, and Pub. L. 93–319, 88 Stat. 246.

Subpart A—Compliance Date Extensions, Temporary Suspensions and One Year Postponements for Power Plant Shut Down

§ 55.01 Applicability.

(a) The provisions of this part apply to:

(1) Any fuel-burning stationary source which is eligible to apply for a compliance date extension,

(2) Any person to whom a stationary source fuel or emission limitation applies and who is eligible for a temporary suspension of such limitation,

(3) Any electric generating power plant which is eligible to apply, under section 119(i) of the Act, for a one-year postponement of any requirement of an applicable implementation plan, and

(4) Any fuel burning stationary source which is issued an order by the Federal Energy Administrator under section 2(a) of the Energy Supply and Environmental Coordination Act.

(b) The Administrator shall issue a compliance date extension (to be effective on the date of actual physical conversion) to any fuel-burning stationary source:

(1) Which is eligible to apply for a compliance date extension because:

(i) such source is prohibited from using petroleum products or natural gas by reason of an order to convert to coal which is in effect under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974, or

(ii) The Administrator determines that such source began conversion as defined in § 55.04(a)(3) to the use of coal as its primary energy source during the period beginning on September 15, 1973, and ending on March 15, 1974;

(2) Which, on or after September 15, 1973, converts to the use of coal as its primary energy source;

(3) Which the Administrator finds will not be able to burn coal (which is available to such source) in compliance with all applicable air pollution requirements without a compliance date extension;

(4) Which the Administrator finds will be able during the period of the compliance date extension to comply with all primary standard conditions applicable to such source, and with the regional limitation if applicable to such source; and

(5) Which has submitted to the Administrator a plan for compliance for such source which the Administrator has approved.

(c) The Administrator may, for any period beginning on or after June 22, 1974 and ending on or before June 30, 1975, temporarily suspend any stationary source fuel or emission limitation as it applies to any person:

(1) If the Administrator finds that such person will be unable to comply with any such limitation during such period solely because of unavailability of types or amounts of fuels (unless such unavailability results from an order under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974), or

(2) If such person is a source which is described in paragraph (b)(1) of this section, and which has converted to coal, and the Administrator finds that the source will be able to comply during the period of the suspension with all primary standard conditions which will be applicable to such source.

§ 55.02 Definitions.

As used in this part, all terms not defined herein shall have the meaning given them in the Act:

(a) "Act" means the Clean Air Act (42 U.S.C. 1857 et seq., as amended by Pub. L. 91–604, 84 Stat. 1676, and Pub. L. 93–319, 88 Stat. 246).

(b) "Administrator" means the Administrator of the Environmental Protection Agency or his authorized representative.

(c) "Stationary source" or "source" means any building, structure, facility, or installation which emits or may emit any air pollutant, including any person who owns, leases, operates, controls, or supervises any such building, structure, facility, or installation.

(d) "Primary standard condition" means an enforceable limitation, requirement, or other measure prescribed by the Administrator (after consultation with appropriate States) for each source to which a suspension under paragraph (c)(2) of § 55.01 will apply, and for each source to which a compliance date extension will apply, for the purpose of assuring (throughout the period that the suspension or extension will be in effect) that the burning of coal by such source will not result in emissions which cause

or contribute to concentrations of any air pollutant in excess of any national primary ambient air quality standard for such pollutant.

(e) "Regional limitation" means the requirement that a source which is issued a compliance date extension, and which is located in an air quality control region in which a national primary ambient air quality standard for an air pollutant is not being met at any location in that region, may not emit such pollutant in amounts which exceed any emission limitation (and may not violate any other requirement) which applies to such source, under the applicable implementation plan for such pollutant.

(f) "Coal" means coal or coal derivatives.

(g) "Air pollution requirement" means any emission limitation, schedule or timetable for compliance, or other requirement, which is prescribed under any Federal, State, or local law or regulation, including the Act [except for any requirement prescribed under section 119(c) or (d), section 110(a)(2)(F)(v), or section 303 of the Act], and which limits stationary source emissions resulting from combustion of fuels (including a prohibition on, or specification of, the use of any fuel of any type, grade, or pollution characteristic.

(h) "Stationary source fuel or emission limitation" means any emission limitation, schedule or timetable of compliance, or other requirement, which is prescribed under the Act (other than section 119, section 111(b), section 112 or section 303 of the Act) or contained in any applicable implementation plan (other than a requirement imposed under authority described in section 110(a)(2)(F)(v) of the Act), and which limits, or is designed to limit, stationary source emissions resulting from combustion of fuels, including a prohibition on, or specification of, the use of any fuel of any type, grade, or pollution characteristic.

(i) "Person" includes (in addition to the meaning given that term in section 302(e) of the Act) a fuel supplier.

§ 55.03 Address.

All requests, reports, applications, submittals, and other communications to the Administrator pursuant to this part shall be submitted in duplicate and addressed to the appropriate Regional Office of the Environmental Protection Agency, to the attention of the Director, Enforcement Division. The regional offices are as follows:

Region I (Connecticut, Maine, New Hampshire, Massachusetts, Rhode Island, Vermont), John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Region II (New York, New Jersey, Puerto Rico, Virgin Islands), Federal Office Building, 26 Federal Plaza (Foley Square), New York, N.Y. 10007.

Region III (Delaware, District of Columbia, Pennsylvania, Maryland, Virginia, West Virginia), Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106.

Region IV (Alabama, Florida, Georgia, Mississippi, Kentucky, North Carolina, South Carolina, Tennessee), Suite 300, 1421 Peachtree Street, Atlanta, Georgia 30309.

Region V (Illinois, Indiana, Minnesota, Michigan, Ohio, Wisconsin), 1 North Wacker Drive, Chicago, Illinois 60606.

Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, Texas), 1600 Patterson Street, Dallas, Texas 75201.

Region VII (Iowa, Kansas, Missouri, Nebraska), 1735 Baltimore Street, Kansas City, Missouri 64108.

Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming), 916 Lincoln Towers, 1860 Lincoln Street, Denver, Colorado 80203.

Region IX (Arizona, California, Hawaii, Nevada, Guam, American Samoa), 100 California Street, San Francisco, California 94111.

Region X (Washington, Oregon, Idaho, Alaska), 1200 Sixth Avenue, Seattle, Washington 98101.

§ 55.04 Compliance date extensions.

(a) Any source which is eligible to apply for a compliance date extension under § 55.01 shall submit, within 90 days after the effective date of these regulations (or 90 days after an eligible source is issued an order under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974, if such source is issued an order after the effective date of the regulations), to the Administrator the following:

(1) If the source is not applying for a compliance date extension:

(i) A listing of all applicable State and local air pollution requirements together with a certification of the date that the source will be able to burn coal and comply with each applicable air pollution requirement without a compliance date extension, and (ii) a plan for compliance which includes the same provisions as specified in (B) through (G) of paragraph (a)(2)(i) or (B) through (G) of paragraph (a)(2)(ii).

(2)(i) If the source is applying for a compliance date extension, an approvable plan for compliance which includes as a minimum:

(A) The date by which the source will submit approvable contracts (or other obligations enforceable against such source) referred to in paragraph (a)(2)(i)(B) of this section,

B. The date by which the source will enter into (or has entered into, if entered into before June 22, 1974) contracts (or other obligations enforceable against such source) which the Administrator has approved as being adequate to provide for obtaining a long-term supply of coal which enables such source to achieve the emission reduction required by paragraph (a)(2)(i)(E),

(C) Date of initiation of on-site construction or installation of process changes, if necessary,

(D) Date by which on-site construction or installation of necessary process changes is to be completed.

(E) Date by which the source will be in compliance with all air pollution requirements (except those prescribed by any State or local law or regulation which is not a part of the applicable implementation plan) which were in effect on the date of submittal of this compliance schedule (or if there is no air pollution requirement in effect under the applicable implementation plan on such date, then the first air pollution requirement which takes effect under the applicable implementation plan after such date). The necessary emission reduction shall be achieved as soon as practicable, but not later than December 31, 1978.

(F) A provision in which the source agrees to notify the Administrator in writing no later than ten days after each requirement, specified under paragraphs (a)(2)(i)(B), (C), (D) and (E) of this section, has been obtained, and

(G) A provision in which the source agrees to take steps, when deemed necessary by the Administrator, to prevent imminent and substantial endangerment to health of persons, or:

(ii) An approvable plan for compliance which includes as a minimum:

(A) The date by which the source will submit approvable contracts (or other obligations enforceable against such source) referred to in paragraph (a)(2)(ii)(B) of this section,

(B) The date by which the source will enter into (or has entered into, if entered into before June 22, 1974) contracts (or other obligations enforceable against such source) which the Administrator has approved as being adequate to provide a long-term supply of coal and continuous emission reduction systems necessary to permit such source to burn such coal and to achieve the degree of emission reduction required by paragraph (a)(2)(ii)(E),

(C) Date of initiation of on-site construction or installation of continuous emission reduction systems,

(D) Date by which on-site construction or installation of continuous emission reduction systems is to be completed,

(E) Date by which the source will be in compliance with all air pollution requirements (except those prescribed by any State or local law or regulation which is not a part of the applicable implementation plan) which were in effect on the date of submittal of this compliance schedule (or if there is no air pollution requirement in effect under the applicable implementation plan on such date, then the first air pollution requirement which takes effect under the applicable implementation plan after such date). The necessary emission reduction shall be achieved as soon as practicable, but not later than December 31, 1978; except that, in the case of a source for which a continuous emission reduction system is required for sulfur-related emissions, reduction of such emissions shall be achieved as soon as practicable (unless otherwise specified by the Administrator) but not later than January 1, 1974,

(F) A provision in which the source agrees to notify the Administrator in writing, no later than ten days after each requirement, specified under paragraphs (a)(2)(ii)(B), (C), (D), and (E) of this section, has been attained, and

(G) A provision in which the source agrees to take steps, when deemed necessary by the Administrator, to prevent imminent and substantial endangerment to health of persons.

(3) If the source is applying for a compliance date extension under § 55.01 (b) (1) (ii), evidence to support a determination by the Administrator that such source began conversion to the use of coal as its primary energy source during the period beginning on September 15, 1973, and ending on March 15, 1974. A source began conversion if the following conditions exist:

(i) During the period beginning on September 15, 1973, and ending on March 15, 1974, the source took affirmative action to convert, such as:

(A) Entering a long-term contract binding on such source for obtaining coal; or

(B) Entering a contract binding on such source for obtaining equipment or facilities to enable such source to use coal as its primary energy supply on a permanent basis; or

(C) Expending sums in amounts necessary to undertake a complete and permanent conversion to coal; or

(D) Formal application to the proper legal authorities for a variance from applicable implementation plan requirements to enable such source to burn coal; and

(ii) The Administrator finds that the action taken under (a) (3) (i) evidences:

(A) A decision made prior to March 15, 1974, to convert to coal as a result of the unavailability of an adequate supply of fuels required for compliance with the applicable implementation plan; and

(B) A good faith effort to expeditiously carry out such decision.

(4) If the source is applying for a compliance date extension, process and emissions data for purposes of determining any necessary primary standard conditions including as a minimum:

(i) For those sources which are required to submit to the Federal Power Commission the FPC Form 67 and Form 423:

(A) Verification of all data listed on the FPC Form 67 and Form 423 which are accurate,

(B) Correction of all data on the FPC Form 67 and Form 423 which are inaccurate and inclusion of any missing data,

(C) Notification of pending removal from service of any unit or units prior to January 1, 1980,

(D) Notification of proposed completion and startup of any new unit or units prior to January 1, 1979,

(E) For each new unit, projected operating and design data as required in Part I of the FPC Form 67,

(F) Listing of expected changes in average operation conditions and seasonal cycle of load use resulting from conversion to use of coal as its primary energy source, and

(G) Specification of the location of the source giving coordinates in the Universal Transverse Mercator system, or longitude and latitude.

(ii) For all sources except those identified in paragraph (a) (4) (i) of this section:

(A) Completion of all applicable sections of OMB form 158–R75, "Air Pollutant Emissions Report", including:

(1) In section I, the source location in UTMS or latitude-longitude coordinates,

(2) In sections II, V, and VI, required information for the source both prior to the proposed conversion to coal, and as projected after the proposed conversion to coal, and

(3) In all sections, all available data for projected new units,

(B) Notification of pending removal from service of any unit or units prior to January 1, 1979, and

(C) Notification of proposed completion and startup of any new unit or units prior to January 1, 1979, and

(5) If the source is applying for a compliance date extension, evidence that the source is not able to burn coal in compliance with all applicable air pollution requirements.

(6) If the source is applying for a compliance date extension, a listing of all applicable State and local air pollution requirements together with a certification of the date that the source will be able to burn coal and comply with each applicable air pollution requirement.

(b) The contracts or obligations referred to in paragraphs (a) (2) (i) (B) and (a) (2) (i) (B) of this section shall be submitted to the Administrator for his approval before they become effective (except that a contract or obligation which became effective before June 22, 1974, shall be submitted for approval after it became effective).

(1) A contract (or other obligation enforceable against such source) to provide for obtaining a long-term supply of coal shall include, as a minimum, the following:

(i) Provisions (such as reasonable price escalation clauses, requirements for performance bonds, commitments to subject price disputes to arbitration, provision for liquidated damages, provision for alternative performance by delivery of conforming coal produced by other suppliers, and other incentives and disincentives) which reasonably insure performance by the supplier despite fluctuation in coal prices and other changes in market conditions;

(ii) A description (including the average sulfur, ash, heat content, and the limits of expected variations) of the grade and quality of the coal to be supplied which shall be sufficient to permit the Administrator to determine that such coal, together with any other emission reduction measures specified in the compliance schedule, would enable the source to achieve the emission reduction required by paragraph (a) (2) (i) (E) of this section;

(iii) A statement of the quantity of the coal to be supplied and/or delivered which is sufficient to enable the source to achieve the emission reduction required by paragraph (a) (2) (i) (E) of this section;

(iv) A contract provision (or separate contract or obligation) to assure delivery of such coal to the source; and

(v) A provision specifying the period during which such coal shall be supplied and/or delivered.

(2) A contract (or other obligation enforceable against such source) to provide for obtaining continuous emission reduction systems shall include, as a minimum, the following:

(i) An identification of the types of systems to be installed; and

(ii) A statement of the control efficiencies to be achieved by such systems and the conditions under which such control efficiencies will be met, including the quality and grade of coal required.

(3) A contract (or other obligation enforceable against such source) to provide for obtaining a long-term supply of coal or to provide for obtaining continuous emission reduction systems shall include, as a minimum, the following:

(i) The contract (or obligation) must be signed by the parties to it (or other evidence of firm commitment must be submitted);

(ii) For such contracts (or obligations) entered after June 22, 1974, a provision that the Administrator's written approval is a condition precedent to the existence of the contract (or obligation);

(iii) Deadlines for performance which insure that the approved schedule for compliance as required by paragraph (a) (2) of this section will be met;

(iv) A requirement that the supplier, vendor, or other party to a contract shall report to the source, at regular intervals, on progress toward or status of performance of such party's obligations, any existing or anticipated problems which would prevent or delay such performance, and what steps are being taken to remedy such problems; and

(v) A requirement that whenever the supplier, vendor, or other party to a contract encounters or anticipates problems which could prevent or delay performance of such party's obligations, such party shall immediately report all relevant circumstances and any remedial steps to the source.

(c) The Administrator shall approve, disapprove or modify any plan for compliance and any contract within 60 days after such plan or contract is submitted as required by paragraph (a) (2) and paragraph (b) of this section, respectively, of this section.

(d) The Administrator shall prescribe any necessary primary standard condition, regional limitation or such interim requirements as the Administrator determines are reasonable and practicable as conditions of approval for a plan of compliance. A source must submit as a part of its plan for compliance, proposed legally enforceable limitations, requirements, or other measures which will assure (throughout the period that the compliance date extension will be in effect) that the burning of coal by such source will not result in emissions which cause or contribute to concentrations of any air pollutant in excess of any national primary ambient air quality standard for such pollutant. Such submittal is

subject to the Administrator's approval, disapproval or modification.

(e) The Administrator may require the monitoring of ambient air concentrations as a condition of approval for a plan of compliance.

(f) Six months after the Administrator approves the plan of compliance, submitted under paragraph (a)(2) of this section, and every six months thereafter, the source shall submit a report to the Administrator which details the source's progress toward achieving compliance with all applicable air pollution requirements.

(g) If a compliance date extension is issued to a source, such source shall not, during the period of the extension, be prohibited, by reason of the application of any air pollution requirement, from burning coal which is available to such source, except as provided under section 119(d)(3) of the Act.

(h) A source may, upon the expiration of a compliance date extension, receive from the Administrator a one-year postponement of the application of any requirement of an applicable implementation plan under the conditions and in the manner provided in section 110(f) of the Act.

(i) The Administrator may postpone for 30 days the time period for the submittal of the information required under paragraphs (a)(1), (2), (3), (4) or (5) of this section, if he finds that, despite the source's good faith efforts to meet the specified deadlines, good cause exists for such postponement.

(j) The Administrator may, where appropriate and necessary, require the submittal of contracts at the same time information is submitted as required by paragraph (a) of this section.

(k) Any source which is denied a request for a compliance date extension, shall submit to the Administrator, within 30 days after such denial, the information required under paragraphs (a)(1)(i) and (ii) of the section.

§ 55.05 Temporary suspensions.

(a) Any person (including a public officer or public agency) may apply for a temporary suspension from the Administrator.

(b) The Administrator may act on his own motion in issuing a temporary suspension.

(c) Any temporary suspension issued by the Administrator shall be conditioned upon compliance with such interim requirements as the Administrator determines are reasonable and practicable. Such interim requirements shall include, but need not be limited to:

(1) Submission of such reports as the Administrator determines may be necessary,

(2) Such measures as the Administrator determines are necessary to avoid an imminent and substantial endangerment to health of persons, and

(3) In the case of a person who is eligible for a suspension under § 55.01(c)(1), requirements that the suspension shall be inapplicable during any period during which fuels, which would enable compliance with the suspended stationary source fuel or emission limitations, are in fact reasonably available (as determined by the Administrator) to such person.

(d) In the case of a source which is eligible for a suspension under § 55.01(c)(2), the Administrator shall prescribe any necessary primary standard condition as a condition of the suspension.

(e) In the case of a source which applies to the Administrator for a suspension under § 55.01(c)(1), the source shall submit with the application the following information as a minimum:

(1) Present fuel inventory, by quantity and quality (including sulfur, ash and heat content) and storage capacity;

(2) Reasons why traditional fuel suppliers cannot meet the source's needs;

(3) Documentation of efforts made to obtain conforming fuel from other suppliers;

(4) Names of suppliers, dates of contract, and volumes and grades of fuel sought, and

(5) Description of fuel demands.

(f) In the case of a fuel supplier which applies to the Administrator for a suspension under § 55.01(c)(1), the fuel supplier shall submit the following information as a minimum:

(1) Present fuel inventory by quantity and quality (including sulfur, ash and heat content) and storage capacity;

(2) Comparison of present supplies and storage capacity with the inventories during comparable periods of the previous two years;

(3) Information regarding fuel demands by the users of the supplier within the air quality control regions for which the supplier is requesting a suspension;

(4) Documentation of the reasons why adequate supplies of conforming fuel can not be provided to the users by the supplier;

(5) Documentation of the efforts made by the supplier to obtain comforming fuels.

(g) Any source which is eligible to apply for a temporary suspension under § 55.01(c)(2) shall submit, within 90 days after the effective date of these regulations (or 90 days after an eligible source is issued an order under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974, if such source is issued an order after the effective date of the regulations), to the Administrator the following:

(1) If the source is not applying for a temporary suspension:

(i) A listing of all applicable State and local air pollution requirements together with a certification of the date that the source will be able to burn coal and comply with each applicable air pollution requirement without a temporary suspension and

(ii) A plan for compliance which includes the necessary steps the source must take to comply.

(2) If the source is applying for a temporary suspension:

(i) A certification of the date that the source will be able to burn coal without emitting any pollutants in amounts which cause or contribute to concentrations in excess of any national primary ambient air quality standard for such pollutant, and

(ii) A plan for compliance which includes the necessary steps the source must take to comply.

(h) The Administrator may postpone for 30 days the time period for the submittal of the information required under paragraph (g) of this section if he finds that, despite the source's good faith efforts to meet the specified deadlines, good cause exists for such postponement.

§ 55.06 Sources ordered to burn coal which are not eligible to apply for either a compliance date extension or a temporary suspension.

(a) Any source which is not eligible to apply for a compliance date extension or a temporary suspension shall submit, within 90 days after such source is issued an order under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974 (or within 90 days after the effective date of these regulations, if such order is issued prior to the effective date of these regulations) to the Administrator the following:

(1) A certification of the date that the source will be able to burn coal and comply with all applicable air pollution requirements, and

(2) A plan for compliance which includes the necessary steps the source must take to comply.

(b) The Administrator may postpone for 30 days the time period for the submittal of the information required under paragraph (a) of this section if he finds that, despite the source's good faith efforts to meet the specified deadlines, good cause exists for such postponement.

§ 55.07 Petitions by air pollution control agencies.

(a) Any air pollution control agency may petition the Administrator to modify any primary standard condition in order to assure (throughout the period of a compliance date extension or a temporary suspension) that the source will not emit any air pollutant to a degree which causes or contributes to concentrations in excess of any national primary ambient air quality standard for such pollutant.

(b) Any air pollution control agency may petition the Administrator to certify to the Federal Energy Administrator that an order issued under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974 shall not be in effect for any period during which the burning of coal by a source will result in an increase in emissions of any air pollutant for which national ambient air quality standards have not been promulgated (or an air pollutant which is transformed in the atmosphere into an air pollutant for which such a standard has not been promulgated), and that such increase may cause (or materially contribute to) a significant risk to public health.

(c) The Administrator may also initiate the proceedings referred to in paragraphs (a) and (b) of this section, on his own motion.

§ 55.08 One year postponement for power plant shutdown.

(a) An electric generating power plant may apply (with the concurrence of the Governor of the State in which such plant is located) to the Administrator to postpone the applicability of any requirement of an applicable implementation plan for not more than one year.

(b) Any electric generating power plant:

(1) Which, because of the age and condition of the plan, is to be taken out of service permanently no later than January 1, 1980, according to the power supply plan (in existence on January 1, 1974) of the owner or operator of such plant,

(2) For which a certification to that effect has been filed by the owner or operator of the plant with the Administrator and the Federal Power Commission, and

(3) For which such Commission has determined that the certification has been made in good faith and that the plan to cease operations no later than January 1, 1980, will be carried out as planned in light of existing and prospective power supply requirements,

is eligible for a postponement as provided in paragraph (a) of this section.

(c) If the Administrator determines, after considering the risk to public health and welfare which may be associated with a postponement, that compliance with any requirement of an applicable implementation plan is not reasonable in light of the projected useful life of the plant, the availability of rate base increases to pay for the costs of such compliance, and other appropriate factors, then the Administrator shall grant a postponement of any such requirement.

(d) The Administrator shall, as a condition of any postponement under this section, prescribe such interim requirements as are practicable and reasonable.

§ 55.09 General requirements.

The Administrator may require the submittal of any additional information, including emissions data for any air pollutant for which national ambient air quality standards have not been promulgated (or an air pollutant which is transformed in the atmosphere into an air pollutant for which such a standard has not been promulgated), which is reasonably necessary to implement section 119 of the Act.

[FR Doc.74-20864 Filed 9-9-74;8:45 am]

[40 CFR Part 87]

[FRL 262-4]

CONTROL OF AIR POLLUTION FROM AIRCRAFT AND AIRCRAFT ENGINES

Extension of Comment Period for In-Use Aircraft Standards

On July 17, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (Volume 38, FR 19050) which described standards limiting emissions from in-use aircraft gas turbine engines rated at or above 29,000 pounds thrust, beginning January 1, 1983.

Comments were submitted by four organizations, which expressed uncertainty regarding the technological feasibility of meeting the proposed standards at reasonable cost. The Environmental Protection Agency (EPA) considers that more information on the technology for controlling aircraft emissions through retrofit is needed in order to either support the currently proposed standards or to determine what other emission reductions can be achieved. Thereby, EPA will assure that the best technology which can be applied is reflected in the standards.

EPA still fully intends to promulgate regulations to insure the retrofit of in-use aircraft, but will delay final regulatory action until a reassessment of retrofit technology utilizing information from current research programs, both government and privately sponsored, is complete. In the interim, the EPA will closely monitor the efforts of the industry and government to define the requisite technology. In addition, to insure that all the available information bearing on the feasibility of meeting the proposed standards is considered, a public hearing will be held prior to promulgation.

Accordingly, the notice of proposed rulemaking will remain open for written comments until the close of the hearing. Notice of the hearing will be published in the FEDERAL REGISTER and all individuals and organizations submitting comments will be notified by letter. The hearing is planned for mid-1975. Comments should be submitted preferably in quadruplicate to the Office of Mobile Source Air Pollution Control (AW-455), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Dated: September 4, 1974.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management.

[FR Doc.74-20869 Filed 9-9-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 31]

[Docket No. 20110; RM-2338]

CLASS A AND CLASS B TELEPHONE COMPANIES

Order

In the matter of amendment of Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) to increase the monetary limit where capitalization is appropriate from $25 to $50.

1. The Commission has received a letter dated August 29, 1974 from The Western Union Telegraph Company (Western Union) requesting an extension from August 30, 1974 to October 31, 1974 in which to submit its views as to whether Part 35 of our Rules should be amended in the same manner as proposed for Part 31.

2. Western Union indicates that it desires to request a revision in Part 35 but due to time constraints it will not be able to develop the information requested by the Commission in paragraph 7 of the notice of proposed rule making in this matter by the due date of August 30, 1974 for filing comments.

3. It appears that it is in the public interest to allow additional time for comments. However, it is believed that an extension to September 30, 1974 rather than to October 31, 1974 as requested by Western Union would be more appropriate in order not to unduly delay action in this proceeding.

4. *Accordingly, It is ordered,* pursuant to authority delegated by § 0.303(c) of the Commission's rules, That the time for filing comments in the above captioned proceeding is hereby extended to September 30, 1974 and the time for filing reply comments is hereby extended to October 11, 1974.

Adopted: August 30, 1974.

Released: September 3, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALTER R. HINCHMAN,
Chief, Common Carrier Bureau.

[FR Doc.74-20818 Filed 9-9-74;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 436]

DISCLOSURE REQUIREMENTS AND PROHIBITIONS CONCERNING FRANCHISING

Proposed Trade Regulation Rule

Correction

In FR Doc. 74-19393, appearing at page 30360 in the issue for Thursday, August 22, 1974, make the following corrections:

1. In § 436.1, in the undesignated paragraph beneath paragraph (a)(2)(xx), the words "All of the foregoing information (1) to (20)" should be changed to read "All of the foregoing information (i) to (xx)".

2. In § 436.1(b)(2), in the first line, the word "basic" should be changed to read "basis".

LIBRARY OF CONGRESS

Copyright Office

[37 CFR Part 202]

MATERIAL NOT SUBJECT TO COPYRIGHT

Registration of Original Typeface Designs

The Copyright Office is considering amending § 202.1(a) of the Copyright Office Regulations to permit copyright registration for original typeface designs. The present Regulations prohibit registration for "mere variations of typographic ornamentation [or] lettering," and this prohibition is interpreted to include designs for type fonts within its scope.

This advance notice of proposed rulemaking is being issued to facilitate the

widest possible public expression of views on the legal and policy questions implicit in the possible change in registration practices.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire to the Copyright Office, Office of the General Counsel, Washington, D.C. 20559. Each person submitting a comment should include his name and address, and give reasons for his recommendations. A public hearing will be held on November 6, 1974, from 10 a.m. to 4 p.m. in room 1112, Building 2, Crystal Mall, Arlington, Virginia.

All communications received on or before November 15, 1974, will be considered by the Register of Copyrights and the Librarian of Congress before taking action on the proposed rule. If it is determined to be in the public interest to proceed further after consideration of comments received in response to this notice, a notice of proposed rulemaking will be issued.

The Copyright Office registers claims to copyright in accordance with Title 17 U.S.C. in "writings of authors," that is, original works of authorship in the form of literary, musical, dramatc, pictorial, and sculptural expression. Typeface designs have not previously been accepted for registration. In view of developments in the industry, judicial developments, and conclusion of an international convention in Vienna in 1973 aimed at an international system of protection for typeface designs under copyright or other legal theories, it is proposed that the validity of the present prohibition on registration for typeface designs be reevaluated. Comments are specifically requested in the following areas:

(1) Whether type fonts, as "useful articles," can incorporate original design elements capable of being identified as "works of art" within the scope of the present copyright statute;

(2) The distinctions, if any, between calligraphy, ornamental lettering, and typeface designs for copyright purposes;

(3) Whether a typeface design can, by its nature, incorporate the degree of originality and creativity necessary to support a copyright;

(4) Whether, for purposes of copyright registration, workable standards can be established for distinguishing "new" designs based on previously-existing typefaces from mere copies or minor variants of earlier designs;

(5) Assuming the potential copyrightability of certain typeface designs, the practical means of complying with the formal requirements of the copyright law as to notice, deposit, and registration.

This advance notice of proposed rulemaking is issued under the authority of section 207 of the Copyright Code, Title 17 U.S.C.

Dated: August 29, 1974.

BARBARA RINGER,
Register of Copyrights.

Approved by:

L. QUINCY MUMFORD,
Librarian of Congress.

[FR Doc.74-20769 Filed 9-9-74;8:45 am]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 701]

CREDIT UNION SERVICE CENTER

Establishment and Operation

Notice is hereby given that the Administrator of the National Credit Union Administration, pursuant to the authority conferred by section 120, 73 Stat. 635, 12 U.S.C. 1766, and section 209, 84 Stat. 1014, 12 U.S.C. 1789, proposes to amend Part 701 (12 CFR 701) by redesignating §§ 701.26 and 701.27 and by adding a new § 701.26 as set forth below.

The purpose of this amendment is to promulgate regulations governing the establishment and operation of a credit union service center, i.e., where one or more Federal credit unions contract with a vendor to provide physical facilities, centralized management, accounting services, and other routine credit union services.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to the Administrator, National Credit Union Administration, 2025 M St. NW., Washington, D.C. 20456. Comments received prior to October 30, 1974 will be considered before final action is taken on this proposal. Copies of all written comments received will be available for public inspection during normal business hours at the foregoing address.

AUGUST 30, 1974.

HERMAN NICKERSON, JR.,
Administrator.

1. Section 701.26 is redesignated as § 701.27–1, and the heading revised to read:

§ 701.27–1 Purchase of accounting services.

2. Section 701.27 is redesignated as § 701.27–2, and the heading revised to read:

§ 701.27–2 Participation in accounting service center.

3. A new § 701.26 is added to read as follows:

§ 701.26 Credit union service center.

(a) For the purposes of this section. (1) "Service Center" means a credit union service center which provides services to include, but not necessarily limited to, physical facilities, centralized management, and accounting services.

(2) "Accounting Service" means the maintenance of bookkeeping, accounting, or other records related to the purposes and functions of a credit union by manual, mechanical or electronic methods, and the furnishing of reports and information derived from such records.

(3) "Individual Identity" means that the identity of each participating Federal credit union is easily distinguishable from other credit unions and organizations participating in the service center activities.

(4) "Centralized management" means the single authority responsible for supervising, controlling and directing the day-to-day operations of the service center.

(b) (1) One or more Federal credit unions may contract with a vendor other than a Federal credit union to provide a credit union service center. The contract shall be in writing, shall have the approval of the Administrator, and shall expressly provide for:

(i) Segregating the credit union's assets and records;

(ii) Maintaining the credit union's individual identity;

(iii) Establishing minimum security devices and procedures in accordance with Part 748 (12 CFR 748);

(iv) Complying with the mandatory requirements with regard to the advertisement of insured status in accordance with Part 740 (12 CFR 740);

(v) Describing the services to be provided by the vendor and establishing the costs of these services subject to periodic review and negotiation;

(vi) Complying with the provisions of section 701.14 of this Part concerning all services performed;

(vii) Immediate availability and possession of the Federal credit union's books and records for examination by the Administrator and audit by the supervisory committee;

(viii) Establishing centralized management in consonance with the board of directors of each credit union directing and controlling the affairs of the credit union;

(ix) Notifying the credit union's surety company and obtaining written assurance from surety that coverage extends to the service center and its employees;

(x) Appointing the service center and its employees as agents of the credit union for purposes of transacting contracted services; and

(xi) Terminating, assigning, and mediating the contract.

(2) The files of the Federal credit union shall contain specific information concerning the procedures to be used by the vendor in complying with the terms of the contract. Such information may be in the form of a standard operating or users manual.

(3) A Federal credit union, in addition to regular payments for services as provided under the contract, shall not pay in advance the actual or estimated charges for more than 3 months' services. Where such advance payment is made it shall be amortized over a period not in excess of the period of the written agreement.

(c) (1) Requests for approval shall be submitted to the Regional Director in writing with a copy of the contract and all pertinent facts in support of the proposal not later than 60 days prior to the proposed implementation of the contract. A Federal credit union shall notify the Regional Director in writing within 30 days of the termination of the contract.

(2) The Regional Director will investigate each request to participate in a credit union service center activity and will make a recommendation as to whether it should be approved or disapproved. The request, contract and the

recommendation of the Regional Director shall be forwarded to the Administrator, who shall approve or disapprove the application. The Regional Director will be informed of the Administrator's action on the application and will promptly notify the Federal credit union concerned.

(3) Notwithstanding the provisions of paragraph (c)(2) of this section, the Regional Director may approve a Federal credit union's request supported by a standard contract of the same service center which has received prior approval by the Administrator in accordance with the provisions of paragraph (c)(2) of this section.

(d) No official or employee of a participating Federal credit union may have a pecuniary interest in the credit union service center pursuant to this section. No official of a participating Federal credit union may receive from the vendor of such services any salary or compensation other than the reimbursement of necessary expenses incurred in connection with the vendor's activities.

[FR Doc.74-20768 Filed 9-9-74;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 DEFENSE

Office of the Secretary of Defense

DEFENSE SCIENCE BOARD TASK FORCE ON EXPORT OF U.S. TECHNOLOGY; IMPLICATIONS TO U.S. DEFENSE

Advisory Committee Meeting

The airframe subcommittee of a special advisory committee to the Defense Science Board on "Export of U.S. Technology; Implications to U.S. Defense" will meet in closed session on 25 September 1974 at the McDonnell Douglas Corporation, St. Louis, Missouri.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense. The special advisory committee will provide an assessment of the implications to U.S. Defense of current and impending exports of U.S. technology to serve as a basis for determination of Defense policy.

In accordance with Pub. L. 92-463, section 10, paragraph (d), it has been determined that Defense Science Board meetings concern matters listed in section 552(b) of Title 5 of the United States code, particularly subparagraph (1) thereof, and that the public interest requires such meetings to be closed insofar as the requirements of subsections (a) (1) and (a) (3) of section 10, Pub. L. 92-463 are concerned.

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

SEPTEMBER 5, 1974.

[FR Doc.74-20849 Filed 9-9-74;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 74-10]

PENNINGTON DRUG CO.

Notice of Hearing

Notice is hereby given that on May 14, 1974, the Drug Enforcement Administration, Department of Justice, issued to Pennington Drug Company, Joplin, Missouri, an order to show cause as to why the Drug Enforcement Administration should not deny the application for registration under the Controlled Substances Act of 1970, of the Respondent executed on March 8, 1974, pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823).

Thirty days having elapsed since said order was received by the Respondent and written request for a hearing having been filed with the Drug Enforcement Administration. Notice is hereby given that a hearing in this matter will be held commencing at 10 a.m. on September 17, 1974, in Room 1210, 1405 Eye Street, NW., Washington, D.C.

Dated: September 5, 1974.

ANDREW C. TARTAGLINO,
Acting Deputy Administrator, Drug Enforcement Administration.

[FR Doc.74-20859 Filed 9-9-74;8:45 am]

[Docket No. 74-12]

SERLING DRUG CO.

Notice of Hearing

Notice is hereby given that on May 16, 1974, the Drug Enforcement Administration, Department of Justice, issued to Serling Drug Company, Oak Park, Michigan, an order to show cause as to why the Drug Enforcement Administration should not deny the application for registration under the Controlled Substances Act of 1970, of the Respondent executed on February 28, 1974, pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823).

Thirty days having elapsed since said order was received by the Respondent and written request for a hearing having been filed with the Drug Enforcement Administration, Notice is hereby given that a hearing in this matter will be held commencing at 10 a.m. on September 11, 1974, in Room 1210, 1405 Eye Street, NW, Washington, D.C.

Dated: September 5, 1974.

ANDREW C. TARTAGLINO,
Acting Deputy Administrator, Drug Enforcement Administration.

[FR Doc.74-20860 Filed 9-9-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

APPPLICATION FOR A PERMIT TO OBTAIN, MOVE AND STUDY CAPTIVE REARED ALLIGATORS

(*Alligator mississippiensis*)

JULY 8, 1974.

Applicant's Name and Institutional Affiliation:

Dr. James C. Kroll, Assistant Professor of Wildlife Management, Box 6109, School of Forestry, Stephen F. Austin State University, Nacogdoches, Texas 75961.

President of Institution: Dr. Ralph W. Steen.

Justification for Proposed Project: See Attachment.

Location of Research: Eastern and southeast Texas.

Certification:

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

JAMES C. KROLL,
Assistant Professor of Wildlife Management.

PROJECT OUTLINE

Title. A Radiotelemetric Study of Movements and Behavior of Captive Raised Alligators (*Alligator mississippiensis*) Released in East Texas.

Cooperation. Division of Wildlife Services, Bureau of Sport Fisheries and Wildlife.

Project personnel. Dr. James C. Kroll, Assistant Professor of Forest Wildlife, School of Forestry, Stephen F. Austin State University, Nacogdoches, Texas.

Date of termination or reappraisal. June, 1976.

Objectives. The long-term objective of my research on alligators is to determine abilities of captive raised alligators to survive when released into the wild. In line with this, the specific objectives of this proposal are:

1. To study the behavior and movements of captive raised alligators released into an area devoid of wild indviduals;

2. To study behavior and movements of captive raised alligators released into an area already inhabited by wild individuals; and,

3. To integrate these findings into a plan for restocking of alligators in areas where populations are currently depleted or non-existent.

Introduction. Each year hundreds of alligators are confiscated by state and federal law enforcement officers from pet shops, exhibitors, and private individuals. These animals usually end up in nearby zoological gardens. Unfortunately, however, zoos have become overstocked (C. Haessle, pers, comm.) and are unable to maintain large numbers of alligators at current operating budgets. These zoos represent a valuable, and as yet untapped, source of animals for restocking programs; yet, there are no

studies to date on the abilities of captive raised alligators to survive under natural conditions or to incorporate into existing wild populations. Hence, the proposed study should produce valuable data which could be incorporated in future management plans for the American Alligator.

Background. The use of radiotelemetry in studies of reptilian behavior and physiology has expanded rapidly over the last few years (Stebbins and Barwick 1968, Fitch and Shirer 1971). MacKay (1964) studied thermoregulation in several Galapagos tortoises (*Geochelone elephantopus*) and a marine iguana (*Amblyhinchus cristatus*) by forcing transmitters down their digestive tracts. The tortoises were kept in outdoor enclosures, and the iguana was maintained in an indoor cage. The transmitters relayed core temperatures but transmission distance was extremely limited. A second iguana was released in the field with a transmitter of somewhat greater range (about 10 m) attached to the base of its tail. McGinnis and Brown (1966) studied thermoregulation in green iguanas (*Iguana iguana*) maintained in outdoor enclosures but transmission range was also limited. Stebbins and Barwick (1968) were able to study thermoregulation in a free-ranging lace monitor (*Varanus varius*) by implanting a transmitter in its abdominal cavity.

Smith (1972, 1974) recently used radio telemetry to study movements and thermoregulation in wild alligators. He used radio frequency transmitters which were screwed into the parietal bones of the skull; however, secondary infections were quite prevalent. He concluded that, in South Texas, movements of alligators were erratic without permanent residences ever being established. Most terrestrial movements were nocturnal and restricted to gulleys and stream beds. On the other hand, T. Jones (pers. comm.) of the Ellen Trout Zoo noted that several alligators have remained in or near the same lake (near Lufkin, Texas) for over three years. Hence, there appears to be some disagreement as to the existence, nature, and extent of home ranges in alligators. My study will hopefully provide additional information on the subject.

General procedures. Study Areas. Two types of study areas will be utilized in this study:

1. A large lake with no wild alligator population; and,
2. A similar sized lake with an established wild population.

Each study area will be located in remote areas.

Sources of Alligators. Numerous zoos (e.g. St. Louis, Houston, Dallas) have volunteered their surplus alligators for this study. In addition, the Texas Parks and Wildlife Department has expressed willingness to contribute confiscated animals to the project. All alligators used in this study will be maintained at the Ellen Trout Zoo under normal light and temperature regimes for two weeks prior to release.

Telemetry and Tagging Equipment. Prior to release, each alligator will be outfitted with a sonar or radiotelemetry transmitter sutured to the nuchal scales. Both sonar and radiotelemetry transmitters will be utilized in order to monitor both terrestrial and aquatic movements. Radio signals will be monitored using a Johnson Duo-Scan Receiver equipped with earphones and tuned-loop antenna.

Each alligator will also be marked with a metal identification tag and a color coded streamer. The streamer will also be attached to the nuchal scales and should allow observation from a considerable distance using a spotting scope or binoculars.

Procedures by objectives. There will be two periods of intensive field work; i.e., April to September, 1974 and the same period in 1975.

Objective one. During the first study period (April–September, 1974) ten radio-tagged and marked alligators (five males and five females) will be released into a lake devoid of wild alligators. Movements and behavior of these animals will be studied intensively during the first forty-eight hours; there will be subsequent twenty-four hour observations and tracking periods each week following this. The location of each animal, air temperature, water temperature and other climatological data will be recorded at half-hour intervals. Behavioral observations will be made on:

1. Interactions between individuals;
2. Reactions to environmental stimuli, excluding food;
3. Predators; and,
4. Feeding.

Nocturnal observations will be conducted using a U.S. Army infra-red spotting scope. Vocalizations will be recorded using a parabolic microphone and casette tape recorder. Alligators with transmitters no longer functional will be captured and out-fitted with new transmitters. During the period of April to September 1975, those alligators still present in or around the lake will be captured, outfitted with new telemetry transmitters, and released back into the lake; data collected will be as given for 1974.

Objective two. During the first study period, ten radio-tagged and marked alligators (five males and five females) will be released into a lake where there is an established wild population of alligators. Movements and behavior will be studied as given for Objective one; however, additional behavioral observations will be made on:

1. Interactions between captive and wild individuals; and,
2. Interactions between captive individuals.

In addition, recordings will be made of possible vocalizations between captive and wild individuals. Ten alligators will be released the following year (1975) and their behavior and movements studied as given above. Observations will be made on interactions between previously released individuals and wild individuals.

Literature cited. Fitch, H. S., and H. W. Shirer. 1971. A radiotelemetric study of spatial relationships in some common snakes. Copeia 1971: 118–128.

MacKay, R. S. 1964. Galapagos tortoise and marine iguana deep body temperatures measured by radiotelemetry. Nature 204: 355–358.

McGinnis, S. M., and C. W. Brown. 1966. Thermal behavior of the green iguana, *Iguana iguana*. Herpetologica 22: 189–199.

Smith, N. E. 1973. The regulation of body temperature in the American alligator. Baylor Univ. Master's Thesis. 108 pp.

---------- 1974. Growth rate and movements of the Texas Alligator. Meeting of the Texas Chapter of the Wildlife Soc.

Stebbins, R. C., and R. E. Barwick. 1968. Radiotelemetric study of thermoregulation in a lace monitor. Copeia 1968: 541–547.

Personnel. This study will be conducted by Dr. James C. Kroll.

Dr. Kroll, Assistant Professor of Wildlife Management at the School of Forestry, Stephen F. Austin State University, holds Bachelor and Master's degrees in Zoology from Baylor University and Ph. D. in Wildlife Science from Texas A&M University. He has been a NSF traineeship recipient and has published 29 times during the last five years.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Washington, D.C. 20240. All relevant comments received on or before October 10, 1974, will be considered.

Dated: September 4, 1974.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.74-20858 Filed 9-9-74;8:45 am]

JACK W. LENTFER

Receipt of Application for Marine Mammal Permit

Notice is hereby given that the following application for a permit has been received under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407).

Applicant:

Jack W. Lentfer
U.S. Fish and Wildlife Service
813 D Street
Anchorage, Alaska 99501

APPLICATION FOR POLAR BEAR RESEARCH PERMIT AS REQUIRED BY MARINE MAMMAL PROTECTION ACT OF 1972

Information required by 50 CFR 13.12.

1. Applicant's name, address, and phone number: Jack W. Lentfer, U.S.

Fish and Wildlife Service, 813 D Street, Anchorage, Alaska 99501, Phone 907–265–4898.

2. Date of birth: May 13, 1931. Height: 6'1''. Weight: 170 lbs. Color of hair: light. Color of eyes: Blue. Sex: male. Affiliation: Leader, Polar Bear Project, U.S. Fish and Wildlife Service.

3. Agency director: Lynn A. Greenwalt, Director, U.S. Fish and Wildlife Service, Washington, D.C.

4. Location of activity: North and northwest coast of Alaska.

5. Information required by 50 CFR 18.31 for marine mammal research permit:

(a) *Purpose.* To monitor movements of instrumented free ranging polar bears from an earth orbiting satellite. Specific objectives are to follow pregnant females to overwintering maternity dens and advance understanding of population discreteness. This will be part of the resarch program required by the Marine Mammal Protection Act of 1972 and the International Agreement on Conservation of Polar Bears prepared at Oslo, Norway in 1973. Data may be obtained on impact of Alaska's north coast oil and gas development on polar bear habitat, particularly as related to maternal denning.

Dates of taking. October 1974 through May 1977.

Location and manner of taking. One bear will be captured north of Point Barrow and held at the Naval Arctic Research Laboratory at Barrow for several months. It will be fitted with a harness and transmitter, and tests and adjustments made as necessary to improve the harness and send a signal to the Nimbus F satellite. This bear will be released at point of capture and other bears then brought to Barrow, one at a time, fitted with transmitters, observed for several days, and then released. If this phase is successful, bears may then be instrumented at other locations off the north and northwest coast of Alaska.

(b) *Stocks, numbers and products to be taken, weights, ages, sizes, sex, and condition.* Bears captured west and south of Point Lay belong to one subpopulation, and bears captured north and east of Point Lay belong to another subpopulation. Sizes of these populations are not known. Up to 15 bears will be instrumented and released. Emphasis will be on monitoring movements of pregnant females to maternal denning sites. Approximately two-thirds of the bears instrumented will be mature females and one-third will be mature males. Ages will range from 8 to 20 years. Weights for females will range from 400 to 650 pounds. Weights for males will range from 700 to 1200 pounds. A rudimentary premolar tooth will be collected from each animal for age determination, and blood and milk samples will be collected to aid in a study of population discreteness.

(c) *Methods for transport and holding.* Polar bears will be immobilized by injecting 1.6 milligrams per kilogram body weight of the immobilizing drug, Sernylan (phencyclidine hydrochloride), and .07–.11 milligram per kilogram body weight of the tranquillizing drug, Acepromazine, into a large rump muscle with a syringe gun from a helicopter. Bears to be held temporarily at Barrow will be transported by carrying on the cargo rack of a helicopter or slinging beneath a helicopter. Bears will be wrapped in blankets and canvas to protect from the wind. The method has been used for transporting bears without harm or mortality in the past.

Facilities for holding animals at Barrow will consist of an indoor cage 14 by 24 feet with a circular water tank 8 feet in diameter and 4 feet deep with continually circulating fresh water. Temperatures can be controlled so water does not freeze in winter. Bears will have unrestricted access to an outside cage 20 by 40 feet. Bears will be fed approximately one-half dead ringed seal, or the equivalent in whitefish, or the equivalent mixture of seal and whitefish every other day.

Holding facilities will have internal doors so that bears can be confined in one section while other sections are being cleaned. Animal colony personnel of the Naval Arctic Research Laboratory will be responsible for day to day care of captive animals. These methods, with the exception of free access between indoor and outdoor cages, have been used to hold polar bears at the Naval Arctic Research Laboratory since 1965. The permit applicant has conducted research on polar bears which necessitated handling and transporting animals since 1967. He has immobilized approximately 400 animals a total of 500 times and has lost two.

Certification by a licensed veterinarian that transporting and holding facilities are adequate is attached.

(d) Description of research project: The research proposal to the National Aeronautics and Space Administration is attached.

6. Documentation for importation from foreign country: Not applicable.

7. Certification: I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

8. Desired effective date of permit: October 15, 1974–May 31, 1977.

9. Date of application: July 31, 1974.

10. Signature of applicant: Jack W. Lentfer.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Washington, D.C. 20240. All relevant comments received on or before October 10, 1974, will be considered.

Dated: September 4, 1974.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.74–20857 Filed 9–9–74;8:45 am]

Office of Hearings and Appeals

[Docket No. M 74–178]

ALLIED CHEMICAL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Allied Chemical Corporation has filed a petition to modify the application of 30 CFR 75.1405 to its Harewood Mine, Gauley Bridge, Fayette County, West Virginia.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

In support of its petition, petitioner states:

(1) Petitioner has been operating a mine known as the Harewood Mine Complex, of which the subject mine is a part, since 1938. The mine complex presently represents several millions of dollars of capital investment spread over 17,000 acres.

(2) In the Eagle seam of coal, which is the primary seam in this complex, 2,000 of the 17,000 acres were developed by other mining companies; and 6,000 acres are unsuitable for mining because of low coal, high reject, etc. The remaining 9,000 acres have either been or are presently being developed. Much of the development work was driven on either 75 or 100 foot centers. Prior to July 1, 1973, most crosscuts for track radii were either 80 to 90 degrees. Since July 1, 1973, all crosscuts for track radii have been turned on 60 degrees.

(3) There are over 30 miles of track in the Eagle seam with a maximum haulage distance of approximately seven (7) miles. Main line haulage is essentially 85 or 100 pound rails with 60 and 75 pound track used on the sections. The Harewood Complex has approximately eight hundred fifty (850) mine cars of 147 cubic foot capacity in service at this time and another 100 acres set aside for repairs.

(4) There are four (4) different makes of cars and their ages vary from four (4) to twenty (20) years. One hundred (100) of these cars were purchased

in 1970. The remainder were bought between 1954 and 1960, making their average age approximately 17 years. All of the mine cars are fitted with pin and swivel link coupling devices.

(5) In the Harewood Complex, mining is accomplished by the continuous mining method, that is, continuous mining machines, shuttle cars, roof drills, etc. Mining is also accomplished by conventional equipment, that is, cutting machines, loading machines, shuttle cars, roof and coal drills, etc. The mined coal from each operating section is loaded on the section into mine cars which are then pulled by electrical locomotives over a rail-haulage system to the outside of the mine for dumping.

(6) The mine cars used in this complex are rotary-dump, that is, they are pulled to a rotary dump where an electric mechanical spotter positions one car at a time for dumping. The car being dumped is locked into position and rotated to an upside-down position for dumping. It is then righted and moved ahead for the process to be repeated on the next car, etc. The dumping operation is made possible without uncoupling any of the cars because of the use of a swivel link in the coupling between cars. The mine cars are delivered to each operating section in strings of 25 to 70 cars, depending on the availability of cars for the particular section, the extent of the mining activity, and other logistical factors.

(7) At the loading point where shuttle cars discharge into the mine cars, a random car is hooked onto a cable which is affixed to a stationary hoisting device, which is electrically operated and which is used to position the cars in turn for loading under the dump into which the shuttle cars have deposited their load of coal. Once loaded, the mine cars are then hauled by electric locomotive to the outside rotary dump. The maximum distance traversed by mine cars is seven (7) miles with an average distance travelled of approximately five (5) miles. Slate hauling and delivery of supplies is accomplished by the same units of cars as are used in hauling coal.

(8) Many of the haulageway rail switches leading from the main line into the working areas of the complex were installed when the complex was first being developed and are of shorter radius than those which are now being installed. The switches cannot be replaced with wider-radius switches without removing portions of the adjacent coal pillars. Such removal of portions of adjacent pillars in the vicinity of these switches would materially affect the existing roof support in those areas. Any change in such support which has maintained a stable roof in these areas for many years would create a real hazard to men working in this mine.

(9) Further, removal of portions of these pillars would create exaggerated widths in the haulways and require extensive artificial roof support where there now is good natural support. Exchanging stable natural support for even the best artificial support would result in needless exposure to unstable roof.

(10) The foregoing provision of the regulations, if applied to the Harewood Complex, would result in a diminution of safety over the present system in effect. Beyond this, however, in order to better achieve the purposes sought to be achieved by the Act and regulations and thus to provide a standard which provides a better measure of protection to the miners in this mining complex. Petitioner proposes for approval and in modification of the aforementioned standard § 75.1405, the following alternate system as a satisfactory replacement of the standard, subject to the following understandings and conditions which are incorporated as parts of it.

(A) All coal cars in use at the Harewood Complex will be coupled individually using the alternate method. Presently the swivel end of the car is fitted with a pin and swivel held in place by welding a strap across the head of the pin. The alternate system incorporates a specially designed lever that aligns the swivel from side to side or vertically. This lever is operated from the clearance side of the track without the employee positioning himself between the cars being coupled. The pin end of the car is fitted with a specially designed lever to raise and lower the coupling pin during the coupling or uncoupling operation. This lever is also operated from the clearance side of the track without the employee positioning himself between the cars being coupled or uncoupled. Also, this lever is fitted with a lock to lock the pin in the raised position or to lock the lever and pin in the coupled position. The lock is also operated from the clearance side of the track and is located to allow an employee to operate it without positioning himself between the cars. With this lock in place, the cars will not accidentally become uncoupled, as is often the case with automatic couplers if irregular joints or knuckles appear in the tracks.

(B) All employees at the Harewood Complex will be trained and instructed in the proper operation and use of the coupling levers and swivel levers and their proper use will be mandatory requirements for the coupling and uncoupling of all mine haulage cars at this time. More specifically in this regard:

(1) All present employees at this Complex will, within thirty (30) days from beginning of installation of the alternate couplers, be instructed on the function and use of the swivel lever, the coupling lever, and the coupling pin lever lock.

(2) Thereafter, any new employee hired at the complex will be given instruction on the function and use of the swivel lever, the coupling lever, and the coupling pin lever lock as part of his orientation before he commences actual work.

(3) This instruction of all employees will be repeated at six (6) month intervals. The first such re-instruction shall be given during the first five (5) working days commencing on the first working day of the sixth month after beginning of the initial installation of the alternate couplings on the cars, the next during the first five (5) working days commencing on the first working day of the twelfth month after beginning of the initial installation of the alternate couplings, etc. Employees absent from work during these periods will be re-instructed within the first five (5) work days after they return to work.

(4) The company will maintain a permanent record of the names and dates when each complex employee received his instruction and re-instruction.

(5) Upon conversion of mine cars at this complex, swivel levers, coupling pin levers, and coupling pin lever locks shall be a mandatory safety rule and a notice to this effect shall be posted on the regular company and union bulletin boards at the complex.

(6) For a period beginning on the first working day of the complex after approval for use of the alternate coupling device and commencing on the last working day of the sixth month following approval, as each car is converted and placed into operation, it will be subject to the modified standard set forth and such car will only be coupled and uncoupled by use of the swivel levers, coupling levers, and coupling pin lever locks in accordance with the modified standard. Effective on the last working day of the sixth full month after approval for use of the coupling method, all mine cars in operation at this complex must have been converted and the modified standard will have become fully operative, except as an extension of time has been provided by stipulation of all of the parties or by an order of an Administrative Law Judge of the Office of Hearings and Appeals of the Department of the Interior.

(7) In the event shortages and/or unavailability of materials or other conditions beyond the control of Petitioner prevent completion of full conversion within the six-month installation period, the Petitioner will endeavor to arrange by stipulation with the other parties for a mutually agreeable period of extension. Failing to arrange for such agreement, the Petitioner may request from the Office of Hearings and Appeals the assignment of an Administrative Law Judge to conduct a hearing for the purpose of determining whether an extension of time shall be granted, and if granted, the duration of such extension. The parties by stipulation, or the assigned Administrative Law Judge by order following notice to all parties and hearing, shall have authority to provide for an appropriate extension if the circumstances make it reasonable to do so.

(8) The alternate method set forth above will provide no less than the same measure of protection to miners at the Harewood Complex than that sought to be afforded by section 314(f) of the Federal Coal Mine Health and Safety Act of 1969 and regulations 30 CFR 75.1405 and

75.1405–1. Under the circumstances at this mine, it will actually provide greater protection and thus avoid the diminution of safety that would result if automatic couplers were used.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 10, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virgina 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

AUGUST 30, 1974.

[FR Doc.74–20812 Filed 9–9–74;8:45 am]

[Docket No. M 74–177]

ALLIED CHEMICAL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Allied Chemical Corporation has filed a petition to modify the application of 30 CFR 75.1405 to its One Main Extension of its Harewood Complex, Gauley Bridge, Fayette County, West Virginia.

30 CFR 75.1405 provides:

> All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

In support of its petition, Petitioner states:

(1) Petitioner has been operating a mine known as the Harewood Mine Complex, of which the subject mine is a part, since 1938. The mine complex presently represents several millions of dollars of capital investment spread over 17,000 acres.

(2) In the Eagle seam of coal, which is the primary seam in this complex, 2,000 of the 17,000 acres were developed by other mining companies; and 6,000 acres are unsuitable for mining because of low coal, high reject, etc. The remaining 9,000 acres have either been or are presently being developed. Much of the development work was driven on either 75 or 100 foot centers. Prior to July 1, 1973, most crosscuts for track radii were either 80 or 90 degrees. Since July 1, 1973, all crosscuts for track radii have been turned on 60 degrees.

(3) There are over 30 miles of track in the Eagle seam with a maximum haulage distance of approximately seven (7) miles. Main line haulage is essentially 85 or 100 pound rails with 60 and 75 pound track used on the sections. The Harewood Complex has approximately eight hundred fifty (850) mine cars of 147 cubic foot capacity in service at this time and another 100 acres set aside for repairs.

(4) There are four (4) different makes of cars and their ages vary from four (4) to twenty (20) years. One hundred (100) of these cars were purchased in 1970. The remainder were bought between 1954 and 1960, making their average age approximately 17 years. All of the mine cars are fitted with pin and swivel link coupling devices.

(5) In the Harewood Complex, mining is accomplished by the continuous mining method, that is, continuous mining machines, shuttle cars, roof drills, etc. Mining is also accomplished by conventional equipment, that is, cutting machines, loading machines, shuttle cars, roof and coal drills, etc. The mined coal from each operating section is loaded on the section into mine cars which are then pulled by electrical locomotives over a rail-haulage system to the outside of the mine for dumping.

(6) The mine cars used in this complex are rotary-dump, that is, they are pulled to a rotary dump where an electric mechanical spotter positions one car at a time for dumping. The car being dumped is locked into position and rotated to an upside-down position for dumping. It is then righted and moved ahead for the process to be repeated on the next car, etc. The dumping operation is made possible without uncoupling any of the cars because of the use of a swivel link in the coupling between cars. The mine cars are delivered to each operating section in strings of 25 to 70 cars, depending on the availability of cars for the particular section, the extent of the mining activity, and other logistical factors.

(7) At the loading point where shuttle cars discharge into the mine cars, a random car is hooked onto a cable which is affixed to a stationary hoisting device, which is electrically operated and which is used to position the cars in turn for loading under the dump into which the shuttle cars have deposited their load of coal. Once loaded, the mine cars are then hauled by electric locomotive to the outside rotary dump. The maximum distance traversed by mine cars is seven (7) miles with an average distance travelled of approximately five (5) miles. Slate hauling and delivery of supplies is accomplished by the same units of cars as are used in hauling coal.

(8) Many of the haulageway rail switches leading from the main line into the working areas of the complex were installed when the complex was first being developed and are of shorter radius than those which are now being installed. The switches cannot be replaced with wider-radius switches without removing portions of the adjacent coal pillars. Such removal of portions of adjacent pillars in the vicinity of these switches would materially affect the existing roof support in those areas. Any change in such support which has maintained a stable roof in these areas for many years would create a real hazard to men working in this mine.

(9) Further, removal of portions of these pillars would create exaggerated widths in the haulways and require extensive artificial roof support where there now is good natural support. Exchanging stable natural support for even the best artifiicial support would result in needless exposure to unstable roof.

(10) The foregoing provision of the regulations, if applied to the Harewood Complex, would result in a diminution of safety over the present system in effect. Beyond this, however, in order to better achieve the purpose sought to be achieved by the Act and regulations and thus to provide a standard which provides a better measure of protection to the miners in this mining complex, Petitioner proposes for approval and in modification of the aforementioned standard § 75.1405, the following alternate system as a satisfactory replacement of the standard, subject to the following understandings and conditions which are incorporated as parts of it.

(A) All coal cars in use at the Harewood Complex will be coupled individually using the alternate method. Presently the swivel end of the car is fitted with a pin and swivel held in place by welding a strap across the head of the pin. The alternate system incorporates a specially designed lever that aligns the swivel from side to side or vertically. This lever is operated from the clearance side of the track without the employee positioning himself between the cars being coupled. The pin end of the car is fitted with a specially designed lever to raise and lower the coupling pin during the coupling or uncoupling operation. This lever is also operated from the clearance side of the track without the employee positioning himself between the cars being coupled or uncoupled. Also, this lever is fitted with a lock to lock the pin in the raised position or to lock the lever and pin in the coupled position. The lock is also operated from the clearance side of the track and is located to allow an employee to operate it without positioning himself between the cars. With this lock in place, the cars will not accidentally become uncoupled, as is often the case with automatic couplers if irregular joints or knuckles appear in the tracks.

(B) All employees at the Harewood Complex will be trained and instructed in the proper operation and use of the coupling levers and swivel levers and their proper use will be mandatory requirements for the coupling and uncoupling of all mine haulage cars at this time. More specifically in this regard:

(1) All present employees at this Complex will, within thirty (30) days from beginning of installation of the alternate couplers, be instructed on the function and use of the swivel lever, the coupling lever, and the coupling pin lever lock.

(2) Thereafter, any new employee hired at the complex will be given instruction on the function and use of the swivel lever, the coupling lever, and the coupling pin lever lock as part of his orientation before he commences actual work.

(3) This instruction of all employees will be repeated at six (6) month intervals. The first such re-instruction shall be given during the first five (5) working days commencing on the first working day of the sixth month after beginning of the initial installation of the alternate couplings on the cars, the next during the first five (5) working days commencing on the first working day of the twelfth month after beginning of the initial installation of the alternate couplings, etc. Employees absent from work during these periods will be re-instructed within the first five (5) work days after they return to work.

(4) The company will maintain a permanent record of the names and dates when each complex employee received his instruction and re-instruction.

(5) Upon conversion of mine cars at this complex, swivel levers, coupling pin levers, and coupling pin lever locks shall be a mandatory safety rule and a notice to this effect shall be posted on the regular company and union bulletin boards at the complex.

(6) For a period beginning on the first working day of the complex after approval for use of the alternate coupling device and commencing on the last working day of the sixth month following approval, as each car is converted and placed into operation, it will be subject to the modified standard set forth and such car will only be coupled and uncoupled by use of the swivel levers, coupling levers, and coupling pin lever locks in accordance with the modified standard. Effective on the last working day of the sixth full month after approval for use of the coupling method, all mine cars in operation at this complex must have been converted and the modified standard will have become fully operative, except as an extension of time has been provided by stipulation of all of the parties or by an order of an Administrative Law Judge of the Office of Hearings and Appeals of the Department of the Interior.

(7) In the event shortages and/or unavailability of materials or other conditions beyond the control of Petitioner prevent completion of full conversion within the six-month installation period, the Petitioner will endeavor to arrange by stipulation with the other parties for a mutually agreeable period of extension. Failing to arrange for such agreement, the Petitioner may request from the Office of Hearings and Appeals the assignment of an Administrative Law Judge to conduct a hearing for the purpose of determining whether an extension of time shall be granted, and if granted, the duration of such extension. The parties by stipulation, or the assigned Administrative Law Judge by order following notice to all parties and hearing, shall have authority to provide for an appropriate extension if the circumstances make it reasonable to do so.

(8) The alternate method set forth above will provide no less than the same measure of protection to miners at the Harewood Complex than that sought to be afforded by section 314(f) of the Federal Coal Mine Health and Safety Act of 1969 and regulations 30 CFR 75.1405 and 75.1405–1. Under the circumstances at this mine, it will actually provide greater protection and thus avoid the diminution of safety that would result if automatic couplers were used.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 10, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

AUGUST 30, 1974.

[FR Doc.74–20813 Filed 9–9–74;8:45 am]

Office of the Secretary

[INT FES 74–52]

FONTENELLE RESERVOIR, SEEDSKADEE PROJECT, WYOMING

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed contract for the sale of municipal and industrial water from Fontenelle Reservoir of the Seedskadee Project in Wyoming.

The environmental statement concerns a proposed contract between the United States and the State of Wyoming that would convey to the State the right to use 60,000 acre-feet of capacity in Fontenelle Reservoir and 600 cubic feet per second of direct flow in the Green River, with the yield from the reservoir and the direct flow not to exceed 125,000 acre-feet annually. The water would be marketed by the State for irrigation and other uses associated with energy and trona resources found mainly in Sweetwater, Lincoln, and Uinta Counties in southwestern Wyoming.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343–4991.

Division of Engineering Support, Technical Services Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225, Telephone (303) 234–3007.

Office of the Regional Director, Bureau of Reclamation, P.O. Box 11568, Salt Lake City, Utah 84111, Telephone (801) 524–5580.

Office of the Wyoming Reclamation Representative, Cheyenne, Wyoming, 2120 Capitol Avenue, Room 2220, P.O. Box 167, Cheyenne, Wyoming 82001, Telephone (307) 778–2345.

Single copies of the final environmental statement may be obtained on request to the Commissioner of Reclamation, the Regional Director, or the Wyoming Reclamation Representative. Please refer to the statement number above.

Dated: September 5, 1974.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.74–20832 Filed 9–9–74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FLUE-CURED TOBACCO ADVISORY COMMITTEE

Notice of Meeting

The Flue-Cured Tobacco Advisory Committee will meet in the Board Room of the Flue-Cured Tobacco Cooperative Stabilization Corporation, 522 Fayetteville Street, Raleigh, North Carolina 27602, at 1 p.m., on Monday, September 16, 1974.

The purpose of the meeting is to readjust selling schedules for the remaining marketing areas after closing out of Area A, Georgia-Florida markets, and also to develop revised marketing schedules for individual warehouses in those areas following the second grower redesignation period which ends Friday, September 6, 1974. Also, matters, as specified in 7 CFR Part 29, Subpart G, § 29.9404 will be discussed.

Inasmuch as the date of this meeting was established at the August 29 meeting of the Committee, it is impossible to meet the 15 days' advance notice required by OMB Circular A–63, March 27, 1974.

The meeting is open to the public but space and facilities are limited. Public participation will be limited to written statements submitted before or at the meeting unless their participation is otherwise requested by the Committee Chairman. Persons, other than members who wish to attend the meeting should contact Mr. J. W. York, Director, Tobacco Division, Agricultural Marketing Service, 300 12th Street, SW, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–2567.

E. L. PETERSON,
Administrator.

[FR Doc.74–20861 Filed 9–9–74;8:45 am]

DEPARTMENT OF COMMERCE

Social and Economic Statistics Administration

CENSUS ADVISORY COMMITTEE ON POPULATION STATISTICS

Notice of Public Meeting

The Census Advisory Committee on Population Statistics will convene on

October 4, 1974 at 9:30 a.m. The Committee will meet in Room 2113, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee on Population Statistics was established in 1965 to advise the Director, Bureau of the Census, on current programs, on plans for the 1970 Census of Population and on other matters dealing with the collection and issuance of population statistics.

The Committee is composed of 15 members appointed by the Secretary of Commerce.

The agenda for the meeting is: (1) Status of 1980 Census planning, (2) 1980 Pretest—Population Subjects, (3) New requirements for the Census Bureau in recent revenue sharing legislation, including problems of measuring unemployment by State, (4) Farm—nonfarm classification, (5) Measuring post-secondary education, and (6) Voter participation study.

A limited number of seats—approximately 15—will be available to the public. A brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Guidance and Control Officer at least three days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting should contact the Committee Guidance and Control Officer, Mr. Daniel B. Levine, Associate Director for Demographic Fields, Bureau of the Census, Room 2061, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone 301–763–5167.

VINCENT P. BARABBA,
Director, Bureau of the Census.

SEPTEMBER 4, 1974.

[FR Doc.74–20810 Filed 9–9–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 5597; Docket No. FDC–D–563; NDA No. 8–644]

CERTAIN PREPARATIONS CONTAINING CARBAZOCHROME SALICYLATE

Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

Correction

In FR Doc. 47–17868 appearing at page 28306 in the issue for Tuesday, August 6, 1974, make the following changes:

1. In the fourth paragraph of the preamble, in the third line, the word "weighting" should be changed to read "weighing".

2. On page 28307, in the first column, the first line of the sixth paragraph now reading "In addition to the holder(s) of the" should be changed to read "to him at th etime of approvadl of the", and should be carried flush with the margin rather than paragraphed .

Food and Drug Administration

[FAP MF 3515V]

DEXTER CORP.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP MF 3515V) has been filed by The Dexter Corp., Windsor Locks, CT 06096, proposing that § 121.234 Lignin sulfonates (21 CFR 121.234) be amended to provide for the safe use of lignin sulfonates derived from the sulfite digestion of sisal fiber as an alternate source of lignin sulfonate for addition to animal feeds.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B–42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: September 3, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–20767 Filed 9–9–74;8:45 am]

National Institutes of Health

BACTERIOLOGY AND MYCOLOGY STUDY SECTION

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Bacteriology and Mycology Study Section, Division of Research Grants, at 8:30 a.m., September 27, 1974, Connecticut Inn Motel, Washington, D.C.

This meeting will be open to the public on September 27, 1974 from 8:30 a.m. to 9 a.m. to discuss administrative details relating to Study Section business. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on September 27, 1974 at 9 a.m. to adjournment for the review, discussion, and evaluation of Fellowship and Research Career Development applications in the special areas covered by this study section. These applications contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. Richard Turlington, Chief, Grants Inquiries Office of the Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20014, telephone area code 301–496–7441, will provide summaries of meetings and rosters of committee members. Dr. Milton Gordon, Executive Secretary, Room A–27, Westwood Building, Bethesda, Maryland 20014, telephone number 301–496–7340, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.855, 13.856, National Institutes of Health)

Dated: September 5, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.74–20894 Filed 9–9–74;8:45 am]

NATIONAL CANCER INSTITUTE

Statement of Organization, Functions, and Delegatitons of Authority

Part 8 Amendment

Part 8 (formerly Part 9, National Institutes of Health) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare is hereby amended to (1) revise the functions of the National Cancer Institute (8C) to reflect more clearly the two aspects of the National Cancer Program: research and control; (2) revise the functional statement for the Office of the Director by eliminating reference to cancer control activities, and (3) show the establishment of the Division of Cancer Control and Rehabilitation within the National Cancer Institute (8C).

With reference to the section on Organization and Functions (8B) of the aforementioned statement: (1) delete the heading and the opening paragraph of the functional statement for the National Cancer Institute (8C) and insert the following:

National Cancer Institute (8C) Plans, conducts, and coordinates a national program involving (a) research on the detection, diagnosis, cause, prevention, treatment, and palliation of cancers and on rehabilitation of the cancer patient and (b) demonstration of the effectiveness of cancer control methods and techniques. Specifically; (1) conducts and directs research performed in its own laboratories and through contracts; (2) supports and coordinates research projects by scientific institutions and individuals through research grants; (3) supports manpower training in fundamental sciences and clinical disciplines through training grants, fellowships, and career awards; (4) supports construction of laboratories and related facilities necessary for research on cancer; (5) supports field tests and community demonstration projects of methods and techniques for cancer control; (6) collaborates with voluntary organizations and other institutions engaged in cancer research, training, and control activities; (7) encourages and coordinates cancer research by industrial concerns where

such concerns evidence a particular capability for programmatic research; (8) collects and disseminates information on cancer research and cancer control; and (9) consults with appropriate individuals and agencies in the development, coordination, and support of cancer research programs in other countries. (2) Delete the heading office of the director (8C01) and insert the following heading and paragraph:

Office of the Director (8C01) (1) Serves as the focal point for the National Cancer Program; (2) develops a National Cancer Plan and monitors implementation of the Plan; (3) directs and coordinates the Institute's programs and activities; and (4) develops and provides policy guidance and staff direction to the Institute's programs in areas such as program coordination, program planning, clinical care, and administrative management. (3) Add a new division, the Division of Cancer Control and Rehabilitation, (8C14), to the division statements of the National Institute by inserting:

Division of Cancer Control and Rehabilitation (8C14) (1) Plans, directs, and coordinates an integrated program of cancer control and rehabilitation activities with the goal of identifying, testing, evaluating, demonstrating, communicating, and promoting the widespread application of available and new methods for reducing the incidence, morbidity, and mortality from cancer; (2) serves as the focal point of a coordinated national effort to control cancer, involving all appropriate elements of the Department of Health, Education, and Welfare, other Federal agencies, state and local health departments, voluntary health agencies and other elements of the private health community; (3) in collaboration with the research divisions of the National Cancer Institute, identifies candidate control techniques and methods for inclusion in the field test and demonstration activities of the Division; (4) serves as the focal point of the National Cancer Institute for research in cancer rehabilitation; and (5) participates in evaluation of and advises the Institute Director on program related aspects of grants and contracts as they relate to cancer control and rehabilitation.

Dated: September 3, 1974.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.74-20779 Filed 9-9-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL

Notice of Public Meeting; Correction

The National Motor Vehicle Safety Advisory Council meetings scheduled for September 18–19 have been changed to September 17–18, 1974. These open meetings will be held at the DOT Headquarters Building, 400 Seventh Street SW., Washington, D.C.

The following meetings are subject to the approval of the Secretary of Transportation.

The Congress Committee scheduled for September 18 will now meet on September 17 at 8:30 a.m. in room 4234 with the following agenda:

Conclusions, Findings and Recommendations Resulting from Third International Congress on Automotive Safety.
Plans for Fourth International Congress on Automotive Safety.

The Accident Avoidance and Operating Systems Committee scheduled for September 18 will now meet on September 17 at 10:30 a.m. in room 3202 with the following agenda:

Research and Rulemaking on Vehicle Handling.
Defective Jack Stands.
Old Business.
New Business.

The Crashworthiness Committee scheduled for September 18 will meet on September 17 at 1 p.m. in room 4234 with the following agenda:

Report of July Meetings with Ford, Chrysler and General Motors.
Economic Analysis of FMVSS 215—Bumpers.
Seat Belt Injuries.
Human Tolerance Research and Advanced Anthropomorphic Dummy Program.
Belt Usage with Interlocks (FMVSS 208).
Dynamic Testing of Belt Restraint Systems (FMVSS 208).
Old Business.
New Business.

The previously scheduled agenda item on seat and head restraint standards (FMVSS 202 and 207) has been cancelled.

The full Council scheduled to meet on September 19 will meet on September 18 at 9 a.m. in room 4234 with the following agenda:

Report of Accident Avoidance and Operating Systems Committee.
Report of Congress Committee.
Report of Crashworthiness Committee.
The Energy Crisis and Highway Safety.
Old Business.
New Business.

For further information contact the NHTSA Executive Secretary, Room 5215, 400 Seventh Street SW., Washington, D.C., telephone 202–426–2872.

This notice is given pursuant to section 10(a)(2) of Pub. L. 92–463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Issued: August 30, 1974.

WM. H. MARSH,
Executive Secretary.

[FR Doc.74-20850 Filed 9-9-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-452, 50-453]

DETROIT EDISON CO.

Assignment of Members of Atomic Safety and Licensing Appeal Board

In the matter of Detroit Edison Co. (Greenwood Energy Center, Units 2 and 3).

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for these proceedings:

Alan S. Rosenthal, Chairman
Dr. John H. Buck, Member
Michael C. Farrar, Member

Dated: September 3, 1974.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.74-20760 Filed 9-9-74;8:45 am]

[Docket Nos. 50-416, 50-417]

MISSISSIPPI POWER & LIGHT CO. AND MIDDLE SOUTH ENERGY, INC.

Availability of Initial Decisions and Issuance of Construction Permits

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, section A.9 and A.11, notice is hereby given that a partial Initial Decision on environmental issues dated April 5, 1974 and an Initial Decision dated August 30, 1974, by the Atomic Safety and Licensing Board in the above captioned proceeding authorizing issuance of construction permits to the Mississippi Power & Light Company and Middle South Energy, Inc. for construction of the Grand Gulf Nuclear Station, Units 1 & 2 located in Claiborne County, Mississippi, are available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and in the Chancery Clerk's Office, Claiborne County Courthouse, Port Gibson, Mississippi 39150.

The Initial Decision of August 30, 1974, which incorporated by reference the partial Initial Decision of April 5, 1974, is subject to review by an Atomic Safety and Licensing Appeal Board prior to its becoming final. Any decision or action taken by an Atomic Safety and Licensing Appeal Board in connection with the Initial Decision may be reviewed by the Commission.

The Initial Decision and partial Initial Decision are also being made available at the Coordinator, Federal-State Programs, Room 510, Lamar Life Building, Jackson, Mississippi 39201 and at the Southwest Mississippi Planning & Development District, P.O. Box 686, McComb, Mississippi 39648.

Based upon the record developed in the public hearing in the above captioned matter, the Initial Decision, together with the partial Initial Decision, modified in certain respects the contents of the Final Environmental Statement relating to the construction of the Grand Gulf Nuclear Station, Units 1 & 2, prepared by the Commission's Directorate of Licensing. Pursuant to the provisions of 10 CFR Part 50, Appendix D, section A.11, the Final Environmental Statement is deemed modified to the extent that the findings and conclusions relating to environmental matters contained in the

Initial Decision are different from those contained in the Final Environmental Statement, dated August 1973. A copy of the Initial Decision dated August 30, 1974 and a copy of the partial Initial Decision dated April 5, 1974, which modify the Final Environmental Statement, have been transmitted to the Council on Environmental Quality and distributed to the Environmental Protection Agency and other interested agencies and persons.

Pursuant to the above mentioned Initial Decision, the Atomic Energy Commission (the Commission) has issued Construction Permits CPPR–118 and CPPR–119 to the Mississippi Power & Light Company and Middle South Energy, Inc., for construction of two nuclear reactors, known as the Grand Gulf Nuclear Station, each designed for a rated power of approximately 3833 megawatts thermal with a net electrical output of approximately 1250 megawatts.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the construction permits. The application for the construction permits complies with the standards and requirements of the Act and of the Commission's rules and regulations.

The construction permits are effective as of their date of issuance. The earliest date for the completion of Unit 1 is April 1, 1979, and the latest date for completion is October 1, 1979. The earliest date for the completion of Unit 2 is October 1, 1980, and the latest date for completion is April 1, 1981. Each permit will expire on the latest date for completion of the facility.

In addition to the Initial Decision and partial Initial Decision, copies of: (1) Construction Permits CPPR–118 and CPPR–119; (2) the report of the Advisory Committee on Reactor Safeguards, dated May 15, 1974; (3) the Directorate of Licensing's Safety Evaluation, dated January 1974; (4) Supplement No. 1 to the Safety Evaluation, dated April 21, 1974; (5) Supplement No. 2 to the Safety Evaluation, dated June 21, 1974; (6) Supplement No. 3 to the Safety Evaluation, dated June 28, 1974; (7) Supplement No. 4 to the Safety Evaluation, dated July 24, 1974; (8) the Preliminary Safety Analysis Report and amendments thereto; (9) the Draft Environmental Statement, dated April 1973; and (10) the Final Environmental Statement, dated August 1973, are also available for public inspection at the above-designated locations in Washington, D.C. and Mississippi. Single copies of the Initial Decision and partial Initial Decision of the Atomic Safety and Licensing Board, the construction permits, the Final Environmental Statement, and the Safety Evaluation may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this 4th day of September 1974.

For the Atomic Energy Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Branch No. 1–2 Directorate of Licensing.

[FR Doc.74–20761 Filed 9–9–74;8:45 am]

[Docket No. 50–406]

TUSKEGEE INSTITUTE

Issuance of Facility Operating License

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on February 14, 1973 (38 FR 4430), the Atomic Energy Commission ("the Commission") has issued Facility License No. R–122 to the Tuskegee Institute as proposed in that notice, except that the license wording has been modified to conform with the current Regulatory format. The license authorizes the Tuskegee Institute to possess, use and operate the AGN–201 (Serial No. 102) nuclear research reactor located on its campus in Tuskegee, Alabama, at steady state power levels up to a maximum of 100 milliwatts (thermal) for educational training, in accordance with the provisions of the license and the Technical Specifications issued therewith.

The facility has been inspected by a representative of the Commission and found to have been constructed substantially in accordance with the application and the provisions of Construction Permit No. CPRR–117.

The Commission has found that the application (as supplemented) for the license complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations as published in 10 CFR Chapter I. The Commission has made the remainder of the findings required by the Act and the Commission's regulations which are set forth in the license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public. The Institute is being required to execute an amendment to the indemnity agreement as required by 10 CFR Part 140 of the Commission's regulations.

A copy of Facility License No. R–122, including the Technical Specifications, a copy of the Safety Evaluation issued concurrently with this notice, and the Safety Evaluation issued February 2, 1973 are available for inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., or may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing-Regulation.

Dated at Bethesda, Maryland, this 30th day of August, 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2 Directorate of Licensing.

[FR Doc.74–20759 Filed 9–9–74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25513; Agreement C.A.B. 24304; Order No. 74–9–11]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to North/Central Pacific Proportional Fares

Issued under delegated authority September 4, 1974.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, which was adopted at the Composite Passenger and Cargo Traffic Conference, Montreux, March 1974 for effectiveness May 1, 1974, has been assigned the above C.A.B. agreement number.

The agreement proposes increases, reflecting the recent 7 percent fuel cost adjustment and Western Hemisphere fare increases, to proportional fares over Los Angeles used in constructing through fares between Mexican and South/Central American points, and points in the North/Central Pacific. With the exception of fares to/from Mexico City and Acapulco we will approve this agreement involving fares combinable with fares to/from United States points, which has indirect application in air transportation as defined by the Act. The Mexican proportional fares are being disapproved on the basis of the Board's recent disapproval of the underlying fare increases between Los Angeles and Mexico.[1]

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14:

1. It is not found that those resolutions set forth in the appendix[2] hereto incorporated in Agreement C.A.B. 24304, R–1 through R–6 as indicated, and which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act to the extent they would establish fares other than to/from Mexico City and Acapulco; and

2. It is found that those resolutions set forth in the appendix hereto, incorporated in Agreement C.A.B. 24304, R–1 through R–6 as indicated, and which have indirect application in air

[1] Order 74–8–117, August 29, 1974.

[2] Appendix A filed as part of the original document.

transportation as defined by the Act, are adverse to the public interest and in violation of the Act to the extent they would establish fares to/from Mexico City and Acapulco.

Accordingly, it is Ordered, That,

1. Those portions of Agreement C.A.B. 24304, R–1 through R–6, specified in finding paragraph 1 above, and which have indirect application in air transportation as defined by the Act, be and hereby are approved; and

2. Those portions of Agreement C.A.B. 24304, R–1 through R–6, specified in finding paragraph 2 above, and which have indirect application in air transportation as defined by the Act, be and hereby are disapproved.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–20846 Filed 9–9–74;8:45 am]

[Docket No. 25280; Agreement C.A.B. 24569, 24570; Order No. 74–9–15]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority September 5, 1974.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers, embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreements were adopted at a special meeting of the North/Central Pacific Specific Commodity Rates Board and at the 37th meeting of the TCI Specific Commodity Rates Board both held at Ft. Lauderdale on June 24 and 25 respectively and have been assigned the above respective C.A.B. agreement numbers.

With respect to air transportation as defined by the Act, the agreements propose revisions to the specific commodity rate structures applicable over the North/Central Pacific[1] and within the Western Hemisphere. We will approve these revisions, outlined in the attachments hereto, which reflect reductions from otherwise applicable general cargo rates. We would note, however, that while certain rates in Agreement C.A.B. 24570 are excluded from intermediate application to other points, our condition on Resolution 590 which requires intermediate application, imposed in Order 74–6–93, will apply to the North/Central Pacific rates approved herein for the same reasons set forth in that order.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that Agreement C.A.B. 24569 and Agreement C.A.B. 24570 are adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, It is ordered, That:

1. Agreement C.A.B. 24569 and Agreement C.A.B. 24570[2] be and hereby are approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing; and

2. With respect to the North/Central Pacific market area, specific commodity rates established pursuant to Resolution 590 with any United States point as an origin or destination, shall be available to and/or from any other United States city having an intermediate position based on shortest operated mileages, at levels no greater than those established for the more distant point.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–20847 Filed 9–9–74;8:45 am]

[Order 74–9–16]

TRANSPORTATION OF HOUSEHOLD GOODS

Extension of Temporary Relief

Issued under delegated authority September 5, 1974.

In the matter of extension of temporary relief granted to certain unauthorized indirect air carriers to transport household goods for the Department of Defense.

From time to time, at the request of the Department of Defense (DoD), the Board has granted relief from provisions of the Federal Aviation Act of 1958 (the Act) to permit otherwise unauthorized indirect air carriers to transport used household goods[1] of Department of Defense personnel. A condition for obtaining such relief was that the firm seeking it have on file with the Board an application for air freight forwarder authority. The relief was to expire 180 days after the Board's decision in the Household Goods Air Freight Forwarder Investigation, Docket 20812, became final[2] or, as to each individual company, upon Board disposition of such company's application for interstate and/or international air freight forwarder authority, whichever event shall occur first.[3]

Since the processing of a number of the applications could not be concluded prior to the expiration of the temporary relief, the Department of the Army, acting in behalf of DOD, requested extension of such relief. The Board initially extended the temporary relief for 90 days and subsequently granted further extensions.[4] Such relief is to expire on September 18, 1974.

Delays have been encountered in resolving control and/or interlocking relationship matters, some of which are complex. As a result, the applications of the two applicants named in the appendix will not be completed prior to expiration of the extended deadline. Furthermore, by letter dated July 6, 1973, the Department of the Army requested an extension of the temporary relief for a reasonable period in those cases where processing could not be completed by the time limit previously set. We construe that letter to be a request for whatever additional extension of the temporary relief is necessary to complete the processing.

In view of these circumstances and DOD's request, it is found, pursuant to authority delegated by the Board, that further extension of the temporary relief to those carriers named in the appendix hereto is in the public interest, and that such relief should be extended to December 18, 1974.

Accordingly, it is ordered,

1. That pursuant to sections 101(3) and 204 of the Federal Aviation Act of

---

[1] Rates proposed for items 2741, 4416, 4417, 4435, 6827, 9207, and 9557 have been submitted to the Board in a separate agreement (C.A.B. 24488) and will be disposed of at a later date.

[2] Agreements filed as part of the original document.

[1] The term "used household goods" means personal effects (including unaccompanied baggage) and property used or to be used in a dwelling, when a part of the equipment or the supply of such dwelling, but specifically excludes (1) furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals, or other establishments, when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments, and (2) objects of art (other than personal effects), displays and exhibits.

[2] Order on reconsideration issued October 16, 1972. Temporary relief was to expire April 16, 1973.

[3] Order 71–10–56, dated October 13, 1971.

[4] Order 73–4–57, dated April 12, 1973, as supplemented by Order 73–7–56, dated July 13, 1973, Order 73–9–53, dated September 13, 1973, Order 73–12–13, dated December 4, 1973, Order 74–3–29, dated March 7, 1974, and Order 74–6–56, dated June 11, 1974.

1958, as amended, the carriers listed in the appendix hereto are hereby relieved from the provisions of Title IV of the Act to the extent necessary to transport by air used household goods of personnel of DOD upon tender by the Department;

2. That the relief granted herein shall become effective September 19, 1974, and terminate on December 18, 1974, or as to each individual company named in the appendix hereto, upon Board disposition of such company's application for interstate and/or international air freight forwarder authority whichever event shall occur first;

3. That this order may be amended or revoked at any time in the discretion of the Board without hearing; and

4. That copies of this order shall be served on the Military Traffic Management and Terminal Service, U.S. Army, and the companies listed in the appendix hereto.

This order shall be published in the FEDERAL REGISTER.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file their petitions by September 13, 1974.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

APPENDIX

Garrett Forwarding Company
2055 Garrett Way
P.O. Box 4048
Pocatello, Idaho 83201

Smyth Worldwide Movers, Inc.
11616 Aurora Avenue, North
Seatle, Washington 98133

[FR Doc.74-20848 Filed 9-9-74;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF DEFENSE

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Principal Deputy Assistant Secretary (Health and Environment), Office of the Assistant Secretary of Defense (Health and Environment), Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION.

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

[FR Doc.74-20845 Filed 9-9-74;8:45 am]

MANPOWER SHORTAGE

Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found effective August 27, 1974, that there is a manpower shortage for the single position of Director, District of Columbia Public Library. The appointee may be paid for the expense of travel and transportation to his first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION.

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

[FR Doc.74-20843 Filed 9-9-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Small Business Administration to fill by noncareer executive assignment in the excepted service the position of Special Assistant and Director, Office of Equal Employment Opportunity and Compliance.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.74-20844 Filed 9-9-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 261-1]

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

Availability of Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of August 1, 1974 and August 15, 1974.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this reviewing period. The listing will include the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix IV contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix V.

Appendix V contains a listing of the names and addresses of the sources for copies of EPA comments listed in Appendices I, III, and IV.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Inquiries Branch, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: August 29, 1974.

SHELDON MEYERS,
Director, Office of Federal Activities.

APPENDIX I.—Draft environmental impact statements for which comments were issued between Aug. 1, 1974 and Aug. 15, 1974

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
D-AFS-A65105-MT	Multiple use plan, Eureka-Grave Creek planning unit, Montana.	LO-1	I
D-AFS-A82087-00	Proposal for vegetation control by mechanical, chemical, and fire treatment in Arizona and New Mexico.	LO-1	G
D-AFS-G65001-LA	Timber management plan, Kisatchie National Forest, La.	LO-2	G
D-AFS-J65002-MT	Callahan planning unit, Kootenai National Forest, Mont.	LO-1	I
D-AFS-L61002-OR	Management of William Creek and Cougar Bluffs roadless areas, Oregon.	LO-2	K
D-SCS-A36403-NC	Chicod Creek watershed, Pitt and Beaufort Counties, N.C.	ER-2	E
D-SCS-A36406-WA	Newman Lake watershed project, Spokane County, Wash.	LO-1	K
Atomic Energy Commission:			
D-AEC-A06135-MD	Douglas Point nuclear generating station, units 1 and 2, Charles County, Md.	LO-1	A
D-AEC-A06137-LA	River Bend nuclear power station, units 1 and 2, Gulf States Utilities Company, docket numbers 50-458 and 50-459, located on the Mississippi River, West Feliciana Parish, La.	ER-2	A

APPENDIX I.—Draft environmental impact statements for which comments were issued between Aug. 1, 1974 and Aug. 15, 1974

Identifying No.	Title	General nature of comments	Source for copies of comments
Corps of Engineers:			
D-COE-A32510-AK	Proposed Humboldt Harbor, Sand Point, Alaska	LO-1	K
D-COE-A32516-TX	Maintenance dredging, channel to Port Bolivar, Galveston County, Tex.	ER-1	G
D-COE-A34129-PR	San Juan Harbor, survey-review report, navigation, Puerto Rico.	LO-2	C
D-COE-A35136-MS	Construction bulk transfer terminal, Bayou Casotte, Miss.	ER-2	E
D-COE-A35144-AL	Bon Secour River, Baldwin County, maintenance dredging, Alabama.	ER-2	E
D-COE-A35145-NY	Maintenance dredging of the Gowanus Creek Channel, Brooklyn, N.Y.	LO-1	C
D-COE-A36404-00	Degonia and Fountain Bluff levee and drainage, Missouri and Illinois.	LO-2	F
D-COE-C35001-PR	Ponce Harbor, maintenance dredging, Puerto Rico	LO-1	C
D-COE-E32001-FL	Blackwater River, maintenance dredging, Santa Rosa County, Fla.	ER-2	E
D-COE-A32511-AK	Proposed Haines small boat harbor project, Alaska	ER-2	K
Civil Aeronautics Board:			
D-CAB-A52076-00	Capacity reduction agreements case, docket number 22908.	LO-2	A
Department of Defense:			
D-USN-A11052-FL	Land acquisition and construction of 2 helicopter outlying fields at naval air station, Whiting Field, Milton, Fla.	ER-2	E
D-USN-A11001-CT	Naval submarine base, 5-year management plan, Groton, Conn.	LO-2	B
Department of Interior:			
D-BLM-A01027-WY	Coal resources, Eastern Powder River coal basin, Wyo.	3	I
D-NPS-A61251-AR	Proposed master plan, Buffalo National River, Ark.	LO-2	G
D-DOI-A61187-AK	Aniakchak Cladera National Monument, Alaska	LO-1	K
D-DOI-A65108-AK	Additions to the Chugach National Forest, Alaska	LO-1	K
D-DOI-A61198-AK	Birch Creek National Wild River, Alaska	LO-1	K
D-DOI-A61197-AK	Beaver Creek National Wild River, Alaska	LO-1	K
D-DOI-A64027-AK	Selawik National Wildlife Refuge, Alaska	LO-1	K
D-DOI-A61189-AK	Kobub Valley National Monument, Alaska	LO-1	K
D-DOI-A64026-AK	Alaska Coastal National Wildlife Refuge, Alaska	LO-1	K
Department of Labor:			
RD-LAB-A86056-00	Proposed regulation to limit exposure of workers to vinyl chloride.	LO-2	A
Tennessee Valley Authority:			
D-TVA-E08001-AL	Widows Creek-West Jefferson 500-KV transmission line, Jackson, Marshall, Blount, Cullman, and Jefferson Counties, Ala.	LO-1	E
Department of Transportation:			
DS-FHW-A41886-KS	Project 24-105 U 072-1(16), Wyandotte County, Kansas City, Kans.	ER-1	H
DS-FHW-A42279-SC	North-south freeway, segment between I-26 in Lexington County and SC-48, Bluff Road in Richland County, S.C.	LO-2	E
D-FHW-A42279-KY	Woodford and Fayette Counties, Versailles and Lexington Road, Kentucky.	ER-3	E
D-FHW-A42282-IN	Tenth Street improvements, Columbus, Bartholomew County, Ind.	LO-2	F
D-FHW-A42283-MI	M-21 reconstruction, I-96 east to Ada, Kent County, Mich.	LO-2	F
D-FHW-A42285-KS	K-6, Kansas City, Kans	ER-2	H
D-FHW-A42293-AL	Etoway County, Rainbow Drive to Meighan Boulevard with connection to APL 28-50, Alabama.	LO-2	E
D-FHW-A42297-IL	FA route 412, Rochelle to Rockford, Lee, Ogle, and Winnebago Counties, Ill.	LO-1	F
D-FHW-A42299-NM	Intersection of SR 4 and SR 30 east to intersection of SR 4 and U.S. 285/84, approximately 9.3 miles, Santa Fe County, N. Mex.	LO-2	G
DS-FHW-A49006-KS	U.S. 54, Sedgwick County, Kans	ER-1	H
D-FHW-L40001-OR	Slater Creek, Mystic Creek section, State highway 42, Coos-Bay-Rosenburg, Douglas County, Oreg.	LO-1	K

APPENDIX II

DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

Environmental impact of the action

LO—Lack of Objection.—EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations.—EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU — Environmentally Unsatisfactory.—EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the impact statement

Category 1—Adequate.—The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information.—EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate.—EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX III.—*Final environmental impact statements for which comments were issued between Aug. 1, 1974 and Aug. 15, 1974*

Identifying No.	Title	General nature of comments	Source for copies of comments
Corps of Engineers:			
F-COE-A36288-OH.	Chillicothe local protection, Ross County, Ohio.	The final statement adequately responded to comments expressed by EPA on the draft statement.	F
F-COE-A36336-MN.	Vermillion River, local flood protection, Hastings, Dakota County, Minn.	EPA believes the environmental compatibility of the project depends on the methods used to prevent degradation of water quality and the development of suitable floodplain land uses. EPA inquiries regarding the nature of bottom sediments in the Peary dam and channel modification areas were not adequately addressed and we requested that evidence of bottom sediment quality be submitted to EPA prior to commencement of the proposed project.	F
F-COE-A38009-IL..	Meredosia levee and drainage district local protection project in Rock Island and Whiteside counties, Ill.	EPA believes the adverse environmental impacts resulting from the proposed project will be minimal. For the most part, the final statement adequately responded to our comments on the draft statement; however, EPA was unable to locate any information regarding past flood record levels and flood damage to the Mississippi and Rock Rivers levees.	F
Department o Transportation:			
F-FHW-A40097-CT.	I-86, from Vernon to Willington, Conn.	EPA found that serious air quality problems exist in the area and that the documentation provided was insufficient to assure that this project will not exacerbate the situation. EPA also found that insufficient efforts have been made to coordinate this project with the Connecticut Environmental Protection Department's air implementation plan and that the mass transit option has not been adequately considered.	B
F-FHW-A41254-IL..	FAP 409 (U.S. 50) Centralia to Xenia, Clay, and Marion Counties, Ill.	The final statement selected a combination of alignments different from those presented in the draft statement. However, EPA believes that the project is substantially the same and that the adverse environmental effects will be minimal.	F
F-FHW-A41577-AL..	Mobile and Baldwin Counties, project I-10-1 (35) and F-346(9), Alabama.	EPA recommended that an air quality analysis be made to ascertain the expected carbon monoxide levels.	E
F-FHW-A41889-VT.	I-93, construction, Waterford, Vt., to Littleton, N.H., and Waterford, Vt., to St. Johnsbury, Vt.	EPA stated that additional construction on interstate 93, prior to the completion of a comprehensive environmental impact statement which would include Franconia Notch, N.H., would be contrary to the intent of the National Environmental Policy Act, the CEQ Guidelines, and Federal Highway Administration PPM 90-1, relative to requirements on piece-mealing projects.	B
F-FHW-A42332-IL..	Freeway FAP 408, Jacksonville to Barry, in Morgan, Scott, and Pike Counties, Ill.	The final statement generally responded to EPA's comments on the draft statement. However, EPA's inquiries regarding collection of water quality data on streams crossed by the project and an analysis of the noise impacts associated with the project were not adequately addressed.	F
F-FHW-A41511-PA.	LR 313, LR 1053, Centre and Clearfield Counties, Pa.	EPA generally had no objections to the project as proposed.	D
Veterans Administration:			
F-VAD-A81149-CA.	120-bed rehabilitation/nursing home care building, Veterans Administration, Sepulveda, Los Angeles County, Calif.	....do.....	J
Department of Agriculture:			
F-AFS-A65014-IN..	Off-road vehicle policy, Hoosier National Forest, Ind.	EPA maintains the position that the operation of off-road vehicles, primarily motorcycles, is not compatible with normal multiple-use activities.	F
RF-AFS-67010-00...	36 CFR parts 251, 252, 393—Mineral resources on National forests, use under U.S. mining laws.	In EPA's view, the regulations represent a significant contribution to the Nation's effort to prevent unwarranted environmental degradation. Based on the review, EPA suggested modification to several sections of the regulations in an effort to strengthen them from an environmental point of view.	A

APPENDIX IV.—*Regulations, legislation, and other Federal agency actions for which comments were issued between Aug. 1, 1974 and Aug. 15, 1974*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Interior:			
R-IGS-A02059-00....	Notices—proposed OCS Order No. 9, Gulf of Mexico area, approval procedure for oil and gas pipeline.	EPA approved of the proposed changes in OCS Order No. 9 which bring USGS requirements in line with Department of Transportation testing and operating criteria. Other comments were centered about additional pipeline operation criteria that should have been addressed and consistency in definition of terms between the USGS order and DOT regulations.	A
R-NOA-A86062-00..	50 CFR 216—marine mammals, procedures for hearings on proposed regulations.	In EPA's view the proposed regulations were generally adequate, however, EPA suggested that provision be made for introducing the environmental impact statement into the hearing record.	A

APPENDIX V

SOURCE FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Room 2303, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, Room 847, 26 Federal Plaza, New York, New York 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, Suite 300, 1421 Peachtree Street, N.E., Atlanta, Georgia 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 1 N. Wacker Drive, Chicago, Illinois 60606.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Texas 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, Lincoln Tower, Room 916, 1860 Lincoln Street, Denver, Colorado 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, California 94111.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc.74-20693 Filed 9-9-74;8:45 am]

[OPP-32000/108 (FRL 261-4)]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before November 11, 1974, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coodination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after November 11, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 4876-LL. AG Supply Co., 526 NW Fourth St., Hopkinsville KY 42240. TOBACCO BUDWORM BAIT CONTAINS DYLOX. Active Ingredients: Dimethyl(2,2,2-trichloro-1-hydroxyethyl) Phosphonate 4.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33458-G. Allied Chlorine & Chemical Products, Inc., 55 Jacobus Ave., Kearny, NJ 07032. SODIUM POOL GUARD CONCENTRATED GRANULAR. Active Ingredients: Sodium Dichloro-S-Triazinetrione Dihydrate 100%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 32450-G. Cadillac Oil Co., 13650 Helen, Detroit, MI 48212. CADCO BIOCIDE 6000. Active Ingredients: Poly [oxyethylene(dimethyliminio)ethylene(dimethyliminio)ethylene dichloride] 60.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 32450-E. Cadillac Oil Co. CADCO BIOCIDE 2000. Active Ingredients: Poly [oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 20.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 32450-R. Cadillac Oil Co. CADCO BIOCIDE 1000. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene (dimethyliminio) ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 10975-R. Chemilene Co., 4937 Telegraph Rd., Los Angeles CA 90022. CHEMILENE INDUSTRIAL AEROSOL INSECTICIDE. Active Ingredients: Pyrethrins 0.5%; Piperonyl Butoxide, Technical 4.0%; Petroleum Distillate 10.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 4715-89. Colorado International Corp., 5321 Dahlia St., Commerce City CO 80022. PARATHION 4LB. EMULSIFIABLE SPRAY. Active Ingredients: Parathion: O,O-diethyl O-p-nitrophenyl phosphorothioate 45.00%; Xylene 49.32%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10163-AO. The Dune Company, Agricultural Chemicals, PO Box 458, 340 E. Main St., Calipatria CA 92233. PROKIL DIPEL 2 DUST. Active Ingredients: *Bacillus thuringiensis*, Berliner 0.05%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4482-RG. Epic Chemicals, Inc., 89 Coffey St., Brooklyn NY 11231. GUARD-ALL PINE ODOR COEF. 5-A.O.A.C. DISINFECTANT. Active Ingredients: n-Alkyl (C14 50%, C12 40%, C16 10%) dimethyl benzyl ammonium chloride 3.0%; Pine Oil 3.0%; Isopropyl Alcohol 5.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 270-RNI. Farnam Companies, Inc., PO Box 21447, Phoenix AZ 85036. FARNAM ROLL-ON FLY REPELLENT B B. Active Ingredients: Cedar Leaf Oil 8.00%; Pine Oil 5.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1239-GA. Industrial Chemical Laboratories, Inc., 1015 N. 14 St., Omaha NB 68102. NON-PHOSPHATE D/S/D. Active Ingriedients: n-Alkyl (60% C14, 30%, C16, 5%, C12 5% C18) dimethyl benzyl ammonium chlorides 3.00%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 3.00%; Tetrasodium ethylene diamine tetraacetate 2.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 961-GNR. The Bishop Co., Div. of Lebanon Chemical Corp., PO Box 180, Lebanon PA 17042. GREENVIEW MODERN 2-WAY GREEN POWER LAWN FERTILIZER AND BROADLEAF WEED KILLER. Active Ingredients: Isooctyl ester of 2,4-dichlorophenoxyacetic acid 1.15%; Isooctyl ester of Silvex [2-(2,4,5-trichlorophenoxy)propionic acid] 0.55%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1266-RLA. Malter International Corp., Box 6099, New Orleans LA 70114. BYE BYE BUG IV. Active Ingredients: Pyrethrins 0.250%; Essential oils 0.300%; Piperonyl butoxide, technical 0.500%; N-octyl bicycloheptene dicarboximide 0.825%; Petroleum distillate 18.425%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1489-U. Nutro Dog Food Co., 1907 N. Chico Ave., El Monte CA 91733. MACKALL'S TOPS ALL BRAND CAGE AND AVIARY SPRAY. Active Ingredients: Refined Petroleum 99.55%; Pyrethrins 0.05%; Technical Piperonal Butoxide 0.40%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9556-RO. Ortex Products Inc., 560 Ferry St., Newark NJ 07105. ORTEX NEW FIRE RESISTANT STABILIZED CHLORINE GRANULAR 56. Active Ingredients: Sodium Dichloro-s-triazinetrione dihydrate 100%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 478-IT. Realex Corp., 2500 Summit, Box 78, Kansas City MO 64141. REAL-KILL INDOOR BUG ELIMINATOR. Active Ingredients: d-trans allethrin (allyl homolog of Cinerin I) 0.250%; (5-Benzyl-3-furyl) methyl-2, 2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.034%; Petroleum distillate 14.120%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11547-EE. Share Corp., PO Box 9, Brookfield WI 53005. SHARE CORP. SURFACE INSECTICIDE. Active Ingredients: Petroleum distillate 99.187%; O,O-diethyl O-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate 0.500%; Piperonyl Butoxide Technical 0.261%; Pyrethrins 0.052%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6720-RUI. Southern Mill Creek Products Co., Inc., PO Box 1096, Tampa, FL 33601. SMCP DURSBAN 1E INSECTICIDE. Active Ingredients: Chlorpyrifos (O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate) 12.9%; Aromatic petroleum derivative solvent 78.9%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 4887-84. Stephenson Chemical Co., Inc., PO Box 87188, College Park GA 30337. STEPHENSON CHEMICALS DK-11 EMULSIFIABLE CONCENTRATE. Active Ingredients: 2,2-dichlorovinyl dimethyl phosphate 11.11%; Related Compounds 0.84%; Ronnel (O,O-dimethyl O-(2,4,5-trichlorophenyl phosphorothioate) 12.00%; Tetrachloroethylene 5.00%; Xylene 59.50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 148-125. Thompson-Hayward Chemical Co., PO Box 2383, Kansas City KA 66110. T-H PYRTOX CONTACT SPRAY. Active Ingredients: Pyrethrins 0.15%; Technical piperonyl butoxide 1.50%; Petroleum distillate 98.35%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 148-265. Thompson-Hayward Chemical Co., PO Box 2383, Kansas City KA 66110. T-H MALATHION PREMIUM GRADE MALATHION E-5. Active Ingredients: Malathion 57.0%; Xylene 32.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 1386-124. Universal Cooperatives, Inc., 111 Glamorgan St., Alliance OH 44601. UNICO MALATHION-5 EMULSIFIABLE CONCENTRATE. Active Ingredients: Malathion 57.0%; Xylene 36.0%. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: August 31, 1974.

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

[FR Doc.74-20690 Filed 9-9-74;8:45 am]

[OPP—00004; FRL 263-1]

JUDGMENT UNDER THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Availability of Notices of Judgment

Pursuant to section 16(d) of the Federal Insecticide Fungicide and Rodenticide Act (FIFRA), as amended (86 Stat. 994), the Environmental Protection Agency is required to give notice by publication of all judgments in actions instituted under the Act.

The purpose of this publication is to make available to the public the results of court decisions and civil penalty proceedings involving pesticide products. Notices of Judgment Under the Federal Insecticide, Fungicide, and Rodenticide Act report cases involving seizure actions taken against products alleged to be in violation, and criminal and civil actions taken against firms or individuals charged with violations. The Notices of Judgment contain the following information; the responsible party, specific violations, dates of legal action, and the penalty imposed on the violator.

Copies of Notices of Judgment are available to government agencies and to the public from:

U.S. Environmental Protection Agency, Pesticides Enforcement Division (EG-342), 401 M Street SW., Washington, D.C. 20460.

Dated: September 5, 1974.

ALAN G. KIRK II,
Assistant Administrator for Enforcement and General Counsel.

[FR Doc.74-20862 Filed 9-9-74;8:45 am]

[OPP-66009; FRL 262-5]

PESTICIDES

Intent To Cancel Certain Registrations

Pursuant to section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 984), the Environmental Protection Agency (EPA) has notified the following registrants of its intent to cancel the registrations of the pesticide products listed:

EPA Reg. No. 4-45, Bonide Chemical Co., Utica NY 13502. BONIDE CRO-TOX REPELLENT. Reasons: Lack of product efficacy data; labeling and directions not in compliance with the FIFRA.

EPA Reg. No. 537-1. Biocerta Corp., New York NY 10016. RATOPAX. Reasons: Lack of product efficacy data; labeling and directions not in compliance with the FIFRA.

EPA Reg. No. 4816-350. FMC Corp., Middleport NY 14105. FLEA & TICK SPRAY FOR DOGS. Reasons: Failure to remove dichlorophene from the product formulation or to submit scientific data to support safety and efficacy for the use of dichlorophene on the skin of animals.

EPA Reg. No. 9177-1. Buckeye Pest Control, Sylvania OH 43560. RITENOW INSECT DESTROYER. Reasons: Failure to submit required product formulation information; failure to submit corrected/finished labeling.

EPA Reg. No. 327-16. Texas Phenothiazine Co., Ft. Worth TX 76106. DR. ROGERS FORMULA NO. 1029 (for Control of "Spinose" of "Upland" Ear Tick). Reason: Lack of a tolerance to cover use of pyridine or dibutyl phalate on beef cattle or milk.

The registrants have not submitted the material necessary for continued registration as specified and therefore have not fully complied with the provisions of the FIFRA.

Cancellation of these registrations shall be effective at the end of 30 days from the receipt of notice by the registrant or publication of this notice in the FEDERAL REGISTER, whichever occurs later, unless the registrant makes the necessary corrections, if possible. Within this period of time, any person adversely affected by this notice may request a hearing as provided in section 6(b) of the FIFRA, and should file in accordance with the provisions of §§ 164.5 and 164.20 of Part 164, Title 40 CFR, of the regulations for the enforcement of the FIFRA, an original and two copies of the document stating his objections to the Administrator's intent to cancel these registrations. The request for hearings and such documents should be filed with the Hearing Clerk, Environmental Protection Agency, Room 1019 East Tower, 401 M Street SW., Washington, D.C. 20460.

Dated: September 4, 1974.

JAMES L. AGEE,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74-20866 Filed 9-9-74;8:45 am]

[FRL 262-3]

HAWAII; CONTROL OF DISCHARGES OF POLLUTANTS TO NAVIGABLE WATERS

Public Hearing and Request for State Program Approval

The State of Hawaii has submitted a request for approval of its program to control discharges of pollutants to navigable waters under section 402 of the Federal Water Pollution Control Act Amendments of 1972 (the Act), 33 U.S.C.A. section 1342(b).

A public hearing to consider this request will be held on October 10, 1974, at the Legislative Auditorium, Chamber Level, State Capitol Building, Beretania and Richards Streets, Honolulu, Hawaii. The hearing will start at 1:30 p.m. and will reconvene at 7 p.m.

The hearing panel will consist of the Environmental Protection Agency Administrator, who will serve as the Presiding Officer, the Director of the Hawaii State Department of Health, and the Environmental Protection Agency Regional Administrator, Region IX, or the representatives of these persons.

Section 402(b) of the Act provides that the Governor of a State desiring to administer the National Pollutant Discharge Elimination System (NPDES) permit program to control discharges

into navigable waters within its jurisdiction may submit to the Administrator of the United States Environmental Protection Agency (EPA) a full and complete description of the program the State intends to administer, including a statement from the State's Attorney General that its laws provide adequate authority to carry out the program described. The Administrator is required to approve each such submitted program unless it does not meet the requirements of section 402(b) and EPA's guidelines. To administer the NPDES program the State must have the authority, among others, to: (1) Issue permits which comply with all pertinent requirements of the Act, (2) abate violations of permits or the permit program including civil and criminal penalties, and (3) ensure that the Administrator, the public, and any affected States and agencies are given notice of and opportunity for a public hearing with regard to each permit application. The State must also have and commit itself to use manpower and resources sufficient to act on all outstanding permit applications in a timely manner and consistent with the periods prescribed by the Act. (EPA's guidelines establishing State Program Elements Necessary for Participation in the NPDES were published in Volume 37 of the FEDERAL REGISTER, December 22, 1972 (40 CFR Part 124) beginning at page 28390.)

The State of Hawaii proposes that the Hawaii State Department of Health, Department of Health Building (Kinau Hale), Punchbowl and Beretania Streets, P.O. Box 3378, Honolulu, Hawaii 96801 (area code 808–548–3077), operate this program for control of discharges into navigable waters of the State in compliance with the Act. The chief officials are Jack Burns, Governor of Hawaii, Dr. Walter B. Quisenberry, Director, Hawaii State Department of Health, and Dr. Henri Minette, Assistant Director, Environmental Protection and Health Services Division of the Hawaii State Department of Health.

This request and program description may be inspected by the public at the offices of the Hawaii State Department of Health at the above address, the Environmental Protection Agency, Pacific Island Basins Office, 1000 Bishop Street, Suite 601, Honolulu, Hawaii 96813 (area code 808–546–8910), or at the United States Environmental Protection Agency, Region IX, 100 California Street, San Francisco, California 94111 (area code 415–556–3450).

All interested persons wishing to comment upon the State's request or its program submission are invited to appear at the public hearing to present their views. Written comments may be presented at the hearing or submitted by October 15, 1974, either in person or by mail, to the Environmental Protection Agency, Region IX, at the previously mentioned address.

Oral statements will be received and considered, but for the accuracy of the record, all testimony should be submitted in writing. Statements should summarize extensive written material so that there will be time for all interested persons to be heard. Persons submitting written statements are encouraged to furnish additional copies for the use of the hearing panel and other interested persons. The Presiding Officer may, at his discretion, exclude oral testimony if it is overly repetitious or irrelevant to the decision to approve or require revision to State program as submitted.

All comments received by October 15, 1974, or presented at the public hearing will be considered by the Environmental Protection Agency in taking final action on Hawaii's request for state program approval.

Please bring the foregoing to the attention of persons whom you know would be interested.

ROBERT V. ZENER,
Acting Assistant Administrator for Enforcement and General Counsel.

SEPTEMBER 4, 1974.

[FR Doc.74–20867 Filed 9–9–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 74–941]

AMERICAN TELEPHONE AND TELEGRAPH CO. BELL SYSTEM TARIFF OFFERINGS

Order Suspending Tariff Provisions

1. On August 1, 1974 AT&T filed tariff revisions to its Wide Area Telecommunications Service, Private Line and Long Distance Telecommunications Service Tariffs FCC Nos. 259, 260 and 263. These revisions, effective August 31, 1974, place conditions on connection of services furnished by the telephone company with communications systems or channels which are connected to or utilize satellite facilities. In addition, each of 19 Bell System Operating Companies filed a new tariff, purportedly effective August 2, 1974, imposing corresponding conditions.

2. Petitions to reject these tariff revisions have been filed by American Satellite Corporation, Western Union Telegraph Company, and RCA Global Communications, Inc. It is claimed, among other things, that the tariff provisions, if permitted to become effective, will result in the termination of existing service to customers of Western Union. It is not possible for the Commission to act upon the merits the petitions to reject prior to the August 31, 1974 effective date of the AT&T tariff revisions.

3. In the circumstances, we will exercise our discretion and suspend the effectiveness of the challenged provisions in the revised tariffs for the three-month period provided for in section 204 of the Act. It may be that the suspension period will be shorter, depending upon the nature of our action on the petitions to reject or the achievement of some other resolution of this matter.

4. *Accordingly, It is ordered,* pursuant to the provisions of section 4 (i) and (j), 201–205, 214 and 403 of the Communications Act, that the following tariff provisions are suspended until November 30, 1974 or until further order of the Commission prior to November 30, 1974:

AT&T Tariff FCC No. 259
  Section 2.8.4. (E)
  Section 2.9.4 (F)
AT&T Tariff FCC No. 260
  Section 2.6.3. (A) (9) (a) and (c)
  Section 2.6.4 (D) (paragraph 3)
  Section 2.6.4 (D) (2) and (3)
  Section 2.6.9 (D) (a), (b) (1) (2) and (3), and (c)
  Section 2.6.9 (A) (1) (1) and (4)
AT&T Tariff No. 263
  Section 2.7.4 (E)
  Section 2.8.4 (F) and (G)
19 Bell System Operating Tariffs
  Section 2.7.2 (A) and (B) in the tariff of New York Telephone Company and like sections in the tariffs of the other Bell System Operating Companies, and in AT&T Tariff FCC No. 266.

Adopted: August 28, 1974.

Released: August 30, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74–20814 Filed 9–9–74;8:45 am]

[Docket Nos. 20145, 20146; File Nos. BPH–8500, BPH 8563]

BROOKHAVEN BROADCASTING CO., INC. AND 21ST CENTURY BROADCASTERS, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In the matter of Brookhaven Broadcasting Co., Inc., Brookhaven, Mississippi, requesting 92.1 mHz; channel No. 221; 1.81 kW(H&V); 184 feet, and 21st Century Broadcasters, Inc., Brookhaven, Mississippi, requesting 92.1 mHz; channel No. 221; 3 kW(H&V); 300 feet, for construction permits.

1. The Chief of the Broadcast Bureau, acting pursuant to delegated authority, § 0.281 of the rules, has under consideration the above-captioned applications, which are mutually exclusive in that the applicants seek the same channel in Brookhaven, Mississippi.

2. Data submitted by the applicants indicate that Brookhaven Broadcasting Co., Inc., will encompass an area of 287 square miles with a population of 27,300 in its 1 mV/m contour while 21st Century Broadcasters will cover an area of 638 square miles having a population of 29,966 in its 1 mV/m contour. Thus, there is a significant difference in the size of the areas which would receive service from the proposals. Consequently, for purposes of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary (1 mV/m or better in FM) aural services in such areas will be considered under the standard comparative issue for the purpose of determining whether

[1] Commissioners Lee, Reid, and Washburn absent.

a comparative preference should accrue to either of the applicants.

3. Analysis of the financial portion of the application of Brookhaven Broadcasting Co., Inc. (Brookhaven), indicates that it will require $4,695 to construct and operate the proposed facility for a period of one year, without revenue, itemized as follows:

Equipment	$3,545
Miscellaneous items	550
Working capital requirement	600
Total	4,695

To meet this requirement, the applicant states that it will rely upon existing capital. Brookhaven further asserts that it need not file financial data in support of this claim since the amount required is less than $5,000. The section referred to by Brookhaven, however, was designed for use in major change applications. Further, the Commission cannot accept the applicant's estimate of $600 in first-year operating costs. This amount would hardly be sufficient to cover grant fees, if necessary, cost of hearing, salaries and programming. Since a more realistic evaluation of first-year operating costs would certainly result in a total requirement far in excess of the applicant's estimate, the Commission is unable to make the necessary determination that this applicant is financially qualified to construct and operate as proposed. Accordingly, a financial issue will be included.

4. 21st Century Broadcasters estimates that it will require $73,211 to construct and operate the proposed facility for a period of 11 months, without revenue, itemized as follows:

Down payment on equipment	$2,650
Eleven months' principal payments on equipment balance	5,477
Eleven months' interest payments on equipment balance	1,314
Land, buildings, and miscellaneous	10,000
Principal on bank loan	5,000
Interest on bank loan	4,000
Working capital requirement	44,770
Total	73,211

To meet this requirement, the applicant relies upon existing capital and two loans. The availability of one loan for $50,000 has been established. The applicant further asserts the availability of a second loan for $40,000, to be tendered by its principals. However, the Commission requires that loan commitments by principals be accompanied by a balance sheet not more than 90 days old at the date of filing. The commitment for $40,000 was submitted as an amendment on July 14, 1974. The balance sheet relied upon predates the loan by some 13 months. Therefore, the balance sheet is not acceptable to support the loan. In any event, analysis of the balance sheet shows only $38,500 rather than $40,000 available. Since the applicant has established the availability of only $50,000 to meet a $73,211 requirement, a financial issue will be included as to this applicant as well.

5. Brookhaven has apparently failed to interview any leaders of labor unions in its ascertainment of community problems and needs. In view of the requirements of question and answer 11(a) of the Primer on Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650 (1971), and the Commission's recent decision in Voice of Dixie, Inc., 45 FCC 2d 1027 (1974), an appropriate issue will be included.

6. The community ascertainment portion of the application of 21st Century fails to list the civic and social organizations of the community. In addition, the applicant has not specified with sufficient clarity the method by which a random sample of the general public was contacted, and has not given acceptable assurances that the survey was indeed random. Accordingly, an appropriate issue will be included as to this applicant as well.

7. Brookhaven proposes to operate a minimum of 14.5 hours per day and 113.5 hours per week, and proposes duplication of its commonly owned AM station WJMB 12 hours per day. 21st Century proposes 100 percent independent programming. Therefore, evidence regarding program duplication will be admissible under the standard comparative issue. When duplicated programming is proposed, the showing permitted under the standard comparative issue will be limited to evidence concerning the benefits to be derived from the proposed duplication which would offset its inherent inefficiency. Jones T. Sudbury, 8 FCC 2d 360, 10 RR 114 (1967).

8. Brookhaven proposes to use the transmitter site of its AM station for the FM station. This site is approximately 103.6 miles from the transmitter site of station WCKW, LaPlace, Louisiana, which operates on channel 222. The spacing required by § 73.207 of the Commission's rules is 105 miles. It is stated that it would not be economically feasible for the applicant to construct a new tower and transmitter building at a new site in order to meet the spacing requirements. The Commission has waived short-spacings in excess of that proposed herein in numerous cases when the applicant proposed to use the site of the AM station which was located in a small city. Accordingly, we will waive the short-spacing.

9. 21st Century proposes to locate its studio at a site 2.5 miles north of Brookhaven, Mississippi. Section 73.210 of the Commission's rules provides that the main studio of a commercial FM station must be located in the proposed city of license, or that good cause must be shown for locating the main studio outside that community. In addition to a showing that the site is easily accessible to the residents of Brookhaven, the applicant has stated that there is some likelihood that, due to the rapid expansion in the area of the proposed studio site, the city limits may be moved north to include this area. Good cause to locate the studio at the proposed site has been shown in this instance, however, regardless of whether the city limits are to be expanded.

10. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

11. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to the application of Brookhaven Broadcasting Co., Inc.:

(a) The basis of the applicant's estimate of first-year operating costs and whether such estimate is reasonable;

(b) The amount required for working capital for the first year of operation; and

(c) Whether, in light of the evidence adduced pursuant to (a) and (b) above, the applicant is qualified to construct and operate as proposed.

2. To determine, with respect to the application of 21st Century Broadcasters:

(a) Whether the $40,000 loan from the applicant's principals is available;

(b) Whether, in light of the evidence adduced pursuant to (a), above, the applicant is qualified to construct and operate as proposed.

3. To determine the efforts made by Brookhaven Broadcasting Co., Inc., and 21st Century to ascertain the community problems of the area to be served and the means by which the applicant proposes to meet these problems.

4. To determine which of the proposals would, on a comparative basis, best serve the public interest.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

12. *It is further ordered,* That the requirements of § 73.207 of the Commission's rules with respect to the application of Brookhaven Broadcasting Co., Inc., are hereby waived.

13. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

14. *It is further ordered,* That the applicants herein shall, pursuant to section (a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such

notice as required by § 1.594(g) of the rules.

Adopted: August 28, 1974.

Released: August 30, 1974.

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

[FR Doc.74-20817 Filed 9-9-74;8:45 am]

CABLE TELEVISION TECHNICAL ADVISORY COMMITTEE (CTAC) PANEL 9 (CODED TELEVISION AND NON-TELEVISION SYSTEMS)

Notice of Meeting

SEPTEMBER 3, 1974.

Pursuant to section 10 of the Federal Advisory Committee Act, 5 U.S.C. App. I § 10 (Supp. II, 1972), notice is hereby given of a meeting of the CTAC Panel 9 meeting on September 23, 1974, to be held at Warner Communications, Inc., in the Brown Room, 3rd Floor, 75 Rockefeller Plaza, New York, New York. The meeting is scheduled to commence at 10 a.m.

The agenda is as follows:

(1) Review of Minutes of Meeting on June 24, 1974.
(2) Report on Steering Committee Activities.
(3) Review of Panel 9 Final Report.
(4) Reports on Special Panel Assignments.
(5) New Business.
(6) Adjournment.

Any member of the public may attend or file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Inquiries may be directed to Mr. A. M. Rutkowski, FCC, 1919 M Street, NW., Washington, D.C. 20554—(202) 632-9797.

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

[FR Doc.74-20815 Filed 9-9-74;8:45 am]

[Report No. 717]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

SEPTEMBER 3, 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 earliest 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,
VINCENT J. MULLINS,
Secretary.

APPENDIX

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20263-CD-P-75, Continental Telephone Company of Texas (KKQ969). C.P. to change output power at lots 1-6, Block 143, 12th and Throckmorton Street, Vega, Texas operating on 152.51 MHz.

20264-CD-P-75, Empire Mobilcomm Systems, Inc. (KOP306). C.P. to change frequency to 152.18 MHz located 8.7 miles SE Coos Bay, Oregon.

20265-CD-P-75, General Communications, Inc. (KSV965). C.P. to add Loc. #6: on Rogers Road, 0.5 miles N. of Lithonia, Georgia operating on 35.22 MHz. (1-way).

20266-CD-MP-(2)-75, RAM Broadcasting of New Mexico, Inc. (KUO576). Mod. C.P. to change antenna system operating on 454.675 and 454.950 MHz located 1.25 miles NE of Intersection #83 and 285, Artesia, New Mexico. (Air-Ground).

20267-CD-P-75, Miami Valley Radiotelephone (KLF577). C.P. change antenna system operating on 35.22 MHz located at I 75 and WDAO Tower, Dayton, Ohio.

20268-CD-P-75, Portable Communications, Inc. (New). C.P. for a new 1-way signaling base station operating on 43.58 MHz located at #1 Marine Midland Center, Buffalo, New York.

20269-CD-P-75, Rad-Com Electronics, Inc. (New). C.P. for a new 2-way station operating on 152.09 MHz located at Crego Hill, approx. 9 miles SW of Chehalis, Wash.

20270-CD-P-75, Empire Mobilcomm Systems, Inc. (New). C.P. for a new 1-way signaling station operating on 152.24 MHz located 1 mile W. of Englewood and 1.75 miles SW of Coos Bay, Oregon.

20271-CD-PC-75, Charles H. Beard d/b/a Granbury Communications Company (New). C.P. for a new 2-way station to operate on 454.350 MHz located at City Water Tower, Springtown, Texas.

20272-CD-P-75, Radio Broadcasting Co. (New). C.P. for a new 1-way signaling station to operate on 152.24 MHz located at Griest Building, Penn Square and North Queen Street, Lancaster, Pennsylvania.

20273-CD-P-75, Airsignal International, Inc. (KAF245). C.P. to add Loc. #5: 9185 Bond, Overland Park, Kansas operating on 43.58 MHz.

20274-CD-P-75, South Georgia Telephone Company (New). C.P. for a new 2-way signaling station operating on 152.78 MHz located on Hwy. 280 at NE city limits of Reidsville, Georgia.

20275-CD-P-(2)-75, Nashville Mobilphone, Inc. (New). C.P. for a new 2-way station to operate on 454.175 and 454.250 MHz located on Anderson Lane, 2.4 miles East of Hendersonville, Tennessee.

20276-CD-P-75, William R. Miears d/b/a Southwestern Communications Service (KUC855). C.P. for additional facilities operating on 152.09 MHz located ½ mile W. of Carrizo Sprgs, Texas.

20277-CD-MP-75, Radio Dispatch, Inc. (KLB701). Mod. C.P. to replace facilities operating on 454.275 MHz located at Orchard Street and Highway #36, Rosenberg, Texas.

20278-CD-P-(2)-75, Charles L. Escue and H. B. Lee d/b/a Telpage, Ltd. (KIE-366). C.P. to relocate facilities operating on 152.03 and 152.06 MHz located 1 mile south of Vulcan, Birmingham, Alabama.

Renewal of Air-Ground License expiring September 1, 1974. TERM: 9/1/74 through 9/1/79.

20279-CD-R-75, General Communications Svc., Inc. KWS213.

20280-CD-R-75, Mobilfone Service, Inc. KUC859.

Corrections

3485-C2-P-73, Delete the afore referenced file number on Public Notice #623, dated November 20, 1972. The particulars proposed therein are to be incorporated as part of file number 3486-C2-P-(5)-73 on the same Public Notice. All other particulars are to remain the same. (Radiotelephone Company of Gainsville).

20660-C2-P-(2)-74, AAA Anserphone, Inc.—Jackson (KKV692). Previously reported on Public Notice #682, dated January 7, 1974, should have been listed as a Major Amendment to File Number 20589-C2-P-(2)-74, which appeared on Public Notice #677, dated December 3, 1973. All other particulars are to remain as reported in the herein mentioned files.

20624-C2-P-74, AAA Answering Service, Inc (KLB703). Previously reported on Public Notice #678, dated December 10, 1973, should have been listed as a Major Amendment to File Number 20584-C2-P-74, which appeared on Public Notice #677, dated December 3, 1973. All other particulars are to remain as reported in the herein mentioned files.

RURAL RADIO SERVICE

60015-CR-MP-75, RCA Alaska Communications, Inc. (WAF835) Mod. C.P. for additional frequencies: 157.86, 158.01, 158.04 MHz located at Mary Alsworth Home, Port Alsworth, AK 105 miles WNW of Homer, Alaska.

POINT-TO-POINT MICROWAVE RADIO SERVICE

488-CF-P-75, The Mountain States Telephone & Telegraph Company (KBC48), 309 South 4th Street, Lamar, Colorado. Lat. 38°05'11" N., Long. 102°37'01" W. C.P. to add 2128.0V MHz toward Lamar, Colo., on azimuth 177°-40'.

[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).

489–CF–P–75, Same (KCO79), 10.8 Miles South of Lamar, Colorado. Lat. 37°55'27" N., Long. 102°36'31" W. C.P. to add 2178.0V MHz toward Lamar, Colo., on azimuth 357°-40'; 2171.6V MHz toward a new point of communication at Wilde, Colo., on azimuth 181°55'.

490–CF–P–75. Same (new), Wilde, 17.9 Miles North of Springfield, Colorado. Lat. 37°39'-58" N., Long. 102°37'09" W. C.P. for a new station on 2121.6V MHz toward Lamar, Colo., on azimuth 1°54'; 2115.2H MHz toward Springfield, Colo., on azimuth 179°-13'.

491–CF–P–75, Same (new), 724 Main Street, Springfield, Colorado. Lat. 37°24'24" N., Long. 102°36'54" W. C.P. for a new station on 2165.2H MHz toward Wilde, Colo., on azimuth 359°13'.

492–CF–P–75, Michigan Bell Telephone Company (new), 230 Spring Street, Battle Creek, Michigan. Lat. 42°19'04" N., Long. 85°12'20" W. C.P. to change 6390H to 11525V MHz toward WUHQ–TV, Battle Creek, Mich., on azimuth 289°49'.

493–CF–P–75, Northwestern Bell Telephone Company (KAM33), 1823 16th Street North, Bismarck, North Dakota. Lat. 46°49'32" N., Long. 100°46'00" W. C.P. to add 6026.7H MHz toward Wilton, N. Dak., on azimuth 355°43'.

494–CF–P–75, Same (KAX41), 1.5 Miles SW of Wilton, North Dakota. Lat. 47°08'32" N., Long. 100°48'05" W. C.P. to add 6278.8H MHz toward Bismarck, N. Dak., on azimuth 175°42'.

495–CF–P–75, Northwestern Bell Telephone Company (KBC40), 5th Avenue, between Lilly and High Streets, Drake, North Dakota. Lat. 47°55'38" N., Long. 100°22'04" W. C.P. to correct geographical coordinates, change power, alarm center loc., antenna location, replace transmitter and change 6175 & 6415 MHz to 2128.0V MHz toward Benedict, N. Dak., on azimuth 269°40'.

496–CF–P–75, Same (KAX43), 6.5 Miles North of Benedict, North Dakota. Lat. 47°55'20" N., Long. 101°04'37" W. C.P. to change antenna location, power, replace transmitter and change 6055 & 6295 MHz to 2178.0V MHz toward Drake, N. Dak., on azimuth 89°08'.

497–CF–P–75, Puerto Rico Communications Authority (WWT52), El Yunque, Rd. No. 191, Luquillo, Puerto Rico. Lat. 18°18'00" N., Long. 65°47'31" W. C.P. to add 10995H MHz toward Drake, N. Dak., on azimuth at Fajardo, P.R., on azimuth 88°21'; 10915V MHz toward a new point of communication at Humacaco, P.R., on azimuth 192°32'.

498–CF–P–75, Puerto Rico Communications Authority (new), Street "A", Pueblo Viejo Industrial Development, Fajardo, Puerto Rico. Lat. 18°20'16" N., Long. 65°38'16" W. C.P. for a new station on 11285H MHz toward El Yunque, P.R., on azimuth 268°31'.

499–CF–P–75, Same (new) Humacao, Puerto Rico. Lat. 18°08'26" N., Long. 65°49'43" W. C.P. for a new station on 11685V MHz toward El Yunque, P.R., on azimuth 12°32'.

501–CF–P–75, General Telephone Company of California (KTQ41), 39631 Menlo Avenue, Hemet, California. Lat. 33°45'28" N., Long. 116°58'04" W. C.P. to change antenna location on 6293.6H and 6412.2H MHz toward Red Mountain, Calif., on azimuth 141°49' to the foregoing coordinates.

503–CF–P–75, The Western Union Telegraph Company (KAA89), Arcade Bldg., N. 8th St., & Pine St., St. Louis, Missouri. Lat. 38°37'41" N., Long. 90°11'34" W. C.P. to replace authorized Western Union Type MLD–48 transmitters with Northern Electric Co., Ltd. Type RA–354 on 3870V and 4110V MHz toward Dorsey, Ill., on azimuth 24°02'.

504–CF–P–75, Same (KSN50), 7.5 Miles SE of Carlinville, Illinois. Lat. 39°13'33" N., Long. 89°45'56" W. C.P. to replace authorized Western Union Type MLD–48 transmitters with Northern Electric Co., Ltd. Type RA–354 transmitters on 3790H and 4030H MHz toward Dorsey, Ill., on azimuth 215°53'.

505–CF–P–75, The Western Union Telegraph Company (KSN51), 1 Mile NE of Dorsey, Illinois. Lat. 38°59'05" N., Long. 89°59'20" W. C.P. to replace authorized Western Union Type MLD–48 transmitters with Northern Electric Co., Ltd Type RA–354 transmitters on 3910H & 4150H MHz toward Carlinville, Ill., on azimuth 35°45'; 3750V & 3990V MHz toward St. Louis, Mo., on azimuth 204°10'.

509–CF–P/ML–75, Florida Telephone Corporation (KIO67), 202 East Meridian Avenue, Dade City, Florida. Lat. 28°21'49" N., Long. 82°11'28" W. C.P. and Mod. of License to add 5974.8V and 6093.5V MHz toward a new point of communication at Plant City, Fla., on azimuth 176°13'.

510–CF–P–75, The Pacific Telephone and Telegraph Company (KNL78), 3.5 Miles East of Corona Del Mar, California. Lat. 33°36'20" N., Long. 117°48'35" W. C.P. to replace transmitter, change power, alarm center location and change 10755 & 10915 MHz to 6256.5V & 6375.2V MHz toward San Clemente, Calif., on azimuth 130°58'.

511–CF–P–75, Same (KNL79), 2 Miles NE of San Clemente, California. Lat. 33°26'37" N., Long. 117°35'15" W. C.P. to replace transmitter, change power, alarm center and change 11365 & 11685 to 6004.5V and 6123.1V MHz toward San Marcos, Calif., on azimuth 123°47'; change 11345H & 11685H MHz to 6004.5V & 6123.1V MHz toward Corona Del Mar, Calif., on azimuth 311°05'.

512–CF–P–75, The Pacific Telephone and Telegraph Company (KNL80), 3.5 Miles NE of San Marcos, California. Lat. 33°11'-05" N., Long. 117°07'44" W. C.P. to replace transmitter, change power, alarm center location and change 10775H & 10935H MHz to 6256.5V & 6375.2V MHz toward San Clemente, Calif., on azimuth 304°02'.

513–CF–P–75, Same (KPP95), 5.6 Miles North of Julian, California. Lat. 33°09'33" N., Long. 116°36'53" W. C.P. to replace transmitter and change 5945.2V & 6063.8V MHz to 11345H & 11665H MHz toward San Marcos, Calif., on azimuth 273°31'.

[FR Doc.74–20816 Filed 9–9–74;8:45 am]

FEDERAL ENERGY ADMINISTRATION

SECOND ELECTRICITY CONFERENCE

Notice of Meeting

Notice is hereby given that the Second Electricity Conference will meet September 19 and 20, 1974 at the Auditorium, 1st Floor, Department of Commerce, 14th & Constitution Avenue NW., Washington, D.C., at 9 a.m. to 12 noon, 1:45 p.m. to 6 p.m. on September 19 and 9 a.m. to 12:30 p.m. on September 20.

The agenda for the meeting is as follows:

September 19, 1974:

9:00– 9:15 Introduction—The role of electric utilities in the Federal Energy Program.
9:15– 9:45 The present crisis in electric utility financing.
9:45–10:30 Speeding rate hearings.
10:30–11:15 Putting utilities on a sound financial basis.
11:15–12:00 Sound funding of replacement equipment.
1:30– 2:10 Putting construction work-in-progress in the rate base.
2:10– 2:50 Protecting consumer interest.
2:50– 3:30 How to achieve a national approach on rate-making policies.
3:30–3:45 Summary/conclusions by moderator.
3:45– 4:30 Conservation ethic and its role in the electricity industry.
4:30– 5:15 Projections of electricity demand.
5:15– 6:00 Elasticity of demand.

September 20, 1974:

9:00– 9:45 Load management and reliability.
9:45–10:30 Industrial energy conservation.
10:30–11:10 Residential electricity conservation.
11:10–11:50 Conservation and public awareness.
11:50–12:30 Conservation can mean dollar savings to the consumer.

The conference will be divided into two parts. The first part will be devoted to electricity financing. The purpose will be to develop national guidelines for consideration by state regulatory commissions in order to accelerate the rate-making process. The second part of the Conference will be devoted to opportunities for electricity conservation and increased efficiency. Representatives of state utility regulatory commission, the utility industry, the capital financing and academic communities, and consumer and environmental groups will be attending the Conference.

The meeting is open to the public.

Further information concerning the Conference may be obtained from the Office of Finance and Incentives, Federal Energy Administration, (202) 961-8454 or 8455.

Issued at Washington, D.C. on September 4, 1974.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

[FR Doc.74–20855 Filed 9–9–74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP72–9]

ARKANSAS LOUISIANA GAS CO.

Application for Declaratory Order or for Amendment of Order Issuing Certificate of Public Convenience and Necessity

SEPTEMBER 3, 1974.

Take notice that on August 20, 1974, Arkansas Louisiana Gas Company (Applicant), P.O. Box 1734, Shreveport, Louisiana 71151, filed in Docket No. CP72–9 an application for interpretation of its budget-type certificate granted January 16, 1974, in Docket No. CP74–67 pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations thereunder (18 CFR 157.7(b)). An interpretation as requested by applicant would permit the construction and operation of certain gathering lines and appurtenant facilities under said certificate. In the alternative, applicant requests in Docket No. CP72–9 pursuant to section

7(c) of the Natural Gas Act an amendment of the order issuing the certificate of public convenience and necessity in said docket by authorizing the construction of said facilities in the event the Commission finds that Applicant cannot properly construct the facilities under its budget-type certificate in Docket No. CP74–67. Applicant's proposals are more fully set forth in the application which is on file with the Commission and open to public inspection.

By order issued November 1, 1971, as amended, in Docket No. CP72–9 the Commission authorized the exchange of gas between Applicant and Cities Service Gas Company (Cities). On April, 1, 1974, applicant filed a petition to amend said order in which Applicant proposed to add three additional points of delivery of natural gas from Applicant to Cities.[1] In that petition to amend applicant stated that the facilities by which it would receive gas and deliver it to Cities at the additional delivery points would be constructed under Applicant's budget-type certificate issued in Docket No. CP74–67. Applicant states that it has been advised subsequently that it cannot properly construct facilities under its budget-type certificate in Docket No. CP74–67 to receive gas if the gas will be delivered to Cities' pipeline in exchange for gas Cities returns to applicant elsewhere on Applicant's system.

Applicant claims that the proposed gathering lines are directly related to the acquisition of supply for Applicant's system and the delivery to Cities is the most economic and expeditious way to get the gas, by displacement, to Applicant's system. Therefore, applicant requests a Commission determination that Applicant may construct and operate said gathering line, even though those facilities do involve an exchange of gas with Cities, under applicant's budget-type certificate in Docket No. CP74–67. Applicant further requests that upon such Commission determination applicant's filing of April 1, 1974, be processed and applicant be permitted to connect the three new delivery points.

If the Commission does not determine that applicant can construct said gathering facilities under its budget-type certificate, applicant requests the issuance of an order expressly certificating construction and operation of the following facilities in connection with the additional deliveries contemplated by its April 1, 1974, filing:

(1) At the exchange point on Cities' line in Woods County, Oklahoma, approximately 5.6 miles of 4½-inch O.D. pipe, Glycol Dehydrator, well meters and related facilities.

(2) At the Shattuck Exchange Point on Cities' line in Ellis County, Oklahoma, approximately 14 miles of 6⅝-inch and 4.5 miles of 4½-inch gathering lines, two 10,000 Mcf and two 5,000 Mcf Glycol dehydrators, well meters and related facilities. Applicant states that at the Shaller Well Exchange Point on Cities' line in Hemphill County, Texas, no new facilities are required.

Applicant estimates the total cost for the proposed facilities to be $894,880, which will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 24, 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, 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.74–20794 Filed 9–9–74;8:45 am]

[1] Notice of that petition was issued May 15, 1974, and published in the FEDERAL REGISTER May 23, 1974, 39 FR 18136.

[Docket No. E–8984]

CENTRAL MAINE POWER CO.

Proposed Rate Schedule

SEPTEMBER 4, 1974.

Take notice that on August 19, 1974, Central Maine Power Company (Central Maine) tendered for filing a proposed rate schedule for service to Green Mountain Power Corporation (Green Mountain). The proposed agreement is for the sale of a specified amount of capacity and energy output from Cape Station Gas Turbine Units No. 4 and 5 in South Portland, Maine. Said service would run from July 1, 1974 through October 31, 1974. The use of transmission facilities is also included.

Central Maine states that the capacity charge was determined by negotiation; the energy charges will be determined by actual costs; and the transmission charges will be the same as those in Central Maine's FPC Rate Schedule No. 33. The proposed effective date is July 1, 1974, and in order that such effective date be allowed, Central Maine asks that the prior notice requirements be waived.

Any person desiring to be heard or to protect 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 September 17, 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.74–20798 Filed 9–9–74;8:45 am]

[Docket No. E–8650]

COLUMBUS AND SOUTHERN OHIO ELECTRIC CO.

Further Extension of Time and Postponement of Hearing

SEPTEMBER 3, 1974.

On August 9, 1974, Counsel for the City of Westerville requested a further extension of the procedural dates in the above-designated matter fixed by notice issued July 18, 1974, which modified a notice of June 21, 1974, and the original Order issued April 30, 1974.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Service of prepared testimony and exhibits by Intervenors, September 6, 1974.
Service of rebuttal testimony and exhibits by Columbus and Southern Ohio Electric Company, September 18, 1974.
Hearing, September 25, 1974 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–20782 Filed 9–9–74;8:45 am]

[Docket No. E–8981]

DUKE POWER CO.

Supplement

SEPTEMBER 4, 1974.

Take notice that on August 19, 1974, Duke Power Company (DPC) tendered for filing with the Federal Power Commission, a contract supplement to DPC's Rate Schedule FPC No. 241 which involves a contract between DPC and the City of Easley. The effective date of the supplement is September 18, 1974.

DPC states that in order to provide service under this agreement, the 100 kV line east of Easley will be tapped and a 100–12.5 kV substation will be built at the requested delivery point.

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 September 10, 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.74–20797 Filed 9–9–74;8:45 am]

[Docket No. E-7679]

FLORIDA POWER CORP.

Order Approving Settlement Agreements With Conditions

AUGUST 30, 1974.

On January 14, 1974, the Presiding Administrative Law Judge certified to the Commission for approval a proposed settlement agreement between Florida Power Corporation (Company) and twelve municipal customers (Cities)[1] in this docket. A proposed settlement agreement between the company and nine rural electric cooperative customers (Cooperatives)[2] had been certified to the Commission on March 2, 1973. If approved, the settlements would resolve all issues in this proceeding. The proposed settlement rates would result in a reduction of approximately $1.2 million in Florida Power's presently effective rates with approximately $600,000 of such reduction going to each of the intervenor groups.

This proceeding involves an application filed by the Company on November 12, 1971, requesting an increase in rates for jurisdictional sales and services of $3,402,929 based upon 1970 test year data. By Commission order issued January 10, 1972, the proposed increase was suspended for the maximum statutory period of five months to become effective on June 12, 1972 and the Cooperatives and Cities were permitted to intervene.

On February 8, 1973, after several months of negotiations, a proposed settlement agreement between the Company and the Cooperatives, dated January 24, 1973, was filed with the Presiding Administrative Law Judge. The settlement was certified to the Commission by the Presiding Judge on March 2, 1973. Public notice of certification of the settlement was issued on March 14, 1973 with comments by interested parties due on or before April 2, 1973. Comments were received from Staff and Cities, neither of whom opposed the settlement. However, Cities stated that they could not join in the settlement because the proposed rates, as they would apply to Cities, would be too high and the settlement did not resolve the Company's alleged anticompetitive practices.

On May 22, 1973, Mr. Arthur J. England, Jr., Consumer Advisor and Special Council to the Governor of Florida, filed comments which requested that this Commission, in its review of the settlement proposal, consider the Governor's position set forth in his brief to the Florida Commission and submitted to this Commission by letter dated December 1, 1972. Mr. England states that the Governor waives his right to plead further in this docket. In summary, the Governor's position is that the Florida state corporate income tax levied against the company should not be considered an operating expense when computing cost of service.

The principal provisions of the proposed settlement between the Company and the Cooperatives may be summarized as follows:

Article I provides for the filing of a revised wholesale tariff, which revisions would apply solely to the Rural Electric Cooperatives and would be effective as of June 12, 1972 with refunds of all amounts collected in excess of the revised rates with interest. Article I further provides that for purposes of settlement the Company's cost of service to the Cooperatives is agreed to be $6,710,640 on the basis of a 1970 test year and that the revised rates would produce revenues essentially equal to that cost of service. In addition, this Article provides that the Company will make any appropriate filing which may be necessary to make any fuel adjustment clause that may finally be approved by the Commission applicable prospectively to service to the Cooperatives.

Article II provides for the termination of Cooperative's participation in these proceedings upon the Commission's acceptance of the proposed settlement and provides further that the Cooperatives will not attempt to have any subsequent order in these proceedings apply to rates or service to them.

Article III contains a general reservation disclaiming reliance on any principle underlying or supposed to underlie the settlement as negotiated; provides for acceptance of the settlement in its entirety; and further provides for waiver of Sections 35.3 and 35.13 of the Commission's Regulations under the Federal Power Act.

From February 20, 1973 until January 4, 1974, active settlement negotiations between the Company and Cities continued. On January 4, 1974, the Company and Cities submitted their proposed settlement agreement to the Presiding Administrative Law Judge who, on January 14, 1974, certified such settlement agreement to the Commission. Public notice of the certification of this settlement was issued on January 29, 1974, with comments by interested parties due on or before February 25, 1974. The principal provisions of this proposed settlement agreement may be summarized as follows:

Article I provides for the filing of a revised wholesale tariff (FPC Electric Tariff, First Revised Volume No. 1) to become effective June 12, 1972 which provides for all requirements service at rates essentially equal to a cost of service established at $6,845,587 based on 1970 cost of service figures. In addition, Article I provides for refunds of excess rates back to June 12, 1972, with interest at seven percent per annum, and also provides for rates for transmission service and partial requirements service not yet being rendered, but based upon the same 1970 cost of service as the all requirements rate.

Article II provides that the Company is not to increase its rates or change the terms and conditions of the tariff prior to January 1, 1976 with the following exception:

(1) Should the Commission require the Company to file a revised fuel adjustment clause which would result in a change in revenues, the Company has the right, in the case of a revenue loss, to file for recovery of such losses, and the obligation, in the case of revenue increases, to file for a change of rates to eliminate the revenue gain. Computations are to be based upon the 1970 cost of service.

(2) Company or Cities may enter into separate pooling arrangements and obtain services pursuant to such arrangements which may supersede the provisions of the tariff.

(3) In the event that sales for resale to other than ultimate consumers result in a change in a City's load characteristics sufficient to warrant establishment of a separate wholesale service classification, the Company shall have the right to file an appropriate rate schedule with the Commission based upon the 1970 cost of service if such filing is to be effective prior to January 1, 1976.

(4) If transmission service requested by a City would require the Company to install new facilities it would not otherwise install or install them significantly earlier than it would otherwise install them, or otherwise incur exceptional expense, the Company has the right to offer such service at a compensatory rate based upon 1970 cost of service for schedules to become effective prior to January 1, 1976. In the case of new facilities or exceptional costs, costs will be actual or estimated costs.

(5) In the event partial requirements service is taken at an average hours use of demand of less than 350 KWH per KW per month and such use is non-compensatory, the Company has the right to file revisions which will be based upon the 1970 cost of service where such filing is to be effective prior to January 1, 1976.

Article III provides that: 1.) the Company shall cooperate with the Cities in arranging for transmission services to the Cities; 2.) upon request the Company shall arrange for delivery parts for the Cities at agreed upon voltages and locations provided such voltages exist at the locations at the time of request; 3.) an interchange agreement will be consummated for any City that has its own installed or purchased generation source, which agreement will provide for emergency, scheduled maintenance and energy interchange service; and 4.) Cities agree not to raise before the Commission in any future proceeding or to raise in any court or any state or federal regulatory agency, allegations of anticompetitive conduct by the Company which predates the filing of the proposed rate increase on November 12, 1971.

Article IV contains a general reservation disclaiming reliance on any principle underlying or supposed to underline the settlement as negotiated; provides for acceptance of the settlement in its entirety; and further provides for waiver of sections 35.3 and 35.13 of the Commission's Regulations under the Federal Power Act.

In response to the January 29, 1974 notice of certification, comments were filed by Cities and Staff. Cities urged Commission approval of the proposed settlement on the grounds that it settles complex rate issues including issues of coordination and access to transmission services and of competitive relationships; establishes a framework whereby the Company and the Cities can work together; and would establish filed rates for transmission and partial requirement services.

In its comments, Staff took issue with certain provisions of the tendered agreement stating that: (1) no cost of service data was submitted in support of the

[1] The Cities of Alachua, Bartow, Bushwell, Chattahooche, Fort Meade, Lake Helen, Leesburg, Mount Dora, Newberry, Ocala, Quincy and Williston, all located in Florida.

[2] Central Florida Electric Cooperative, Clay Electric Cooperative, Glades Electric Cooperative, Peace River Electric Cooperative, Sumter Electric Cooperative, Suwannee Valley Electric Cooperative, Talquin Electric Cooperative, Tri-County Electric Cooperative and Withlacooche River Electric Cooperative.

settlement; (2) the proposal includes rates for wheeling, interchange and partial requirements services which do not presently exist between the parties and for which no date for commencement has been specified, therefore evaluation of such rates cannot properly be considered; (3) the proposal contains a fuel adjustment clause which does not conform to the Commission's regulations, as interpreted in Commission Opinion No. 633, in that it imputes to purchased energy and net interchange energy received at the same base price the Company experiences on its own system; and (4) the settlement proposal provides for the use of 1970 cost data as the basis for rate adjustments during the time such agreement is in effect. Staff excepted to the latter provision on the ground that any tendered change in rates can only be evaluated properly by using the latest available cost data as prescribed in the Commission's regulations.

On April 15, 1974, in response to Staff's comments, the Company and Cities filed cost of service data in support of the settlement rates.

It should also be noted that although this proposed settlement agreement purports to be between the Company and Cities only, the tendered rates for transmission and partial requirements service are also extended by reference to the Cooperatives. The Cooperatives have not submitted comments in regard to the proposed settlement agreement.

The Cooperative settlement cost of service includes a return in the Company's net investment rate base of 7.77 percent yielding a return on common equity of 11.37 percent. The Cities' settlement cost of service includes a return on the Company's net investment rate base of 7.31 percent which yields a return on common equity of 10.11 percent. We find these settlement costs of service, rates and return, and resulting rates for full requirement service to be reasonable and in the public interest and they are hereby approved to be effective as of June 12, 1972. Upon review of these settlement agreements and the record of this proceeding, we refuse to eliminate Florida's corporate income tax as an operating expense in the cost of service since we find such item to be properly classified as an operating expense and to eliminate it would deny the Company the opportunity to earn its allowable return on investment.

The fuel adjustment clause agreed to in each settlement is identical to that which was incorporated within the Company's original tariff filing in this proceeding. In our order of January 10, 1972, we suspended operation of this clause for the full statutory period and permitted it to go into effect thereafter, subject to refund. As pointed out in staff's comments to the settlement with Cities, this clause does not conform to Opinion No. 633, in that it imputes to purchased energy and net interchange energy received the same base price as the Company experiences in its own system. The agreements recognize the possibility that this Commission will require the filing of a revised fuel clause and provide that should we do so, the new clause would become effective prospectively for the Cooperatives and, under the terms of the settlement with the Cities, the revenue effect of revising the fuel clause would be neutralized over the term of the moratorium by the filing of offsetting changes in the settlement all-requirements rates. This provision in the Cities' settlement is intended to permit the Company to continue to recover its 1970 cost of service as agreed to for settlement purposes.

We shall provide for the filing of a fuel clause which conforms to Opinion No. 633. However, since the parties to the settlements have agreed to procedures whereby refunds will not be necessary to compensate the Cooperatives and Cities for excess payments under the suspended fuel clause, we shall not enforce the refund provision of our order of January 10, 1972 as it applies to such fuel clause.

With regard to the agreement reached with the Cities providing proposed rates for wheeling, interchange and partial requirements services, we shall waive our notice requirements and permit the filing of such initial rates to become effective on the dates such services are initiated. However, in view of the fact that the settlement establishes 1970 cost of service data as the basis of such rates and there is no date specified for commencement of such services, we shall reserve the right to institute an investigation under Section 206 of the Federal Power Act to examine into the justness and reasonableness of the rates upon their taking effect.

Article II of the proposed settlement agreement with Cities provides for allowing the Company to file for a change of rates during the moratorium: (1) should Commission requirements for a revised fuel clause result in a revenue loss; (2) should a change in a City's load characteristics warrant establishment of a separate wholesale service classification; (3) should transmission service requested by a city result in exceptional expense; or (4) in the event partial requirements service is taken at less than a specified level and revenue for such use are non-compensatory. According to the provisions of the settlement, in each of these cases the revised rates would be based upon the 1970 cost of service. Under such terms, this Commission may possibly be placed in the position of evaluating the justness and reasonableness of proposed rates using cost of service data that is four, or possibly five years old. Such a provision is not in the public interest. Should the Company file for a rate increase pursuant to the exceptions set forth in its settlement with the Cities, it shall be required to provide, in addition to the cost of service data required by the settlement agreement, cost of service data pursuant to § 35.13 of our Regulations under the Federal Power Act.

Based upon our review of the proposed settlement agreements, the record relating thereto, and the comments of the parties, we find that the settlement agreements represent a reasonable resolution of the issues in this proceeding in the public interest, and that accordingly, they should be approved and adopted, subject to the terms and conditions of this order.

The Commission finds: The settlement of this proceeding on the basis of the settlement agreements certified herein by the Presiding Judge on March 2, 1973 and January 14, 1974, is reasonable and proper and in the public interest in carrying out the provisions of the Federal Power Act, and such agreements should be approved as hereinafter ordered.

The Commission orders: (A) The settlement agreement with the Cities certified by the Presiding Judge on January 14, 1974, and the settlement agreement with the Cooperatives certified by the Presiding Judge on March 2, 1973, are incorporated by reference and made a part hereof, and are approved and adopted.

(B) Upon filing for rate increases pursuant to Article II of the settlement agreement between Cities and the Company, the Company shall provide, in addition to the cost of service data required by the settlement agreement, cost of service data pursuant to § 35.13 of the Commission's regulations under the Federal Power Act.

(C) The notice requirements of § 35.3 are hereby waived so as to permit acceptance for filing of the proposed initial rates for partial requirements, transmission and interchange services, to become effective on the dates such services are initiated; however, this Commission reserves the right to institute an investigation pursuant to section 206 of the Federal Power Act, to examine into the justness and reasonableness of such rates at the time they become effective.

(D) The Company's fuel adjustment clause imputes to purchased energy and net interchange energy received at the same price the Company experiences on its own system and therefore may produce revenues which are not just and reasonable. Therefore, within 30 days of the issuance of this order, a fuel adjustment clause which is consistent with Opinion No. 633 shall be filed to be made effective as provided for in the respective settlement agreements.

(E) Within 30 days the Company shall file revised sheets and rate schedules to conform with the proposed settlement agreements as herein approved.

(F) Within 30 days the Company shall make refunds to the Cooperatives and Cities of the respective differences between the rates presently in effect and the settlement rates, with interest at the rate of 7 percent per annum.

(G) Within 45 days the Company shall file with this Commission a statement of refunds pursuant to § 1.35 of the Commission's regulations under the Federal Power Act.

(H) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by this Commission, and it is without prejudice to any claims or contentions which may be made by the Commission, its Staff, the Company, or by any other party or person affected by this order in any proceedings now pending or hereafter instituted by or against the Company or any other person or party.

(I) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-20784 Filed 9-9-74;8:45 am]

[Docket No. E-8989]

GULF STATES UTILITIES CO.

Application

SEPTEMBER 3, 1974.

Take notice that on August 23, 1974, Gulf States Utilities Company (Applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the Applicant to enter into a Guaranty Agreement with the Trustee of the Bonds to be issued by the Industrial Development Board of the Parish of Calcasieu, Inc., to finance the construction of air and water pollution control facilities relating to the Roy S. Nelson Station located in the Parish of Calcasieu, Louisiana.

Applicant is incorporated under the laws of Texas with its principal business office at Beaumont, Texas, and is engaged in the electric utility business in portions of Louisiana and Texas. Natural gas is purchased at wholesale and distributed at retail in the City of Baton Rouge and vicinity.

Applicant will lease the Pollution Control Facilities to the Board pursuant to an equipment lease for a term commencing with the date of issue of the Bonds and ending one day following the expiration of the term of the Sublease. The Board will sublease the Pollution Control Facilities to Applicant for a term commencing with the date of the issue of the Bonds and terminating on the date of the final payment of the Bonds.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 24, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Federal Power Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-20796 Filed 9-9-74;8:45 am]

[Docket No. E-8987]

INDIANA AND MICHIGAN ELECTRIC CO.

Tariff Change

SEPTEMBER 4, 1974.

Take notice that Indiana and Michigan Electric Co. (I&M), on August 21, 1974 tendered for filing an unsigned agreement with the City of Auburn, Indiana, pursuant to the Company's filed Tariff WS, filed with the Commission on June 12, 1972.

I&M states that the proposed changes would increase revenues from jurisdictional sales and service to Auburn by approximately $114,375 based on the twelve-month period ended October 31, 1974. I&M requests a waiver of § 35.13 of the Commission's regulations to the extent that the same would require I&M to prepare a new cost-of-service study.

I&M asserts that the reason for the proposed change is to modify the applicable rate for service to Auburn from Tariff IP to the Company's Tariff WS applicable to municipal wholesale customers. The proposed effective date is October 20, 1974.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 20, 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.74-20799 Filed 9-9-74;8:45 am]

[Docket No. E-8985]

IOWA POWER AND LIGHT CO.

Application

SEPTEMBER 3, 1974.

Take notice that on August 20, 1974, Iowa Power and Light Company (Applicant) of Des Moines, Iowa, filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of 50,000 shares of Common Stock, par value $10 per share.

Applicant proposes to issue and sell for cash the aforesaid 50,000 shares of Common Stock, par value $10 per share, under an Automatic Dividend Reinvestment and Stock Purchase Plan.

The purpose for which the Common Stock is to be issued is to obtain funds to pay a portion of short-term borrowings outstanding from commercial banking institutions and commercial paper from time to time and for general corporate purposes.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 24, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-20795 Filed 9-9-74;8:45 am]

[Docket No. E-8424]

JERSEY CENTRAL POWER AND LIGHT CO.

Order Approving Settlement Agreement and Terminating Proceedings

SEPTEMBER 4, 1974.

On July 11, 1974, Jersey Central Power and Light Company (Jersey Central) and the Boroughs of Madison, Butler, Lavallette, Pemberton, and Seaside Heights, New Jersey (Boroughs) filed a joint motion for approval of a proposed settlement agreement and termination of proceedings.

On September 3, 1973, Jersey Central tendered for filing a proposed tariff for its all-requirements wholesale customers which would increase jurisdictional revenues by $1,244,142, based on the test year. These customers are the Boroughs and one cooperative, the Sussex Rural Electric Cooperative.[1] This proposed tariff was accepted for filing and the use thereof suspended one day by order issued November 30, 1973. Procedural dates were also established by this order. Jersey Central, the Boroughs, who petitioned for and were permitted intervention by the November 30, 1973 order, and Staff engaged in settlement negotiations which produced the proposed settlement which would reduce the revenue increase by $11,360 in 1973, $68,823 in 1974, and $26,759 in 1975. The substantive provisions of the settlement agreement are as follows:

1. *Revision of Rate Schedules.* Jersey Central is to file revised sheets to its

[1] Jersey Central agrees to apply the settlement rates to Allegheny Electric Cooperative, Inc., which now provides services to Sussex.

rate schedule as set out in the settlement agreement. These revised sheets change the "Determination of Billing Demand" provision to eliminate its application to measured demands prior to December 2, 1973, and to reduce the ratchet to 40 percent for computing billing demands in 1974, 50 percent for that computation in 1975, and 60 percent for the computation in 1976, and thereafter. The revised sheets also change the "Applicability" provision to make clear that power purchased under the rate schedule may be resold to other utilities, but provides that if the customer's load characteristics change, Jersey Central may file for a revision with the Commission.

2. *Refunds.* Jersey Central is to refund any amounts collected since December 2, 1973, in excess of the amounts which would have been collected under the revised rates to be filed pursuant to the agreement, with interest at 7 percent per annum.

3. *Moratorium.* Jersey Central shall not file a proposed rate increase to become effective prior to June 2, 1975. This moratorium does not apply, however, to the filing of a rate change to reflect a significant change in the load characteristics of a customer or to the filing of a revised fuel clause to conform to any changes in § 35.14 of the Commission's regulations.

4. *Cost of Service.* A settlement cost of service is included which reflects certain decreases in the revenues to be collected as a result of the changes in the rate schedules. (Appendix A).[2]

5. *Conditions.* There are various conditions to the settlement, including conditions that the settlement is not an admission by any of the parties of the validity of any allegations made, that no party is foreclosed from making any contentions in any proceeding, and that the Commission accept the settlement and grant certain waivers.

Notice of the proposed settlement was issued on August 5, 1974, with comments or protests due on or before August 21, 1974. No comments have been received.

Based on our review of the terms and conditions of the proposed settlement agreement, we believe that the agreement provides a reasonable and appropriate resolution of the issues raised by Jersey Central's September 3, 1973, filing and that it is in the public interest to approve the proposed settlement agreement.

The Commission finds: Approval of the proposed settlement agreement is just and reasonable in the public interest in carrying out the provisions of the Federal Power Act.

The Commission orders: (A) The proposed settlement agreement is incorporated herein by reference and made effective December 2, 1973, subject to the terms and conditions of this order.

(B) Jersey Central shall comply fully with the terms and conditions of the settlement agreement and of this order.

(C) Within 30 days of the issuance of this order, Jersey Central shall file the revised sheets contained in the proposed settlement agreement.

(D) Within 30 days of the filing of the revised sheets, Jersey Central shall refund to its customers the difference between the amounts collected since December 2, 1973, under the rates currently in effect and the amount which would have been collected under the proposed settlement rates, with interest at 7 percent per annum.

(E) Jersey Central shall file with the Commission, concurrently with the refunds ordered in Paragraph (D), a schedule of such refunds.

(F) This order is without prejudice to any findings or orders which have been or will be made by the Commission and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, Jersey Central, or any party or person affected by this order, in any proceeding now pending or hereinafter instituted by or against Jersey Central or any other person or party.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-20802 Filed 9-9-74;8:45 am]

[Docket No. E-8172]

KENTUCKY UTILITIES CO.

Order Granting Motion To Dismiss Section 206 Investigation

SEPTEMBER 4, 1974.

On May 1, 1973, Kentucky Utilities Co. (KU) tendered for filing a wholesale rate increase to be applied to KU's wholly-owned subsidiary Old Dominion Power Company, the City of Paris, Kentucky, and eleven all-requirements municipal customers (Cities).[1] On June 14, 1973, Cities filed a petition to intervene and a motion to reject KU's filing as it pertained to them on the ground that their contracts with KU were fixed-rate contracts and thus prohibited unilateral changes in rates by KU under the Supreme Courts' decisions in the Mobile-Sierra cases.[2]

By order issued June 29, 1973, the Commission found that the contracts between KU and Cities were fixed-rate contracts within the terms of Mobil-Sierra and accordingly rejected KU's filing as it applied to Cities. On July 23, 1973, KU filed for rehearing of our June 29, 1973 order asserting, inter alia, that the KU-Cities contracts provided for certain maximum deliveries and that as to any deliveries which KU was making in excess of those maximums, KU's rates (proposed in its May 1, 1973 filing) were initial rates. On August 22, 1973, the Commission issued an order which found that as to those deliveries in excess of the maximum deliveries specified in the KU-Cities contracts, KU's proposed rates would be treated as initial rates and investigated under section 206 of the Federal Power Act. As to the rates for all other deliveries made to Cities (i.e. those contained in the KU-Cities contracts which were previously found to be fixed rates), the Commission instituted a section 206 investigation to determine whether those rates were in the public interest.

On September 18, 1973, Cities filed for rehearing of our August 22, 1973 order alleging that the KU-Cities contracts specifically provided for deliveries in excess of those claimed by KU to be maximum deliveries contemplated under the contracts. By order issued October 18, 1973, we agreed with Cities' contention in that we found that the contracts did provide for deliveries to be made in excess of the contractual maximums claimed by KU and thus the rates charged for such deliveries were not initial rates as previously determined. Accordingly, we ordered KU to refund all collections made in excess of its contract (fixed) rates and instituted a section 206 to determine whether the contract fixed rates charged by KU for all deliveries made to Cities were in the public interest.

On October 25, 1973, KU petitioned the United States Court of Appeals for the District of Columbia Circuit for review of our June 29, 1973 order (rehearing having been denied by our August 22, 1973 and October 18, 1973 orders) on the ground that we erred in finding that the KU-Cities contracts were fixed-rate and in accordingly rejecting KU's filing as it pertained to Cities.

Subsequently, the Staff and Cities served their evidence in this docket and KU served its rebuttal evidence. On March 25, 1973, Cities moved to dismiss the section 206 investigation of KU's rates to Cities on the ground that none of the evidence presented by any of the parties contested the lawfulness of the rates fixed by the contracts, nor did any of such evidence attempt to meet or challenge the criteria set out by Mobil-Sierra for finding that contractual fixed-rates are not in the public interest. On April 1, 1974, Staff filed its Response in Support of Intervenor Cities' Motion. In that Response, Staff stated its conclusion that it would be in the public interest for the section 206 investigation to be dismissed. On April 2, 1974, KU filed its Joinder to Cities' motion stating; (1) that it concurred with Cities' conclusion that no party had argued that KU's rates to Cities were unlawful under the Mobil-Sierra standards, (2) that KU did not

[2] Appendix A filed as part of the original document.

[1] The Electric and Water Plant Board of the City of Frankfort, the City Utilities Commission of Barbourville, the City of Bardstown, Bardwell City Utilities, the Electric Plant Board of Benham, Berea College, the City Utilities Commission of Corbin, the City of Falmouth, the City of Madisonville, the City of Nicholasville, and the Municipal Light and Water Plant of Providence, Kentucky.

[2] United Gas Pipeline Company v. Mobil Gas Service Corporation, 350 U.S. 322 (1956); F.P.C. v. Sierra Pacific Power Company, 350 U.S. 348 (1956).

contend that the present contract rates to Cities are so low as to violate the public interest, (3) that KU was resting its efforts to raise its rate to Cities on its court appeal, and (4) that in the interest of avoiding unnecessary litigation KU would join in Cities' motion.

In light of all parties' agreement that insufficient evidence exists to prove KU's rates to intervenors are so low as to adversely affect the public interest, we believe the instant motion should be granted and the proceeding terminated. We do this with the understanding that should the Court of Appeals sustain KU by holding that we erred in rejecting KU's proposed rate increase to Cities under section 205, the record in this proceeding shall be reopened for the purpose of determining the just and reasonable rate applicable to Cities pursuant to section 205 of the Federal Power Act.

The Commission finds: (1) It is in the public interest to grant Cities' motion, filed March 25, 1974, and dismiss the section 206 investigation of KU's contract rates to Cities.

The Commission orders: (A) The Motion to Dismiss Investigation and Hearing, filed by Cities on March 25, 1974, is hereby granted.

(B) The section 206 investigation of KU's contract rates to Cities is hereby dismissed with recognition that should KU be sustained on appeal this dismissal is without prejudice to KU's right to reopen the record in this proceeding for the limited purpose of determining just and reasonable rates to Cities under section 205 of the Federal Power Act.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-20804 Filed 9-9-74;8:45 am]

[Docket No. E-8172]

KENTUCKY UTILITIES CO.

Order Approving Settlement Agreements

SEPTEMBER 4, 1974.

On May 1, 1973, Kentucky Utilities Co. (KU) filed in Docket No. E-8172 a proposed rate increase applicable to KU's all-requirements customers (Cities),[1] KU's wholly owned subsidiary, Old Dominion Power Company (Old Dominion),[2] and KU's partial requirements customer, Paris, Kentucky.[3] The proposed increase would provide additional jurisdictional revenues of $733,000 annually, based on a 12 month test period ended July 31, 1972. By order issued June 29, 1973, the Commission suspended the proposed increase for Old Dominion and Paris for two months and set the matter for hearing. However, KU's proposed increase for the Cities was rejected because the Cities were served under fixed-rate contracts.[4]

The following statistics summarize the significant elements of the proposed settlement agreements:

Test period	Wholesale for resale customers	
	Paris	Old Dominion
Year ended July 31, 1972.		
Revenue at proposed settlement rates	$189,525	$3,141,418
Revenue under prior rates	172,525	2,880,418
Settlement increase	17,000	261,000
Percent increase...(Percent)	9.85	9.06
Rate of return earned (Percent)	5.98	8.44

On January 17, 1974, KU filed an executed Settlement Agreement with Paris which was noticed on January 25, 1974, with protests or petitions to intervene due on or before February 11, 1974. On February 11, 1974, staff filed comments opposing the settlement because of KU's failure to provide adequate cost justification for the revenues earned for each of the various services rendered. KU submitted its response to these comments on March 15, 1974, asserting that only one service was being rendered and separate cost support data should not be required. By letter dated March 12, 1974, Paris requested that the settlement be approved.

Additional testimony on the question of whether the sum of KU's component services to Paris is effectively a single firm service was entered into the record at a pretrial conference held on April 1, 1974. Staff filed additional comments on April 3, 1974, which approved the proposed settlement agreement except for certain allegedly restrictive language. By response filed April 11, 1974, KU agreed to delete said language.

On April 15, 1974, the Presiding Administrative Law Judge certified to the Commission a proposed settlement agreement which would resolve all outstanding issues concerning KU's proposed increase to Old Dominion. The agreement would make the rate now in effect subject to refund, the finally effective rate.

Notice of the certification of the settlement agreement was issued on May 20, 1974, with protests due on or before May 30, 1974. No protests or petitions to intervene were received.

Upon our review of the record supporting the settlement proposals, including the settlement agreements, the pleadings, and the evidence and transcript from the pretrial conference, we conclude that the settlement agreements discussed above represent a reasonable resolution of the issues in this proceeding and that approval of said agreements would be in the public interest, and therefore, the settlement agreements should be approved.

The Commission finds: The settlement agreement filed on January 17, 1974, as modified by KU's response filed April 11, 1974, and the settlement agreement certified by the Presiding Administrative Law Judge to the Commission on April 15, 1974, should be approved and made effective.

The Commission orders: (A) The settlement agreement filed on January 17, 1974, as modified by KU's response filed on April 11, 1974, and the settlement certified to this Commission on April 15, 1974, are hereby approved and made effective.

(B) Within 30 days from the date of this order, KU shall file with this Commission revised rate schedules which are in conformance with the settlement agreements approved herein and the Commission's regulations under the Federal Power Act. Such schedules shall be effective as of September 1, 1973.

(C) This order is without prejudice to any findings or orders which have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff or any party or person affected by this order, in any proceeding now pending or hereafter instituted by or against the Company or any other person or party.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.[5]

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-20805 Filed 9-9-74;8:45 am]

[Docket Nos. CP75-44, CP75-45, CP75-46]

LOWELL GAS CO. AND NEW ENGLAND LNG CO., INC.

Notice of Application

SEPTEMBER 3, 1974.

Take notice that on August 16, 1974, Lowell Gas Company (Lowell) and its affiliate, New England LNG Co., Inc. (NELNG), 95 East Merrimack Street, Lowell, Massachusetts 01863, have filed applications for the purpose of obtaining approval for the importation of liquefied natural gas (LNG) from Canada for sale to the ultimate consumer and for resale to various utility customers in New England, all as more fully set forth in the applications, which are on file with the Commission and open to public inspection.

NELNG has filed an application in Docket No. CP75-46 pursuant to section

---

[1] The Electric and Water Plant Board of the City of Frankfort, the City Utilities Commission of Barbourville, the City of Bardstown, Bardwell City Utilities, the Electric Plant Board of Benhem, Berea College, the City Utilities Commission of Corbin, the City of Falmouth, the City of Madisonville, the City of Nicholasville, and the Municipal Light and Water Plant of Providence, Kentucky.

[2] Supplement No. 4 to FPC Rate Schedule No. 78.

[3] Supplement No. 1 to FPC Rate Schedule No. 83.

[4] United Gas Pipeline Company v. Mobile Service Corporation, 350 U.S. 332 (1956); and F.P.C. v. Sierra Pacific Power Company, 350 U.S. 348 (1956).

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

3 of the Natural Gas Act for authorization to import up to 620,000,000 Btu equivalent of LNG which is to be purchased from Gaz Metropolitain, Inc.[1] (Gaz), a Canadian corporation. NELNG has entered into an agreement with Gaz to purchase 350,000,000 Btu equivalent on a firm basis, plus 150,000,000 Btu equivalent at NELNG's option to be exercised by October 1, 1974, plus 270,000,000 Btu equivalent as available. The application states that Lowell needs additional supplies of natural gas and can store at its Tewksbury, Massachusetts, LNG facility up to 250,000,000 Btu equivalent of LNG. Consequently, Lowell and NELNG have agreed to an assignment of no less than 150,000,000 Btu equivalent and no more than 250,000,000 Btu equivalent of LNG to Lowell. Lowell, accordingly, has filed an application in Docket No. CP 75–44 pursuant to section 3 of the Natural Gas Act for authorization to import up to 250,000,000 Btu equivalent of LNG from Canada. The application in Docket No. CP75–46, states that NELNG will be reassigned the balance of the available supply of LNG for resale to its customers.

Applicants state that they will take title to the LNG at the facilities of Gaz in Montreal and transport it by means of cryogenic semi-trailer tankers over the highways of the Province of Quebec and of the United States. NELNG will store the LNG at the storage facilities of Algonquin LNG, Inc., located in Providence, Rhode Island; and Lowell will store the LNG at its own Tewksbury facility.

NELNG filed an application in Docket No. CP75–45 pursuant to section 7(c) of the Natural Gas Act for authorization to sell the LNG which is the subject of its application in Docket No. CP75–46. NELNG intends to sell said LNG to prospective customers in liquid phase from the Algonquin LNG, Inc., storage facilities or in vapor phase through the facilities of Algonquin Gas Transmission Company.[2]

According to the applications in Docket Nos. CP75–44 and CP75–46, the price of the first 500,000,000 Btu under the agreement with Gaz for the subject LNG is approximately $1.80 per 1,000,000 Btu, f.o.b. Montreal. The remainder of the gas is subject to escalations on a pass-through basis of actual increases experienced by Gaz at the time of tender. The final cost to customers of NELNG, f.o.b. Providence is expected to be approximately $4.22 per 1,000,000 Btu equivalent of LNG.

Applicants state that the gas supply in New England remains critically short and that the LNG will be used to satisfy peak shaving requirements during the coming winter.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 24, 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 the application in Docket No. CP 75–45 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 NELNG to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–20793 Filed 9–9–74;8:45 am]

[1] Gaz serves metropolitan Montreal. The source of Gaz' gas is Trans Canada Pipelines Limited.

[2] An application is pending in Docket No. CP75–14 for authorization to render the services necessary to sell the LNG from the storage facilities of Algonquin LNG, Inc., in Providence. Notice of the application was published in the Federal Register on August 7, 1974 (39 FR 28465).

MINNESOTA POWER & LIGHT CO.

[Docket No. E–8494]

Electric Wholesale Rates; Order Denying Reconsideration and Modification

SEPTEMBER 3, 1974.

Minnesota Power & Light Company (MP&L) on July 16, 1974, filed an application for reconsideration of the Commission's order issued June 17, 1974, in which the Commission denied MP&L's application for rehearing of the Commission's order of April 29, 1974.

This proceeding involves the increased rates and charges[1] filed by MP&L on November 16, 1973, which were accepted for filing, suspended and set for hearing by order issued February 15, 1974. The April 29 order, referred to above, granted the joint motion filed March 8, 1974, by the Village of Hibbing, the City of Two Harbors and the City of Virginia (collectively, Cities) to reject the increased rates and charges applicable to service to Cities other than service of Firm Power. Thus, insofar as they are applicable to Cities, the April 29 order limited the hearing to the proposed increase in the rates and charges for Firm Power.

As stated in our April 29 order, Cities contends that their contracts with MP&L[2] provide for unilateral changes in rates,[3] terms and conditions as they relate to Firm Power service only. Cities points to the fact that the provisions for such unilateral rate changes are physically contained in the Article of their contracts entitled, "4.04A Firm Power. Schedule of Rates". Cities concludes that the rates and charges for other services than Firm Power, such as "Economy Energy" and "Emergency Energy" are not subject to the provisions for unilateral changes in rates or terms and conditions of service. The contract contains no similar rate change provisions in dealing with such other services.

The questions presented to the Commission dealt with in the order of April 29 centered solely upon the language set forth in the contracts. Now, however, MP&L belatedly urges that we also give consideration to certain correspondence between MP&L and two of the three Cities, (Hibbing and Virginia), saying that subsequent to the issuance of the previous orders, the existence (relevance) of the letters came to the attention of MP&L's counsel for the first time.

In response to MP&L's July 16 application, Hibbing and Virginia filed a joint reply on July 23, 1974. Cities pleads for an end to this litigation and contends that we should not reopen our consideration of the contract interpretation issues unless we first find that the language itself and the placement of the unilateral change language in the Firm Power rate article (4.04) of the agreement raises an ambiguity. Moreover, Hibbing and Virginia contend that the Commission has twice construed the language of the contracts to permit unilateral rate changes only with respect to Firm Power and that, on neither occasion, did the Commission note any ambiguity which would necessitate reference to materials outside the contract for aid in the interpretation thereof.

The complete language of the article is as follows (italics added):

4.04 Firm Power

a. *Schedule of Rates.* Firm Power shall be available from Company at the rates and under the terms and conditions set forth herein and in the applicable rate schedule attached hereto and made part hereof and marked as Exhibit C, *or other superseding rate schedules effective as hereinafter provided.*

[1] Increased rates and charges applicable to 18 municipal, 2 rural cooperative, and 1 privately operated distributor-customers.

[2] MP&L's FPC Nos. 105 (Hibbing), 10 (Two Harbors), and 102 (Virginia).

[3] "Unilateral" changes in rates means that the Company tendered the increased rates for filing without prior contractual consent of the Customers.

This agreement and all the *rates* and *charges* herein subject to approval, amendment and change by any and all State or Federal regulatory bodies having jurisdiction thereof. *Both Company and Customer reserve the right to seek amendments, changes, increases or decreases in the rates and charges* set forth herein, in accordance with law, from any State of Federal regulatory body having jurisdiction thereof.

Service under this agreement is subject to the *Service Regulations* of the Company as they are now on file and *as they may in the future be amended* and filed with and approved by any State or Federal regulatory body having jurisdiction thereof.

In our June 17, 1974, order we noted that:

We have not taken issue with the language of the contracts as it relates to the *Memphis* [4] ruling. The contracts with Cities *do* provide for unilateral rate changes. The question is to which services under the contracts do the provisions for unilateral change apply.

* * * * *

Section 4.05, *Excess Capacity*, 4.06, *Spinning Reserve*, 4.07, *Economy Energy*, and 4.08, *Emergency Energy and Scheduled Outage Energy*, contain no provision for the unilateral change of rates or terms and conditions of service. Nor does Section 4.11, *Billing*, which is generally applicable to *all* of the services provided for in Article IV, contain a provision for unilateral change.

In essence, MP&L seeks a reopening of the record in this proceeding based upon newly discovered evidence. Our review indicates that no basis exists upon which the reopening of the proceeding should be granted. MP&L asserts only that since the order denying rehearing—"the existence of certain correspondence between the parties * * * has come to the attention of counsel for the first time." It appears that the evidence was in the possession of MP&L at the time of our review of the pleading. There is no allegation that the evidence could not have been produced timely through reasonably diligent search of the plaintiff's files. "The mere fact that plaintiff's employees did not discover (the evidence) * * * and bring it to the attention of the plaintiff's attorney is not sufficient reason in law to grant a new trial." Lewis v. Kepple, 185 F. Supp. 884, (W. D. Pa. 1960), aff'd 287 F. Supp. 409 (3d. Circ. 1960). MP&L has not presented a basis for reopening on final orders herein.

Furthermore, if the offered evidence had been produced at the time of our review of these matters, it would not have altered our interpretation of the contract.

We note that the Uniform Commercial Code, which has now been adopted in all states, except Louisiana, has substantially altered the parol evidence rule relied upon by Cities. See Columbia Nitrogen Corp. v. Royster Co., 451 F. 2d 3 (4th Cir. 1971). A contract for the sale of electric power has been held to be a contract for the sale of "goods" within scope of Article 2 of the Uniform Commercial Code. Helvy v. Wabash County REMC, 275 N.E. 2d. 608 (Ind. App. 1972). Contra, Buckeye Union Fire Ins. v. Detroit Edison, 38 Mich. App. 325, 196 N.W. 2d 316 (Mich. App. 1972). Further, the Uniform Commercial Code represents the modern rules applicable to the interpretation and construction of commercial contracts. We believe that that fact warrants the application of relevant Uniform Commercial Code standards by analogy to the interpretation of contracts for the sale of electric power. See *e.g.* Northern Helex Co. v. United States, 445 F. 2d 546 (Ct. Cl. 1972); Transatlantic Financing Corp. v. United States, 363 F. 2d 212 (D.C. Cir. 1966); United States v. Wegematic Corp., 360 F. 2d. 674 (2d. Cir. 1966). The Uniform Commercial Code parol evidence rule provides that extrinsic evidence is admissible in all cases to "explain or supplement" a writing, but not to "contradict" the terms of the writing. U.C.C. § 2-202.

We do not believe that the interpretation urged by MP&L would have the effect of contradicting the terms of the written agreement. However, we find that the evidence belatedly offered by MP&L does not support the interpretation suggested by MP&L. The correspondence does not demonstrate the existence of a mutual intention that the Memphis clause should apply to rates other than the Firm Power Schedule. The correspondence from the Cities merely notes or questions the absence of a cancellation term in the draft agreement. The responding correspondence by MP&L asserts that the cancellation term was omitted because of the presence of the Memphis clause that is set forth in the Firm Power schedule. In our view, the inference that can be derived from this unilateral assertion by MP&L cannot overcome the inference that is derived from the mutual agreement that is evidenced by the placing of the Memphis clause in the Firm Power schedule and the omission of it from the billing and other paragraphs of the final written agreement.

We thus, find no basis for altering the orders issued on April 27, 1974, and June 17, 1974, and we, therefore, deny MP&L's application for reconsideration (reopening) and modification of those orders.

The Commission finds: MP&L's application for reconsideration and modification of our April 29, 1974, and June 17, 1974, orders in this docket presents no new facts or principles of law which were not considered in those orders, or which having now been considered, warrant any modification of our April 29, 1974, and June 17, 1974, orders in this docket.

The Commission orders: (A) The application, filed on July 16, 1974 by MP&L, for reconsideration and modification of our April 29, 1974, and June 17, 1974, orders is denied.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-20785 Filed 9-9-74;8:45 am]

[4] United Gas Pipeline Co. v. Memphis Light, Gas and Water Division, 358 U.S. 103 (1958).

[Docket Nos. E-7718, E-8435]

PENNSYLVANIA ELECTRIC CO.

Order Approving Settlement Agreement With Condition

SEPTEMBER 3, 1974.

On December 11, 1972, Pennsylvania Electric Company (Penelec) filed a proposed settlement agreement which proposed increased rates for wheeling and supplemental power service to Allegheny Electric Cooperative (Allegheny) and proposed to increase the amount of power to be wheeled by Penelec from the Power Authority of the State of New York (PASNY) to Allegheny. Penelec proposed an effective date of November 10, 1973, for the settlement agreement.

On March 20, 1972, Penelec filed, inter alia, a request for an investigation under Section 206 of the Federal Power Act of its supplemental power rate in the fixed rate, fixed term contract which provided for supplemental and wheeling service to Allegheny. Included in Penelec's filing were copies of a proposed rate schedule for supplemental service to Allegheny and supporting testimony for the rates contained therein. On June 1, 1972, the Commission issued an order which, inter alia, granted Penelec's request for a section 206 investigation of the rate for supplemental service contained in Allegheny's contract and set appropriate procedural dates.

After a series of settlement discussions between Penelec and Allegheny, Penelec filed the settlement agreement which is now before us and indicated that Allegheny concurred with the agreement. The settlement was noticed on December 22, 1972, but no comments were received.

On October 5, 1973, Penelec tendered for filing a contract [1] identical to that submitted with the settlement agreement and requested that it be made effective November 10, 1973, as provided in the settlement. Penelec states that the then effective fixed rate, fixed term contract for supplemental and wheeling service, was due to expire on November 9, 1973, pursuant to 30 months contractual notice of termination given to Allegheny by Penelec by letter dated May 4, 1971. The October 5, 1973, filing was noticed on October 30, 1973, but no comments thereon were received.

The Commission issued an order on November 9, 1973, in Docket No. E-8435, which accepted the proposed contract for filing and permitted it to become effective, subject to refund, on Novembr 10, 1973, and subject to Commission action on the instant settlement agreement. The settlement agreement provides

[1] Designated as Rate Schedule No. 70 and Supplements 1 through 4 thereto.

that annual revenues from the supplemental service to Allegheny will increase by approximately $666,250 based upon sales for the twelve months ended November 30, 1973. Penelec also agrees to wheel an additional 30,000 kw from PASNY to Allegheny in addition to the 100,000 kw wheeled for Allegheny under the previous contract. The settlement agreement also prohibits any change in the settlement rates from becoming effective prior to May 10, 1975.

On May 20, 1974, the Commission issued an order which directed the Commission Staff to file comments concerning the lawfulness of the proposed settlement agreement. On May 31, 1974, the Commission Staff filed comments supporting the proposed settlement agreement subject to conditions. Staff stated in its comments that it prepared an updated study for wholesale service to Allegheny which uses the Penelec cost of service analysis submitted in Docket No. E-8446 and which reflects the normalization of the tax effect of liberalized depreciation on all utility property allocable to wholesale service to Allegheny.

Staff concluded that based on its study, the details of which are set forth in Appendix A [2] attached hereto, the settlement rates proposed in Docket No. E-7718 for Penelec's supplemental and wheeling service to Allegheny are reasonable, provided that Penelec adopts deferral accounting and ratemaking procedures reflecting normalization of the tax effect of liberalized depreciation on all jurisdictional utility property allocable to service to Allegheny. Staff also pointed out that the proposed fuel clause imputes fuel cost variations associated with its own fossil fuel generation to purchased and net interchange power in conflict with Opinion No. 633.

On June 24, 1974, Penelec filed a response to Staff's comments on the proposed settlement agreement. Penelec stated in its response that it objected to the 8 percent overall rate of return, including a return on equity of 11.55 percent, which was used by Staff in its analysis of the proposed settlement. Penelec stated that this rate of return is not adequate in view of today's high financing costs.

We note that Penelec included in its 1971 cost of service deferred accounting and ratemaking treatment under the comprehensive interperiod tax allocation procedures as originally proposed in Docket Nos. R-424 and R-446, including normalized treatment of deferred income taxes in four categories as follows:

(A) Deferred taxes resulting from the use of accelerated methods (liberalized depreciation).

(B) Deferred taxes resulting from differences between tax lives and book lives (guidelines for tax purposes).

(C) Deferred taxes resulting from capitalization of pensions and taxes.

(D) Capitalized interest component of the allowance for funds utilized during construction.

[2] Appendix A filed as part of the original document.

In order No. 504, issued February 11, 1974, the Commission deferred a decision on the propriety of implementing that part of Docket Nos. R-424 and R-446 which would permit normalization of deferred taxes as described in Items B, C, and D for accounting and ratemaking purposes. Moreover, we note that the propriety of the normalization of these items is an issue in Pennsylvania Electric Company, Docket Nos. E-8446 and E-8598 which is presently pending before an Administrative Law Judge. Therefore, the propriety of the normalization of Items B, C, and D for accounting purposes shall be determined by the resolution of that issue in Docket Nos. E-8446 and E-8598.

As to Item A, Penelec shall be permitted to use the normalized method of income tax computation resulting from the use of liberalized depreciation, and we shall require Penelec to maintain its accounts related to the wholesale service applicable to Allegheny in a manner consistent with the Commission's Uniform System of Accounts.

We note that Penelec's fuel adjustment clause imputes fuel cost variations associated with its own fossil fuel generation to purchased and net interchange power and therefore is subject to suspension since its implementation may result in rates which are not just and reasonable. Accordingly, we shall provide for the filing of a fuel adjustment clause which conforms to Opinion No. 633, and upon receipt of a filing in satisfactory compliance with Opinion No. 633 the suspension of the fuel clause will be lifted and further proceedings shall be terminated. Failure to file a revised fuel clause conforming to Opinion No. 633 will require a hearing in accordance with the schedule hereinafter ordered.

Based on our review of the record in this proceeding, including the filing by Penelec, the proposed settlement agreement, the attached cost of service study, and the comments of staff and Penelec, we find that the proposed settlement rates are reasonable and in the public interest, and accordingly should be approved. Therefore, we shall approve the settlement agreement subject to the condition that Penelec adopt deferral accounting and ratemaking procedures to reflect normalization of the tax effect of liberalized depreciation on jurisdictional utility property allowable to wholesale service to Allegheny.

The Commission finds: Approval of the settlement of this proceeding, as hereinafter ordered, on the basis of the settlement agreement filed on December 11, 1972, is reasonable and appropriate in the public interest in carrying out the provisions of the Federal Power Act.

The Commission orders: (A) The settlement agreement filed herein on December 11, 1972, is incorporated herein by reference, approved and made effective as of November 10, 1973, subject to the terms and conditions of this order.

(B) Penelec shall comply with the terms and conditions of this order.

(C) Penelec shall adopt deferral accounting and ratemaking procedures to reflect normalization of the tax effect of liberalized depreciation on jurisdictional utility property allocable to wholesale service to Allegheny.

(D) Penelec's proposed fuel adjustment clause shall remain subject to suspension, and Penelec shall file a revised fuel clause conforming to Opinion No. 633 within 30 days of the issuance of this order. Upon receipt of a revised fuel clause conforming to Opinion No. 633, the suspension of the fuel clause shall be lifted and further proceedings terminated. Failure to file a fuel clause conforming to Opinion No. 633 will result in the hearing as hereinafter ordered.

(E) Pursuant to authority of the Federal Power Act, particularly section 205 thereof, and the Commission's rules and regulations (18 CFR, Chapter I), a hearing for purposes of cross-examination concerning the lawfulness and reasonableness of Penelec's fuel adjustment clause, as proposed to be amended herein shall be held commencing on January 14, 1975, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

(F) On or before November 19, 1974, Penelec shall serve its prepared testimony and exhibits. On or before December 3, 1974, the Commission Staff shall serve its prepared testimony and exhibits. Any intervenor evidence shall be filed on or before December 17, 1974. Any rebuttal evidence by Penelec shall be served on or before December 31, 1974.

(G) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(H) This order is without prejudice to any findings or orders which have been made or may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, Penelec, or any other party or person affected by this order, in any proceeding now pending or hereafter instituted by or against Penelec or any other person or party.

(I) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-20783 Filed 9-9-74;8:45 am]

[Project No. 559]

SAN DIEGO GAS AND ELECTRIC CO.

Order Consolidating Application for New License and Granting Petitions for Intervention

SEPTEMBER 3, 1974.

On March 4, 1974, the San Diego Gas and Electric Company (SDG&E) of San

Diego, California, licensee for Project No. 559—Rincon Transmission Line, filed an application for a new license for the 12 kv portion of its transmission line which extends for approximately 2.42 miles from the Rincon Power House of Project No. 176, licensed to the Escondido Mutual Water Company (Escondido Mutual) to the Rincon Substation. This line was initially licensed in March 1925 for fifty years. It is partially located on the Rincon Indian Reservation in Northern San Diego County.

Public notice of the application was issued on April 3, 1974, and published in the FEDERAL REGISTER at 39 FR 12926. Any protests or petitions seeking intervention were to be filed on or before June 10, 1974.

The Rincon Band of Mission Indians timely filed a petition to intervene. A portion of the project transmission line traverses the Rincon Indian Reservation. On June 19, 1974, Escondido Mutual filed a petition to intervene out of time noting that the transmission line transmits power from its Rincon Power House which is a project work of Project No. 176. SDG&E filed its answer to the Rincon Band's petition in which it did not oppose the intervention. We believe it is in the public interest to grant both petitions.

An application for a new license for Project No. 176, has been filed with the Commission by the licensee, Escondido Mutual. In that proceeding, the Department of the Interior filed a complaint and recommended that the project be taken over by the Federal government. Five Bands of Mission Indians have filed an application for a non-power license. We consolidated these matters into one proceeding which is presently the subject of hearings.

Because Project No. 559 is connected directly to Mutual's Rincon Power House, we are persuaded that the public interest will best be served if the application for a new license in Project No. 559 is consolidated with the current proceeding in Project No. 176, et. al.

We will set dates herein for the filing of direct and rebuttal evidence concerning Project No. 559.

The Commission finds. (1) It is appropriate and in the public interest that the application for a new license for Project No. 559—Rincon Transmission Line, filed by the San Diego Gas and Electric Company be consolidated for hearing and determination with the current consolidated proceeding in Project No. 176, et al., presently the subject of hearings.

(2) It is in the public interest that the petitions for intervention in this proceeding filed by the Rincon Band of Mission Indians and the Escondido Mutual Water Company be granted.

The Commission orders: (A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly section 308 thereof, and the Commission's Rules of Practice and Procedure, the application for a new license for Project No. 559—Rincon Transmission Line, filed by San Diego Gas and Electric Company, is hereby consolidated for hearing and determination with the consolidated proceeding in Project No. 176, et al.—Escondido Mutual Water Company.

(B) All direct testimony concerning Project No. 559 shall be filed by all parties to the consolidated proceeding on or before October 15, 1974. All rebuttal testimony to said direct testimony shall be filed by all parties on or before November 25, 1974.

(C) The petitions for intervention filed by the Rincon Band of Mission Indians and the Escondido Mutual Water Company, respectively, in this proceeding are hereby granted.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-20789 Filed 9-9-74;8:45 am]

[Docket No. CP74-304]

SECRETARY OF THE ARMY AND CITIES SERVICE GAS CO.

Order Setting Hearing Date and Prescribing Procedure

SEPTEMBER 4, 1974.

On May 28, 1974, the Secretary of the Army (Applicant), filed in Docket No. CP74-304, an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Cities Service Gas Company (Cities) to sell and deliver to Applicant at its Fort Leavenworth facilities natural gas for resale and distribution.

Applicant states he is presently engaged in the distribution, sale and resale of natural gas within the boundaries of the military reservation known as Fort Leavenworth, Kansas. Applicant requests that the Commission direct Cities to sell and deliver to Applicant at an interconnection of Applicant's distribution system at Fort Leavenworth with Cities' main transmission pipeline, which transverses Fort Leavenworth, the following estimated volumes of natural gas:

	Maximum daz (Mcf)	Annual (Mcf)
Fiscal 1974	6,187	876,183
Fiscal 1975	6,200	867,775
Fiscal 1976	6,200	864,588

The instant application finds its beginnings in September 1973, when the Army (applicant herein) instituted proceedings before the Commission (FPC Docket No. RP64-17) claiming that the Commission should treat all the subject sales as sales for resale subject to its rate jurisdiction. On April 20, 1966, the Commission issued Opinion No. 489 in which it stated that "Sales to Army at issue in this proceeding are not sales for resale within the meaning of section 1(b), and are not subject to the Commission's jurisdiction." The Commission, however, gave the parties reasonable time to conduct negotiations to reach a mutually satisfactory resolution of their conflicting interests. The Commission further provided that if the negotiations did not resolve their existing differences the Army would be authorized to file such applications pursuant to section 7(a) of the Natural Gas Act as it deemed appropriate.

Applicant states that the sales in question are sales for resale and therefore subject to our jurisdiction. While Cities, in its answer of June 27, 1974, states that the Commission should issue an order determining, in accordance with Opinion 489, that the interruptible gas delivered by Cities to the Army at Fort Leavenworth is nonjurisdictional; that the firm gas delivered but not actually resold is nonjurisdictional, and that only the volumes of firm gas actually resold are subject to the Commission's jurisdiction. It is apparent that the parties have not resolved their differences and will not do so in the absence of Commission action. We shall therefore order that a formal hearing be held in order to resolve the issues raised by Applicant's filing.

Notice of applicant's filing was issued June 17, 1974, fixing July 8, as the final date for the filing of protests or petitions to intervene. No petitions to intervene or protests were filed but the State Corporation Commission of the State of Kansas desires to be kept cognizant of the proceeding.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

The Commission orders. (A) An Administrative Law Judge to be designated by the Chief Administrative Law Judge [See Delegation of Authority, 18 CFR 3.5(d)] shall preside at, and control, this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

(B) Pursuant to the authority of the Natural Gas Act, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held commencing on October 22, 1974, at 10 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the matters involved in and the issues presented by this application.

(C) On or before October 1, 1974, Applicant and Cities shall file with the Commission and serve upon all parties, including Commission Staff, their testimony and exhibits in support of their position.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-20801 Filed 9-9-74;8:45 am]

[Docket No. CI75-112]

SHELL OIL CO.

Notice of Application

SEPTEMBER 3, 1974.

Take notice that on August 21, 1974, Shell Oil Company (Applicant), P.O. Box 2463, Houston, Texas 77001, filed in Docket No. CI75-112 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a sale of natural gas in interstate commerce to National Fuel Gas Supply Corporation (NFG), formerly Iroquois Gas Corporation, from the Sheridan Field, Colorado County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it was issued a certificate of public convenience and necessity in Docket No. G-4325 to sell gas to NFG under the terms of a contract between the parties dated December 1, 1952. Applicant points out that said contract expires on November 1, 1974, at which time Applicant will have delivered the full volumes it had agreed to sell to NFG, and, as a consequence, all gas then remaining will be "surplus gas" not committed to NFG or to the interstate market. Applicant asserts that it has a right to sell or use gas surplus to the NFG contract and that it has repeatedly exercised that right as evidenced by Commission certification, in Docket Nos. CI65-87 and CI68-1193, of sales of gas surplus to the NFG contract from the Sheridan Field.

Applicant states that the proposed abandonment is necessary because its available supply of natural gas is insufficient to support continued deliveries ot NFG if Applicant is to meet service obligations to other purchasers or to use the gas for its own purposes.

Any person desiring to be heard or to make any protest with reference to said application should on or before Sept. 24, 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 procdeure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petititon to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20791 Filed 9-9-74;8:45 am]

[Project No. 1895]

SOUTH CAROLINA ELECTRIC & GAS CO.

Application for New License (Major)

SEPTEMBER 3, 1974.

Public notice is hereby given that application for new major license was filed on March 1, 1974, superseding a previous application originally filed June 19, 1969, and subsequently amended, under the Federal Power Act (16 USC 791a-825r) by South Carolina Electric & Gas Company (correspondence to : Mr. George H. Fischer, Esq., Vice President and General Counsel, South Carolina Electric & Gas Company, P.O. Box 764, Columbia, South Carolina 29218; copies of correspondence to Mr. Harry A. Poth Jr., Esq., Richard M. Merriman, Esq., Peyton G. Bowman, III, Esq., Reid & Priest, 1701 K Street NW., Washington, D.C. 20006), for its constructed Columbia Project No. 1895, located in Richland County, South Carolina, in part within the city limits of Columbia, on the Broad and Congaree Rivers. The project affects navigable waters of the United States and interstate commerce.

The existing Columbia project has an installed generator capacity of 10,600 kw. The project is comprised of a dam, a small reservoir, the Columbia Canal, and a power plant; a three mile-long peninsula bounded on the west by the Broad and Congaree Rivers, and on the east by the Columbia Canal; and a narrow, indented strip of land along the east bank of the Columbia Canal. The principal project works consist of (1) a dam with a rockfill timber crib overflow section 1009 feet long and 14 feet high, a 120-foot long non-overflow diversion section, and a 240-foot long canal headgate and lockgate section; (2) a 265-acre reservoir on the Broad River, approximately 3.5 miles long, with a controlled surface elevation of 153.8 feet, USGS; (3) a power canal approximately 200 feet wide, 3 miles long, and 85 acres in area, extending downstream from the dam; (4) a masonry and brick powerhouse at the downstream end of the canal containing five 1,600 kw generators and two 1,300 kw generators; and (5) all other facilities and interests appurtenant to operation of the project. The power generated by the project is transmitted directly into applicant's distribution system and is used for municipal, industrial, commercial, and residential purposes.

The applicant avers that (1) the estimated net investment is $591,269 as of June 30, 1973, which is less than the estimated fair value; (2) the estimated severance damages in the event of takeover are $1,179,000; and (3) the annual taxes paid to Federal, State, and local governments are approximately $80,000.

Because of rocky shoals, rapids and precipitous canal and river banks, applicant proposes to preserve the wilderness character of project land by reserving it as an Urban Natural Area for use only by cyclists, hikers and fishermen, who are willing to assume responsibility for their personal safety. In lieu of planned recreation development in the project area, applicant has contributed to the development of the Riverbanks Zoological Park located apart from the Columbia Project in Richland and Lexington Counties.

Any person desiring to be heard or to make protest with reference to said application should on or before October 24, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements fo the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person desiring 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 wiht the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20780 Filed 9-9-74;8:45 am]

[Docket No. RP74-93]

SOUTHERN NATURAL GAS CO.

Order Denying Petition for Declaratory Order

SEPTEMBER 4, 1974.

On May 15, 1974, Southern Natural Gas Company (Southern) filed a Petition for Declaratory Order (Petition). In its Petition, Southern requests that the Commission order that the cost of acquiring certain coal reserves to be dedicated to a coal gasification plant is an appropriate item for inclusion in Southern's rate base and cost of service in Account No. 105 as Gas Plant Held For Future Use.

In its Petition, Southern states that it has entered into an Option Agreement with Consolidation Coal Company (Consol) by which Southern was granted an exclusive option to purchase approximately one-half of Consol's "Hillsboro" reserves. The agreement provides that during the two-year period ending April 30, 1976, Southern may exercise its option to purchase said coal at a price of 10 cents a ton of recoverable coal. Southern estimates that the subject reserves

amount to approximately 273,000,000 tons of recoverable coal.

Southern goes on to state that the gasification of the coal covered by the Southern option has been demonstrated to be commercially feasible using the Lurgi Mineral technik GMBH (Lurgi) process. The coal can be mined by deep shaft mining techniques and therefore Southern states that no threats to the environment are posed. Furthermore, Southern states that independent studies show that surface water is present in sufficient quantities in the immediate vicinity of the Hillsboro reserves to operate a Lurgi plant. Finally, the Petition states that three interstate natural gas transmission companies have pipelines within a fifty (50) mile radius of the Hillsboro reserves and accordingly gas produced at the gasification plant can be made available to Southern's system through displacement arrangements.

Finally, the Petition states that Southern undertakes to dedicate the coal reserves exclusively to a coal gasification project should the Commission allow the inclusion of the investment in the reserves in Account No. 105. Furthermore, Southern states that it would agree to a condition which would require that, if Southern does not utilize the coal reserves for a coal gasification project and if it subsequently sells the coal reserves, Southern will pay to its customers the amount, if any, of the excess of such sales price for the coal reserves over the cost of said coal reserves.

Notice of Southern's Petition was issued on June 6, 1974, providing for filing of protests or interventions on or before June 20, 1974. Numerous petitions to intervene have been filed.[1]

The issue of including costs associated with coal reserves in cost of service has been before this Commission in another proceeding, Michigan-Wisconsin Pipe Line Company (Mich-Wis), Docket No. RP73-102, orders issued June 26, 1974, and August 12, 1974.

While the issue in the Mich-Wis case was the propriety of including approximately $1,050,000 of annual delayed rental payments (coal option payments) in Mich-Wis' cost of service as an expense item, the rationale underlying our 1974 decision in that case is equally applicable to the instant case. In our order approving in that proceeding, we stated that with respect to the issue of delayed rentals:

> There is not adequate assurance that Mich-Wis will ever actually mine the coal or gasify it. We believe that the possible benefit is too far removed from the costs proposed to be borne by the natural gas consumer.

Similarly, in the present docket we believe that the benefits to Southern's customers are simply too far removed to grant Southern's Petition. In this context, we note that Southern presented no statement or facts as to when the coal gasification plant will go on the line. Indeed, there is no indication in the Petition that Southern has plans as to how the gasification plant will be designed. Accordingly, we must deny Southern's Petition to include Southern's payments in Account No. 105.

Even beyond the question of the certainty of consumer benefits is the issue of cost-benefit relationships. In our August 12, 1974 order denying Mich-Wis' application for modification we stated:

> Under the proposal, the ratepayers would pay in advance part of the costs of a coal gasification program which costs would otherwise be capitalized to that program and recouped through the rates charged for the gas produced. The ratepayer would pay in advance part of the cost of production while no provision is made to credit the payment of these expenses to the price of the gas produced. Thus, * * * the "benefit" to the ratepayer remains incomplete. Even if a workable crediting provision could be proposed, we are not at this time inclined, as a matter of policy, to permit the *ad hoc* inclusion in pipeline costs of service of expenses which would otherwise be capitalized to a planned coal gasification project.

In the present proceeding, Southern is requesting authority to earn a return on expenses which it may later recoup through rates charged for the gas produced. Therefore, our statement in Mich-Wis is directly applicable to this proceeding. Accordingly, Southern's Petition For Declaratory Order must be denied.

The Commission finds: Good cause does not exist to grant Southern's Petition For Declaratory Order.

The Commission orders: (A) Southern's Petition For Declaratory Order is hereby denied.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.[2]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20803 Filed 9-9-74;8:45 am]

[Docket No. E-8514]

SOUTHERN SERVICES, INC.

Extension of Time

SEPTEMBER 3, 1974.

On August 26, 1974, the Cities of Acworth, et al., and the Water, Light & Sinking Fund Commission, intervenors, filed a motion in the above-designated matter, for a prehearing conference and postponement of further procedural dates pending convening of the prehearing conference. The procedural dates were fixed by order issued May 8, 1974.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of evidence by interveners, September 17, 1974.
Service of evidence by staff, October 4, 1974.
Service of company rebuttal, November 4, 1974.
Hearing, November 26, 1974 (10 a.m. e.d.t.).

Action on the motion for a prehearing conference is deferred pending further notice.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20781 Filed 9-9-74;8:45 am]

[Docket Nos. RP73-114, RP74-24, RP74-73]

TENNESSEE GAS PIPELINE CO.

Filing of Tariff Sheets

SEPTEMBER 3, 1974.

Take notice that on August 23, 1974, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee), tendered for filing proposed changes to Ninth Revised Volume No. 1 of its FPC Gas Tariff, to be effective on July 1, 1974, consisting of the following tariff sheets: Substitute Third Revised Sheet Nos. 12A and 12B.

Tennessee states that the purpose of the revised tariff sheets is to comply with the Commission's order of August 9, 1974, in this proceeding. Substitute Third Revised Sheet Nos. 12A and 12B have been filed to reflect a PGA increase exclusive of costs related to small producer and emergency purchases above the applicable area rate. Tennessee states that the instant filing is in full accord with the Commission's regulations and the Commission's order of August 9, 1974.

Tennessee states that copies of its filing have been mailed to all of its affected customers and interested state commissions and all parties to this proceeding.

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 September 20, 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; provided, however, that any person who have previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-20787 Filed 9-9-74;8:45 am]

[Docket Nos. RP73-114, RP74-24, RP74-73]

TENNESSEE GAS PIPELINE CO.

Filing of Alternate Tariff Sheets

SEPTEMBER 3, 1974.

Take notice that on August 26, 1974, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee), tendered for filing proposed changes to Ninth Revised Volume No. 1 of its FPC Gas Tariff, to be effective on July 1, 1974, consisting of

[1] Appendix A filed as part of the original document.

[2] Commissioners Brooke and Springer's dissenting statements are filed as part of the original document.

the following tariff sheets: Second Substitute Third Revised Sheet Nos. 12A and 12B.

Tennessee states that the sole purpose of the alternative tariff sheets is to reflect a PGA increase exclusive of costs related to small producer and emergency purchases above the area rate established by Opinion No. 699. Tennessee states that the instant filing is in full accord with the Commission's regulations and the Commission's order of August 9, 1974.

Tennessee states that copies of its filing have been mailed to all of its affected customers and interested state commissions and all parties to this proceeding.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest wtih 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 September 20, 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; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20788 Filed 9-9-74;8:45 am]

[Docket No. CP75-49]

TENNESSEE GAS PIPELINE CO.

Application

SEPTEMBER 3, 1974.

Take notice that on August 22, 1974, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed Docket No. CP75-49 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline facilities necessary to connect gas purchased from Tenneco Oil Company (Tenneco) and Texaco Inc. to the pipeline jointly owned by Columbia Gulf Transmission Company, Natural Gas Pipeline Company of America and Applicant (Columbia-Natural-Tennessee pipeline) in the Eugene Island Area, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to construct and operate approximately 7.3 miles of 12-inch pipeline and certain metering facilities. Applicant states that the proposed gathering line will originate at the Tenneco-Texaco platform in Block 339, Eugene Island Area, interconnect with the Tenneco-Texaco "A" platform in Block 338, and then connect to the Columbia-Natural-Tennessee pipeline. Applicant explains that pursuant to certain agreements it will purchase 100 percent of the interest of Texaco and Tenneco in the gas produced in Block 338 and 75 percent of the interest of Tenneco in the gas produced in Block 339. Applicant estimates that approximately 62,433,000 Mcf of recoverable gas reserves and up to 19,000 Mcf per day of deliverability [1] will be available for transmission through the proposed facilities from Block 339,[2] and approximately 41,592,000 Mcf of recoverable gas reserves are available from Block 338.

Applicant claims that the construction of the proposed facilities is in the public interest because such facilities will enable Applicant to attach needed reserves in the Eugene Island Area and will provide the necessary capacity to move all of the reserves available to applicant from that area into its system.

Applicant estimates the cost of the proposed facilities to be $5,349,850, which initially will be financed from general company funds and/or borrowings under revolving credit agreements.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 24, 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 Commisison 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.74-20792 Filed 9-9-74;8:45 am]

[1] Volumes at 14.73 psia and 60 degrees F.

[2] Applicant states that it is negotiating with Texaco for its 50 percent share of the reserves in Block 339.

[Docket Nos. RP71-130, RP72-58]

TEXAS EASTERN TRANSMISSION CORP.

Order Accepting Tariff Sheet for Filing

AUGUST 30, 1974.

On July 26, 1974, Texas Eastern Transmission Corp. (TETCO) tendered for filing a revised sheet [1] to its FPC Gas Tariff, Fourth Revised Volume No. 1, to extend, for one year, a provision exempting its small customers (those taking less than 10,200 dth per day per integrated system) from daily curtailment.

Since September 5, 1973, TETCO has been imposing on its customers an end-use curtailment plan reflecting the policies embodied in Commission Order No. 467-C. TETCO's original implementation of the plan subjected all of its customers to daily and annnual curtailment. On October 16, 1973, following conferences between TETCO and its customers, TETCO filed Substitute First Revised Sheet No. 92A to its then effective FPC Gas Tariff, Third Revised Volume No. 1. That sheet contained the same exemption from daily curtailment for small customers which we are now considering. By its own terms the exemption was to expire on August 31, 1974, or upon a final order in this docket on the justness and reasonableness of TETCO's curtailment plan, whichever first occurred.

TETCO's latest filing merely extends the small customer exemption for one year until August 31, 1975 or until a final order is issued in the curtailment proceeding, whichever first occurs. We accept for filing the sheet tendered by TETCO on July 26, 1974.

The experience of the last year has demonstrated that TETCO's smaller customers, i.e., those taking less than 10,000 Mcf per day [2] require the exemption to serve their high priority loads on a peak day. These smaller customers having little storage, and lacking substantial industrial load, lack the flexibility of the larger customers on the system.

The small customer exemption provides no relief from curtailment on an annual basis. Exempted customers must live within their curtailed Annual Quantity Entitlements as must the larger customers. Customers who take volumes in excess of their curtailed maximum daily quantities on one day must necessarily take less than their curtailed maximum daily quantities on other days in order to live within their Annual Quantity Entitlements.

[1] The revised sheet, designated as First Revised Sheet No. 95 supersedes Original Sheet No. 95.

[2] Texas Eastern, effective June 14, 1974, has converted gas volumes in its tariff from an Mcf basis to a dekatherm basis. Therefore, all customers taking less than 10,200 dekatherms per day are exempt under the filing of July 26, 1974.

Public notice of the filing was given on August 1, 1974, with protests and petitions to intervene due by August 15, 1974.

The Algonquin Customer Group (Group) filed a protest on August 14, 1974, stating that the small customer exemption is discriminatory unless it is flowed through to the small customers of Algonquin Gas Transmission Corporation (Algonquin). The Group has advanced this argument on every occasion that an exemption for small customers has been filed by Texas Eastern. This argument was rejected by Commission Orders of December 1, 1972, and January 24, 1973, in the subject dockets, where the Commission stated that the problems of the customers of separate pipelines should be considered in curtailment proceedings relating to those pipelines. A small customer exemption for the small customers on the Algonquin system is an issue in Algonquin's curtailment case at Docket No. RP71-131 currently pending before the Administrative Law Judge.

On August 15, 1974, Algonquin filed a protest requiring rejection of the sheets or a five month suspension period. Algonquin states that the filing does not conform to Order No. 467, in that it provides for automatic special relief and is unfair to other customers.

Since the proposed exemption is only on a daily basis and since any exemption taken must be made up before the end of the annual curtailment period, the small customers are still subject to annual curtailment under Texas Eastern's curtailment plan. The annual quantity entitlements of the small customers who would be exempt under this provision constitute only two percent of the total annual entitlement of all customers. However, the effect of requiring strict adherence to the daily curtailments by these small customers would have a very adverse effect on each such customer. The de minimis effect of this daily exemption on other customers is outweighed by the adverse effects on the small customers with little or no flexibility in meeting their high priority requirements.

The Commission finds: Good cause exists to accept for filing First Revised Sheet No. 95, and thereby extend the small customer exemption for one year until August 31, 1975, or until a final order is issued in the curtailment proceedings, whichever first occurs.

The Commission orders: Substitute First Revised Sheet No. 95 is hereby accepted for filing, September 1, 1974.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20786 Filed 9-9-74;8:45 am]

[Docket Nos. G-19618, CP63-270, CP65-123]

VALLEY GAS TRANSMISSION, INC.

Application and Petition To Amend

SEPTEMBER 3, 1974.

Take notice that on August 13, 1974, Valley Gas Transmission, Inc. (Applicant), P.O. Box 1188, Houston, Texas 77001, filed in Docket Nos. CP63-270 and CP65-123 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon sales of natural gas in interstate commerce to National Fuel Gas Distribution Corporation, formerly Iroquois Gas Corporation (Iroquois) of daily volumes totaling 35,000 Mcf. Take further notice that concurrently, Applicant also filed a petition to amend the Commission's order in Docket No. G-19618 issued December 29, 1960[1] (25 FPC 233), pursuant to section 7(c) of the Natural Gas Act authorizing the sale of natural gas to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), so as to provide that all of the production which is presently dedicated by Applicant to Iroquois will be added to the production already dedicated to Tennessee. Applicant's proposals are more fully set forth in the application and petition which are on file with the commission and open to public inspection.

Applicant currently makes two authorized sales of natural gas to Iroquois of 25,000 Mcf per day and 10,000 Mcf per day, as certificated in Docket Nos. CP63-270 (30 FPC 349) and CP65-123 (33 FPC 617) respectively. Applicant states that the 35,000 Mcf of gas per day sold to Iroquois is currently delivered into the interstate pipeline system of Tennessee, transported by the latter, and redelivered to Iroquois in Erie County, New York. Applicant seeks authority to abandon said two sales, but points out that pursuant to a settlement agreement in Docket No. RP73-94 Iroquois will continue receiving, from Tennessee rather than Applicant, 35,000 Mcf per day. Applicanat further seeks authority to add to the production dedicated by Applicant to Tennessee by order of December 29, 1960, all the production which is presently dedicated by Applicant to Iroquois, currently estimated to be approximately 96,000,000 Mcf of gas.

Applicant states that on July 24, 1974, in Docket No. RP73-94, Applicant submitted for the record a "Stipulation and Agreement of Settlement" by which Applicant, Iroquois, and Tennessee settled certain issues which had arisen in that proceeding. Applicant states that the agreement, as it relates to the instant filings, provides (1) existing contracts for the sale of 35,000 Mcf per day of gas by Applicant to Iroquois will be terminated (together with termination of a contract between Iroquois and Tennessee) for transportation of such gas, (2) Applicant's existing reserves now dedicated to Iroquois (from the Luby and Petronilla Fields) will be dedicated to Tennessee, (3) Applicant will cause its affiliate, HNG Fossil Fuels Company (HNG) to contract to sell to Tennesee all of HNG's interest in gas from certain offshore reserves, and (4) Tennessee will contract with Iroquois to provide Iroquois with 35,000 Mcf of gas per day pursuant to Tennessee's CD-5 rate schedule.

Applicant states that the instant proposals, which are necessary to implement the agreement in Docket No. RP73-94, will (1) end the underlying dispute among Applicant, Iroquois, and Tennessee, over the dedication of certain reserves and provide an equitable solution that is agreeable to all three parties, (2) provide that Iroquois will continue to receive 35,000 Mcf of gas per day, (3) assure Tennessee of the dedication of 126,000,000 Mcf of additional gas reserves, with the potential of adding other gas reserves in the area, and (4) give Applicant an opportunity to remain a viable natural gas company.

Any person desiring to be heard or to make any protest with reference to said application and petition to amend should on or before September 23, 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 the application and petition to amend if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20790 Filed 9-9-74;8:45 am]

[1] The order became effective as of January 30, 1961.

[Docket No. E-8979]

VIRGINIA ELECTRIC AND POWER CO.

Contract Supplement

SEPTEMBER 4, 1974.

Take notice that on August 19, 1974, Virginia Electric and Power Company (Virginia) tendered for filing a Contract Supplement dated July 15, 1974, to the Agreement designated as Virginia's Rate

Schedule FPC No. 80–19 between Virginia and Northern Neck Electric Cooperative. Said supplement requests Commission authorization for the relocation of metering facilities from 12.5 kV at Folly Delivery Point, located west of Route 646 near Folly, Northumberland County, Virginia. The delivery voltage will remain at 34.5 kV.

Virginia requests the effective date be that of the date of relocation of metering facilities, which is May 22, 1974. Virginia asserts that due to an oversight, the supplement to the contract was not prepared in advance of May 22, 1974, thus preventing a timely filing. For the proposed effective date to be allowed, Virginia requests a waiver of the timely filing requirements. Virginia further asserts that as no increase in the unit cost of electricity to Northern Neck Electric Cooperative will take place, a waiver of the billing date requirements be allowed.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 17, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, 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 protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–20800 Filed 9–9–74;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR ATMOSPHERIC SCIENCES

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463) notice is hereby given of a meeting of the Advisory Panel for Atmospheric Sciences to be held at 9 a.m. on September 24–25, 1974, in Room 338 at 1800 G Street, NW, Washington, D.C. 20550.

The purpose of this Panel is to advise the Foundation of the impact of its research support program on the scientific community in the atmospheric sciences.

The agenda for this meeting shall include:

September 24

MORNING

9:00— Introductory Remarks and Record of Actions, March 20–21, 1974 meeting—Panel Chairman/Vice Chairman.
9:15— NSF Highlights—Deputy Assistant Director for Research.
9:45— Divisional Highlights—Division Director, Environmental Sciences.
10:00— NSF Office for Climate Dynamics—plans, programs, and budget (both NSF and Federal)—NSF GARP Coordinator.
10:45— Status of International Magnetospheric Study (IMS)—Program Director, Solar Terrestrial Program.
11:00— Eclipse Related Research—Scientific Coordinator, National Center for Atmospheric Research.
11:30— Energy Related Research—Program Director, Meteorology Program/Program Director, Solar Terrestrial Program.
12:00— Proposal Review—Panel Member/NSF GARP Coordinator.
12:30— Recess for lunch.

AFTERNOON

1:30— Summary on Global Atomspheric Research Program Atlantic Tropical Experiment (GATE)—Panel Member/NSF GARP Coordinator.
2:15— MAJOR PROGRAMS (old and new):
1. National Center for Atmospheric Research—Scientific Coordinator for NCAR.
2. National Hail Research Experiment (NHRE), Review and Future Plans—Program Manager, Weather Modification Program.
3. Upper Atmosphere Observatory—Program Director, Aeronomy Program.
4. National Astronomy and Ionosphere Center—Program Director, Aeronomy Program:
a. High Frequency Facility.
b. Airglow Facility.

5:30— Adjourn.

SEPTEMBER 25

MORNING

9:00— Activities of the National Academy of Science (NAS)/Committee for Atmospheric Sciences—Institute of Atmospheric Physics/National Academy of Science.
9:30— Activities of the NAS/Committee on Solar Terrestrial Research—National Academy of Science.
10:00— Activities of the National Advisory Committee on Oceans and Atmosphere—NACOA.
10:30— Discussion Meeting of Panel and Staff:
Staff:
1. Lower Atmosphere—Panel Member (Room 338).
a. Review of Weather Modification Program (1 hour)—Program Director, Weather Modification Program.
b. AMS Cloud Physics Research—Program Director, Meteorology Program.
c. Priorities for the Future.
2. Upper Atmosphere—Panel Member (Room 511).
a. IMS Planning.
b. Solar Physics Research—Panel Member.
c. Priorities for the Future.

12:30— Recess for lunch.
1:30— Panel Discussion and Recommendations.
3:00— Suggestions for New Panel Members.
Date for Next Meeting.
Adjourn.

This meeting shall be open to the public. Individuals who wish to attend should inform Dr. Fred D. White, Section Head, Atmospheric Sciences Section, by telephone (202–632–4198) or by mail (room 312, 1800 G St., NW, Washington, D.C. 20550) prior to the meeting. Persons requiring further information concerning this Panel should contact Dr. Fred D. White at the above address. Summary minutes relative to this meeting may be obtained from the Management Analysis Office, Room K–720, 1800 G St., NW, Washington, D.C. 20550.

FRED K. MURAKAMI,
Committee Management Officer.

SEPTEMBER 4, 1974.

[FR Doc.74–20755 Filed 9–9–74;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 September 5, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202–395–4529).

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of the Census:
Agriculture Questionnaire Listing, Form 74–A1(g) & 74–A2(g), Single Time, Lowry, Farms.
General Revenue Sharing Survey, Form RS–13, Annual, Ellett, Alaskan Native Village Officials.
General Revenue Sharing Survey, Form RS–14, Annual, Ellett, Indian Tribe Officials.
Bureau of Economic Analysis: Survey of Inventory Valuation Methods & Related Information, 1973, Forms BE–800, 801, 802, 803, 804, Single Time, Hulett, Manufacturers, Retailers.
National Bureau of Standards: ETIP—Va. Manufacturers' Questionnaire, Form ____, Suppliers of Medical Equipment & Supplies.

ENVIRONMENTAL PROTECTION AGENCY

Survey of Flue Gas: Desulfurization Process, Form ____, Single Time, Weiner, Owers and/or Manufacturers of FGD systems.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Health Services Administration: Otitis Media Evaluation Study, Form HSAIHS 0804, Occasional, Sunderhauf, American Indian children & parents.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

National Institute of Education:
Preliminary Exercise—Evaluation Training Unit, Form NIE 70, Single Time, Planchon, Teacher Trainess.
Initial Questionnaire—Evaluation Training Unit, Form NIE 69, Single Time, Planchon, Teacher Trainees.
Final Questionnaire—Evaluation Training Unit, Form NIE 71, Single Time, Planchon, Teacher Trainees.
Final Exercise—Evaluation Training Unit, Form NIE 72, Single Time, Planchon, Teacher Trainees.
Test Forms A & B for Setting Goals, Analyzing Problems & Deriving Objectives, Form NIE 73, Occasional, Planchon, Teacher Trainees.
Unit Rating Form for Setting Goals, Analyzing Problems & Deriving Objectives, Form NIE 74, Occasional, Planchon, Teacher Trainees.
"Preview" & "Epilog" of Designing Instructional Programs Training Unit, Form NIE 75, Occasional, Planchon, Preservice & Inservice Educators.

DEPARTMENT OF LABOR

Manpower Administration:
University Minority Graduate Survey, Forms MA 7-149 & 7-49A, Annual, Strasser/Lowry, HEW List of Educational Institutions.
A Comprehensive Evaluation of WIN II Program, Second Wave Client Interview, Form MT-1061-A-1, Single Time, HRD/Strasser, WIN Participants.

REVISIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service: Livestock Mail Survey, Form ____, Semi-annual, Lowry, Livestock Farmers.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service: Livestock Mail Survey, Form ____, Semi-annual, Lowry, Livestock Farmers.

DEPARTMENT OF COMMERCE

Bureau of the Census:
Annual Retail Trade Report, Forms BUS-024, 224, 224 Supplemental, 224 Supplemental Cont'd., Annual, Weiner, All types of retail business.
Switchgear, Switchboard Apparatus, Relays, & Industrial Controls, Form MA-36A, Annual, Weiner, Manufacturing Establishments.
Wiring Devices & Supplies, Form MA-36K, Annual, Weiner, Manufacturing Establishments.

EXTENSIONS

None

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-20901 Filed 9-9-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

ADVISORY COMMITTEE ON THE IMPLEMENTATION OF A CENTRAL MARKET SYSTEM

Notice of Meeting

This is to give notice, pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I 10(a), that the Securities and Exchange Commission Advisory Committee on the Implementation of a Central Market System will conduct an open meeting on September 27, 1974, at the offices of Continental Illinois National Bank and Trust Company, Room 4, 23rd floor, 231 South LaSalle Street, Chicago, Illinois 60693, beginning at 8:30 A.M.

The summarized agenda for the meeting is as follows:

(1) Further definition of auction market principles;
(2) Discussion of access by participants to customers (New York Stock Exchange Rule 113);
(3) Discussion of the operation of a limit order book;
(4) Further discussion of capital requirements and use.

Further information may be obtained by writing:

Andrew P. Steffan, Director, Office of Policy Planning, United States Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

[SEAL] GEORGE A. FITZSIMMONS,
Advisory Committee Management Officer.

September 10, 1974.

[FR Doc.74-20839 Filed 9-9-74;8:45 am]

[File No. 7-4645, etc.]

ARA SERVICES, INC. ET AL.

Unlisted Trading Privileges and Opportunity for Hearing

SEPTEMBER 4, 1974.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
ARA Services, Inc	7-4645
Day Mines, Inc	7-4647
Diamond Shamrock Corp	7-4648
First International Bancshares, Inc	7-4649
First Pennsylvania Corp	7-4650
Ideal Basic Industries, Inc	7-4651
International Flavors & Fragrances, Inc	7-4652
Purolator, Inc	7-4653
Rexham Corp	7-4654

Upon receipt of a request, on or before September 20, 1974 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-20834 Filed 9-9-74;8:45 am]

[File No. 500-1]

CANADIAN JAVELIN, LTD.

Suspension of Trading

SEPTEMBER 4, 1974.

The common stock of Canadian Javelin, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from September 5, 1974 through September 14, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-20836 Filed 9-9-74;8:45 am]

[File No. 7-4646]

CONTINENTAL ILLINOIS REALTY

Unlisted Trading Privileges and Opportunity for Hearing

SEPTEMBER 4, 1974.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the shares of beneficial interest of the following company, which security is listed and registered on one or more other national securities exchanges:

Continental Illinois Realty, Shares of Beneficial Interest File No. 7-4646

Upon receipt of a request, on or before September 20, 1974 from any interested person, the Commission will determine whether the application shall

be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-20833 Filed 9-9-74;8:45 am]

[File No. 7-4655]

RORER-ANCHEM, INC., ET AL.

Unlisted Trading Privileges and Opportunity for Hearing

SEPTEMBER 4, 1974.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Rorer-Anchem, Inc	7-4655
Southeast Banking Corp	7-4656
Squibb Corp	7-4657
STP Corporation	7-4658
United Gas Pipe Line Company	7-4659

Upon receipt of a request, on or before September 20, 1974 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-20835 Filed 9-9-74;8:45 am]

[File No. 500-1]

ROYAL PROPERTIES INC.

Notice of Suspension of Trading

SEPTEMBER 4, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Incorporated being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 5, 1974 through September 14, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-20838 Filed 9-9-74;8:45 am]

[File No. 500-1]

WINNER INDUSTRIES, INC.

Notice of Suspension of Trading

SEPTEMBER 4, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Winner Industries, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 5, 1974 through September 14, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-20837 Filed 9-9-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

LOS ANGELES DISTRICT ADVISORY COUNCIL

Meeting

The Los Angeles District Advisory Council will meet at 7:30 p.m., Pacific Daylight Time, Wednesday, September 18, 1974, at the Rodger Young Center, 936 Washington Boulevard, Los Angeles, California, to discuss matters which may be presented by the members and the staff.

Dated: September 6, 1974.

JOHN JAMESON, *Director, Office of Advisory Councils, Small Business Administration.*

[FR Doc.74-21023 Filed 9-9-74;8:57 am]

TARIFF COMMISSION

[337-L-65]

CERTAIN ELECTRONIC AUDIO AND RELATED EQUIPMENT

Receipt of Amendment to Complaint

The United States Tariff Commission hereby gives notice of the receipt on August 28, 1974, of an amendment to a complaint filed July 10, 1973, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), by District Sound, Inc., Washington, D.C., alleging unfair methods of competition and unfair acts in the importation and sale of certain electronic audio and related equipment, which unfair methods and acts have the effect or tendency to restrain or monopolize trade and commerce in the United States. The specific unfair acts are alleged to be (1) a refusal to deal with complainant, thereby effectuating illegal territorial restraints on the resale of goods, and (2) illegally maintaining a fair trade pricing program in a non-fair trade jurisdiction.

The amendment alleges that the complained of unfair acts have taken place with the knowledge of Victor Company of Japan, Ltd., a foreign corporation, and at its direction or pursuant to agreement with JVC America, Inc., its agents, distributors and dealers. The original complaint named only JVC America, Inc., Maspeth, New York, the U.S. subsidiary of Victor Company of Japan, Ltd., as engaging in the alleged unfair acts.

Notice of complaint received was published in the FEDERAL REGISTER on July 30, 1973 (38 FR 20303-04), and notice of extension of time for filing written views was published in the FEDERAL REGISTER on August 17, 1973 (38 FR 22259).

By order of the Commission.

Issued: September 5, 1974.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.74-20811 Filed 9-9-74;8:45 am]

VETERANS ADMINISTRATION

PENSIONS, BONUSES AND VETERANS' RELIEF

Continuance in Effect of All Current Regulations and Other Matters

All current Veterans Administration regulations, manuals, instructions, bulletins, circulars, Administrator's decisions, delegations of authority and other issues applicable to the Veterans Administration shall remain in full force and effect.

In addition all Veterans Administration issues applicable to the Veterans Administration which were approved by or pursuant to the authority of Donald E. Johnson to become effective on a date subsequent to the termination of his appointment as Administrator of Veterans' Affairs are hereby confirmed and approved as though the same had been approved by me.

All the above issues shall remain in full force and effect until such time as they may be specifically amended or revoked.

This issue is effective September 5, 1974.

[SEAL] RICHARD L. ROUDEBUSH,
Acting Administrator.

[FR Doc.74-20831 Filed 9-9-74;8:45 am]

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Notice of Meeting

Notice is hereby given pursuant to section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on September 18, 1974, at 10 a.m., the Veterans Administration Regional Office, Atlanta, Georgia Station Committee on Educational Allowances shall at 730 Peachtree Street, NE., Atlanta, Georgia, Fifth Floor VA Conference Room conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in the University of Marietta, 1601 Church St., Extension, Marietta, Georgia shall be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

A. W. TATE,
Director, VA Regional Office.

[FR Doc.74-20757 Filed 9-9-74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

MISSISSIPPI

Modifications to Developmental Plan

1. *Submission of modifications.* Pursuant to section 18(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) and 29 CFR 1902.12, notice is hereby given that modifications to the Occupational Safety and Health Plan for the State of Mississippi have been submitted to the Assistant Secretary of Labor for Occupational Safety and Health. The State modified its proposed plan in response to comments by the Occupational Safety and Health Administration and public comments received pursuant to the notice of submission of the Mississippi plan and its availability for public comment which appeared at 38 FR 4696 on February 20, 1973. The modifications also reflect the need to update the proposed developmental schedule as well as actions undertaken by the State since the previous submission.

The significant plan modifications include a revised developmental schedule with passage of enabling legislation in 1975 and commencement of enforcement activities in January 1976; clarifying amendments to the proposed legislation including among others, penalties identical to the Federal penalties, imminent danger restraining orders limited to 5 days, and discrimination complaints filed with the designee not directly with the courts; a copy of HB 1182 effective July 1, 1974, authorizing the designee to conduct a consultation, training, and statistical program but precluding enforcement; revised personnel and budget schedules; a letter from the State Attorney General stating that the scope of the public employee progam is a matter of legislative prerogative; and a letter from the Governor reaffirming support of the plan.

2. *Location of plan for inspection and copying.* A copy of the plan and the modifications may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room 850, 1726 M Street NW, Washington, D.C. 20210; Office of the Assistant Regional Director, Occupational Safety and Health Administration, Room 587, 1375 Peachtree Street NE, Atlanta, Georgia 30309; and the offices of State Board of Health, Division of Occupational Safety and Health, 2628 Southerland Street, Jackson, Mississippi 39205.

3. *Public participation.* Interested persons are hereby given until October 10, 1974, in which to submit written data, views, and arguments concerning the plan. The submissions are to be addressed to the Associate Asistant Secretary for Regional Programs, Room 850, 1726 M Street NW, Washington, D.C. 20210. The written comments will be available for inspection and copying at the above address.

Any interested person(s) may request an informal hearing concerning the proposed plan as modified whenever particularized written objections are filed by the date specified above. If the Assistant Secretary finds that substantial objections are filed, he shall hold a formal or informal hearing on the subjects and issues involved.

The Assistant Secretary of Labor for Occupational Safety and Health shall thereafter consider all relevant comments and arguments presented in determining whether to approve or disapprove the plan.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667)).

Signed at Washington, D.C. this 3rd day of Sept. 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-20771 Filed 9-9-74;8:45 am]

[V-73-25]

STAR TEXTILE AND RESEARCH, INC.

Grant of Variance

I. *Background.* Star Textile and Research, Inc., Cohoes, New York 12047 made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance from the safety standards prescribed in 29 CFR 1910.178 (m)(9) and 1910.262(a)(4). 29 CFR 1910.178(m)(9) requires that overhead guards be used on trucks as protection against falling objects; 29 CFR 1910.262(d)(4) requires that all textile opener lines be equipped with magnetic or tramp iron separators or other means for removing ferrous material. The facility that will be affected by this application is Star Textile and Research, Inc., Plant No. 1, Saratoga and Courtland Streets, Cohoes, New York 12047. Notice of the application was published in the FEDERAL REGISTER on October 11, 1973 (38 FR 28122). The notice invited interested persons, including affected employers and employees, to submit written data, views, and arguments regarding the grant or denial of the variance requested. In addition, affected employers and employees were notified of their right to request a hearing on the application for a variance. No written comments and no request for a hearing have been received.

II. *Facts.* Concerning § 1910.178(m)(9), the applicant uses overhead guards on its trucks in most locations. However, in Plant No. 1 warehouse and Plant No. 1 third floor the clearance under the joists ranges from 6'2¼" to 7'5". This is not sufficient clearance for trucks with overhead guards. The applicant states that the trucks handle only bales of 200–1000 lbs., 2' x 3' x 3' to 6', which are lifted with hydraulic bale clamps rather than forks. If the clamps fail, the bale can only fall vertically in front of the truck. No small or loose packages are lifted, and nothing is stacked on pallets, so there is no danger from falling packages.

Concerning § 1910.262(d)(4), the applicant states that it processes only synthetic fibers (nylon, polyester, acrylic and polypropylene) in which any metallic contamination would be nonmagnetic in nature. Therefore, magnetic or tramp iron separators would not be useful. The applicant further states that the fibers are manually handled four times while being prepared for the picking machine. This eliminates the possibility of foreign material being fed into the picking machine.

III. *Decision.* Section 1910.178(m)(9) requires that overhead guards be used on trucks as protection against falling objects. This is intended to protect the operator from injury caused by small falling boxes, packages, etc., but is not intended to withstand a capacity load.

The applicant has shown that there is insufficient clearance in Plant #1 warehouse and the third floor of Plant #1 to utilize overhead guards on the trucks. Since the trucks in this area lift only

200–1000 lb. bales (2'x3'x3' to 6') using hydraulically operated clamps, there is no danger of these bales falling on the operator. Packages are not palletized so there is no danger of them falling from a pallet. Because the vertical clearance is not over 7'5", there is little or no danger from other falling objects. Therefore, the use of the trucks in these areas without overhead guards provides a place of employment as safe as that which would be obtained by complying with the standard.

Section 1910.262(d)(4) requires that all textile opener lines be equipped with magnetic-separators, tramp iron separators or other means for the removal of foreign ferrous material. This standard is primarily intended as a fire prevention measure for textile industries which process cotton fibers. In addition, the use of separators is most important when the preparation of fibers does not include the use of intervening feed tables, openers or cleaners where metal contamination can be removed through handling.

The applicant processes only synthetic fibers which are not as flammable as cotton. These fibers contain little metallic contamination. That which is occasionally found is non-magnetic grade stainless steel or aluminum which would not respond to magnetic or tramp separators. The aluminum does not present a fire hazard, and the hazard from the stainless steel is minimal. In addition, in the applicant's work process the fibers are manually handled four times before being fed into the picker feed rolls. This handling and shaking of the fibers removes any foreign objects before they would reach the picking machine. Therefore, the applicant is providing a place of employment as safe as that which would be obtained by using magnetic or tramp iron separators in accordance with § 1910.262(d)(4).

IV. *Order.* Pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and in Secretary of Labor's Order No. 12–71 (36 FR 8754), it is ordered that Star Textile and Research, Inc. be, and it is hereby, authorized:

(1) To operate its powered industrial trucks without the overhead guards required by 29 CFR 1910.178(m)(9) in the low clearance areas of the Plant #1 warehouse and the third floor of Plant #1, in the manner and under the conditions described above. Overhead guards shall be utilized in all other areas of the plant;

(2) To process its fibers without the magnetic or tramp iron separators required by 29 CFR 1910.262(d)(4), provided that the fibers are manually handled four times before being fed into the picking machine, and that only the above-named synthetic fibers are processed.

As soon as possible Star Textile and Research, Inc. shall give notice to affected employees of the terms of this order by the same means required to be used to inform them of the application for variance.

Effective date. This order shall become effective on October 10, 1974, and shall remain in effect until modified or revoked in accordance with section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970.

Signed at Washington, D.C., this 4th day of Sept. 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74–20772 Filed 9–9–74;8:45 am]

[V–73–35]

UNITED VIRGINIA BANKSHARES, INC.

Grant of Variance

I. *Background.* United Virginia Bankshares, Inc., 900 East Main Street, Richmond, Virginia 23219 made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance from the safety standards prescribed in 29 CFR 1910.66(b)(3). The standard requires that all new powered platforms for exterior building maintenance meet the requirements of Parts II and III of ANSI A120.1–1970. The facility that will be affected by this application is: United Virginia Bank Building, First Street and Church Avenue, Roanoke, Virginia 24011. Notice of the application was published in the FEDERAL REGISTER on November 8, 1973 (38 FR 30918). The notice invited interested persons, including affected employers and employees, to submit written data, views, and arguments regarding the grant or denial of the variance requested. In addition, affected employers and employees were notified of their right to request a hearing on the application for a variance. One written comment was received which questioned the need for a variance if the building is completed. This comment referred to powered platforms being exempt under § 1910.66(b)(2) if installed prior to the effective date of this standard. However, the applicant's building was in the construction stage and the powered platform was not installed prior to the effective date of this standard. Therefore, a variance is required. The comment letter also suggests the use of friction grips or other such devices to provide positive contact with the building face. It was decided that the use of building face rollers combined with tie-offs (eye-bolts) at each floor would serve the same purpose. No request for a hearing has been received.

II. *Facts.* The applicant's building is 180 feet in height and does not have continuous mullions, so it is impossible to provide guides to positively engage the platform and provide continuous contact with the building face as required by ANSI A120.1–1970, section 11.2.1. Instead the applicant will lower a 16 foot power driven staging platform from the roof. Eye-bolts will be used at each spandrel to provide positive anchoring to the building face. Positive tie-off will be maintained at all floors above the platform as it is being raised or lowered. The platform will be equipped with safety equipment as required by ANSI A120.1–1970, section 28, and personnel will be instructed in its use.

III. *Decision.* ANSI A120.1–1970, section 11.2.1 requires that the face of buildings over 130 feet in height be equipped with T-rails, indented mullions or equivalent guides to provide positive and continuous contact with the work platform. This is intended to absorb wind forces and horizontal components of dead and live loads on the working platforms.

The applicant's building has a rise of 180 feet. It is covered by the requirement in ANSI A120.1–1970, section 11.2.1 for positive contact guides. However, the building does not have continuous vertical mullions; therefore, continuous positive contact guides cannot be installed.

The applicant is providing the building face rollers and angulated roping that are required for buildings of less than 130 feet in ANSI A120.1–1970, section 13.8. The ANSI standard does not specify how often the platform should be tied-off. Placing eye-bolts at each floor for tie-off provides additional pull-in and restricts horizontal movement approximately every 10 feet, thereby, providing greater safety than that required by ANSI for buildings under 130 feet.

Considering the fact that building face rollers are used and that eye-bolts are provided at every floor, the applicant is providing a place of employment as safe as that required by 29 CFR 1910.66(b)(3) and ANSI A120.1–1970, section 11.2.1.

IV. *Order.* Pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and in Secretary of Labor's Order No. 12–71 (36 FR 8754), it is ordered that United Virginia Bankshares, Inc. be, and it is hereby, authorized to operate the powered maintenance platform on its building at First Street and Church Avenue, Roanoke, Virginia without the positive contact guides required by § 1910.66(b)(3) and ANSI A120.1–1970, section 11.2.1, provided that building face rollers are provided on the powered platform, the platform is tied off to eye-bolts at each floor, and the tie-off is maintained at all floors above as the platform is raised or lowered.

As soon as possible United Virginia Bankshares, Inc. shall give notice to affected employees of the terms of this order by the same means required to be used to inform them of the application for variance.

Effective date. This order shall become effective on October 10, 1974, and shall remain in effect until modified or revoked in accordance with section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970.

Signed at Washington, D.C., this 4th day of September 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74–20773 Filed 9–9–74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[AB 19 (Sub-No. 16)]

ALLEGHENY AND WESTERN RAILWAY CO., ET AL.

Abandonment of Lines

AUGUST 27, 1974.

Allegheny and Western Railway Company, Buffalo, Rochester and Pittsburgh Railway Company and the Baltimore and Ohio Railroad Company abandonment portion Craigsville Branch, near Craigsville, Armstrong County, Pennsylvania.

The Interstate Commerce Commission hereby gives notice that: 1. On Tuesday, July 2, 1974, notice was published in Armstrong County, Pa., that an environmental threshold assessment survey was made in the above-entitled proceeding and based on that assessment an order was served finding that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq. 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the July 2, 1974 notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-20873 Filed 9-9-74;8:45 am]

[Notice 587]

ASSIGNMENT OF HEARINGS

SEPTEMBER 5, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after September 10, 1974.

I&S-M-27742, Household Goods, Increased Rates Nationwide, now assigned September 30, 1974, at Washington, D.C., is cancelled.

MC 136829 Sub 2, C. James, d.b.a. C. James Trucking, now assigned October 7, 1974, at Portland, Oregon, is postponed to October 21, 1974 (1 week), in Room 103, 555 SW. Yamhill St., Portland, Oregon.

MC 111401 Sub 396, Groendyke Transport, Inc., now assigned October 7, 1974, at Santa Fe, New Mexico, is cancelled and application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-20875 Filed 9-9-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

SEPTEMBER 5, 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 within 10 days from the date of this publication. 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-2261 (Sub-No. E7), filed May 28, 1974. Applicant: KEENAN TRANSFER AND STORAGE, INC., P.O. Box 3258, Albany, Ga. 31702. Applicant's representative: J. Sewell Elliott, Suite 506 American Federal Bldg., Macon, Ga. 31201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission from points in North Carolina on, south, and east of a line from the Georgia-South Carolina State line along Interstate Highway 85 to Greenville, S.C., thence along U.S. Highway 25 to Asheville, thence along U.S. Highway 70 to the junction of North Carolina Highway 18, thence along North Carolina Highway 18 to Wilkesboro, thence along North Carolina Highway 268 to the junction of U.S. Highway 601, thence along U.S. Highway 601 to Mt. Airy, thence along U.S. Highway 52 to the North Carolina-Virginia State line, and points in South Carolina on, east, and north of a line from the Georgia-South Carolina State line along U.S. Highway 78 to the junction of South Carolina Highway 215, thence along South Carolina Highway 215, to the junction of South Carolina Highway 4, thence along South Carolina Highway 4 to the junction of U.S. Highway 301, thence along U.S. Highway 301 to Orangeburg, thence along U.S. Highway 178 to the junction of U.S. Highway 78 to the junction of Interstate Highway 26, thence along Interstate Highway 26 to the Atlantic Ocean to points in Georgia and Alabama on, south, and west of a line from the Mississippi-Alabama State line along U.S. Highway 78 to the junction of Alabama Highway 202, thence along Alabama Highway 202 to Anniston, thence along U.S. Highway 431 to the junction of Alabama Highway 50, thence along Alabama Highway 50 to the Georgia-Alabama State line, thence along the Georgia-Alabama State line to Phenix City, Ala., thence along Alabama Highway 165 to the junction with U.S. Highway 431, thence along U.S. Highway 431 to Pothan, thence along Alabama Highway 1 to the Alabama-Florida State line. The purpose of this filing is to eliminate the gateway of La Grange, Ga., and points within 35 miles thereof.

No. MC-15897 (Sub-No. E10), filed June 2, 1974. Applicant: O.K. TRANSFER & STORAGE CO., 207 South Union, Shawnee, Okla. 74807. Applicant's representative: Wilburn L. Williamson, Suite 280, 3535 Northwest 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Nebraska, on the one hand, and, on the other, points in that part of Alabama on and south of U.S. Highway 82. The purpose of this filing is to eliminate the gateway of points in Creek County, Okla., and Lamar County, Tex.

No. MC-15897 (Sub-No. E15), filed June 2, 1974. Applicant: O.K. TRANSFER & STORAGE CO., 207 South Union, Shawnee, Okla. 74807. Applicant's representative: Wilburn L. Williamson, Suite 280, 3535 Northwest 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Nebraska on and east of U.S. Highway 83, on the one hand, and, on the other, points in that part of Texas on and east of a line beginning at the Oklahoma-Texas State line, thence along Interstate Highway 35 to junction Interstate Highway 35W, thence along Interstate Highway 35W to junction Interstate Highway 35, thence along Interstate Highway 35 to the United States-Mexico International Boundary line near Laredo. The purpose of this filing is to eliminate the gateway of points in Creek County, Okla.

No. MC-15897 (Sub-No. E34), filed June 3, 1974. Applicant: O.K. TRANSFER AND STORAGE CO., 207 South Union, Shawnee, Okla. 74807. Applicant's representative: Wilburn L. Williamson, Suite 280, 3535 Northwest 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Shawnee, Okla., and points in Oklahoma within 135 miles of Shawnee (except points in Craig, Washington, Nowata, Rogers, Mayes, Delaware, Ottawa, Adair, Muskogee, Cherokee, and Sequoyah Counties), on the one hand, and, on the other, points in that part of Tennessee on and east of a line beginning at the Tennessee-Kentucky State line, thence along U.S. Highway 31W to junction U.S. Highway 31, thence along U.S. Highway 31 to the Tennessee-Alabama State line. The purpose of this filing is to eliminate the gateway of points in Lamar County, Tex.

No. MC–15897 (Sub-No. E36), filed June 3, 1974. Applicant: O.K. TRANSFER AND STORAGE CO., 207 South Union, Shawnee, Okla. 74801. Applicant's representative: Wilburn L. Williamson, Suite 280, 3535 Northwest 58th St., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Louisiana on and south of U.S. Highway 190, on the one hand, and, on the other, points in that part of Missouri on, north, and west of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 50 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Iowa State line. The purpose of this filing is to eliminate the gateway of points in Creek County, Okla., and Lamar County, Tex.

No. MC–15897 (Sub-No. E37), filed June 3, 1974. Applicant: O. K. TRANSFER AND STORAGE CO., 207 South Union, Shawnee, Okla. 74801. Applicant's representative: Wilburn L. Williamson, Suite 280, 3535 Northwest 58th St., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Louisiana, on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateway of points in Creek County, Okla.

No. MC–15897 (Sub-No. E40), filed June 2, 1974. Applicant: O. K. TRANSFER AND STORAGE CO., 207 South Union, Shawnee, Okla. 74807. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in El Paso County, Tex., on the one hand, and, on the other, points in Illinois. The purpose of this filing is to eliminate the gateway of points in Creek County, Okla., and Lamar County, Tex.

No. MC–15897 (Sub-No. E41), filed June 2, 1974. Applicant: O.K. TRANSFER & STORAGE CO., 207 South Union, Shawnee, Okla. 74807. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Texas on and north of Interstate Highway 40, on the one hand, and, on the other, points in Arkansas. The purpose of this filing is to eliminate the gateway of points in Creek County, Okla.

No. MC–15897 (Sub-No. E42), filed June 2, 1974. Applicant: O.K. TRANSFER & STORAGE CO., 207 South Union, Shawnee, Okla. 74807. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Texas south of Interstate Highway 40, and on and west of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 281 to junction U.S. Highway 181, thence along U.S. Highway 181 to Corpus Christi, on the one hand, and, on the other, points in that part of Arkansas on and north of Interstate Highway 40. The purpose of this filing is to eliminate the gateway of points in Creek County, Okla.

No. MC–15897 (Sub-No. E43), filed June 2, 1974. Applicant: O.K. TRANSFER AND STORAGE CO., 207 South Union, Shawnee, Okla. 74807. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 75 to junction U.S. Highway 77, thence along U.S. Highway 77 to the United States-Mexico International Boundary line near Brownsville, on the one hand, and, on the other, points in that part of Kansas west of U.S. Highway 81 (except points in Hamilton, Stanton, Morton, Kearney, Grant, Stevens, Finney, Haskell, Seward, Gray, Meade, Ford, Clark, Kiowa, Comanche, Pratt, Barker, Kingsman, Harper, and Sumner Counties). The purpose of this filing is to eliminate the gateway of points in Creek County, Okla.

No. MC–15897 (Sub-No. E44), filed June 2, 1974. Applicant: O.K. TRANSFER & STORAGE CO., 207 South Union, Shawnee, Okla. 74807. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Texas on, west, and north of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 83 to junction Texas Highway 70, thence along Texas Highway 70 to junction Texas Highway 208, thence along Texas Highway 208 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 277, thence along U.S. Highway 277 to junction Interstate Highway 10, thence along Interstate Highway 10 to the United States-Mexico International Boundary line near El Paso, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of points in Creek County, Okla., and Lamar County, Tex.

No. MC–15897 (Sub-No. E45), filed June 2, 1974. Applicant: O.K. TRANSFER & STORAGE CO., 207 South Union, Shawnee, Okla. 74807. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in El Paso County, Tex., on the one hand, and, on the other, points in that part of Mississippi on and east of a line beginning at the Mississippi-Tennessee State line, thence along U.S. Highway 78 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 11, thence along U.S. Highway 11 to the Mississippi-Louisiana State line. The purpose of this filing to to eliminate the gateways of points in Creek County, Okla., and Lamar County, Tex.

No. MC–15897 (Sub-No. E46), filed June 2, 1974. Applicant: O.K. TRANSFER & STORAGE CO., 207 South Union, Shawnee, Okla. 74807. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Mississippi on and east of Interstate Highway 55, on the one hand, and, on the other, points in that part of Texas on, north and west of a line beginning at the Texas-New Mexico State line, thence along U.S. Highway 380 to junction U.S. Highway 283, thence along U.S. Highway 283 to the Texas-Oklahoma State line. The purpose of this filing is to eliminate the gateways of points in Creek County, Okla., and Lamar County, Tex.

No. MC–15897 (Sub-No. E47), filed June 2, 1974. Applicant: O.K. TRANSFER & STORAGE CO., 207 South Union, Shawnee, Okla. 74807. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Mississippi on and south of a line beginning at the Louisiana-Mississippi State line, thence along U.S. Highway 80 to junction Mississippi Highway 18, thence along Mississippi Highway 18 to junction Mississippi Highway 15, thence along Mississippi Highway 15 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Mississippi-Alabama State line, on the one hand, and, on the other, points in Kansas. The purpose of this ing is to eliminate the gateways of points in Creek County, Okla., and Lamar County, Tex.

No. MC–15897 (Sub-No. E48), filed June 2, 1974. Applicant: O.K. TRANSFER & STORAGE CO., 207 South Union,

Shawnee, Okla. 74807. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Mississippi on and south of a line beginning at the Louisiana-Mississippi State line, thence along U.S. Highway 80 to junction Mississippi Highway 18, thence along Mississippi Highway 18 to junction Mississippi Highway 15, thence along Mississippi Highway 15 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Mississippi-Alabama State line, on the one hand, and, on the other, points in that part of Missouri on and west of U.S. Highway 69. The purpose of this filing is to eliminate the gateway of points in Creek County, Okla., and Lamar County, Tex.

No. MC–17868 (Sub-No. E22), filed May 31, 1974. Applicant: H. E. BRINKERHOFF & SONS TRANSPORTATION CO., 1001 South 14th St., Harrisburg, Pa. 17104. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Texas, on the one hand, and, on the other, points in Delaware, New York, Maryland, Connecticut, New Jersey, Rhode Island, New Hampshire, Vermont, Massachusetts, Maine, and the District of Columbia, and points in Pennsylvania beyond 75 miles of Harrisburg, Pa. The purpose of this filing is to eliminate the gateway of Harrisburg, Pa., and Wilmington, Del.

No. MC–24999 (Sub-No. E1), filed June 3, 1974. Applicant: ALLEN TRANSFER COMPANY, INC., 221 Reeser Road, Camp Hill, Pa. 17011. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Illinois in and north of Henderson, Warren, Knox, Peoria, Woodford, Livingston, Ford, and Iroquois Counties. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC–24999 (Sub-No. E2), filed June 3, 1974. Applicant: ALLEN TRANSFER COMPANY, INC., 221 Reeser Road, Camp Hill, Pa. 17011. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Nebraska, on the one hand, and, on the other, points in that part of Missouri in and east of Scott, Stoddard, and Dunklin Counties. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC–24999 (Sub-No. E3), filed June 3, 1974. Applicant: ALLEN TRANSFER COMPANY, INC., 221 Reeser Road, Camp Hill, Pa. 17011. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Sioux and Dawes Counties, Nebr., on the one hand, and, on the other, points in Choctaw, McCurtain, Le Flore, Latimer, Pittsburg, and Pushmataha Counties, Okla. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC–24999 (Sub-No. E4), filed June 3, 1974. Applicant: ALLEN TRANSFER COMPANY, INC., 221 Reeser Rd., Camp Hill, Pa. 17011. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Missouri, on the one hand, and, on the other, points in Dawes County, Nebr. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC–24999 (Sub-No. E6), filed June 3, 1974. Applicant: ALLEN TRANSFER COMPANY, INC., 221 Reeser Rd., Camp Hill, Pa. 17011. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Illinois in and north of Rock Island, Henry, Bureau, La Salle, Grundy, and Will Counties, on the one hand, and, on the other, points in that part of Missouri in and west of Mercer, Grundy, Livingston, Carroll, Saline, Pettis, Benton, Hickory, Dallas, Green, Christian, and Taney Counties. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC–24999 (Sub-No. E7), filed June 3, 1974. Applicant: ALLEN TRANSFER COMPANY, INC., 221 Reeser Rd., Camp Hill, Pa. 17011. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in South Dakota, on the one hand, and, on the other, points in that part of Missouri in, east, and south of Schuyler, Adair, Linn, Livingston, Carroll, Saline, Pettis, Henry, and Bates Counties, points in Linn, Bourbon, Crawford, and Cherokee Counties, Kans., and points in Oklahoma in and east of Craig, Mayes, Cherokee, Muskogee, McIntosh, Pittsburg, Pushmataha, and Choctan Counties. The purpose of this filing is to eliminate the gateway of Tekamah, Nebr., and Des Moines, Iowa.

No. MC–24999 (Sub-No. E8), filed June 3, 1974. Applicant: ALLEN TRANSFER COMPANY, INC., 221 Reeser Rd., Camp Hill, Pa. 17011. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Oklahoma, on the one hand, and, on the other, points in that part of Illinois in and north of Henderson, Warren, Fulton, Tazewell, McLean, Ford, and Iroquois Counties; and (2) between points in Adams, Schuyler, Mason, Logan, DeWitt, Piatt, Champaign, Edgar, Vermillion, Douglas, Moultrie, Macon, Sangamon, Menard, Cass, Morgan, Scott, Brown, and Pike Counties, Ill., on the one hand, and, on the other, points in that part of Oklahoma in and west of Harper, Ellis, Roger Mills, Beckman, Green, and Jackson Counties, Okla. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC–24999 (Sub-No. E9), filed June 3, 1974. Applicant: ALLEN TRANSFER COMPANY, INC., 221 Reeser Road, Camp Hill, Pa. 17011. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Tekamah, Neb., and points in Nebraska within 25 miles thereof, on the one hand, and, on the other, points in Illinois. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC–24999 (Sub-No. E10), filed June 3, 1974. Applicant: ALLEN TRANSFER COMPANY, INC., 221 Reeser Road, Camp Hill, Pa. 17011. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Des Moines, Iowa, on the one hand, and, on the other, points in Colorado and South Dakota. The purpose of this filing is to eliminate the gateway of Tekamah, Neb.

No. MC–24999 (Sub-No. E11), filed June 4, 1974. Applicant: ALLEN TRANSFER COMPANY, INC., 221 Reeser Rd., Camp Hill, Pa. 17011. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Minnesota, on the one hand, and, on the other, points in Missouri. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC–30280 (Sub-No. E60), filed June 4, 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: *Textile*

products, from points in Georgia to Wilmington, Del. The purpose of this filing is to eliminate the gateways of Gastonia, N.C., and Baltimore, Md.

No. MC-30280 (Sub-No. E61), filed June 4, 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: *Textile products*, from points in Georgia to points in Cumberland, Gloucester, and Salem Counties, N.J. The purpose of this filing is to eliminate the gateways of Gastonia, N.C., and Baltimore, Md.

No. MC-63417 (Sub-No. E11), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Johnson City, Tenn., to points in that part of Mississippi on and south of a line beginning at the Louisiana-Mississippi State line and extending along Interstate Highway 20 to junction Mississippi Highway 18 to the Mississippi-Alabama State line. The purpose of this filing is to eliminate the gateway of Macon, Ga.

No. MC-63417 (Sub-No. E12), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Mullins, S.C., to points in Illinois, Indiana, Michigan, and points in that part of Kentucky on and north of a line beginning at the Missouri-Kentucky State line and extending along Kentucky Highway 80 to junction Kentucky Highway 15, thence along Kentucky Highway 15 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction Kentucky Highway 932, thence along Kentucky Highway 932 to Kentucky-Virginia State line. The purpose of this filing is to eliminate the gateway of Stanleytown, Va.

No. MC-63417 (Sub-No. E16), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, (1) from Lewisburg, Pa., to points in that part of Kentucky on, south, and west of a line beginning at the Illinois-Kentucky State line and extending along Kentucky Highway 453 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Kentucky Highway 91, thence along Kentucky Highway 91 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 119, thence along U.S. Highway 119 to the Kentucky-West Virginia State line and (2) from New York, N.Y., to points in that part of Kentucky on and south of a line beginning at the Indiana-Kentucky State line and extending along U.S. Highway 460 to junction Interstate Highway 64, thence along Interstate Highway 64 to the Kentucky-West Virginia State line. The purpose of this filing is to eliminate the gateway of Rocky Mount, Va.

No. MC-63417 (Sub-No. E19), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Dillon and Nichols, S.C., to points in Illinois, Indiana, Kentucky, Michigan, and Tennessee (except points in Bledsoe, Blount, Bradley, Carter, Cocke, Greene, Hamilton, Jefferson, Johnson, Knox, Loudon, Marion, McMinn, Meigs, Monroe, Polk, Rhea, Roane, Sequatchie, Sevier, Unicoi, and Washington Counties). The purpose of this filing is to eliminate the gateway of Stanleytown, Va.

No. MC-63417 (Sub-No. E20), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Chocowinity, N.C., to points in Louisiana, Oklahoma, Texas, that part of Arkansas on, south, and west of a line beginning at the Missouri-Arkansas State line and extending along U.S. Highway 63 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Arkansas-Tennessee State line, and points in that part of Mississippi on and south of a line beginning at the Arkansas-Mississippi State line and extending along U.S. Highway 82 to junction Mississippi Highway 35, thence along Mississippi Highway 35 to junction Mississippi Highway 14, thence along Mississippi Highway 14 to the Mississippi-Alabama State line. The purpose of this filing is to eliminate the gateway of Stanleytown, Va., points in Virginia, and Macon, Ga.

No. MC-63417 (Sub-No. E26), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Johnson City, Tenn., to points in Louisiana, points in that part of Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line and extending along Oklahoma Highway 34 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction Oklahoma Highway 6, thence along Oklahoma Highway 6 to junction U.S. Highway 283, thence along U.S. Highway 283 to the Oklahoma-Texas State line, and points in that part of Texas on, south, and west of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 81 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction Interstate Highway 30, thence along Interstate Highway 30 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Texas Highway 77, thence along Texas Highway 77 to the Texas-Arkansas State line. The purpose of this filing is to eliminate the gateway of Macon, Ga.

No. MC-95540 (Sub-No. E630), filed May 8, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, (a) from points in Iowa to points in Louisiana on and east of a line beginning at the Louisiana-Arkansas State line and extending along U.S. Highway 165 to Mer Rouge, thence along Highway 133 to Girard, thence along U.S. Highway 80 to Rayville, thence along Louisiana Highway 137 to Wangham, thence along Louisiana Highway 15, to its intersection with Louisiana Highway I, thence along Louisiana Highway I to Simmesport, thence along Louisiana Highway 105 to its intersection with Interstate Highway 10, thence along Interstate Highway 10 to Lafayette, thence along U.S. Highway 167 to Abbeville, thence along Louisiana Highway 82 to Grand Chenier, thence along the Mermentau River to the Gulf of Mexico; (b) from points in Iowa on, north and east of the line beginning at the Iowa-South Dakota State line and extending along Iowa State Highway 9 to Rock Rapids, thence along U.S. Highway 75 to Perkins, thence along U.S. Highway 18 to Sheldon, thence along Iowa Highway 60 to Alton, thence along Iowa Highway 10 to its intersection with Iowa Highway 143, and thence along Iowa Highway 143 to its intersection with Iowa Highway 3, thence along Iowa Highway 3 to Cherokee, thence along Iowa Highway 7 to its intersection with Highway 71, thence along U.S. Highway 71 to its intersection with Iowa Highway 161, thence along Iowa Highway 161 to its intersection with Iowa Highway 141, thence along Iowa Highway 141 to its intersection with Iowa Highway 25, thence along Iowa Highway 25 to Greenfield, thence along Iowa Highway 92 to Winterset, thence along U.S. Highway 169 to its intersection with U.S. Highway

34, thence along U.S. Highway 34 to Osceola, thence along U.S. Highway 69 to its intersection with Iowa Highway 2, thence along Iowa Highway 2 to its intersection with U.S. Highway 65, thence along U.S. Highway 65 to the Iowa-Missouri State line, to points in Louisiana on and east of the line beginning at the Louisiana-Arkansas State line and extending along U.S. Highway 165 to its intersection with Interstate Highway 10, thence along Interstate Highway 10 to Lake Charles, thence along Louisiana Highway 14 to its intersection with Highway 27, thence along Louisiana Highway 27 to Creole, thence along Louisiana Highway 82 to the Mermentau River, thence along the Mermentau River to the Gulf of Mexico.

(c) From points in Iowa on and east of a line beginning at the Iowa-Minnesota State line, and extending along U.S. Highway 71 to its intersection with Iowa Highway 9, thence along Iowa Highway 9 to Esterville, thence along Iowa Highway 4 to its intersection with U.S. Highway 18, thence along U.S. Highway 18 to its intersection with Iowa Highway 15, thence along Iowa Highway 15 to its intersection with Iowa Highway 222, thence along Iowa Highway 222 to its intersection with U.S. Highway 169, thence along U.S. Highway 169 to its intersection with Iowa Highway 141, thence along Iowa Highway 141 to its intersection with Interstate Highway 35, thence along Interstate Highway 35 to Des Moines, thence along U.S. Highway 65 to its intersection with U.S. Highway 34, thence along U.S. Highway 34 to Chariton, thence along Iowa Highway 14 to Corydon, thence along Iowa Highway 2 to its intersection with Iowa Highway 55, thence along Iowa Highway 55 to the Iowa-Missouri State line, to points in Louisiana on, south, and east of a line beginning at the Louisiana-Arkansas State line and extending along Louisiana Highway 33 to its intersection with Interstate Highway 20, thence along Interstate Highway 20 to its intersection with U.S. Highway 167, thence along U.S. Highway 167 to Quitman, thence along Louisiana Highway 155 to Saline, thence along Louisiana Highway 9 to its intersection with U.S. Highway 71, thence along U.S. Highway 71 to Clarence, thence along State Highway 6 to the Toledo Bend Reservoir; (d) from points in Iowa on and east of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 65 to its intersection with Iowa Highway 117, thence along Iowa Highway 117 to its intersection with Iowa Highway 163, thence along Iowa Highway 163 to Monroe, thence along Iowa Highway 14 to Knoxville, thence along Iowa Highway 5 to the Iowa-Missouri State line, to points in Louisiana on, south, and east of a line beginning at the Louisiana-Arkansas State line and extending along U.S. Highway 79 to Shreveport, thence along Interstate Highway 20 to the Louisiana-Texas State line; and (e) from points in Iowa on and east of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 218 in the north to Charles City, thence along Iowa Highway 14 to its intersection with U.S. Highway 30, thence along U.S. Highway 30 to its intersection with U.S. Highway 63, thence along U.S. Highway 63 to the Iowa-Missouri State line, to points in Louisiana. The purpose of this filing is to eliminate the gateway of Union City, Tenn.

No. MC–107295 (Sub-No. E161), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation materials* (except in bulk), from the plant site and storage facilities of Cleveland Fabricating Company at Houston, Tex., to points in Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and Wisconsin, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Camden, Ark.

No. MC–107295 (Sub-No. E176), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from Meridian, Miss., (1) to points in New York, Rhode Island, and Vermont (Port Clinton, Ohio)*, and (2) to points in Arizona, Idaho, Minnesota, North Dakota, and South Dakota (Truman, Ark).* The purpose of this filing is to eliminate the gateways indicated by Asterisks above.

No. MC–107295 (Sub-No. E187), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete curing compounds* (except in bulk), from the plant and warehouse sites of Upco Company at Cleveland, Ohio, to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Elgin, Ill.

No. MC–107403 (Sub-No. E138) (Correction), filed May 29, 1974, published in the FEDERAL REGISTER July 30, 1974. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquefied petroleum gas*, from Wayne County, Mich., to points in Delaware, New Jersey, and New York; and (2) *liquefied petroleum products*, from Mosherville and Owosso Township, Mich., to points in Delaware, New Jersey, and New York. The purpose of this filing is to eliminate the gateway of Petrolia, Pa., in proposal (1) above, and Neville Island, Pa., and Toledo, Ohio, in proposal (2) above. The purpose of this correction is to clarify the involved destination territory.

No. MC–107544 (Sub-No. E1), filed May 31, 1974. Applicant: LEMMON TRANSPORT CO., INC., P.O. Box 580, Marion, Va. 24354. Applicant's representative: Wilmer B. Hill, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61, M.C.C. 209 (except petro acids and chemicals, and asphalt and asphalt products), in bulk, in tank vehicles, from Salisburg and Thrift, N.C., to points in Caly, Greenbrier, Monroe, Nicholas, Pendleton, Pocahontas, Randolph, Tucker, Upshur, and Webster Counties, W. Va. The purpose of this filing is to eliminate the gateway of Roanoke, Va.

No. MC–107544 (Sub-No. E3), filed May 31, 1974. Applicant: LEMMON TRANSPORT CO., INC., P.O. Box 580, Marion, Va. 24354. Applicant's representative: Daryl J. Henry (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry carbon water treating compounds*, in bulk, in tank vehicles, from Charleston, S.C. to points in Colorado, Arizona, California, Connecticut, Delaware, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Oregon, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, Wyoming, that part of Illinois on and north of U.S. Highway 36, and that part of Indiana on and north of a line beginning at the Ohio-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 Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of Covington, Va.

No. MC–107544 (Sub-No. E4), filed May 31, 1974. Applicant: LEMMON TRANSPORT CO., INC., P.O. Box 580, Marion, Va. 24354. Applicant's representative: Wilmer B. Hill, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda Ash*, in bulk, from Saltville, Va., to points in Ohio and that part of Pennsylvania on and west of a line beginning at the Pennsylvania-Maryland State line, thence along U.S. Highway 11 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of Nitro, W. Va.

No. MC–107544 (Sub-No. E7), filed May 31, 1974. Applicant: LEMMON

TRANSPORT CO., INC., P.O. Box 580, Marion, Va. 24354. Applicant's representative: Wilmer B. Hill, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry carbon*, in bulk, from Romeo (Marion County), Fla., to points in Idaho, Montana, North Dakota, Oregon, South Dakota, Washington, Wyoming, that part of California on and north of Interstate Highway 80, and that part of Nevada on and north of U.S. Highway 50. The purpose of this filing is to eliminate the gateway of Covington, Va.

No. MC–108449 (Sub-No. E10), filed May 21, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (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 La Crosse, Wis., to points in Illinois. The purpose of this filing is to eliminate the gateway of the storage facilities of American Oil Company at or near Dubuque, Iowa.

No. MC–108449 (Sub-No. E11), filed May 21, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (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 La Crosse, Wis., to points in Iowa. The purpose of this filing is to eliminate the gateway of the pipeline terminal of American Oil Company at or near Spring Valley, Minn.

No. MC–108449 (Sub-No. E12) filed May 21, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (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 La Crosse, Wis., to points in South Dakota. The purpose of this filing is to eliminate the gateway of Minneapolis and St. Paul, Minn., the terminal facilities of American Oil Company at or near Spring Valley, Minn., and the terminal of the Williams Brothers Pipe Line Company at or near Spencer or Spirit Lake, Iowa.

No. MC–108449 (Sub-No. E13), filed May 21, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (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 port of entry on the United States-Canada Boundary line at International Falls, Minn., to points in the Upper Peninsula of Michigan.

NOTE.—This authority expires December 6, 1977. The purpose of this filing is to eliminate the gateway of the site of the Duluth Petroleum Products terminal located approximately four miles west of Duluth, Minn. and points within two miles thereof.

No. MC–108449 (Sub-No. E14), filed May 21, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquified petroleum gas*, in bulk, in tank vehicles, from the port of entry or the United States-Canada Boundary line at Internationtal Falls, Minn., to points in Wisconsin. The purpose of this filing is to eliminate the gateway of the site of the Duluth Petroleum Products terminal located approximately four miles west of Duluth, Minn., and points within two miles thereof.

No. MC–108449 (Sub-No. E20), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (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 Superior, Wis., to points in Iowa. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC–108449 (Sub-No. E21), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (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 Superior, Wis., to points in North Dakota. The purpose of this filing is to eliminate the gateway of Wrenshall, Minn.

No. MC–108449 (Sub-No. E22), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (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 Superior, Wis., to points in South Dakota. The purpose of this filing is to eliminate the gateway of McGregor, Minn.

No. MC–108449 (Sub-No. E23), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Petroleum products, in bulk, in tank vehicle, from Superior, Wis., to points in South Dakota. The purpose of this filing is to eliminate the gateway of the terminal of Williams Brothers Pipe Line Company at or near St. Cloud, Minn.

No. MC–108449 (Sub-No. E24), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (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 Winona, Minn., to points in North Dakota. The purpose of this filing is to eliminate the gateways of La-Crosse, Wis., and Ramsey County, Minn.

No. MC–108449 (Sub-No. E25), filed May 17, 1974. Applicant: INDIANAHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (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 Fargo, N. Dak., and points in North Dakota within ten miles thereof, to points on and east of a line beginning at the Minnesota-Iowa State line, and extending along U.S. Highway 169 to its junction with U.S. Highway 20, thence along U.S. Highway 20 to Iowa Highway 4, thence along Iowa Highway 4 to its junction with Iowa Highway 175, thence along Iowa Highway 175 to its junction with U.S. Highway 71, thence along U.S. Highway 71 to the Iowa-Missouri State line. The purpose of this filing is to eliminate the gateway of the Williams Brothers Pipe Line Company terminal located at or near St. Cloud, Minn., and Minneapolis, Minn.

No. MC–108449 (Sub-No. E26), filed May 17, 1974. Applicant: INDIANAHEAD TRUCK LINE, INC., 1947 West County Rd. C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (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 Fargo, N. Dak., and 10 miles thereof to points in Illinois. The purpose of this filing is to eliminate the gateways of the terminal of Williams Brothers Pipe Line Company at or near St. Cloud, Minn., Minneapolis, Minn., and the storage facilities of American Oil Company at or near Dubuque, Iowa.

No. MC–108449 (Sub-No. E27), filed May 17, 1974. Applicant: INDIANAHEAD TRUCK LINE, INC., 1947 West County Rd. C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (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 Winona, 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–108449 (Sub-No. E28), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (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 Winona, Minn., to points in Iowa, Minnesota, and South Dakota. The purpose of this filing is to eliminate the gateways of La Crosse, Wis., the pipeline terminal of American Oil Company at or near Spring Valley, Minn., and the terminal of Williams Brothers Pipe Line Company at or near Spencer or Spirit Lake, Iowa.

No. MC–108449 (Sub-No. E30), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (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 the part of entry on the United States-Canada Boundary line at or near Noyes, Minn., to points in Iowa on and east of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 71 to its junction with Iowa Highway 175, thence along Iowa Highway 175 to its junction with Iowa Highway 39, thence along Iowa Highway 39 to its junction with U.S. Highway 59, thence along U.S. Highway 59 to the Iowa-Missouri State line. The purpose of this filing is to eliminate the gateways of Fargo, N. Dak., the Williams Brothers Pipe Line Company terminal located at or near St. Cloud, Minn., and Minneapolis, Minn., and points within ten miles thereof.

No. MC–108449 (Sub-No. E31), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (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 the port of entry on the United States-Canada International Boundary line at Noyes, Minn., to points in Wyoming. The purpose of this filing is to eliminate the gateways of the terminal facilities of the Kaneb Pipe Line Company at or near Jamestown, N. Dak., or Aberdeen, S. Dak.

No. MC–108449 (Sub-No. E32), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (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 the port of entry on the United States-Canada International Boundary line at Noyes, Minn., to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateways of Grand Forks, N. Dak., and McGregor, Minn.

No. MC–108449 (Sub-No. E39), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Rd. C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum gas*, in bulk, in tank vehicles, from the port of entry on the United States-Canada International Boundary line at Noyes, Minn., to points in Iowa and Illinois.

NOTE.—This authority expires December 6, 1977. The purpose of this filing is to eliminate the gateways of Mentor, Minn., and the terminal Williams Brothers Pipe Line Co. at or near Spencer or Spirit Lake, Iowa.

No. MC–108449 (Sub-No. E41), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (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 Fargo, N. Dak., and points within 10 miles thereof, to points in Minnesota. The purpose of this filing is to eliminate the gateway of McGregor, Minn.

No. MC–108449 (Sub-No. E42), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (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 Fargo, N. Dak., and points within 10 miles thereof, to points in Minnesota. The purpose of this filing is to eliminate the gateway of the Williams Brothers Pipe Line Company terminal at or near St. Cloud, Minn.

No. MC–108449 (Sub-No. E47), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Rd. C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquified petroleum gas*, in bulk, in tank vehicles, from the port of entry on the United States-Canada Boundary line at Maida, N. Dak., to points in Wyoming.

NOTE.—This authority expires December 6, 1977. The purpose of this filing is to eliminate the gateways of the terminal facilities of the Kaneb Pipe Line Company at or near Jamestown, N. Dak., and Aberdeen, S. Dak.

No. MC–108449 (Sub-No. E156), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in hopper-type vehicles, from Davenport, Iowa, to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of LaCrosse, Wis.

No. MC–108449 (Sub-No. E157), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Winona, Minn., to points in North Dakota. The purpose of this filing is to eliminate the gateway of the storage facility of the Dundee Cement Company at Minneapolis, Minn.

No. MC–108449 (Sub-No. E158), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Rd. C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from West Fargo, N. Dak., to points in Iowa on and east of a line beginning at the Iowa-Minnesota State line and extending along Iowa Highway 15 to its junction with Iowa Highway 3, thence along Iowa Highway 3 to its junction with Iowa Highway 4, thence along Iowa Highway 4 to its junction with Iowa Highway 175, thence along Iowa Highway 175 to its junction with U.S. Highway 71, thence along U.S. Highway 71 to the Iowa-Missouri State line. The purpose of this filing is to eliminate the gateway of Columbia Heights, Robbinsdale, South St. Paul, North St. Paul, Inver Grove Heights, West St. Paul, Newport, St. Louis Park, Hopkins, Edina, Richfield, Fridley, Red Rock, McCarron, Lake, Fort Smelling, and, State Fair Grounds, Minn.

No. MC–109064 (Sub-No. E1), filed June 4, 1974. Applicant: TEX-O-KA-N TRANSPORTATION CO., INC., P.O. Box 8367, Fort Worth, Tex. 76112. Applicant's representative: Clayte Binion, Sayers, Scurlock, Binion & Brackett, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies*, used in or

in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, over irregular routes, between points in that part of Texas south of a line beginning at El Paso, thence along U.S. Highway 80 to Dallas, thence along U.S. Highway 175 to Jacksonville, thence along U.S. Highway 79 to the Texas-Louisiana State line, on the one hand, and, on the other, points in Colorado, Kansas, Montana, Oklahoma, Utah, Wyoming, and Lea and Eddy Counties, N. Mex. The purpose of this filing is to eliminate the gateway of points in that part of Texas on and north of a line beginning at El Paso, thence along U.S. Highway 80 to Dallas, thence along U.S. Highway 175 to Jacksonville, thence along U.S. Highway 79 to the Texas-Louisiana State line.

No. MC-109064 (Sub-No. E2), filed June 4, 1974. Applicant: TEX-O-KA-N TRANSPORTATION COMPANY, INC., P.O. Box 8367, Fort Worth, Tex. 76112. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines (other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage), between points in that part of Texas on and south of a line beginning at El Paso, thence along U.S. Highway 80 to Dallas, thence along U.S. Highway 175 to Jacksonville, thence along U.S. Highway 79 to the Texas-Louisiana State line, on the one hand, and, on the other, points in Oklahoma, Kansas, Lea, and Eddy Counties, N. Mex., Colorado, Wyoming, Utah, and Montana, restricted to the transportation of commodities which because of size or weight require the use of special equipment, further restricted to the transportation of shipments moving to or from pipeline rights-of-way, and further restricted to the transportation of such commodities as are also classifiable as iron and steel articles, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209. The purpose of this filing is to eliminate the gateway of points in that part of Texas on and north of a line beginning at El Paso, thence along U.S. Highway 80 to Dallas, thence along U.S. Highway 175 to Jacksonville, thence along U.S. Highway 79 to the Texas-Louisiana State line.

No. MC-109064 (Sub-No. E3), filed June 4, 1974. Applicant: TEX-O-KA-N TRANSPORTATION CO., INC., P.O. Box 8367, Forth Worth, Tex. 76112. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines for the transportation of water and sewerage, including the stringing and picking up of pipe, from Corpus Christi, Galveston, and Houston, Tex., to points in Kansas, Oklahoma, Lea, and Eddy Counties, N. Mex., Colorado, Wyoming, Utah, and Montana, restricted to the transportation of traffic originating at or destined to pipeline rights-of-way and further restricted to the transportation of such commodities as are iron and steel articles. The purpose of this filing is to eliminate the gateway of points in that part of Texas on and north of a line beginning at El Paso, thence along U.S. Highway 80 to Dallas, thence along U.S. Highway 175 to Jacksonville, thence along U.S. Highway 79 to the Texas-Louisiana State line.

No. MC-109064 (Sub-No. E4), filed June 4, 1974. Applicant: TEX-O-KA-N TRANSPORTATION CO., INC., P.O. Box 8367, Forth Worth, Tex. 76112. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Forth Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe*, incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities into or from holes or wells, between points in that part of Texas on and south of a line beginning at El Paso, thence along U.S. Highway 80 to Dallas, thence along U.S. Highway 175 to Jacksonville, thence along U.S. Highway 79 to the Texas-Louisiana State line, on the one hand, and, on the other, points in Oklahoma, Kansas, Lea, and Eddy Counties, New Mexico, Colorado, Wyoming, Utah, and Montana, restricted to the transportation of commodities which because of size or weight require the use of special equipment, and further restricted to the transportation of such commodities as are also classifiable as iron and steel articles, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209. The purpose of this filing is to eliminate the gateway of points in that part of Texas on and north of a line beginning at El Paso, thence along U.S. Highway 80 to Dallas, thence along U.S. Highway 175 to Jacksonville, thence along U.S. Highway 79 to the Texas-Louisiana State line.

No. MC-109064 (Sub-No. E5), filed June 4, 1974. Applicant: TEX-O-KA-N TRANSPORTATION COMPANY, INC., P.O. Box 8367, Fort Worth, Tex. 76112. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe*, incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, from Corpus Christi, Galveston, and Houston, Tex., to points in Oklahoma, Kansas, Lea, and Eddy Counties, N. Mex., Colorado, Wyoming, Utah, and Montana, restricted to the transportation of such above-specified commodities as are iron and steel articles. The purpose of this filing is to eliminate the gateway of points in that part of Texas on and north of a line beginning at El Paso, thence along U.S. Highway 80 to Dallas, thence along U.S. Highway 175 to Jacksonville, thence along U.S. Highway 79 to the Texas-Louisiana State line.

No. MC-109064 (Sub-No. E6), filed June 4, 1974. Applicant: TEX-O-KA-N TRANSPORTATION COMPANY, INC., P.O. Box 8367, Fort Worth, Tex. 76112. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Forth Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, *and machinery, materials, equipment, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, between points in that part of Texas on and east of a line beginning at the Texas-Arkansas State line, thence along U.S. Highway 59 to junction U.S. Highway 96, thence along U.S. Highway 96 to Port Arthur, on the one hand, and, on the other, points in that part of New Mexico on and east of a line beginning at the New Mexico-Oklahoma State line, thence along New Mexico Highway 18 to junction U.S. Highway 54, thence along U.S. Highway 54 to Tucumcari, thence along New Mexico Highway 18 to the Texas-New Mexico State line, restricted to the transportation of traffic from or to actual oilfields. The purpose of this filing is to eliminate the gateway of points in Louisiana.

No. MC-109064 (Sub-No. E7), filed June 4, 1974. Applicant: TEX-O-KA-N TRANSPORTATION COMPANY, INC., P.O. Box 8367, Fort Worth, Tex. 76112. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort

Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines for the transportation of water and sewage, including the stringing and picking up of pipe, when such commodities also are iron and steel articles, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, between points in that part of Texas on and south of a line beginning at El Paso, thence along U.S. Highway 80 to Dallas, thence along U.S. Highway 175 to Jacksonville, thence along U.S. Highway 79 to the Texas-Louisiana State line, on the one hand, and, on the other, points in Oklahoma, Kansas, Lea and Eddy Counties, N. Mex., Colorado, Wyoming, Utah, and Montana; restricted to the transportation of traffic originating at or destined to pipeline rights-of-way, and further restricted to the transportation of commodities which because of size or weight require the use of special equipment. The purpose of this filing is to eliminate the gateway of that part of Texas on and north of a line beginning at El Paso, thence along U.S. Highway 80 to Dallas, thence along U.S. Highway 175 to Jacksonville, thence along U.S. Highway 79 to the Texas-Louisiana State line.

No. MC–109064 (Sub-No. E8), filed June 4, 1974. Applicant: TEX–O–KA–N TRANSPORTATION COMPANY, INC., P.O. Box 8367, Fort Worth, Tex. 76112. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and byproducts, water, or sewerage, from Corpus Christi, Galveston, and Houston, Texas, to points in Oklahoma, Kansas, Lea and Eddy Counties, N. Mex., Colorado, Wyoming, Utah, and Montana; restricted to the transportation of shipments moving to or from pipeline right-of-way, and further restricted to the transportation of such above specified commodities as are iron and steel articles. The purpose of this application is to eliminate the gateway of points in that part of Texas on and north of a line beginning at El Paso, thence along U.S. Highway 80 to Dallas, thence along U.S. Highway 175 to Jacksonville, thence along U.S. Highway 79 to the Texas-Louisiana State line.

No. MC–109064 (Sub-No. E11), filed June 4, 1974. Applicant: TEX–O–KA–N TRANSPORTATION COMPANY, INC., P.O. Box 8367, Fort Worth, Tex. 76112. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, tranporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *machinery, materials, equipment, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, between points in Louisiana, on the one hand, and, on the other, points in Oklahoma, Kansas, Wyoming, Montana, Colorado, Utah, and Lee and Eddy Counties, N. Mex. The purpose of this filing is to eliminate the gateway of points in that part of Texas on and north of a line beginning at El Paso, thence along U.S. Highway 80 to Dallas, thence along U.S. Highway 175 to Jacksonville, thence along U.S. Highway 79 to the Texas-Louisiana State line.

No. MC–110525 (Sub-No. E491), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), from points in North Carolina to points in that part of Missouri on and north of U.S. Highway 50. The purpose of this filing is to eliminate the gateways of Copperhill, Tenn., and Louisville, Ky.

No. MC–110525 (Sub-No. E514), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, NIC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Ohio to points in California. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E515), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in that part of Ohio on and east of U.S. Highway 23 to points in that part of Colorado on and west of Interstate Highway 25. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E561), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except derivatives of coal tar), in bulk, in tank vehicles, from points in Pennsylvania to points in that part of Kentucky on and south of Interstate Highway 64. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and S. Point, Ohio.

No. MC–111545 (Sub-No. E547), 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: *Machinery and contractors' equipment*, the transportation of which, because of size or weight, requires the use of special equipment, from points in Iowa and that part of Wisconsin within 300 miles of Ames, Iowa, to points in New Mexico. The purpose of this filing is to eliminate the gateway of points in Missouri.

No. MC–111545 (Sub-No. E551), 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: *Self-propelled articles*, each weighing 15,000 pounds or more, *and related machinery, tools, parts, and supplies*, moving in connection therewith, between points in that part of Kansas within 300 miles of Ames, Iowa, on the one hand, and, on the other, points in the Lower Peninsula of Michigan, and Ohio, restricted to the transportation of commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of Keokuk, Iowa.

No. MC–111545 (Sub-No. E553), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, STATION A, MARIETA, GA. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Self-propelled articles, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, between points in that part of Alabama within 175 miles of Chattanooga, Tenn., and on, east, and north of a line beginning at the Alabama-Tennessee State line, thence along U.S. Highway 31 to Birmingham, thence along U.S. Highway 11 to Woodstock, thence along Alabama Highway 5 to junction U.S. Highway 82, thence along U.S. Highway 82 to Montgomery, thence along U.S. Highway 80 to the Alabama-Georgia State line, on the one hand, and, on the other, points in that part of Missouri on and north of a line beginning at the Missouri Illinois State line, thence along Missouri Highway 6 to junction Missouri Highway 11, thence along Missouri Highway 11 to Brookfield, thence along U.S. Highway 36 to the Missouri-Kansas State line,

restricted to the transportation of commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of Clarksville, Tenn., and Keokuk, Iowa.

No. MC–111545 (Sub-No. E554), 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: *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith (except knitting machines), between points in that part of Mississippi within 175 miles of Chattanooga, Tenn., on the one hand, and, on the other, points in that part of Michigan on and east of a line beginning at the Michigan-Ohio State line, thence along U.S. Highway 127 to Lansing, thence along U.S. Highway 27 to Clare, thence along Michigan Highway 115 to Frankfort, restricted to the transportation of commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of Ringgold, Ga.

No. MC–111545 (Sub-No. E555), 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: *Machinery and contractors' equipment* the transportation of which, because of size or weight, requires the use of special equipment, from points in Nebraska to points in Arkansas. The purpose of this filing is to eliminate the gateway of points in Missouri.

No. MC–111545 (Sub-No. E556), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Oklahoma on, east, and south of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 77 to Oklahoma City, thence along Interstate Highway 40 to Checotah, thence along U.S. Highway 266 to Warner, thence along U.S. Highway 64 to the Oklahoma-Arkansas State line, on the one hand, and on the other, points in that part of West Virginia on, east, and south of a line beginning at the West Virginia-Virginia State line, thence along West Virginia Highway 83 to Ukon, thence along West Virginia Highway 16 to Beckley, thence along U.S. Highway 19 to Summersville, thence along West Virginia Highway 39 to Mill Point, thence along U.S. Highway 219 to the West Virginia-Maryland State line. The purpose of this filing is to eliminate the gateway of Greenville, S.C.

No. MC–111545 (Sub-No. E557), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, from points in South Carolina to points in Maryland. The purpose of this filing is to eliminate the gateway of the plant site of Continental Homes, Inc., at or near Rocky Mount, Va.

No. MC–111545 (Sub-No. E558), filed May 31, 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, from points in that part of Tennessee within 175 miles of Chattanooga, Tenn., and on and east of a line beginning at the Tennessee-Kentucky State line, thence along U.S. Highway 431 to Franklin, thence along U.S. Highway 31 to the Tennessee-Alabama State line, to points in that part of New Mexico on and west of U.S. Highway 54. The purpose of this filing is to eliminate the gateways of Ringgold, Ga., and Oklahoma City, Okla.

No. MC–111545 (Sub-No. E560), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Georgia on and east of a line beginning at the Georgia-North Carolina State line, thence along Georgia Highway 60 to Gainesville, thence along U.S. Highway 129 to junction Interstate Highway 20, thence along Interstate Highway 20 to the Georgia-South Carolina State line, on the one hand, and, on the other, points in Louisiana. The purpose of this filing is to eliminate the gateways of points in that part of Georgia within 175 miles of Chattanooga, Tenn., and points in that part of South Carolina within 175 miles of Chattanooga, Tenn.

No. MC–111545 (Sub-No. E562), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, the transportation of which, because of size or weight, requires the use of special equipment, from points in Utah to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, restricted against the transportation of commodities to be used in, or in connection with, main or trunk pipelines. The purpose of this filing is to eliminate the gateways of points in Missouri within 100 miles of Kansas City, Kans., and the plant site of Continental Homes, Inc., at or near Malden, Mo.

No. MC–111812 (Sub-No. E19), filed May 14, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: R. H. Jinks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouse*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Peoria, Ill., to points in Idaho, Montana, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of points in Iowa.

No. MC–111812 (Sub-No. E20), filed May 26, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: R. H. Jinks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products, dairy products, and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Fergus Falls, Minn., and Hartley, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia and the District of Columbia. The purpose of this filing is to eliminate the gateway of Estherville, Iowa.

No. MC–111812 (Sub-No. E21), filed May 16, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: R. H. Jinks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products, dairy products, and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Spencer and Hawarden, Iowa, and Luverne, Minn., to points

in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the Lower Peninsula of Michigan, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Estherville, Iowa.

No. MC-111812 (Sub-No. E22), filed May 17, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: R. H. Jinks (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, motion picture film, motion picture projection parts, advertising material, tickets, commodities in bulk, those injurious or contaminating to other lading, and those requiring special equipment), from points in Massachusetts and Connecticut to points in Audubon, Buena Vista, Calhoun, Carroll, Cass, Cerro Gordo, Cherokee, Clay, Crawford, Dickinson, Emmit, Fremont, Hancock, Harrison, Humboldt, Ida, Kossuth, Lyon, Mills, Monona, Montgomery, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Pottawattamie, Sac, Shelby, Sioux, Webster, Winnebago, Woodbury, and Worth Counties, Iowa, and Aitkin, Anoka, Becker, Beltrami, Benton, Big Stone, Blue Earth, Brown, Carver, Cass, Chippewa, Chisago, Clay, Clearwater, Cottonwood, Crow Wing, Dakota, Douglas, Faribault, Freeborn, Grant, Hennepin, Hubbard, Isanti, Itasca, Jackson, Kenabec, Kandiyohi, Kittson, Koochiching, Lac Qui Parle, Lake of the Woods, Le Sueur, Lincoln, Lyon, Mahnomen, Marshall, Martin, McLeod, Meeker, Mille Lacs, Morrison, Murray, Nicholllet, Nobles, Norman, Otter Tail, Pennington, Pipestone, Polk, Pope, Ramsey, Red Lake, Redwood, Renville, Rice, Rock, Roseau, Scott, Sherburne, Sibley, Stearns, Steele, Stevens, Swift, Todd, Traverse, Wadena, Waseca, Washington, Watonwan, Wilkin, Wright, and Yellow Medicine Counties, Minn. The purpose of this filing is to eliminate the gateway of Lakefield, Minn., and points within 25 miles thereof.

No. MC-113828 (Sub-No. E27), filed June 4, 1974. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from the terminal site of Southern Cement, division of Martin Marietta Corp., at Charlotte, N.C., to points in Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Norfolk, Va.

No. MC-113828 (Sub-No. E33), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER August 12, 1974. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and invert sugar*, in bulk, in tank vehicles, from points in Massachusetts, Rhode Island, Connecticut, New York, and Pennsylvania (except those points west of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 219, to its intersection with Interstate Highway 80, thence along Interstate Highway 80 to its intersection with Pennsylvania Highway 42, thence along Pennsylvania Highway 42 to its intersection with Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to its intersection with Pennsylvania Highway 10, thence along Pennsylvania Highway 10 to the Pennsylvania-Maryland State line, to points in Tennessee (except from points in New York west of Interstate Highway 81, and those in Pennsylvania west of a line beginning at the New York-Pennsylvania State line and extending along Interstate Highway 81 to its intersection with Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to its intersection with Pennsylvania Highway 10, thence along Pennsylvania Highway 10 to the Pennsylvania-Maryland State line, and points in South Carolina. The purpose of this filing is to eliminate the gateways of Atlantic County, N.J., Baltimore, Md., and Richmond, Va. The purpose of this correction is to correct a typographical error and to correctly describe the involved commodities.

No. MC-114552 (Sub-No. E4), filed April 27, 1974. Applicant: SENN TRUCKING CO., P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer), (A) from points in North Carolina on and west of a line beginning at the North Carolina-Tennessee State line and extending along U.S. Highway 23 to its intersection with U.S. Highway 25, and thence along U.S. Highway 25 to the North Carolina-South Carolina State line, to points in Massachusetts. (B) (1) from points in North Carolina on and west of a line beginning at the North Carolina-Tennessee State line and extending along U.S. Highway 23 to its intersection with U.S. Highway 25, and thence along U.S. Highway 25 to the North Carolina-South Carolina State line, to points in Rhode Island, and (2) from points in North Carolina on and west of U.S. Highway 221 and on and south of Interstate Highway 40, to points in New Hampshire and Vermont; (C) from points in North Carolina on, north, and east of a line beginning at Wilmington, N.C., and extending along U.S. Highway 421 to Siler City, thence along U.S. Highway 64 to Mocksville, and thence along U.S. Highway 601 to the North Carolina-Virginia State line (except points in Buncombe, Chatham, Cherokee, Columbus, Cumberland, Franklin, Guilford, Harnett, Henderson, Lee, Macon, Orange, Rockingham, Transylvania, Union, Beaufort, Hyde, Martin, Washington, Pitt, Craven, Pamlico, Jones, and Onslow Counties, points in Halifax County on and east of U.S. Highway 301, points in Edgecombe and Lenoir Counties on and east of U.S. Highway 258, points in Pender County on and east of U.S. Highway 117, and points in North Carolina within 50 miles of Sanford, N.C.), to points in Ohio on and west of a line beginning at the Ohio-Kentucky State line and extending along U.S. Highway 23 to Marion, and thence along Ohio Highway 4 to the shore of Lake Erie.

(D) (1) From points in North Carolina on and east of Interstate Highway 77, to points in Arkansas and Minnesota, (2) from points in North Carolina on and east of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 220 to its intersection with Interstate Highway 40, thence along Interstate Highway 40 to its intersection with Interstate Highway 77, and thence along Interstate Highway 77 to the North Carolina-South Carolina State line, to points in Missouri, (3) from points in North Carolina on and east of Interstate Highway 77 and on and south of U.S. Highway 64 to points in Wisconsin and Iowa, (4) from points in North Carolina, to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, and Illinois. (E) (1) from points in North Carolina (except points in Buncombe, Chatham, Cherokee, Columbus, Cumberland, Franklin, Guilford, Harnett, Henderson, Lee, Macon, Orange, Rockingham, Transylvania, Union, Beaufort, Hyde, Martin, Washington, Pitt, Craven, Pamlico, Jones, and Onslow Counties, points in Halifax County on and east of U.S. Highway 258, points in Pender County on and east of U.S. Highway 117, and points in North Carolina within 50 miles of Sanford, N.C., to points in Kentucky and Indiana; (2) from points in North Carolina (except points in Buncombe, Chatham, Cherokee, Columbus, Cumberland, Franklin, Guilford, Harnett, Henderson, Lee, Macon, Orange, Rockingham, Transylvania, Union, Beaufort, Hyde, Martin, Washington, Pitt, Craven, Pamlico, Jones, and Onslow Counties, points in Halifax County on and east of U.S. Highway 258, points in Pender County on and east of U.S. Highway 117, points in North Carolina within 50 miles of Sanford, N.C., and those points in North Carolina on, north, or east of a line beginning at the North Carolina-Virginia State line and extending along North Carolina Highway 35 to its intersection with U.S. Highway 158, thence along U.S. Highway 158 to its intersection with North Carolina Highway 45,

thence along North Carolina Highway 45 to its intersection with U.S. Highway 64, and thence along U.S. Highway 64 to its eastern terminus at or near Nags Head, N.C.), to points in Michigan; (F) from points in North Carolina on and west of U.S. Highway 221 and on and south of Interstate Highway 40, to points in Maine.

(G) (1) From points in North Carolina on, south, and west of a line beginning at the eastern terminus of U.S. Highway 74 at or near Wilmington, N.C., and extending along U.S. Highway 74 to its intersection with North Carolina Highway 211, thence along North Carolina Highway 211 to its intersection with U.S. Highway 220, thence along U.S. Highway 220 to its intersection with U.S. Highway 64, thence along U.S. Highway 64 to its intersection with U.S. Highway 601, thence along U.S. Highway 601 to its intersection with U.S. Highway 421, and thence along U.S. Highway 421 to the North Carolina-Tennessee State line, to points in New Jersey, (2) from points in North Carolina on, south, and west of a line beginning at the eastern terminus of U.S. Highway 74 at or near Wilmington, N.C., and extending along U.S. Highway 74 to its intersection with North Carolina Highway 211, thence along North Carolina Highway 211 to its intersection with U.S. Highway 220, thence along U.S. Highway 220 to its intersection with North Carolina Highway 24, thence along North Carolina Highway 24 to its intersection with U.S. Highway 52, thence along U.S. Highway 52 to its intersection with U.S. Highway 601, thence along U.S. Highway 601 to its intersection with U.S. Highway 421, thence along U.S. Highway 421 to the North Carolina-Tennessee State line, to points in Delaware, (3) from points in North Carolina on, south, and west of a line beginning at the eastern terminus of U.S. Highway 74 at or near Wilmington, N.C., and extending along U.S. Highway 74 to its intersection with North Carolina Highway 211, thence along North Carolina Highway 211 to its intersection with U.S. Highway 220, thence along U.S. Highway 220, to its intersection with North Carolina Highway 24, thence along North Carolina Highway 24 to its intersection with U.S. Highway 52, thence along U.S. Highway 52, to its intersection with U.S. Highway 70, thence along U.S. Highway 70 to the North Carolina-Tennessee State line, to points in Maryland.

(H) From points in North Carolina on, south, and west of a line beginning at the eastern terminus of U.S. Highway 74 at or near Wilmington, N.C., and extending along U.S. Highway 74 to its intersection with U.S. Highway 220, thence along U.S. Highway 220 to its intersection with North Carolina Highway 73, thence along North Carolina Highway 73 to its intersection with North Carolina Highway 150, thence along North Carolina Highway 150 to its intersection with U.S. Highway 74, thence along U.S. Highway 74 to its intersection with Interstate Highway 40, and thence along Interstate Highway 40 to the North Carolina-Tennessee State line, to points in Virginia; (I) from points in North Carolina on, south, or west of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 52 to its intersection with U.S. Highway 70, thence along U.S. Highway 70 to its intersection with Interstate Highway 77, thence along Interstate Highway 77 to the North Carolina-Virginia State line, to points in New York; (J) from points in North Carolina on, west, or south of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 52 to its intersection with U.S. Highway 70, thence along U.S. Highway 70 to its intersection with Interstate Highway 77, thence along Interstate Highway 77 to the North Carolina-Virginia State line, to points in Tennessee; (K) from points in North Carolina on and west of a line beginning at Wilmington, N.C., and extending along U.S. Highway 421 to Siler City, thence along U.S. Highway 64 to Mocksville, thence along U.S. Highway 601 to the North Carolina-Virginia State line (except points in Buncombe, Chatham, Cherokee, Columbus, Cumberland, Franklin, Guilford, Harnett, Henderson, Lee, Macon, Orange, Rockingham, Transylvania, Union, Beaufort, Hyde, Martin, Washington, Pitt, Craven, Pamlico, Jones, and Onslow Counties, points in Halifax County, on and east of U.S. Highway 301, points in Edgecombe and Lenoir Counties on and east of U.S. Highway 258, points in Penderk County, on and east of U.S. Highway 117, and points in North Carolina within 50 miles of Sanford, N.C.) to points in Ohio.

(L) from points in North Carolina on, west, or south of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 52 to its intersection with U.S. Highway 70, thence along U.S. Highway 70 to its intersection with Interstate Highway 77, thence along Interstate Highway 77 to the North Carolina-Virginia State line, to points in West Virginia; (M) from points in North Carolina on, west, or south of a line beginning at Wilmington, N.C., and extending along U.S. Highway 421 to its intersection with U.S. Highway 64, thence along U.S. Highway 64 to its intersection with U.S. Highway 601, thence along U.S. Highway 601 to its intersection with U.S. Highway 421, thence along U.S. Highway 421 to the North Carolina-Tennessee State line, to points in Connecticut. The purpose of this filing is to eliminate the following gateways: (1) points in Georgia for (A) and (B) above; (2) points in Tennessee for (C), (E), (I), (J), (K), and (L) above; (3) points in Greenwood County, S.C., or points in Tennessee for (D) above; (4) points in South Carolina for (G), (H), and (M) above; and (5) points in Greenwood County, S.C., for (F) above.

No. MC-114569 (Sub-No. E1), filed May 24, 1974. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from points in the Upper Peninsula of Michigan and points in Wisconsin to points in Delaware, points in Maryland on and east of Interstate Highway 81, and points in New Jersey and the District of Columbia. The purpose of this filing is to eliminate the gateway of Milton, Pa.

No. MC-114569 (Sub-No. E2), filed May 24, 1974. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese*, from points in the Upper Peninsula of Michigan to points in New York on and east of a line from the junction of the Geneseo River and Lake Ontario along the Geneseo River to the junction of U.S. Highway 15, thence along U.S. Highway 15 to the junction of New York Highway 21, thence along New York Highway 21 to the junction of New York Highway 17, thence along New York Highway 17 to Wellsville, thence along New York Highway 17 to the Pennsylvania-New York State line, points in Virginia on and east of a line from the North Carolina-Virginia State line along U.S. Highway 15 to Sprouses Corner, thence along U.S. Highway 60 to the junction of Virginia Highway 56, thence along Virginia Highway 56 to Lovingston, thence along U.S. Highway 29 to the junction of Virginia Highway 6, thence along Virginia Highway 6 to the junction of U.S. Highway 250, thence along U.S. Highway 250 to the junction of Skyline Drive, thence along Skyline Drive to Front Royal, thence along U.S. Highway 522 to Winchester, thence along Interstate Highway 81 to the Virginia-West Virginia State line. (2) *Cheese*, from points in Wisconsin to points in New York on and east of a line from Sodus Point along New York Highway 14 to Watkins Glen, thence along New York Highway 414 to Corning, thence along New York Highway 17 to the junction of U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line, points in Virginia on and east of a line from the North Carolina-Virginia State line along Interstate Highway 85 to the junction of Virginia Highway 138, thence along Virginia Highway 138 to Kenbridge, thence along Virginia Highway 40 to Blackstone, thence along Virginia Highways 625 and 614 to Amelia, thence along Virginia Highway 1002 to the junction of U.S. Highway 522, thence along U.S. Highway 522 to Culpeper, thence along Virginia Highway 729 to Flint Hill, thence along U.S. Highway 522 to the junction of U.S. Highway 340, thence along U.S. Highway 340 to the Virginia-West Virginia State line. The purpose of

this filing is to eliminate the gateway of Milton, Pa.

No. MC–114569 (Sub-No. E3), filed May 24, 1974. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Bloomsburg, Pa., and Northumberland, Pa., and points within 5 miles thereof, to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, Wisconsin, and Wyoming, and points in Tennessee west of U.S. Highway 27. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC–114569 (Sub-No. E4), filed May 24, 1974. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* from Bloomsburg and Northumberland, Pa., and points within five miles of Northumberland to Athens, Cleveland, Greeneville, Johnson City, Kingsport, Knoxville, LaFollette, Morristown, and Newport, Tenn., and that portion of Chattanooga, Tenn., east of U.S. Highway 27. The purpose of this filing is to eliminate the gateway of Berryville, Va.

No. MC–114569 (Sub-No. E5), filed May 24, 1974. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned goods* from Wilson, Webster, Geneseo, Lindenville, Newark, Holcomb, Morton, Dundee, Victor and Sodus, N.Y., to points in Arkansas, Delaware, Kansas, Maryland, New Jersey, Tennessee, Virginia, West Virginia, and the District of Columbia; (2) *Canned goods* from Dundee, N.Y., to points in Michigan, Missouri, and Wisconsin; (3) *Canned goods* from Webster, Newark, Holcomb, Morton, Victor, and Sodus, N.Y., to points in Missouri; (4) *Canned goods* from Newark, Victor, and Sodus, N.Y., to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Milton, Pa.

No. MC–114569 (Sub-No. E6), filed May 24, 1974. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs* not frozen, in packages or containers (except in bulk, in tank vehicles), from Milton, Pa., to point in Alabama, Georgia, Kentucky, North Carolina, and South Carolina. The purpose of this filing is to eliminate the gateway of Winchestser, Va.

No. MC–114569 (Sub-No. E7), filed May 24, 1974. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* and *vinegar* in containers, from Milton, Pa., to points in Arizona, California, Colorado, Idaho, Iowa, Louisiana, Minnesota, Mississippi, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC–116915 (Sub-No. E1), filed May 28, 1974. Applicant: ECK MILLER TRANSPORTATION CORP., 1125 Sweeney St., Owensboro, Ky. 42301. Applicant's representative: William P. Sullivan, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum oil well and mine machinery, aluminum pipe, aluminum supplies, and supplies* used in the manufacture and processing thereof (except commodities in bulk), between points in West Virginia, on the one hand, and, on the other, points in Arkansas and Texas. The purpose of this filing is to eliminate the gateway of the facilities of National Aluminum Corporation at or near Hawesville, Ky.

No. MC–118959 (Sub-No. E1) (Correction), filed April 25, 1974, published in the FEDERAL REGISTER August 19, 1974. Applicant: JERRY LIPPS, INC., 919 18th St. NW., Washington, D.C. 20006. Applicant's representative: William P. Jackson, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: * * * (C) *plastic pipe, cement asbestos pipe, fittings, compounds, joint sealer, bonding cement, plastic siding, and materials and supplies* used in the installation of plastic and plastic products, from the plantsite of Certain-Teed Products Corporation at Social Circle, Ga., to points in California, Oregon, Washington, Montana, Idaho, Utah, Arizona, Colorado, Wyoming, North Dakota, South Dakota, Nebraska, Nevada, Kansas, Indiana, Michigan, Ohio, those parts of Oklahoma and New Mexico on, north, and west of a line beginning at the Kansas-Oklahoma State line, thence along U.S. Highway 169 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Texas-New Mexico State line, that part of Illinois on and north of a line beginning at the Illinois-Indiana State line, thence along Illinois Highway 141 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction Illinois Highway 149, thence along Illinois Highway 149 to junction Illinois Highway 3, thence along Illinois Highway 3 to Chester, thence along Illinois Highway 51 to the Illinois-Missouri State line, and those part of Massachusetts, Connecticut, New York, Pennsylvania, and West Virginia on, north, and west of a line beginning at the Atlantic Ocean, thence along U.S. Highway 6 to junction Interstate Highway 84, thence along Interstate Highway 84 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction West Virginia Highway 84, thence along West Virginia Highway 84 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction U.S. Highway 52, thence along U.S. Highway 52 to the West Virginia-Kentucky State line.

* * * (E) *building materials*, from Chicago, Ill., to points in South Carolina, North Carolina, Georgia, Alabama, Florida, that part of Virginia on and south of a line beginning at the Atlantic Ocean, thence along Virginia Highway 175 to junction U.S. Highway 13, thence along U.S. Highway 13 to Norfolk, thence along U.S. Highway 17 to Gloucester, thence along Virginia Highway 3 to Kilmarnock, Va., thence along Virginia Highway 200 to Burgess, thence along U.S. Highway 360 to Tappahannock, thence along U.S. Highway 17 to Port Royal, thence along U.S. Highway 301 to Bowling Green, thence along Virginia Highway 207 to junction Interstate Highway 95, thence along Interstate Highway 95 to Richmond, thence along U.S. Highway 33 to Ruckersville, thence along U.S. Highway 29 to Charlottesville, thence along U.S. Highway 250 to Staunton, thence along Interstate Highway 81 to junction Virginia Highway 39, thence along Virginia Highway 39 to the Virginia-West Virginia State line, that part of West Virginia on and south of a line beginning at the Virginia-West Virginia State line, thence along West Virginia Highway 39 to Gauley Bridge, thence along U.S. Highway 60 to the West Virginia-Kentucky State line, that part of Mississippi on, east, and south of a line beginning at the Alabama-Mississippi State line, thence along Mississippi Highway 25 to junction U.S. Highway 78, thence along U.S. Highway 78 to junction Natchez Trace National Parkway, thence along Natchez Trace National Parkway to junction U.S. Highway 82, thence along U.S. Highway 82 to the Mississippi-Arkansas State line,

that part of Arkansas on, south, and east of a line beginning at the Mississippi-Arkansas State line, thence along U.S. Highway 82 to El Dorado, thence along U.S. Highway 167 to the Arkansas-Louisiana State line, that part of Louisiana on, east, and south of a line beginning at the Arkansas-Louisiana State line, thence along U.S. Highway 167 to Homer, thence along U.S. Highway 79 to Shreveport, thence along U.S. Highway 80 to the Louisiana-Texas State line, that part of Texas on and south of a line beginning at the Louisiana-Texas State line, thence along U.S. Highway 80 to Gladewater, thence along U.S. Highway 271 to Tyler, thence along Texas Highway 31 to Corsicana, thence along Texas Highway 22 to Hamilton, thence along Texas Highway 218 to junction U.S. Highway 84, thence along U.S. Highway 84 to Brownwood, thence along U.S. Highway 67 to Ballinger, thence along Texas Highway 158 to junction U.S. Highway 385, thence along U.S. Highway 385 to Andrews, thence along Texas Highway 176 to the Texas-New Mexico State line, those parts of New Mexico (1) on and south of a line beginning at the Texas-New Mexico State line, thence along New Mexico Highway 176 to junction New Mexico Highway 18, thence along New Mexico Highway 18 to Hobbs, thence southwest along U.S. Highway 62 to the Texas-New Mexico State line, and (2) on and south of Interstate Highway 10, that part of Arizona on, south, and west of a line beginning at the Arizona-New Mexico State line, thence along Interstate Highway 10 to Phoenix, thence along Interstate Highway 17 to junction Arizona Highway 69, thence along Arizona Highway 69 to Prescott, thence along U.S. Highway 89 to Congress, thence along Arizona Highway 71 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Arizona-California State line, that part of California on, south and west of a line beginning at the Arizona-California State line, thence along Interstate Highway 40 to Barstow, thence along California Highway 58 to Bakersfield, thence along California Highway 99 to Merced, thence along California Highway 140 to Gustine, thence along California Highway 33 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction California Highway 152, thence along California Highway 152 to Gilroy, thence along U.S. Highway 101 to junction California Highway 156, thence along California Highway 156 to the Pacific Ocean; (F) *composition board, asphalt roofing, and related accessories, and equipment, materials, and supplies,* * * * The purpose of this filing is to eliminate the gateway of the plantsite of Tech-Panel Corporation at or near Springfield, Ky. The purpose of this partial correction is to clarify the route descriptions. The remainder of the letter-notice remains as previously published.

No. MC–118959 (Sub-No. E3) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER August 12, 1974. Applicant: JERRY LIPPS, INC., 130 S. Frederick St., Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, 919 18th St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* . . . (2) from the plantsites and facilities of The Mead Corporation at or near Chillicothe and Schooleys, Ohio to points in that part of Alabama on and south of a line beginning at the Florida-Alabama State line, thence along U.S. Highway 331 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 43, thence along U.S. Highway 43 to junction Alabama Highway 56, thence along Alabama Highway 56 to the Alabama-Mississippi State line, that part of Mississippi on and south of a line beginning at the Alabama-Mississippi State line, thence along Mississippi Highway 42 to Hattiesburg, thence along U.S. Highway 98 to the Mississippi-Louisiana State line, and those parts of Louisiana and Texas on and south of a line beginning at the Mississippi-Louisiana State line, thence along U.S. Highway 84 to junction Louisiana Highway 28, thence along Louisiana Highway 28 to junction Louisiana Highway 8, thence along Louisiana Highway 8 to the Louisiana-Texas State line, thence along Texas Highway 63 to Jasper, thence along U.S. Highway 190 to Bryan, thence along Texas Highway 21 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction U.S. Highway 377, thence along U.S. Highway 377 to the International Boundary line between the United States and Mexico (the plantsite and storage facilities utilized by St. Regis Paper Company at or near Cantonment, Fla.) *; and

(3) From the plantsites and facilities of The Mead Corporation at or near Kingsport and Gray, Tenn., to points in Arizona, that part of Alabama on and south of a line beginning at the Alabama-Florida State line, thence along U.S. Highway 331 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 43, thence along U.S. Highway 43 to junction Alabama Highway 56, thence along Alabama Highway 56 to the Alabama-Mississippi State line, that part of Mississippi on and south of a line beginning at the Alabama-Mississippi State line, thence along Mississippi Highway 42 to Hattiesburg, thence along U.S. Highway 98 to the Mississippi State line, that part of Louisiana on and south of a line beginning at the Mississippi-Louisiana State line, thence along U.S. Highway 84 to junction Louisiana Highway 6, thence along Louisiana Highway 6 to the Louisiana-Texas State line, that part of Texas on, south, and west of a line beginning at at the Louisiana-Texas State line, thence along Texas Highway 21 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 287, thence along U.S. Highway 287 to Corsicana, thence along Texas Highway 22 to junction Texas Highway 6, thence along Texas Highway 6 to junction Texas Highway 36, thence along Texas Highway 36 to Abilene, thence along U.S. Highway 84 to the Texas-New Mexico State line, and that part of New Mexico on, south, and west of U.S. Highway 84 (the plantsite and storage facilities utilized by St. Regis Paper Company at or near Cantonment, Fla.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to add to the destination territories. The remainder of the letter-notice remains as previously published.

No. MC–118959 (Sub-No. E18), (Correction), filed May 9, 1974, published in the FEDERAL REGISTER August 16, 1974. Applicant: JERRY LIPPS, INC., 130 South Frederick St., Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 919 18th St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plantsite and storage facilities utilized by Hudson Pulp and Paper Corp., in Putnam County, Fla., to points in Nebraska. The purpose of this filing is to eliminate the gateway of the plantsite of Union Camp Corporation at Normal, Ill. The purpose of this correction is to correct the plantsite and storage facilities.

No. MC–118959 (Sub-No. E30) (Correction), filed May 9, 1974, published in the FEDERAL REGISTER August 19, 1974. Applicant: JERRY LIPPS, INC., 130 S. Frederick St., Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 919 18th St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from the plantsite and storage facilities utilized by Hudson Pulp and Paper Corp., in Putnam County, Fla., to points in California and that part of Oklahoma on and north of a line beginning at the Arkansas-Oklahoma State line, thence along U.S. Highway 62 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Interstate Highway 40, thence along Interstate Highway 40 to Oklahoma City, thence along U.S. Highway 277 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Oklahoma-Texas State line; . . . The purpose of this filing is to eliminate the gateway of the plantsite of Charmin Paper Products Co., near Neely's Landing, Mo. The purpose of this partial correction is to clarify the route description. The remainder of the letter-notice remains as previously published.

No. MC–118959 (Sub-No. E36) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER August 19, 1974. Applicant: JERRY LIPPS, INC., 130 S. Frederick St., Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 919 18th St. NW.,

Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: . . . (D) *plastic conduit, plastic siding, and plastic moldings*, from Waco, Tex., to the District of Columbia, and points in Oregon, Washington, Idaho, Montana, Wyoming, North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Wisconsin, Michigan, Pennsylvania, New York, New Jersey, Delaware, Vermont, New Hamphsire, Massachusetts, Connecticut, Rhode Island, Maine, that part of Utah on and north of a line beginning at the Nevada-Utah State line, thence along Utah Highway 56 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction Utah Highway 20, thence along Utah Highway 20 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction Utah Highway 4, thence along Utah Highway 4 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Utah-Colorado State line, that part of Missouri on and south of a line beginning at the Kansas-Missouri State line, thence along Interstate Highway 70 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Missouri-Illinois State line, that part of Illinois on and north of a line beginning at the Missouri-Illinois State line, thence along U.S. Highway 54 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Illinois-Indiana State line, that part of Indiana on and north of a line beginning at the Illinois-Indiana State line, thence along U.S. Highway 36 to the Indianapolis, thence along U.S. Highway 40 to junction U.S. Highway 35, thence along U.S. Highway 35 to the Indiana-Ohio State line, that part of Ohio on and north of a line beginning at the Indiana-Ohio State line, thence along U.S. Highway 35 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway Alternate 50, thence along U.S. Highway Alternate 50 to the Ohio-West Virginia State line, that part of West Virginia on and north of a line beginning at the Ohio-West Virginia State line, thence along U.S. Highway Alternate 50 to junction U.S. Highway 50, thence along U.S. Highway 50 to the West Virginia-Maryland State line, and those parts of Maryland and Virginia on and north of U.S. Highway 50 (McPherson, Kans.)* . . . The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to clarify the destination territory. The remainder of the letter-notice remains as previously published.

No. MC–119774 (Sub-No. E1), filed May 31, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe* (except as described in *Mercer-Extension-Oil Field Commodities*, 74MC.C. 459), from Lone Star, Tex., to points in the District of Columbia. The purpose of this filing is to eliminate the gateway of Van Buren, Ark.

No. MC–124774 (Sub-No. E1), filed May 17, 1974. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., P.O. Box 7344, Omaha, Nebr. 68107. Applicant's representative: Clifford J. Foltz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products and articles* distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766 (except hides), from the plantsite and storage facilities of or utilized by American Beef Packers, Inc., in Pottawattamie County, Iowa to points in Maine, New Hampshire, Vermont, and Virginia. The purpose of this filing is to eliminate the gateway of Norfolk, Nebr.

No. MC–127487 (Sub-No. E1), filed May 8, 1974. Applicant: HOLT MOTOR EXPRESS, INC., 701 North Broadway, Gloucester City, N.J. 08030. Applicant's representative: Alan Kahn, Two Penn Center Suite 1920, Kennedy Blvd. at 15th Street, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(1) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, lumber, meats, perishable food products, films, dairy products, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points within a radius of 200 miles of Philadelphia, on the one hand, and, on the other, Audubon, Berlin, Beverly, Bridgeton, Camden, Collingswood, Delair, Gloucester, Gibbstown, Merchantville, Millville, Newport, Paulsboro, Riverton, Salem, Trenton, Vineland, Westfield, and Yardville, N.J., Wilmington and Yorklyn, Del., and Philadelphia, Pa. (except (1) between points in Connecticut, New York, Massachusetts, and Rhode Island within a radius of 200 miles of Philadelphia, Pa., on the one hand, and, on the other, Trenton, Westfield, and Yardville, N.J., (2) between points in Delaware, Maryland, Pennsylvania, Virginia, and West Virginia within 200 miles of Philadelphia, on the one hand, and, on the other, Wilmington and Yorklyn, Del., and (3) between points in New Jersey and Delaware, on the one hand, and, on the other, Audubon, Berlin, Beverly, Bridgeton, Camden, Collingswood, Delair, Gloucester, Gibbstown, Merchantville, Millville, Newport, Paulsboro, Riverton, Salem, Trenton, Vineland, Westfield, and Yardville, N.J., and Wilmington and Yorklyn, Del.

(2) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, lumber, meats, perishable food products, films, alcoholic beverages, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points within a radius of 200 miles of Philadelphia, Pa. (except points in New Jersey and Delaware), on the one hand, and, on the other, Absecon, Longport, Ocean City, Pleasantville, Somers Point, N.J., and points in Cape May County, N.J. The purpose of this filing is to eliminate the gateway of Gloucester City, N.J.

No. MC–138514 (Sub-No. E1), filed May 15, 1974. Applicant: ARCTICARE TRANSPORT, INC., 307 Hartford Pike, Shrewsbury, Mass. 01545. Applicant's representative: Edward G. Villalon, 13th and Pennsylvania Avenue NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, frozen foodstuffs, dairy products*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, *imitation liquid milk and cream*, and *chocolate candies*, in vehicles equipped with mechanical refrigeration; (1)(a) between points in Aroostook and Washington Counties, Maine, on the one hand, and, on the other, points in Delaware, Maryland, the District of Columbia, Pennsylvania, and points in Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenanga, Columbia, Cortland, Delaware, Dutchess, Erie, Genesee, Greene, Livingston, Madison, Monroe, Niagara, Oneida, Onondaga, Ontario, Orange, Orleans, Oswego, Otsego, Putnam, Rockland, Schuyler, Seneca, Steuben, Sullivan, Tioga, Tompkins, Ulster, Wayne, Wyoming, and Yates Counties, N.Y., and (b) between points in Maine (except points in Aroostook Counties, Maine), on the one hand, and, on the other, points in Pennsylvania, Delaware, Maryland, the District of Columbia, and points in Allegany, Broome, Cattaraugus, Chautauqua, Chemung, Dutchess, Erie, Niagara, Orange, Putnam, Rockland, Schuyler, Steuben, Sullivan, Tioga, Tompkins, and Ulster Counties, N.Y.; (2) between points in Connecticut, on the one hand, and, on the other, points in Maine and points in Belknap, Carroll, Coos, Rockingham, and Strafford Counties, N.H.; (3) between Ayer, Billerica, Fall River, Fitchburg, Gardner, Greenfield, Lawrence, Lowell, Lunenburg, Monroe Bridge, North Adams, Pittsfield, Shrewsbury, and Worcester, Mass., on the one hand, and, on the other, points in Delaware, Maryland, the District of Columbia, and Pennsylvania (except Bradford, Crawford, Erie, McKean, Potter, Susquehanna, Tioga, Warren, and Wayne Counties); (4) between points on Long Island, N.Y. west of New York Highway 112 located in Nassau and Suffolk Counties, on the one hand, and, on the other, points in Alleghany, Anne Arundel, Baltimore, Calvert, Caroline, Carroll, Charles, Dorchester, Frederick, Garrett, Howard, Montgomery, Prince Georges, St. Marys, Somerset, Talbot, Washington, Wicomico, and Worcester Counties, Md., points in Adams, Allegheny, Armstrong, Beaver, Bedford,

Blair, Bradford, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Columbia, Crawford, Cumberland, Elk, Erie, Fayette, Forest, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Juniata, Lawrence, Lycoming, McKean, Mercer, Mifflin, Montour, Northumberland, Perry, Potter, Snyder, Somerset, Sullivan, Susquehanna, Tioga, Union, Venango, Warren, Washington, Westmoreland, and Wyoming Counties, Pa., and points in Kent and Sussex Counties, Del.;

(5) Between points in Westchester County, N.Y., on the one hand, and, on the other, points in Delaware, Maryland, the District of Columbia, and points in Adams, Allegheny, Armstrong, Beaver, Bedford, Berks, Blair, Bucks, Butler, Cambria, Cameron, Centre, Chester, Clarion, Clearfield, Clinton, Crawford, Cumberland, Dauphin, Delaware, Elk, Erie, Fayette, Forest, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Juniata, Lancaster, Lawrence, Lebanon, Lehigh, McKean, Mercer, Mifflin, Montgomery, Northumberland, Perry, Philadelphia, Potter, Schuylkill, Snyder, Somerset, Union, Venango, Warren, Washington, Westmoreland, and York Counties, Pa.; (6) between the following counties in New Hampshire, on the one hand, points in Belknap, Carroll, Coos, Hillsborough, Merrimack, Rockingham, and Strafford Counties, N.H., on the one hand, and, on the other, points in Delaware, Maryland, the District of Columbia, and points in Adams, Allegheny, Armstrong, Beaver, Bedford, Berks, Blair, Bucks, Butler, Cambria, Cameron, Carbon, Centre, Chester, Clarion, Clearfield, Clinton, Columbia, Cumberland, Dauphin, Delaware, Elk, Fayette, Forest, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Juniata, Lancaster, Lawrence, Lebanon, Lehigh, Luzerne, Lycoming, Mercer, Mifflin, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Schuylkill, Snyder, Somerset, Sullivan, Union, Venango, Washington, Westmoreland, and York Counties, Pa.; and (7) between points in Belknap, Hillsborough, Merrimack, Rockingham, and Strafford Counties, N.H., on the one hand, and, on the other, points in Allegany, Broome, Cattaraugus, Chautauqua, Chemung, Dutchess, Orange, Putnam, Rockland, Steuben, Sullivan, and Tioga Counties, N.Y. The purpose of this filing is to eliminate the gateways of (a) Billerica, Mass. and points in Fairfield County, Conn. for (1), (6), and (7) above, (b) Billerica, Mass. for (2) above, (c) points in Fairfield County, Conn. for (3), (4), and (5) above.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-20876 Filed 9-9-74;8:45 am]

[AB 68 (Sub-No. 1); Finance Docket No. 27428]

LAKE SUPERIOR AND ISHPEMING RAILROAD CO.

Application To Acquire Trackage Rights and Abandonment of Certain Lines

AUGUST 27, 1974.

The Interstate Commerce Commission hereby gives notice that: 1. On Friday, July 5, 1974, notice was published in Marquette County, Mich., that an environmental threshold assessment survey was made in the above-entitled proceedings and based on that assessment an order was served finding that the proceedings did not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq. 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the July 5, 1974 notice. 3. These proceedings are now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-20874 Filed 9-9-74;8:45 am]

[Notice No. 152]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

SEPTEMBER 10, 1974.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before September 30, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75324. By order of September 3, 1974 the Motor Carrier Board approved the transfer to Veach Truck Service, Inc., Vienna, Ill., of Permit No. MC-138310 issued to Allen D. Veach, Vienna, Ill., January 4, 1974, authorizing the transportation of gasoline and diesel fuel, in bulk, from Mt. Vernon, Ind., Paducah, Ky., and Cape Girardeau and Scott City, Mo., to points in Alexander, Hardin, Jackson, Johnson, Massac, Pope, Pulaski, and Union Counties, Ill. Robert T. Lawley, Esq., 300 Reisch Building, Springfield, Ill. 62701.

No. MC-FC-75327. By order of September 3, 1974, the Motor Carrier Board approved the transfer to Lorraine T. Dayton, doing business as R & L Trucking & Contracting, Kodiak, Alaska, of the operating rights in Certificate No. MC-126123 (Sub-No. 1) issued August 25, 1971, to Gary K. Wiggins, doing business as North Pacific Trucking & Contracting, Kodiak, Alaska, authorizing the transportation of general commodities, except those of unusual value, household goods as defined by the Commission, and Class A and B explosives, between points in Kodiak Island, Alaska. Robert J. Mahoney, 717 K Street, Suite 201, Anchorage, Alaska 99501. Attorney for applicants.

No. MC-FC-75330. By order of September 3, 1974, the Motor Carrier Board approved the transfer to Stephens Car Transport, Inc., Darlington, S.C., of the operating rights in Certificate No. MC-135541 (Sub-No. 1) issued May 3, 1973, to C. E. Lord, doing business as Lord Auto Sales, Beech Island, S.C., authorizing the transportation of used passenger automobiles, in truckaway service, between the site of The Clanton Auto Auction at Darlington, S.C., on the one hand, and, on the other, points in North Carolina, Virginia, Tennessee, Georgia, Florida, and Alabama. O. Allen Alexander, P.O. Box 581, Darlington, S.C. 29532. Attorney for applicants.

No. MC-FC-75335. By order of September 3, 1974, the Motor Carrier Board approved the transfer to Jerome Koenig, Fairfax, S. Dak., of the operating rights in Certificate No. MC-128989 issued December 9, 1969, to John Koenig and Robert Koenig, doing business as Koenig Trucking, Fairfax, S. Dak., authorizing the transportation of fertilizer, from the plantsite of the Crystal Chemical Company at South Sioux City, Nebr., to points in Gregory, Charles Mix, and Tripp Counties, S. Dak., and lumber and poultry and animal feed, from Sioux City, Iowa, to points in Gregory, Charles Mix, and Tripp Counties, S. Dak. Don A. Bierle, 322 Walnut Street, Yankton, S. Dak. 57078. Attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-20870 Filed 9-9-74;8:45 am]

[AB 18 (Sub-No. 7)]

NICHOLAS, FAYETTE, AND GREENBRIER RAILROAD CO.

Abandonment Portion Greenbrier and Eastern Branch

AUGUST 27, 1974.

The Interstate Commerce Commission hereby gives notice that: 1. On Friday,

August 2, 1974, notice was published in Greenbrier County, West Virginia, that an environmental threshold assessment survey was made in the above-entitled proceeding and based on that assessment an order was served finding that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq. 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the August 2, 1974 notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-20871 Filed 9-9-74;8:45 am]

[AB 18 (Sub-No. 8)]

NICHOLAS, FAYETTE, AND GREENBRIER RAILROAD CO.

Abandonment Portion Hawley Branch

AUGUST 27, 1974.

The Interstate Commerce Commission hereby gives notice that: 1. Thursday, August 1, 1974, notice was published in Fayette County, West Virginia, that an environmental threshold assessment survey was made in the above-entitled proceeding and based on that assessment an order was served finding that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq. 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the August 1, 1974 notice. 3. This proceeding is no ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-20872 Filed 9-9-74;8:45 am]

federal register

TUESDAY, SEPTEMBER 10, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 176

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

■

NATIONAL BLOOD POLICY

Department Response to Private Sector Implementation Plan

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

NATIONAL BLOOD POLICY

Department Response to Private Sector Implementation Plan

Introduction. In the FEDERAL REGISTER of March 8, 1974, the Department of Health, Education, and Welfare published a proposed plan, developed by the private sector, to implement the National Blood Policy, and invited broad public participation in commenting on the plan and assessing its adequacy. Approximately 250 public comments were received by the close of the comment period on May 7. The Department has now completed its review of all these comments and is prepared to announce its decision regarding the proposed implementation plan. The purpose of this FEDERAL REGISTER notice is to state publicly, and for the record, the Department's response to the private sector's American Blood Commission plan. In order to provide a context which will enable the reader to understand fully the implications of the Departments' position, it is important to review the background against which the policy was developed, and the subsequent course of events since the policy was first announced.

Background. In March 1972, the President called upon the Department of Health, Education, and Welfare to make an intensive study and to recommend to him as soon as possible a plan for developing a safe, fast, and efficient nationwide blood collection and distribution system.

The Assistant Secretary for Health appointed a task force, chaired by his Special Assistant, to undertake a thorough investigation of the nation's blood collection and distribution system and recommend a national policy. The task force included representatives from the Food and Drug Administration, the National Institutes of Health, the Center for Disease Control, and the (then) Health Services and Mental Health Administration. A full statement of the major findings by the HEW Task Force on Blood Banking is included as an Appendix at the end of this FEDERAL REGISTER Notice.

The task force identified the following four major problems in the existing system:

1. *Supply.* The supply of blood and blood products is not always adequate to meet all of the treatment needs of the American people.

2. *Quality.* The quality of the blood supply is uneven. Reliance upon commercial sources of blood and blood components for transfusion therapy has contributed to an inordinate incidence of hepatitis.

Nationwide reporting of hepatitis is unreliable. Nevertheless, we estimate that there are 17,000 cases of overt posttransfusion hepatitis per year and about 850 deaths from this disease.

3. *Efficiency.* There are gross inefficiencies in the collection, processing, and utilization of this precious national resource. Approximately 25 percent of the 8.8 million units of whole blood collected annually for transfussion are never transfused. The vast majority of these non-transfused units are wasted through outdating.

4. *Accessibility.* The cost of blood and blood products is a burden to many people, especially those with low incomes, those with unusually large or frequent requirements, and those who require rare and expensive blood and blood products.

The task force concluded that these four problems cannot be solved without coordination of the now fragmented governmental, private non-profit, and commercial elements which comprise the present system. To achieve this coordination, and to provide a comprehensive framework for improving the blood service system, the task force formulated a National Blood Policy. The policy holds that coordination can best be brought about cooperatively by building upon existing strengths in the present system in an orderly and constructive way. Any other course of action towards solution of the complicated problems of blood collection and distribution—including an attempt to create a monolith—could jeopardize continuity of essential services and products.

The National Blood Policy thus calls for a pluralistic and evolutionary approach to the solution of blood collection and distribution problems. It seeks to accelerate development of an all-voluntary blood donor system. It establishes four goals and articulates nine policy elements designed to correct deficiencies in the present system and achieve these goals. The tenth and final policy element provides that the Secretary of the Department of Health, Education, and Welfare shall be responsible for the implementation of the total National Blood Policy. The implementation strategy depends on a two-pronged cooperative effort to be carried out by the Federal Government and the private sector, respectively. The Federal Government will be active in regulation, research, evaluation, and reimbursement, while the private sector, including donors, recipients, and everyone between, is charged with improving the organization of the Blood Service Complex and the operational aspects of blood collection, processing, and utilization to implement the National Policy.

Although this comprehensive policy accelerates the evolution of an all-voluntary supply of blood and blood components, it leaves untouched, for the time being, the commercial acquisition of plasma and the preparation and marketing of plasma derivatives, and the commercial acquisition of blood for preparation of diagnostic reagents. This distinction is necessary because of the enormous size and complexity of the plasmapheresis and plasma fractionation industry, and a lack of sufficient information and expertise upon which to make policy recommendations. The Policy will, however, promote the acquisition of information upon which future policy could be developed.

NATIONAL BLOOD POLICY

Blood transfusion and other forms of blood-based therapy are appropriately regarded as the earliest and presently most highly developed aspect of human tissue transplantation. This policy is directed exclusively to problems of the blood supply, processing and distribution system, and the use of blood. Its basic principles, however, though not necesarily the specific details, are appropriate to a broader system which must soon be developed to encompass all transplantable human tissues.

The Federal Government recognizes four principal goals in the provision of blood services:

1. *Supply.* A supply of blood and blood products adequate to meet all of the treatment and diagnostic needs of the population of this country.

2. *Quality.* Attainment of the highest standards of blood transfusion therapy through full application of currently available scientific knowledge, as well as through advancement of the scientific base.

3. *Accessibility.* Access to the national supply of blood and blood products by everyone in need, regardles of eocnomic status.

4. *Efficiency.* Efficient collection, processing, storage, and utilization of the national supply of blood and blood products.

Recognizing the eminent desirability of each of these goals, it is the policy of the United States Government:

(1) To encourage, foster, and support efforts designed to bring into being an all-voluntary blood donation system and to eliminate commercialism in the acquisition of whole blood and blood components for transfusion purposes. The ultimate aims of this policy are improvement in the quality of the supply of blood and blood products and development of an appropriate ethical climate for the increasing use of human tissues for therapeutic medical purposes. In this context, the term commercialism applies to the relationship between the donor and the blood bank and focuses primarily on those commercial relationships which have encouraged reliance on blood from sectors of society in which transmissible hepatitis is particularly prevalent. Although this policy seeks an end to the practice of purchasing whole blood and blood components from donors, it is not intended to preclude special arrangements where very rare blood or blood components are needed on an individual basis and can be obtained only by special consideration for unique donors who have been carefully evaluated. This policy does not attempt to eliminate reasonable charges for the service aspects of providing blood, blood products, and other tissues.

(2) To encourage, foster, and support establishment of a system for the collection and analysis of all relevant informa-

tion concerning plasmapheresis operations and plasma fractionation operations and the flow of plasma and plasma products within the United States and other countries. Such information is needed to determine the sufficiency of domestic sources of plasma fractions. It would also aid in development of future positions on the relationship which plasmapheresis and plasma fractionation activities should bear to whole blood banking operations, and the degree of interdependence that should exist between the United States and other countries with respect to plasma and plasma products.

(3) To encourage, foster, and support development of data and information collection and processing systems which will identify and describe all elements and functions in the blood banking sphere on a continuing basis. This is necessary to acquire fundamental information on the nature and transmission of diseases by blood and blood products and the occurrence of transfusion mishaps, as well as to design and create changes which will enhance the effectiveness of the blood banking system.

(4) To encourage, foster, and support measures to enhance resource-sharing and area-wide cooperation in the collection, processing, distribution and utilization of blood, in order to make the most effective use of the national supply.

(5) To assure ample donation of blood and plasma:

(a) By encouraging, fostering, and supporting activities to develop accounting and reporting systems which identify the relationships between the costs and charges for all services and materials associated with transfusion therapy. Public confidence in the reasonableness of service charges will encourage voluntary donors.

(b) By encouraging, fostering, and supporting a variety of programs to educate both the public and the health professionals in their responsibilities for assuring adequate voluntary donations. Those responsible for conducting recruitment programs must recognize the preeminent role of the voluntary donor and must develop and utilize various approaches appealing to appropriate sectors of society.

(6) To encourage, foster, and support a variety of educational and other programs for health professionals to assure the most appropriate and safe use of blood and blood products.

(7) To employ the full regulatory authorities now vested in the Federal Government and to seek such additional authority as may be necessary and appropriate for the purpose of assuring uniform adherence to the highest attainable standards of practice in blood banking, including plasmapheresis and plasma fractionation.

(8) To encourage, foster, and support applied and fundamental research to improve application of existing information and simultaneously extend the scientific base with respect to the entire spectrum of blood banking and blood therapy activities, with emphasis on better characterization of human blood and blood products, identification and control of the diseases which may be transmitted by blood or blood products, extension of the shelf life of blood and blood products, more efficient utilization of these precious tissue resources through systems analysis and other management approaches, and with respect to other relevant matters as they may be identified.

(9) To include a benefit under National Health Insurance for the service aspects of providing and transfusing blood and blood products, and to encourage inclusion of a comparable benefit under all governmental and non-governmental health care insurance programs in order to assure access to blood and blood products by everyone in need, regardless of economic status. This policy recognizes a distinction with respect to service aspects between blood and blood components on the one hand, and plasma derivatives on the other. For blood and blood components, the term service aspects includes all services involved in making the products available to the patient, from the recruitment of voluntary donors, through processing, storage, and distribution, to cross-matching and administration, but excludes charges for the product itself (such as charges associated with commerical acquisition of whole blood) which are unrelated to services rendered the patient. For plasma derivatives, the term "service aspects" includes costs of commercial plasma acquisition in recognition that commercial acquisition may still be necessary.

(10) To identfy the Secretary of the Department of Health, Education, and Welfare, or his designee, as responsible for the implementation of the policies enunciated above.

These policies are intended to achieve certain goals but do not detail methods of implementation. In developing the most effective and suitable means of reaching these goals, the Secretary will involve, as appropriate, all relevant public and private sectors and Federal Government agencies in a cooperative effort to provide the best attainable blood services. Designation of the Secretary of HEW in this role is a reflection of the Department's extensive resources and expertise related to blood; it is not to abridge the independent authority of any other Federal agency. Although the implementation of the National Blood Policy should build, wherever possible, on existing strengths in the present system to assure continuity of essential services, this intent is not to be interpreted as a mandate to maintain the status quo. It is to allow gradual evolution to the most effective organization and operation of the Blood Service Complex without interruption of services now provided. However, if the private sector is unable to make satisfactory progress toward implementing these policies, a legislative and/or regulatory approach would have to be considered.

The following issues are to be examined critically in implementing these policies:

1. The adequacy of any proposed implementation action in meeting the extraordinary demands for blood that may arise in national and regional emergencies;

2. The appropriateness of the replacement fee in an all-voluntary system;

3. Systems approaches to the integration of various functions and segments of the blood banking industry;

4. Regionalization of blood services management;

5. Appropriate inducements and authorities, whether existing or to be sought, necessary to exclude commercial acquisition of whole blood or blood components;

6. Special problems of accessibility for hemophiliacs and others with continuing or extraordinary needs for blood or blood products; and

7. Other issues relevant to the four principal goals.

PROJECTED IMPACT OF THE POLICY

The policy will improve the quality of blood and blood products through a combination of efforts. It promotes maximum use of voluntary donors who have a lower probability of transmitting hepatitis. It encourages use of the best available technology to test for contaminated blood. It stimulates development and application of uniform performance standards by the Bureau of Biologics in the Food and Drug Administration. And it will conserve blood resources through optimal recovery and utilization of plasma and other blood components.

The policy will lead to a more efficient blood collection and distribution system through consolidation and regionalization of activities, and resource-sharing where appropriate. Such coordination of the system will at the same time compel solution of organizational and functional problems within the individual components of the system. Finally, the policy will bring about more appropriate use of blood through education of the medical profession.

The policy will improve access to the national blood resource by encouraging elimination of financial barriers. It recommends a blood service benefit under any future national health insurance plan and calls for appropriate modification of other financing programs, both governmental and private, to make blood service benefits compatible with the national policy.

Economic benefits. Nationwide reporting of hepatitis, of any origin or type, is unreliable. Nevertheless, several carefully conducted studies strongly suggest that there are currently about 17,000 cases of overt posttransfusion hepatitis per year, about 850 deaths from this disease, and about 5 times as many sub-clinical cases—a probable total of more than 100,000 cases of posttransfusion hepatitis per year.

The long-term sequelae of posttransfusion hepatitis in the surviving overt and sub-clinical cases are not fully known. However, persons with overt posttransfusion hepatitis are frequently severely ill

and incapacitated for a few weeks to several months. The average hospital stay for such patients is about 28 days. In terms of economic cost alone, the problem of overt posttransfusion hepatitis now costs the Nation approximately $86 million per year. This estimate does not, however, include costs in terms of human suffering which cannot be measured. Transition to an all-voluntary system should produce savings of at least $18 million to $29 million annually in reduced illness and death from posttransfusion hepatitis alone.

THE IMPLEMENTATION STRATEGY

The Federal role in the implementation of this Policy is intended to be dual in nature: On the one hand, that of marriage broker and exhorter, bringing the fragments of the Blood Service Complex together to do essentially the same things they are now doing, but to do them much better; on the other, that of independent agent to strengthen and improve the activities that are appropriate to the Federal Government. In its active role, the Federal Government will continue to expand regulation of blood banking through the Bureau of Biologics in the Food and Drug Administration. It will continue to support research through the Division of Blood Diseases and Resources of the National Heart and Lung Institute. Finally, the Federal Government will pay for its share of blood service benefits under any Federal health service financing programs.

Together, the private sector and the Federal Government will develop and maintain information systems needed in the further development of blood policy, in hepatitis surveillance, and in evaluating the performance of the blood service complex; will develop auditing and accounting procedures to display the relationships between costs and charges for blood services; and will develop means to evaluate and enhance the appropriateness of blood utilization.

But it will be left to the private sector to do the lion's share of actually implementing the National Blood Policy. The private sector will be expected to accomplish the transition to an all-voluntary blood donor system; to establish and maintain data systems and networks needed for effective planning and management of blood service activities; to develop accounting systems which assure the reasonableness of charges; to conduct educational programs for the public and the health professionals; and probably most important, to plan and carry out a specific program for the gradual regional integration of functions and structures so that a coordinated system will ultimately replace the present fragmented situation.

ANNOUNCEMENT OF THE POLICY AND SUBSEQUENT COURSE OF EVENTS

On July 10, 1973, the Secretary of Health, Education, and Welfare announced the National Blood Policy. In order to gain the fullest possible cooperation of the private sector in implementing the Policy, the Secretary convened, on September 24, 1973, the first Secretary's Conference on Implementation of the National Blood Policy to begin the actual work of implementation. Those invited to participate included: Experts in blood banking and blood processing; representatives of major blood banking organizations; members of the medical professions responsible for utilization of blood and blood products; members of the disciplines concerned with hospital administration; representatives of the health insurance sector; members of the public who donate and receive blood; and representatives of Federal agencies with mandates and responsibilities relating to blood services and products. At this Conference, the Secretary called upon the private sector participants to undertake an intensive and concerted effort to produce a plan for implementing the operational aspects of the National Blood Policy. It was clearly stated that the Department thought it most desirable to leave responsibility for the day-to-day conduct of blood banking and operational management in the hands of the private sector, by which is meant the entire array of non-governmental organizations and agencies concerned with the provision of blood services. Broad guidelines for the private sector plan were outlined, including the intention to have the recipients of blood services, or their third-party payers, bear the costs of reasonable charges to maintain the operational system, and the necessity of involving the consumer in the system.

Over a period of four months, representatives of the private sector organizations worked to develop an implementation plan. In recognition of the need to create a single locus of accountability in blood banking, it was agreed that the American Medical Association would take the lead in bringing together the various interested organizations to prepare a unified plan that would appropriately involve all segments of the blood banking community, and the American people in general, in implementing the National Blood Policy.

In response to the Secretary's charge, an implementation plan was submitted to the Department on January 31, 1974, proposing the creation of an American Blood Commission. This proposed plan emerged from the efforts of the following organizations: American Association of Blood Banks, American Hospital Association, American Medical Association, American National Red Cross, American Society of Clinical Pathologists, College of American Pathologists, and Council of Community Blood Centers.

The American Blood Commission plan was published in the FEDERAL REGISTER on March 8 to solicit public comments on its adequacy. The Plan is reproduced here, without alteration, exactly as it was submitted and previously published.

AMERICAN BLOOD COMMISSION, NATIONAL BLOOD PROGRAM

INTRODUCTION

JANUARY 31, 1974.

In response to a 1972 directive from the President, the Department of Health, Education, and Welfare announced a National Blood Policy in June 1973. The private sector was subsequently called on to implement the policy with a coordinated program to solve the problems of blood collection and distribution. Following is a plan that builds on the strengths of the pluralistic system that is being called on to contribute to the implementation of the National Blood Policy.

The Policy focuses on the assurance of four primary features, the supply, safety, and accessibility of blood to all in need of transfusions and the efficiency of the organizations that provide blood services to the citizenry. Accordingly, the plan addresses these goals. Through the establishment of an organization capable of coordinating the activities of the existing pluralistic system, the American Blood Commission, many elements of the private sector will be brought together for the effort.

The participation of consumer organizations including those that are not primarily oriented toward health care will improve the nation's blood supply. These partners in the American Blood Commission can communicate the medical necessity of a dependable blood supply to the general public from which volunteer donors must come. The systematic coordinated recruitment of volunteer donors called for by this plan depends on a receptive public attitude. By the end of 1975 every blood bank associated with one of the three major blood banking organizations expects to be drawing 100 percent of their blood supply from volunteer donors. The effective supply of blood will also be increased by more efficient utilization of available blood through inventory controls made possible by regionalized organization.

The uniform appplication of the recognized operating standards already developed by the American Association of Blood Banks and the American National Red Cross, the reporting of an adverse reaction back to the blood bank that accepted the implicated unit of blood from the donor, the improved donor pool that will result as the need to rely on commercial blood sources is reduced, and other features of this plan, such as research and education, together are expected to help assure the safety of patients receiving blood by reducing risks to a minimum.

The recruitment of donors, the professional services required for the collection of blood, the crossmatching and safe transfusion of the blood, and the testing of the collected blood for disease before it is transfused all confer unavoidable costs to blood, including blood that is freely donated by volunteers. These costs may impinge on the accessibility of blood for some persons; therefore, the American Blood Commission would place a high priority on developing feasible solutions to the many facets of this problem.

The accessibility to the supply of safe blood and components will be facilitated in this plan immediately by improved efficiency in the utilization of collected blood. Efficiency should help to increase the effective supply and control costs. The coordination of inventories across the nation that is called for in the following plan will make better use of periodic surpluses and will help to even out blood supplies to minimize the effects of localized shortages and to reduce

the absolute number of donors who must be recruited during a given period.

The proposed Implementation Plan, as presented on the following pages, will organize blood banks and the transfusion facilities they serve within a national system that retains regional and local responsibility and authority. The plan will enhance the voluntary collection and distribution system that is essential to a high quality blood supply. Developed within the private sector, this plan recognizes the traditional role of hospitals and the responsibility of physicians in the procurement, distribution, and utilization of blood for transfusion to their patients.

Implementation Plan

American Blood Commission

Membership in the American Blood Commission will be open to national organizations that have an interest and concern for the blood services provided to the American people. To achieve the goals of the National Blood Policy wide participation is needed and the following organizations, selected to suggest a wide range of bodies, and others are, therefore, called upon to join in this endeavor:

The Advertising Council;
The American Association of Blood Banks;
The American Blood Resources Association;
The American College of Physicians;
The American Federation of Labor—Council of Industrial Organizations;
The American Hospital Association;
The American Medical Association;
The American National Red Cross;
The American Public Health Association;
The American Society for Medical Technology;
The American Society of Clinical Pathologists;
The American Society of Internal Medicine.
The Blue Cross Association;
The College of American Pathologists;
The Consumer Federation of America;
The Council of Community Blood Centers;
The Health Insurance Council;
Independent National Labor Organizations;
The National Academy of Sciences;
The National Research Council;
The National Association of Blue Shield Plans;
The National Association of Manufacturers;
The National Council of Churches;
The National Health Council;
The National Hemophilia Foundation.
The National Medical Association;
The Pharmaceutical Manufacturers Association;
The United States Chamber of Commerce; and

Other interested organizations are welcome.

No governmental agencies are among those listed above only because there may be legislative or administrative restrictions on their participation; however, the Veterans' Administration, the Public Health Service, the military services, the Food and Drug Administration and other agencies are welcome.

The responsibility for implementing the recommendations of the Commission will be vested in an Executive Committee, elected by the Commission, consisting of seventeen (17) members as follows:

Nine permanent members will be elected from nominees proposed by: The American National Red Cross and the American Association of Blood Banks each nominating two representatives; the Council of Community Blood Centers, the American Medical Association, the College of American Pathologists, the American Society of Clinical Pathologists and the American Hospital Association, each nominating one representative.

Four members will be elected by the Commission annually from among the consumer representatives on the Commission.

Four other members will be elected from among outstanding professionals working in the Regional Programs. These professionals can include physicians, administrators, technicians, nurses, donor recruiters, or others contributing significantly to the provision of blood services in the region's area. Two of these professionals should be actively serving as Regional Program Directors.

All members of the Executive Committee, though elected by the Commission for one year terms, will serve at the pleasure of their own sponsoring organizations.

If a nominee of an organization entitled to a place on the Executive Committee is not elected to serve, the organization must be requested to propose another individual promptly for the Commission's consideration.

The Executive Committee will elect appropriate officers at its first meeting after all its members have been elected.

In addition to implementing the recommendations of the Commission, the Executive Committee will have the authority to act on its own decisions. The Committee will be accountable for the performance of the organization to the other elements of the Commission and to the nation.

Initially, staff for the Commission may be provided by the participating organizations; however, there may be a need for additional independent staff and, if so, the Executive Committee will decide on its size and organization.

While grants from organizations and/or government will be needed initially to help defray nonrecurring costs, the American Blood Commission is expected to become largely self-supporting.

The American Blood Commission Executive Committee will proceed toward fulfilling the National Blood Policy through the plan presented here and will appoint Commission task forces that will directly address themselves to the problems and mechanics of the implementation as the new regional system become operative. The task forces will be expected to monitor progress and identify problems and to advise the Executive Committee of the Commission regarding modifications of the implementation plan that experience may indicate to be appropriate.

Some suggested task forces follow; however, the list is not all inclusive and a need for additional task forces dealing with other major areas, such as hepatitis surveillance, may be determined by the Commission or its Executive Committee.

Initial Task Forces

Voluntary Donor Recruitment; Blood Utilization; Blood Inventory Control; Data and Statistical Analysis; Standards; Inspection and Accreditation; Cost Evaluation and Control; Plasma Production and Fractionation; Regional Program Development; Research; and Education.

The Executive Committee will appoint task force members who have special expertise or interest in the areas being studied. While most task force members will be members of organizations that are part of the American Blood Commission, membership will not be a requirement of service. No honoraria will be paid to any task force member by the American Blood Commission.

The following responsibilities are to be discharged by the Commission at an annual meeting:

1. The election of the seventeen (17) members of the Executive Committee in accordance with the proportional representation presented earlier in this document.

2. The development of policy recommendations to help guide the Executive Committee.

3. The review of the performance of the Executive Committee with regard to progress toward the goals of the National Blood Policy.

4. The review of the budget adopted by the Executive Committee.

Regionalization

An organization of voluntary non-profit blood banks and transfusion services that collectively can provide a full range of services will be officially designated as an Integrated Regional Program if it can substantially meet the following performance criteria:

1. Accept the responsibility for recruiting volunteer donors in the region.

2. Include at least one facility that is licensed to ship blood over state lines.

3. Provide for total blood service within its area on a schedule in keeping with the needs of the region.

4. Have the capacity to provide expert medical consultation on hemotherapy, compatibility problems and other blood related problems whenever needed.

5. Provide the range and quantity of blood components required in the region.

6. Meet current appropriate inspection and accreditation standards.

In local areas served by several blood banks the Integrated Regional Program will encompass all the blood services in the area, including transfusion services. Physicians and directors of the area blood banks should exert leadership in the establishment of an organization that can provide the services deemed necessary to the successful administration of an integrated program. The blood banks and the hospital services that will be served by these larger programs must be invited to participate as they would be in an area served by a single blood bank.

Each Regional Program will organize to provide quality services to the transfusion facilities in its area, recruit donors, and keep records on blood drawn and on adverse reactions. Hospital transfusion facilities receiving blood would keep inventory records, report to the Regional Program on transfusion reactions, and may be requested to draw blood if needed within the system. General policy for the national system will be recommended by the American Blood Commission and established by the Executive Committee, but most operating policies will be determined at the regional level. The plan is conceived of as being self-supporting.

Organization (Alternate 1). Interested individuals wishing to organize a blood program, in order to qualify for nomination as an Integrated Regional Program, will request a letter of intent to associate with the proposed Regional Program from each of the blood banks and the transfusion facilities that would be served. At the same time, the director of each of the blood banks and the hospital transfusion facilities will be invited to participate in the selection of a board to govern the activities of the new Regional Program. The hospitals' responses and the organizer's own letter of intent to lead an Integrated Regional Program will be filed with the medical society in the county and with the society(s) in the county(s) where the hospital blood facilities are located, or with the state medical society if it is the appropriate body in the area.

Nomination of an Integrated Regional Program will be a responsibility of the medical society, blood bank and hospital transfusion service directors, and lay leaders in the area in which a Program is located; all three groups will have continuing interest in the performance of the Regional Program. If the

three representative groups are satisfied that the Program substantially meets the criteria, the Integrated Regional Program will be nominated for designation by the Executive Committee of the American Blood Commission. Copies of the letters of intent and a letter of nomination will be forwarded by the medical society to the American Blood Commission's Executive Committee. Upon designation, the American Blood Commission's Task Force on Regionalization will produce the initial national directory of Integrated Regional Blood Programs, organized by region to document the new system.

Should the local representative groups decide against nominating a particular interested organization to serve as a Regional Program, the decision may be appealed directly to the Executive Committee of the American Blood Commission; however, the local nominating authorities must be invited to present their views on the questioned organization at any such appeal.

If any designated Program fails to serve its system satisfactorily, the hospital transfusion services in the Program's system may petition for the nomination of another coordinating Program.

Advisory Council of Regional Program Directors. The Executive Committee will arrange a meeting of the directors of Regional Blood Programs for the purpose of organizing an Advisory Council.

Financing Activities. The reorganized blood services will be self-supporting; however, some outside financial aid may be needed to finance nonrecurring expenses. The directors of the Regional Programs are encouraged to apply for grants to support additional personnel, rent for additional space, and/or the purchase of services or equipment (computers, etc.) necessitated by the demands of the reorganization or research. The responsibility for developing adequate funds rests with a regional director.

Organization (Alternate 2). The method for selecting the organizations to serve as Integrated Regional Programs will be determined by the Executive Committee of the American Blood Commission with advice from the Task Force on Regionalization.

NOTE: The task force did not achieve a consensus on the method for selecting an integrated program presented in this plan.

OPERATION

This plan, while voluntary, is aimed at all blood facilities, private and public. The blood facilities maintained by the military establishment, the Veterans Administration, and the National Institutes of Health should be integrated into the civil system to the degree possible with due regard to their assigned missions. These public programs are important resources.

The American Blood Commission believes it is essential that the implementation of this plan be voluntary. It must be the responsibility of the leaders of a designated Regional Program to persuade the constituent users in the region of the benefits of the system; the designation of a Regional Program should be contingent on the willingness of the proposed Program to accept that responsibility. While it will be extremely difficult for most facilities to exist completely outside the system(s), the American Blood Commission recognizes that some will want to try. The performance of the system and the necessity of dealing with the Regional Programs to get blood into and out of the system should be ample persuasion to these facilities; however, members of the American Blood Commission will urge all blood service facilities to become part of the system. Physicians may be concerned about the use of blood from outside the system.

Reporting. Each hospital transfusion facility will report its inventory, including dating on each of the units, to its Regional Program on a regular schedule to be determined by the Program's director. The Regional Program will be responsible for all decisions regarding inventory and will have the authority to move blood within its system according to the requirements of the facilities that are being served.

It is the intent of this plan to eliminate the need for paid donors. During the necessary period of transition, while paid donors are needed in many areas, the Regional Programs periodically will report the number of units of blood brought in from other systems or purchased from commercial sources or donors to the hospital transfusion committees at each of the hospitals it serves, to the county medical society, to the Executive Committee of the American Blood Commission, and to other interested parties on request.

Blood banks and transfusion facilities will maintain adequate records on each unit of blood or components drawn or received. Records on any given unit of blood will be available at the blood bank where the blood was drawn and at the facility where the blood was administered. The records will include the final disposition of every unit drawn and any adverse reactions that may have been associated with the administration of each individual unit of blood. A transfusion facility will organize its files to indicate groupings of adverse reactions according to drawing stations and will report adverse reactions back to the drawing bank promptly. Each drawing bank will report all adverse reactions reported to it to the office of the Executive Committee monthly. Banks with disproportionately large numbers of adverse reactions will be required to improve their donor pool and review their procedures and equipment. Surveyors reviewing blood bank operations will be encouraged to review adverse reaction reports with the blood bank director on every visit.

The American Blood Commission believes that the responsibility for monitoring the records and the reporting practices within a hospital facility lies with the hospital medical staff, specifically the committee on transfusion. This committee should serve as a peer review mechanism monitoring the use of blood in the institution, and its interest should include the performance of its Regional Program. The American Blood Commission believes that the medical staff of a hospital must accept responsibility for the blood drawn or used within the institution.

The American Medical Association urges that the chief executive officer of every blood facility in every system be a physician. However, the director of a Regional Program blood facility should become an ex officio member of the transfusion committees of the hospital(s) his facility serves, and the director should be represented at the meetings of the transfusion committee(s) periodically whether he or she be a physician or not.

Standards—Inspection and Accreditation. The standards for all blood banks would be those of the American Association of Blood Banks, the American National Red Cross, and the Food and Drug Administration's Bureau of Biologics. The inspection and accreditation program of the American Association of Blood Banks together with the programs of the American National Red Cross and the College of American Pathologists should be made universally applicable and should receive official recognition. As a practical matter the highly trained professionals who undertake these inspections cannot be duplicated by the government.

Exchanges. All exchanges of blood between facilities associated with different systems will be coordinated and arranged by their respective Regional Programs through the Clearinghouse Program of the American Association of Blood Banks or the Central Exchange of the American National Red Cross; these organizations will be responsible for monitoring the transfers of blood between Regional Programs. Since it is unlikely that many areas will need more blood than they can potentially produce, transfers of blood between programs should decline (except in the event of disaster and perhaps for rare types of blood) as the organization begins to function efficiently. This decline will be one measure of the organization's success.

Donor Recruiting. A designated Regional Program will plan and coordinate all blood drawing in the facilities it serves. It is the Program's responsibility to assure that members of the community can donate blood without undue travel or other inconveniences; it is the responsibility of a hospital service to cooperate by making its staff and facilities available as needed in an agreed upon program.

The expense of donor recruiting should be included as part of the charge to every patient receiving blood banks services. The charges should be high enough to provide an appropriate budget for recruiting activities. If a regional system is not large enough to support adequate recruiting activities, it should merge with another system. A community that is able to meet its blood needs with little promotional effort will receive blood at less expense than a more apathetic community that requires high expenditures for recruiting. All recruiting fees collected by hospitals should be utilized in recruiting efforts coordinated with the Regional Program that will be responsible for donor motivation in the area.

Efforts to recruit volunteer donors must be centrally coordinated in a geographic area and not competitive between systems. Every organization endorsing the goals of the National Blood Policy should use its influence to encourage this concept.

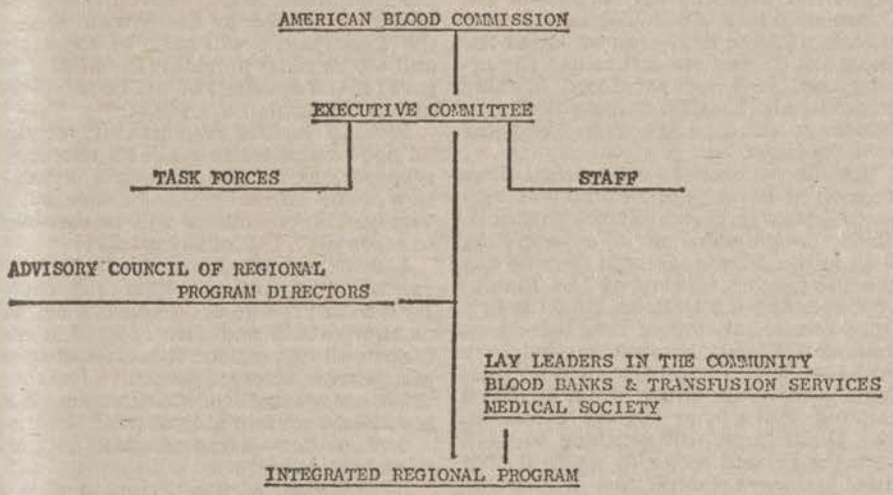
A non-replacement fee may be needed to maintain adequate supplies of blood within a regional system. Such fees are acceptable if a local need is agreed upon by the majority of the hospital facilities being served by the Integrated Regional Program. However, the need for a non-replacement fee should be studied carefully.

Regional Governing Board. Because a Regional Program will be making decisions that affect the supply of blood available for transfusion to the community, that control the inventory of blood in facilities for which others have more direct responsibility, and that result in the expenditures of funds intended for donor recruiting and other services in the entire region, it is imperative that a panel of lay leaders be selected to serve on the board governing the Program's activities along with respesentative directors of the transfusion services and blood banks, and physicians in the region. These three categories of board members should be represented in equal numbers on the governing board of the Program.

Supply. The American Blood Commission will accept no compromise of the present blood supply. No advantage is to be gained if supplies of blood and blood components are reduced in the process of reorganization. Adequate time must be allowed for this implementation to develop in an orderly manner. The Commission has no interest in an "appearance" of activity; the reorganization must be built on the strength of the present system within a time frame which will allow the system to respond with a minimum of disruption.

Hemophilia and Other Chronic Blood Disorders. The Bureau of Biologics or the National Institutes of Health or the Social Security Administration should establish a substantial and continuing program budget to take advantage of the national media for the purpose of recruiting blood donors and to help assure the blood needs of hemophiliacs and others with chronic diseases requiring blood.

The American Blood Commission is aware that many details are left here unresolved. While more organization likely will improve the quality of blood service, pluralism and local control are strengths of the present blood service worth keeping. The different traditions, motivations, and state laws in the various parts of the country require allowances for local solutions. The American Blood Commission has confidence that blood banks, transfusion services, medicine and the citizenry that must provide the volunteer blood will respond appropriately to this call for action.



Synopsis of public comments. In response to the FEDERAL REGISTER notice of March 8, 1974, approximately 250 public comments on the proposed American Blood Commission plan were submitted to the Department. The Department has now completed its review and analysis of the public comments. The synopsis which follows presents a summary of the most significant points made by the commentators. A complete set of individual comments may be obtained by request to the address listed at the end of this FEDERAL REGISTER notice.

The vast majority of respondents (over 75 percent) appreciate the need to establish an overview body that could coordinate blood services on a nationwide basis, and give either tacit or explicit support to the creation of such a body. Although many of these affirmative commentators thoughtfully point out difficulties that may lie ahead, they are nevertheless persuaded that a beginning has to be made somewhere, and that the American Blood Commission is a concept worth trying. A distinct minority of the respondents (under 20 percent) are of the opinion that the American Blood Commission concept is not adequate to serve as the vehicle for implementing the National Blood Policy. The comments of those who responded in the negative range across the spectrum of objections to an American Blood Commission, from finding that the Commission would undoubtedly constitute a monolithic creature spawned by the Federal Government's unwelcome and unwarranted intrusion into the blood banking area, to finding that the Commission proposal is inadequate because the Governmental role is neither strong enough nor defined enough.

Although support for an American Blood Commission is clearly substantial, it is also evident that there are still several contentious issues on which an adequate consensus has not yet emerged. The first of these contentious issues is the question of what precise method to use in designating regions nationwide. Two alternate approaches were suggested in the American Blood Commission plan. Alternate 1 proposes a fairly specific method of regionalization, whereby the process of forming a regional program would begin with letters of intent, written by the transfusion facilities to be served by the program, indicating their willingness to affiliate with the proposed region. Three groups would be involved in nominating a regional progam: the medical society, blood banking and hospital transfusion service directors, and lay leaders in the community. If these three groups find that the proposed regional program is satisfactory, nomination of the prorgam would be effected by having the medical society forward the letters of intent, with a letter of nomination, to the American Blood Commission.

Alternate 2 proposes that the precise method for designating regional programs should be determined by the Executive Committee of the American Blood Commission, with advice from a task force on regionalization.

The public comments on this issue reflect the lack of a consensus, and demonstrate that there is substantial support for elements present in each of the Alternates. Many of the respondents commend Alternate 1 for describing specifically how the process of local approval and certification of a regional program would proceed. Many of the commentators also welcome the clarification provided by Alternate 1 that the quality of service rendered to transfusion facilities would be included among the criteria of success for a regional program. On the other hand, many of the respondents approve the flexibility that Alternate 2 offers the Commission in choosing the best approach to regionalization.

The other major unresolved issue is the question of how the Executive Committee of the Commission is to be composed. Some of the respondents feel that the Executive Committee as proposed in the plan provides inadequate representation for the lay public who are the donors and consumers of blood. Others think that, as proposed, the 17-member Executive Committee is unworkably large and should be pared down to a smaller group, more dominated by professionals. These conflicting perspectives are also reflected in differing views of how the Commission and its Executive Committee should divide responsibilities for policy-setting on the one hand, and policy implementation on the other.

Response of the Department. On the basis of the public comments synopsized above, and on the basis of the frank discussion that took place at the third Secretary's Conference on March 27, the Department has concluded that there is significant support for the concept of an American Blood Commission and rather widespread appreciation of the need for such a pluralistic body. Accordingly, the Department hereby announces that it finds sufficient merit in the American Blood Commission concept to warrant cooperation with the private sector in the effort to establish an American Blood Commission as an overview body to coordinate blood service activities on a nationwide basis. It is the Department's clear understanding that the Commission will be responsible for implementing the National Blood Policy in the private sector, that its pluralistic membership will represent all affected segments of society, and that it will serve as a locus of accountability in blood banking and as a national forum for resolving major issues related to blood services.

The Department's decision to enter into this joint effort with the private sector to create an American Blood Commission does not constitute endorsement of every provision contained in the Plan that was submitted on January 31, and published in the FEDERAL REGISTER as a proposal. There is still considerable disagreement over several significant issues, including the precise method of designating regions, and the exact composition of the Executive Committee. The Department has no desire to preempt the proper role of the nascent American Blood Commission in resolving these issues, and we are convinced that the private sector spokesmen will develop still better solutions than those that have been proposed thus far.

With regard to regionalization, the Department finds that neither Alternate 1 nor Alternate 2 is a fully adequate proposal in itself. Alternate 1 has the virtue of describing specifically how the process of local approval and certification of a regional program would proceed. It also makes clear that the quality of service provided to transfusion facilities will be included among the criteria of success for

a regional program. However, Alternate 1 does not acknowledge the actual and potential role of duly constituted authority, such as State Departments of Health, in the process of designating regional programs. This is a significant omission, in light of the rather major role played by the Departments of Health in several States, and, particularly the future role that some Departments of Health will certainly play in the course of regionalizing their respective States' blood banking facilities. Alternate 2, on the other hand, has the virtue of flexibility in permitting the Commission to determine and select the best approach to regionalization. It, too, however, has serious deficiencies. It is a vague and nonspecific proposal, and offers no assurance that a truly substantial approach will emerge. Moreover, it assigns a dominant role to the Executive Committee without adequately defining how the Executive Committee is to be answerable to the Commission at large.

Since neither of the Alternates is capable of serving as the sole solution to regionalization, the Department seeks to amalgamate the two Alternates, retaining the strengths represented in each. Accordingly, the Department endorses the concepts, embodied in Alternate 1, of strong local input into the designation of regions, and service to transfusion facilities as one of the criteria of success for a regional program. The Department also endorses the concept, embodied in Alternate 2, that more information needs to be gathered about potential methods of regionalization, that expert opinion should be consulted in the process of regionalization, and that the emerging Commission must be allowed sufficient flexibility in choosing a method of designating regions. The Department, therefore, urges that the question of how to regionalize be addressed by the Commission through a suitably constituted task force on regionalization. To ensure timely progress toward resolving this vital issue, the Department expects that the task force will adopt as its first order of business the development of a timetable for submitting a regionalization proposal. The Department further expects that the recommendations of the task force will ultimately be subject to approval by the Commission generally; and that the recommendations of the task force will include the following features:

a. Local input in designating a regional program;

b. Adequacy of service as a criterion of success for a regional program; and

c. Due regard for the role of the county medical society, where appropriate, and duly constituted authority, such as the State Department of Health, where appropriate, in certifying the regional program.

With regard to the composition of the Executive Committee, the Department believes that this issue should be addressed by the Commission itself, since the Executive Committee will be expected to carry out the wishes of the Commission. However, there are several important principles regarding the Executive Committee that the Department finds essential. The Executive Committee should serve to execute policy, whereas the Commission should chart overall directions and formulate operating policy within the framework of the National Blood Policy. Ultimately, the Executive Committee is the implementing limb of the American Blood Commission, and the Committee must be answerable to the Commission as a whole. The Department expects that the final composition of the Executive Committee will reflect the involvement of 4 groups: Blood banking professionals, hospital and medical professionals, third-party payers, and the public at large.

Notwithstanding the existence of these unresolved issues, the Department recognizes that formation of the American Blood Commission as a coordinating body in the private sector is the sine qua non for moving forward at this time in implementing the National Blood Policy. Once the initial step of establishing an American Blood Commission has been taken, it will be possible to deal adequately with the entire range of blood banking issues that require attention. The Department will continue to work with the private sector to see to it that these issues are resolved in a satisfactory manner. But nothing else is so important to the success of the private sector implementation effort as the American Blood Commission as a first step.

Inaugural convention of the American Blood Commission and formation of Ad Hoc Committee to establish the American Blood Commission. Establishment of the American Blood Commission will require considerable preparatory work. Various groups in the private sector have called on the Department to sponsor the activities and the specific planning needed to bring the Commission into being. Officials of the Department feel that it would be appropriate for the Federal Government to continue to play a catalytic role in the formation of an American Blood Commission, so long as this is done without usurping the proper functions of the private sector, and so long as it is borne clearly in mind that the American Blood Commission must remain a private sector undertaking. Accordingly, the Department agrees that the inaugural convention of the American Blood Commission shall be convened under the auspices of the Department.

In order to make necessary arrangements to ensure the success of the inaugural convention, it is essential that the private sector form an ad hoc committee to establish the American Blood Commission, and select a suitable chairman to guide the committee's activities. The Department will encourage the private sector's efforts to form this committee. The ad hoc committee shall consist of 13 members, in addition to the chairman, and shall be composed of one representative from each of the following: Council of Community Blood Centers; American National Red Cross; American Association of Blood Banks; American Medical Association; American Hospital Association; American Society of Clinical Pathologists; College of American Pathologists; Blue Cross Association; Pharmaceutical Manufacturers Association; National Hemophilia Foundation; and three additional lay groups, to be selected shortly. The chairman shall be an individual with proven administrative abilities, and with no commitments to any of the organizations represented on the committee. Once this ad hoc committee is formed by the private sector, the Department will seek to cooperate and will consider providing financial support for the activities of the ad hoc committee in this planning phase.

It shall be the responsibility of the ad hoc committee to make all necessary preparations for the inaugural convention of the American Blood Commission. The ad hoc committee will be expected to accomplish the following tasks:

1. Write a draft charter for the American Blood Commission. This draft charter is to be presented, discussed, modified as appropriate, and then ratified at the inaugural convention. The draft charter may borrow, where appropriate, from the draft American Blood Commission plan, and should contain at least the following:

a. Preamble—purposes (goals), functions (objectives);

b. Structure of the Commission (organization);

c. Criteria for membership in the Commission;

d. Executive Committee: composition and tenure;

e. Frequency of meetings: American Blood Commission and Executive Committee;

f. Tasks and implementing actions of the Commission/Committee, defined in terms of elements of the National Blood Policy;

g. Designation of task forces as information-gathering instruments;

h. Mechanism for altering the charter;

i. Financing of the American Blood Commission;

j. Officers;

k. Staff;

2. Determine logistics of the inaugural convention (when and where);

3. Draw up a list of invitees and select the mechanism for announcing the inaugural convention;

4. Establish rules of participation in the inaugural convention;

5. Draft an agenda;

6. Propose funding of the convention;

7. Provide for recording of the convention proceedings;

8. Propose the legal status of the American Blood Commission; and

9. Establish working groups to accomplish all of the above.

Several points deserve particular emphasis at this time. The Department will consider financially supporting the activities of the ad hoc committee during the planning phase. In doing so, the Department intends to demonstrate its commitment to implementation of the National Blood Policy, and to fruitful cooperation with the private sector. The Department does not intend thereby to dominate the workings of the ad hoc

committee, nor to underwrite the ongoing operations of the American Blood Commission. The Department fully expects that the private sector organizations, recipients of blood services, and third-party payers will bear most of the costs of operating regional programs and maintaining the American Blood Commission. Nevertheless, the Department recognizes the community's shared responsibility to maintain an adequate supply of blood, and to educate the members of the community to that responsibility. Inasmuch as all Americans will benefit from an improved nationwide blood service system, and will gain therefrom the assurance that high quality blood will be available when they need it, it is appropriate for the Department to consider offering financial support for starting up the Commission and for partial maintenance of such campaigns to educate the public as may be needed. In the main, however, the American Blood Commission and the blood service system generally should be self-supporting with regard to ongoing operations.

The precise nature of the relationship between the Federal Government and the American Blood Commission will come into sharper focus as the ad hoc committee progresses with its tasks, and as the Commission comes into being. Although the Department expects the ad hoc committee to consider how the Commission should relate to the Department, this is intended to foster creative and critical thinking on the part of the ad hoc committee, and not to commit the Federal Government to a particular course of action. The Department does have some broad guidelines on this subject. The Department has no wish to become deeply involved in blood banking operations and, indeed, the entire implementation strategy from which the American Blood Commission proposal has issued is based on a fervent desire to let the private sector do what it knows best. As long as the American Blood Commission and the ad hoc committee remain faithful to the principles of the National Blood Policy and the expectations for implementing the Policy that the Department has articulated, the Federal Government will be pleased to cooperate with the private sector, and to tailor Federal actions to be complementary to those of the American Blood Commission. The reader is implored to understand clearly that this FEDERAL REGISTER notice and the announcement of the Department's response do not constitute rulemaking or regulation setting. Rather, the Department is engaged in trying to fashion a partnership with the private sector to promote and protect the health of all the people of the United States.

Documents available on request. Copies of the following documents may be obtained by writing to: Dr. Ian A. Mitchell or Dr. James I. Cleeman, Office of the Assistant Secretary for Health, Department of Health, Education, and Welfare, Room 17-A-43, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20852.

This FEDERAL REGISTER Notice.
FEDERAL REGISTER Notice of March 8, 1974.
Public Comments on the American Blood Commission Plan.
Transcripts of the three Secretary's Conferences on the National Blood Policy.

Dated: September 3, 1974.

THEODORE COOPER,
Acting Assistant Secretary for Health.

APPENDIX

BLOOD BANKING

Major Findings by HEW Task Force

JULY 1973.

Introduction. The following is a brief overview of blood banking in the United States. It draws primarily upon the work of the intra-departmental Blood Banking Task Force. The Task Force in turn drew upon a variety of information sources, but, in particular, utilized the findings of an extensive study done under contract with the National Heart and Lung Institute (NHLI's Blood Resource Studies).

The Blood Service Complex. The Blood Service Complex in the United States is the assemblage of organizations and institutions that acquire, process, store, deliver and administer blood and a variety of blood products. We estimate the gross annual income of this industry exceeds $500,000,000.

Although the Blood Service Complex has provided essential services and products, it has not consistently maintained an adequate supply or achieved the highest attainable quality of blood therapy. In part, this situation has developed because of undue reliance upon commercial donors, and because the national resource has not been managed effectively.

The Complex collects a total of about 8.8 million units of whole blood per year for transfusion. Approximately 39.5 percent is obtained by the American National Red Cross; 29 percent by community blood banks; 18 percent by hospitals; 11 percent by commercial blood banks, and 2.5 percent by the military. (Table 1).

We estimate that approximately 25 percent of this blood is never transfused, and that the vast majority of these non-transfused units are wasted through outdating. Under optimal conditions this rate could be reduced to 5 to 10 percent.

The Hepatitis problem. Approximately 10 to 15 percent of the total whole blood and blood component supply is obtained from commercial donors. This blood accounts for about 25 to 45 percent of posttransfusion hepatitis because commercial donors present a relatively high risk of transmitting hepatitis. Nationwide reporting of hepatitis of any origin or type is unreliable. Nevertheless, several carefully conducted studies strongly suggest that there are about 17,000 cases of overt posttransfusion hepatitis per year, and about 850 deaths from this disease. We estimate that there are over 100,000 total cases of posttransfusion hepatitis when we include subclinical cases.

Cost of hepatitis. The long-term sequelae of posttransfusion hepatitis in the surviving overt and subclinical cases are not fully known. However, persons with overt posttransfusion hepatitis are frequently severely ill and incapacitated for weeks to several months. The average hospital stay for such patients is about 28 days. From an economic standpoint, we estimate that the problem of overt posttransfusion hepatitis costs the nation about $86 million per year. The costs in terms of human suffering are immeasurable.

Blood Resource Management and Use. Reliance on commercially acquired blood evolved and continues where voluntary blood collectors fail to plan and manage donor recruitment and retention in an optimally effective way. Now, approximately 6 million donors, both commercial and voluntary, maintain the nation's blood supply. However, an estimated 90 to 100 million persons are eligible to donate. Many communities which have effective donor recruitment campaigns have found that they can satisfy all their needs using voluntary donors alone.

Once collected, the blood resource is managed poorly, placing an unnecessary burden on the supply system. Inventory control and inter-organizational sharing of this perishable material are inadequate. Whole blood is not used with sufficient discretion in treatment. A unit of whole blood is made up of various components, including red cells, white cells, platelets, and plasma, which can be used to meet the specific needs of several patients. The red cell component is used in about 20-25 percent of transfusions, but experts suggest that red cells, rather than whole blood, should be used in about 70 percent of cases.

There is evidence of unnecessary transfusions; transfusion-associated risks (hepatitis and others) can outweigh the benefits of the transfusion.

Extension of the shelf life of red blood cells has been proposed as a means to reduce stress on the blood supply. At present, the only feasible approach to extending shelf life lies in developing better preservatives. Work on this is proceeding, and the shelf life of whole blood may be extended beyond the current limit of 21 days.

Standards of blood banking practice vary from region to region and from city to city. Inspection of many intrastate blood banks has, until now, been inadequate or nonexistent. (Recent action by the FDA should improve this situation, *infra.*) There is no information system which can provide the basic data needed for intelligent management and use of the national blood resource. Particularly troublesome is the lack of information on the fate of each unit of blood drawn, the incidence of posttransfusion hepatitis and other adverse consequences, and the outcomes of transfusion therapy.

Frozen red cells. Freezing has potential as a means of preserving red blood cells. This technique is of crucial importance to persons with exceedingly rare blood types for whom it is difficult or almost impossible to find suitable donors. These individuals may place their red blood cells in frozen storage for indefinite periods, and have them available in times of need. However, freezing as a means of reducing the wastage of red blood cells through outdating is feasible only at certain centers under certain special circumstances.

Frozen red blood cells do not transmit as much hepatitis as red cells stored at refrigerated temperatures. Reduction in hepatitis transmissibility appears to be related to the washing process required to remove the freezing medium during thawing, and not to the freezing or frozen state itself. Currently, washing of red cells is not an effective method for hepatitis control, but its potential is being explored through research.

Large supplies of frozen red cells are expensive to maintain because of the technological complexities involved. Frozen red blood cells cannot be provided immediately upon demand, because the thawing and washing process requires from 1 to 2 hours. Under present conditions the red cells must then be used within 24 hours or be discarded. A major capital investment, extensive personnel training, further research, and technological developmet would, in any case, be required for frozen red cells to be considered a major factor in the blood supply system.

Blood components. The medical demand for red blood cells as distinguished from other blood components sets the pace for collection of whole blood. Patients who need red cells often do not need the other components of whole blood. If red cells were given in place of whole blood, the leftover plasma could then be fractionated into needed plasma derivatives. Plasma derivatives are parts of blood that are usually separated by chemical processes. They are generally prepared from large batches or pools of plasma in a manufacturing plant. (See Flow Chart).

Most plasma for fractionation is now acquired through plasmapheresis. Less plasmapheresis would be needed if blood components were efficiently conserved and utilized. The bankers of whole blood and fractionators have not set up the machinery necessary to recover and fully utilize plasma available from blood separated into components and from outdated whole blood.

For numerous reasons, those engaged in large scale plasma fractionation find it advantageous to pool the plasma, which may come from as many as 1,000 donors. Some of this plasma may come from populations with high indigenous rates of hepatitis, and it only takes one unit to contaminate the pool. Although the plasma fractionation process destroys or removes the hepatitis agents in or from some of the products, they remain, for example, in the blood fraction used to treat hemophiliacs. As a result, many of the nation's 25,500 moderate and severe hemophiliacs acquire hepatitis at an early stage in their lifelong treatment.

Plasma collectors as well as fractionators (usually large pharmaceutical firms) have extended the plasma market to foreign countries in their search for a cheap and plentiful supply of plasma. About one-fifth of the U.S. supply of plasma is from foreign sources.

Efficient management of the Blood Service Complex coupled with increased use of component therapy could eliminate reliance on overseas sources of plasma. (See Table 2.)

Access. Paying for blood products and services can be a very substantial burden to the patient. In some cases the total charges for a unit of blood may run as high as $120. To cover these charges, there exist a wide variety of assurance and insurance plans with differing benefits for blood. Credits obtained for donation of blood in one locale may not be honored in another.

Blood is expensive, in part, because charges are imposed which bear no discernible rational relationship to costs. An especially glaring example is the non-replacement penalty. Its supporters contend that this penalty is essential as an inducement to "voluntary" donation, while its detractors maintain that it promotes the purchase of blood from donors and is used primarily as a source of income for the blood bank. Whatever the justification for its existence, the non-replacement penalty is not related to actual costs, yet constitutes a substantial portion of the patient's charges. This burden falls especially heavily on the elderly and others without friends or relatives who can readily donate replacement units. The lack of consistency and clear rationality in methods of donor recruitment and in arrangements for charging patients contributes to confusion in the mind of the public and may well discourage voluntary donors.

In addition, all these charges are a considerable expense to the Federal Government. Medicare beneficiaries now receive about one quarter of all blood transfused in the United States. The Social Security Administration spends approximately $17 million per year on the services associated with providing blood transfusions and $26 million to purchase blood. This latter figure represents charges for the purchase of all non-replaced blood beyond the first three units per beneficiary.

Hemophilia. A word of explanation is due on the problems of patients with hemophilia and other diseases requiring expensive products on a continuing basis. The recent Summary Report of the National Heart and Lung Institute's Blood Resource Studies clearly shows that the burden of hemophilia, both in terms of dollar costs and the quality of life, is enormous. Furthermore, the crises experienced by hemophiliacs, together with the sequelae, add greatly to the financial dependency of hemophiliacs.

The Current Federal Role in the Blood Service Complex. In addition to its role as a third-party payer for blood services and products, the Federal government performs several other important functions in the Blood Service Complex. The Federal government regulates blood, blood products, and blood banking activities, including plasmapheresis and plasma fractionation, through the Bureau of Biologics (BoB) in the Food and Drug Administration (formerly), the Division of Biologics Standards in the National Institutes of Health—transferred July 1, 1972). Federal regulation has, until now, been limited to interstate commerce, leaving 15 percent of collected whole blood to State regulation only, and 21 percent without regulation of any kind. On January 31, the Food and Drug Administration published revised regulations requiring all blood banks, including intrastate facilities, to register with the Bureau of Biologics by April 3, 1973, and to undergo biennial Federal inspection. Approximately 6,000 blood banks have complied with this registration requirement. Through this and other measures, BoB has acted to improve blood services, and to extend Federal regulation to include significant intrastate blood banking activities.

The Federal government has been a major source of support for research on blood, primarily through the National Heart and Lung Institute's National Blood Resource Program, which anticipated spending $6.5 million this fiscal year. In addition, other Institutes of the National Institutes of Health, the Health Services and Mental Health Administration, and the Department of Defense conduct or support programs of research. Much of the actual research takes place in the private sector.

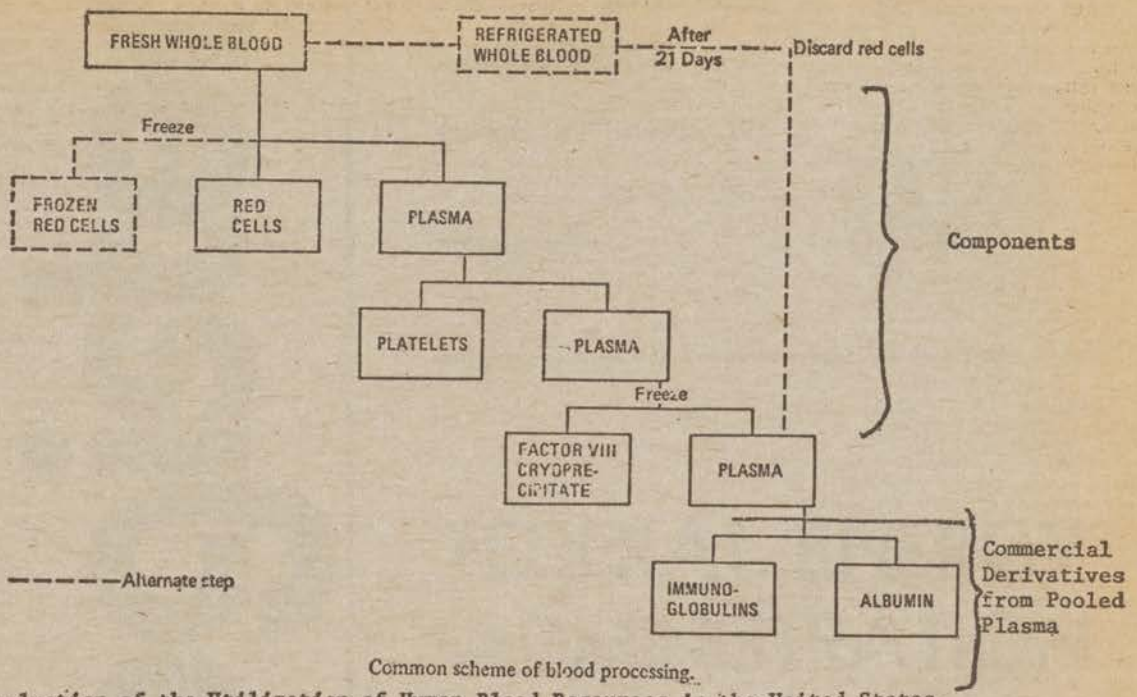
Finally, the Federal government acts as a provider of blood services in programs of direct care, such as those of the Veterans Administration, Department of Defense, and the Indian Health Service Hospitals.

Table 1

COLLECTIONS* OF WHOLE BLOOD BY LICENSED AND UNLICENSED SECTORS OF THE BLOOD SERVICE COMPLEX (In Units)

	COMMUNITY	COMMERCIAL	RED CROSS	HOSPITAL	MILITARY HOSPITAL	TOTAL
TOTAL	2,558,700	964,000	3,480,000	1,579,300	217,700	8,799,700
FEDERAL LICENSE ONLY	791,100	346,100	2,331,600	151,900		3,620,700
STATE LICENSE ONLY	754,700	248,500	0	350,700	—	1,353,900
BOTH	414,800	351,100	1,148,400	91,200	—	2,005,500
NEITHER	598,100	18,300	0	985,500	217,700	1,819,600

*From National Heart and Lung Institute's Blood Resource Studies, June 30, 1972.



Common scheme of blood processing.

Adapted from An Evaluation of the Utilization of Human Blood Resources in the United States. National Academy of Sciences, National Research Council; October 1970

Table 2

TABLE DEPICTING POTENTIAL FOR QUANTITATIVE BENEFITS IN AN OPTIMALLY INTEGRATED BLOOD SERVICE COMPLEX, ASSUMING CERTAIN NATIONWIDE RATES OF OUTDATING OF BLOOD:

Reductions in collections of blood needed to meet current demands for transfused units of red cells, costs associated with discard of outdated blood, and amounts of plasma available for component and derivative therapy

(1) If outdating on a nationwide basis is:	(2) Then collections, to meet the demand for 6.4M transfused units of red cells, must total:	(3) And cost* of outdating is:	If, in addition, component therapy is: 22%	50%	70%
			then available plasma** is:		
27%	8.8M units	$36M	3.8M	5.6M	6.9M
15%	7.6M units	$18M	2.6M	4.4M	5.7M
10%	7.2M units	$12M	2.2M	4.0M	5.3M
5%	6.8M units	$ 6M***	1.8M	3.6M	4.9M

-54-

*The cost of outdating a unit of blood is taken to be approximately $15. This is a conservative estimate of the costs involved in collecting, processing, and distributing a unit of blood and accords well with the experience of the American National Red Cross. Total cost of outdating equals the number of units outdated times $15.

**Plasma, in units, available for further utilization is the sum of outdated units plus units actually separated into components. This assumes that all outdated units are returned for salvage of plasma. If component therapy is 22%, fresh plasma volume for use in the preparation of plasma derivatives, including those needed by hemophiliacs, equals 1.4M units. Correspondingly, if component therapy is 50%, fresh plasma volume is 3.2M units and, similarly, if component therapy is 70%, fresh plasma is 4.5M units.

***It should be noted that there is a level of outdating which is necessary to assure a surplus of supply over demand and to avoid shortages. The optimal nationwide level of outdating remains to be determined, but a rate of 5% has been achieved in highly organized regional systems. The cost of outdating, as presented in the table, is therefore the cost of total outdating, not the cost of excess or unnecessary outdating, which is probably about $6M less (since a 5% level may well be necessary).

[FR Doc.74-20740 Filed 9-9-74;8:45 am]

federal register

TUESDAY, SEPTEMBER 10, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 176

PART III

FEDERAL ENERGY ADMINISTRATION

■

REFINERS BUY-SELL LIST

Crude Oil Allocation

FEDERAL ENERGY ADMINISTRATION

REFINERS BUY-SELL LIST

Crude Oil Allocation Notice

Pursuant to the authority of the Emergency Petroleum Allocation Act of 1973 and E.O. 11790, 39 FR 23185, and in accordance with the provisions of 10 CFR 211.65, the notice specified in § 211.65(e) is hereby published. The notice lists the sales obligations and purchase opportunities for refiners for the allocation quarter commencing September 1, 1974.

The buy-sell list is set forth as an appendix to this notice. Included as part of the list, as required by § 211.65(e), are: the quantity of crude oil each refiner-buyer is eligible to purchase, the total allocation obligation for all refiner-sellers, the fixed percentage share for each refiner-seller and the quantity of crude oil that each refiner-seller is obligated to offer for sale to refiner-buyers. The sales obligation of each refiner-seller includes unsold amounts, if any, of such refiner-seller under Special Rule No. 1 for May 1974 (39 FR 12109), and reflects adjustments for the pro-rated estimates for May 1974, as compared with actual crude oil runs to stills for that month, as required by Special Rule No. 2 for the Crude Oil Allocation Program. The amount of each sales obligation also reflects the adjustments provided for by § 211.65(d)(3). Similarly, the quantity of crude oil that each refiner-buyer is eligible to purchase has been adjusted pursuant to Special Rule No. 2. In addition, for purposes of calculating its purchase opportunity, the volume of each refiner-buyer's crude oil runs to stills for the period February through April, 1974 includes the volume of crude oil sold by that refiner-buyer in such period under Subpart C of Part 211.

The buy-sell list is applicable for the period September 1 to November 30, 1974. The provisions of 10 CFR 211, Subpart C, apply to all transactions made under the buy-sell list.

The buy-sell list covers PAD districts I through V, and amounts shown are in barrels of 42 gallons each, for the specified period. Pursuant to § 211.65(d), refiner-sellers are required to offer the amount of crude oil listed by their names for sale to refiner-buyers. Under § 211.65(a), refiner-buyers have the opportunity to purchase crude oil up to the amounts listed by their names.

The procedures of 10 CFR 211, Subpart C, applicable to transactions under the buy-sell list provide that if a sale is not agreed upon within 15 days of the date of publication of this notice, a refiner-buyer that has not been able to negotiate a contract to purchase crude oil may request FEA to direct one or more refiner-sellers to sell a suitable type of crude oil to such refiner-buyer. Such a request must be made within 30 days of the publication of this notice. Upon such request, FEA may direct one or more refiner-sellers which have not sold their allocation quarter quantity to sell crude oil to the refiner-buyer. If the refiner-buyer declines to purchase the crude oil specified by FEA, the rights of that refiner-buyer to purchase that volume of crude oil are forfeited during this allocation quarter, providing that the refiner-seller or refiner-sellers in question have fully complied with the provisions of Subpart C. Refiner-buyers making such request must provide the FEA with the following information:

1. Name of the refiner-buyer and of the person authorized to act for the refiner-buyer in buy-sell list transactions.

2. Names and locations of the refineries for which crude oil is sought, the amount of crude oil sought for each refinery, and the technical specification range of crude oil which can be processed in each refinery.

3. Names and locations of all refiner-sellers from which crude oil has been sought under the buy-sell list and the volume and specification of the crude oil sought from each.

4. Statement of any restrictions, limitations or constraints on the refiner-buyer's purchases of crude oil, with particular respect to manner or time of deliveries and price.

5. The response of each refiner-seller to which a request to purchase crude oil has been made, and the name and telephone number of the individual contacted at each such refiner-seller.

6. Such other pertinent information as FEA may request.

When a refiner-seller is directed by FEA to sell crude oil to a refiner-buyer, it is expected that every reasonable effort will be made to consummate a transaction. Upon either termination of negotiations or consummation of a transaction, FEA shall be advised of the outcome by both parties.

Each refiner-buyer and refiner-seller will report the details of each transaction under the buy-sell list to FEA on Form 903 (rev.).

Refiner-buyers wishing to receive an allocation in the allocation quarter commencing December 1, 1974, with respect to new or future refining capacity (as defined in 10 CFR 211.62) that is not presently taken into account in determining their respective purchase opportunities, must apply to the FEA for certification of that capacity no later than October 4, 1974.

All reports and applications made under this notice should be addressed to:

Fuel Manager (Crude Oil, Refinery Mix, and Petrochemical Feedstocks)
P.O. Box 2885
Washington, D.C. 20013

Issued in Washington, D.C., September 4, 1974.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

APPENDIX

The list of refiner-sellers and refiner-buyers for the period September 1, 1974, through November 30, 1974, is as follows. The list sets forth the identity of each refiner-seller and refiner-buyer, the fixed percentage share of each refiner-seller, and the volumes of crude oil (reflecting all adjustments required under § 211.65 and Special Rule No. 2) that each such refiner-seller or refiner-buyer is either obligated to offer for sale or is eligible to purchase, as the case may be.

FEDERAL ENERGY ADMINISTRATION

CRUDE OIL ALLOCATION PROGRAM FOR THE PERIOD SEPTEMBER–NOVEMBER 1974 SALES

	Percent	Barrels
Amoco Oil Company	0.099	5,906,635
Atlantic Richfield	.073	6,795,483
Cities Service Oil	.023	2,380,660
Continental Oil Co	.034	4,642,792
Exxon Corporation	.112	9,952,183
Getty/Skelly	.020	3,398,663
Gulf Oil Corp	.086	9,639,678
Marathon Oil Co	.022	1,310,650
Mobil Oil Corp	.089	7,816,226
Phillips Petroleum	.039	2,727,601
Shell Oil Co	.107	9,406,009
Socal/Chevron	.096	8,508,816
Sun Oil Co	.052	4,370,071
Texaco, Inc	.105	10,835,844
Union Oil Co. of California	.043	5,337,361
Total sales		93,028,072

PURCHASES

	Barrels
Allied Materials Co	96,489
Amerada Hess Corp	11,534,484
American Petrofina	731,523
Apco Oil Corp	0
Arizona Fuels Corp	367,848
Ashland Oil, Inc	6,103,625
Bay/Dow	250,429
Bayou State Oil Corp	22,596
Beacon Oil Co	191,695
C & H Refining	26,489
Calumet Industries	0
Canal Refining Co	0
Caribou Four Corners	0
Champlin Petroleum	860,049
Charter Oil Co	568,371
Claiborne Gas Co	0
Clark Oil & Refining	1,531,166
Coastal States Gas	6,667,458
Commonwealth Oil Refining	2,525,750
Cra-Farmland Industries, Inc	1,909,750
Cross Oil & Refining—Arkansas	90,281
Crown Central Petro	1,701,922
Crown Refining Co	418,904
Crystal Oil Refining	96,480
Crystal Refining Co	179,480
Delta Refining Co	1,658,617
Diamond Shamrock Corp	0
Dingman Oil & Refining Co	30,081
Dorchester Gas	1,855
Eddy Refining Co	0
Edgington Oil Co	372,516
Edgington Oxnard Refining	908
Evangeline Refining	29,596
Famariss Oil Corp	1,782,852
Farmers Union Exchange	1,139,971
Fletcher Oil & Refining	238,594
Flint Chemical Corp	0
Gary Operating Co	131,150
Giant Industries	764,310
Gladieux Refinery	29,361
Golden Eagle Refining Co	372,300
Good Hope Refineries	380,609
Guam Oil & Refining	82,785
Hirl	806,250
Howell Corp	884,362
Hunt Oil Co	0
Husky Oil Co	1,557,850
Indiana Farm Bureau	322,875
J & W Refining, Inc	533,532
Kentucky Oil-Refining Co	153,597
Kerr McGee Corp	3,175,910
Koch Refining Co	1,393,037
La Gloria Oil-Gas Co	389,000
Lakeside Refining Co	9,157
Laketon Asphalt Refining	138,625
Little America Refining	471,536

MacMillan Refining Oil Co	292,585
Marion Corp	0
Mid America Refining	50,000
Mid-Tex Refinery	233,672
Midland Co-op, Inc	840,718
Mohawk Petroleum Co	241,309
Monsanto Co	327,200
Morrison Petroleum	0
Mountaineer Refinery	569
Murphy Oil Corp	2,906,192
National Co-op Refining	1,103,311
National Oil Recovery	238,847
Navajo Refining Co	303,031
Newhall Refining Co	348,730
North American Petroleum	47,264
Northland Oil & Refining	398,078
Oil Shale Corp	2,235,514
OKC Corp	0
Oriental Refining Co	0
Pasco, Inc	225,000
Pennzoil Co	0
Pioneer Refining	56,542
Plateau, Inc	0
Powerine Oil Co	1,956,191
Pride Refining, Inc	377,527
Quaker State Oil Refining	0
Road Oil Sales, Inc	7,244
Rock Island Refining	128,075
San Joaquin Refining	772,927
Seminole Asphalt Refining	178,180
Somerset Refinery	0
Sound Refining Inc	20,625
South Hampton	159,438
Southland Oil Co	28,602
Southwestern Refining Co	5,304
Standard Oil of Ohio	13,725,421
Sunland Refining Co	29,212
Tenneco Oil Co	2,441,750
Tesoro Petroleum Co	187,709
Texas Asphalt & Refining	420,388
Texas City Refining	3,432,413
Texas Fuel & Asphalt	84,493
Thagard Oil	27,934
The Refinery Corp	358,105
Thriftway Co	17,540
Thunderbird Resource	21,475
Tonkawa Refining Co	41,857
Toro Petroleum	1,738,205
Total Leonard, Inc	46,500
Union Texas Petroleum	0
United Refining Co	933,239
US Oil Refining Co	344,749
Vickers Petroleum Co	675,906
Vulcan Asphalt Refining	102,135
Warrior Asphalt Corp	104,184
West Coast Oil Co	1,068,750
Wickett Refining	60,899
Winston Refining Co	134,774
Wireback Oil Co	8,015
Witco Chemical Corp	514,447
Wood County Refining	35,108
Yetter Oil Co	135
Young Refining Corp	264,552
Total purchases	93,028,070

[FR Doc.74-20751 Filed 9-4-74;5:00 pm]

federal register

TUESDAY, SEPTEMBER 10, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 176

PART IV

FEDERAL ENERGY ADMINISTRATION

■

MANDATORY PETROLEUM PRICE REGULATIONS

Miscellaneous Proposals; Public Hearing

FEDERAL ENERGY ADMINISTRATION

[10 CFR Parts 210, 212]

MANDATORY PETROLEUM PRICE REGULATIONS

Miscellaneous Proposals; Public Hearing

The Federal Energy Administration hereby gives notice of a proposal to amend Title 10, Parts 210 and 212 of the Code of Federal Regulations to revise the mandatory petroleum price regulations. The FEA will receive written comments and hold a public hearing with respect to this proposal.

INTRODUCTION

This proposal includes a number of significant changes in the price regulations, and is the first proposed comprehensive revision of those regulations since authority to control prices of crude oil and petroleum products was delegated to FEO by the Cost of Living Council in December 1973. The proposed changes reflect FEA's experience over eight months of operating under these regulations, and are an effort to correct various ambiguities and short-comings which have come to light during this period.

The overall objective of these proposed changes is to simplify and clarify the price regulations, while retaining the essential concepts of the regulations as they were initially issued. Thus, provisions for dollar-for-dollar pass-through of increased product costs are maintained, as are provisions which limit profit margins on covered products to the historical May 15, 1973 margins. The only exception to this historical profit margin limitation has been where it has been found necessary to stimulate increased domestic production in the case of crude oil and, as now proposed in this notice, in the case of natural gas liquids. The overall profit margin limitation which applies to any pass-through of increased non-product costs by refiners is also still maintained.

A further objective of these proposed changes is to eliminate regulatory restrictions that are no longer needed or are inappropriate in the context of current conditions. For example, the special products rule was relatively well-suited to allocating increased product costs to special products (gasoline, home heating oil and diesel fuel) before the price disparities of crude oil under the two-tier price system became as pronounced as they currently are. However, the problems caused by the two-tier price system are now in many instances exacerbated by the special products rule, which allocates an amount of increased product costs to products other than special products in an inflexible manner, and requires the pass-through of those costs to be taken on those products, if they are to be taken at all.

Finally, these proposals are also intended to help restore the role of competition within the overall structure of the price regulations, so that traditional market forces may begin to supplant the rigid controls of price regulations as the price setting mechanism. Thus, these proposals look toward eventual decontrol of petroleum prices and are intended to put the regulations on a path that will lead to decontrol with the least possible disruption in the marketplace.

The proposed amendments in the price regulations include:

(1) New regulations designed specifically to cover the prices of natural gas liquids, including propane produced from natural gas liquids, and a revised "Special Propane Rule" which is applicable to prices charged for propane by refiners, both of which were recently issued on an emergency basis subject to later comments and public hearing;

(2) Revisions to the regulations on the pass-through of non-product cost increases by refiners to eliminate the current "prenotification" procedure and to replace it with an automatic pass-through for certain increased non-product costs on a basis which retains the profit margin limitation on the pass-through of such costs, but which is otherwise similar to the procedure now used for the pass-through of increased product costs;

(3) Removal of the "Special Products Rule" restrictions with respect to products other than propane, and other modifications in the regulations to provide more flexibility in the manner in which increased product costs may be applied by refiners in determining prices for products and among classes of purchaser;

(4) Modification of the regulations to limit the extent to which increased product costs unrecouped in one month may be recouped in subsequent months; and

(5) Miscellaneous amendments to other provisions of the price regulations to make them better suited for current conditions and to clarify various ambiguities which may now exist.

I. *Natural gas liquids and propane*—A. *Background.* Natural gas liquids are liquids obtained from natural gas, which consist principally of ethane, butane, (iso-butane and normal butane), propane and natural gasoline.

The FEA price regulations, which are now administered under authority of The Emergency Petroleum Allocation Act of 1973 (Pub. L. 93–159) ("EPAA"), apply to natural gas liquids, other than ethane, and to all producers or processors of natural gas liquids.

Natural gas liquids have been within the scope of the petroleum price control program since the Cost of Living Council promulgated its Phase IV price controls for the petroleum industry in August, 1973, (6 CFR, Part 150, Subpart L, 38 FR 22536, August 22, 1973 [effective August 17, 1973]). These were the first comprehensive price control regulations designed specifically for the petroleum industry, and the products covered under the regulations were described as:

> * * * a product described in the 1972 edition, Standard Industrial Classification Manual, Industry Code 1311 (except natural gas), 1321 or 2911. (6 CFR 150.352)

The Council excluded natural gas from its controls in recognition of the fact that natural gas prices are generally regulated by the Federal Power Commission, but specifically included the liquid products processed from natural gas by the inclusion of SIC Code 1321 in the definition of covered products. SIC Code 1321 describes the production of liquid hydrocarbons from oil and gas field gases, and includes butane, propane and natural gas liquids. (These same products, refined from crude oil, are described in SIC Code 2911 as "Gases, liquified petroleum.")

Although the language of SIC Code 1321 uses the term "production," and SIC Code 2911 uses the term "refining," for price regulation purposes, the Council used the single term "refining" to encompass both "production" under SIC Code 1321 and "refining" under SIC Code 2911. Thus, the Council, the FEO, and now the FEA, have defined a "refiner" to include firms refining "liquid hydrocarbons from oil and gas field gases." To confirm this position, the Council issued a Question and Answer (CLC Release No. 467, Phase IV Q&A No. 18, November 30, 1973, Question No. 5) stating that natural gas liquids extracted from natural gas were subject to the regulations governing refiners' prices.

The Costs of Living Council Phase IV price controls for the petroleum industry have been continued in essentially their initial form to the present, and were in effect at the time the Congress considered and enacted the EPAA under the authority of which the FEA now administers the price control regulations. The FEA has concluded that this authority includes authority over the prices of natural gas liquids, and that the price control regulations with respect to natural gas liquids were therefore unaffected by the expiration on April 30, 1974, of the Economic Stabilization Act of 1970, as amended, the authority under which they were initially promulgated.

The products covered by the EPAA are "crude oil, residual fuel oil and refined petroleum products" (Section 4(a) of the EPAA), with refined petroleum products defined as "gasoline, kerosene, distillates (including Number 2 fuel oil), LPG, refined lubricating oils or diesel fuel," and LPG further defined as "propane and butane, but not ethane" (Sections 3 (5), (6) of the EPAA). While the Congress addressed specifically "refined petroleum products," FEA believes this term to have been used by the Congress in the same sense that it was used by the Cost of Living Council, and to include both the "refining" of certain products from crude oil and the "production" of those products from natural gas. Indeed, Congressional concern was focused on the prices and supplies of butane and propane when the EPAA was enacted, and it cannot be concluded that such concern was limited to these products only as they are made from crude oil in a "refinery." Most of the domestic supply of propane, in fact, is attributable to natural gas processing, and to exclude this process from regulation

would leave FEA unable to implement effectively a program for assuring supply and regulating prices of propane, one of the most important of the natural gas liquids involved.

The language of the statute under which FEA was established, the Federal Energy Administration Act of 1974 (Pub. L. 93-275) ("FEAA"), provides further support and insight into the scope of the controls program which FEA may implement. Section 5(b)(11) of that Act requires that in exercising price authority over propane, the FEA must provide "for equitable allocation of all component costs of producing propane gas." This language clearly indicates the scope of FEA authority is not limited to products "refined" from crude oil. The use of the word "producing" is parallel to the SIC Code 1321 language which has been used by the Council and FEA, and which is applicable to the processing of liquid hydrocarbons from natural gas.

It should also be noted that the FEA recently concluded that its authority under the EPAA extends to natural gasoline, when it adopted allocation regulations that specifically cover natural gasoline. In that connection, it was stated:

> FEA considers natural gasoline to be a gasoline included within the defined term "refined petroleum product" in the Act. In this regard, FEA does not view "refined" to be limited to processing at a refinery, but as including refining or separation from the natural gas stream. (39 FR 25224, July 9, 1974)

B. *Current regulations.* The provisions of 10 CFR Part 212 apply to processors of natural gas liquids, which are considered to be "refiners," as that term is defined in § 212.31.

The refiner price rules of the FEA are not, however, well-suited for regulating prices of liquid products produced from natural gas by gas processors, since the operations of a gas plant are quite different from those of a refinery. In effect, the application of the refiner price rules to gas plants has had the result of limiting the lawful prices of natural gas liquids to essentially their May 15, 1973 levels, since gas plants have typically had little or no increased cost of natural gas, from which natural gas liquids are produced. The natural gas from which these liquids are extracted is not consumed in the process, as is crude oil in the refining process. Rather, there is a "shrinkage" in the volume and BTU content of the gas. The regulation of most natural gas prices by the Federal Power Commission has meant that the price of the gas which is lost in the processing of natural gas liquids (i.e., the "shrinkage" cost) has not increased in any significant sense. This is, of course, in marked contrast to the dramatically increased cost of crude oil which most refiners have experienced. Further, the operating costs of gas plants have not increased in amounts sufficient to justify any significant price increases to reflect increased non-product costs, which could be obtained under the prenotification procedures of Subpart I of Part 212.

The lack of price regulations addressed specifically to natural gas liquids has been reflected in the price regulations at the refiner level for propane, which is produced both from natural gas and from crude oil. Until the recent issuance of an emergency amendment to the special propane rule, the increased product costs which a refiner could allocate to propane did not distinguish between those product cost increases attributable to crude oil and those product cost increases attributable to natural gas liquids.

C. *Issues and Proposal.* The principal objective of the proposed price regulations for natural gas liquids (particularly as to the propane component of the liquids) is that the prices permitted under the regulations will be as low as is reasonably possible without adversely affecting the availability of the product. The FEA is most concerned that its price regulations do not lead to a short supply situation with respect to propane.

A short supply could develop from prices that are too low, in the first instance, because it would no longer be economic to extract the liquids from natural gas. Secondly, if prices for propane are too low in relation to the prices of other fuels, particularly fuels derived exclusively from crude oil, excessive demand for propane would very likely result, especially from segments of the market which had not previously been using propane. Thus, for example, refiners that must use fuel in the refining process could well find it more economical to use propane produced from natural gas, if it were priced strictly in relationship to the controlled price of natural gas, rather than fuel refined from crude oil, which has increased in price. Residual fuel oil at $10 per barrel (or 24 cents a gallon) is approximately equivalent, on a BTU cost basis, for example, to propane at 15 cents per gallon.

May 15, 1973 prices for propane at the gas plant and refiner level were, on the average, about 7 cents per gallon. Immediately prior to the August 5, 1974 issuance of an emergency amendment to the special propane rule, prices at that distribution level were in the area of 18 cents to 19 cents per gallon, and there were indications that they would increase further. Since the issuance of the emergency amendment, certain refiners have announced propane price reductions of from 3 cents to 7.5 cents per gallon, bringing those refiners to a price level for propane of from 11 cents to 16 cents per gallon. The FEA is advised that prices of from 11 cents to 13 cents per gallon for propane produced from natural gas are needed to insure its continued production from natural gas, and that price levels of 15 cents per gallon are probably needed to stimulate additional production from natural gas.

A further problem exists under the current price rules, which limit maximum lawful prices for propane produced from natural gas to essentially their May 15, 1973 level, but which permit propane produced from crude oil to be priced at higher levels which reflect the increased cost of crude oil. As a result, there are sharp differences in maximum lawful prices for propane which depend on the extent to which a particular seller produces its propane from crude oil. Such price differences, in turn, are having disruptive effects on the distribution sector of the propane industry. Those distributors able to purchase the propane which is currently available at prices that are limited to levels as low as 4 cents per gallon (from sellers which operate only gas plants) are in a position to expand their markets, at the expense of those distributors that can only obtain propane from suppliers having lawful prices two or three times higher.

The foregoing considerations have led the FEA to propose a new Subpart K in Part 212 which is intended to deal specifically with natural gas liquids. As a part of this proposal, FEA has tentatively concluded that an increment to May 15, 1973 prices may be needed at the first sale level with respect to natural gas liquids. The amount of the increment that may be needed appears to be in the range of 3 cents to 5 cents per gallon. Comments on the need for such an increment and the appropriate amount of any increment are requested.

The FEA believes that such an increment, which would be comparable in nature to the $1.35 per barrel increase permitted to the May 15, 1973 prices for domestic crude oil, may be essential to maintain at least the current level of production of liquids from natural gas, and to avoid sharply increased demands for these liquids from non-traditional users because of the otherwise unrealistically low prices they would have in comparison to other fuels. Although any such increment to May 15, 1973 prices of natural gas liquids would not be related to any specific increased costs of processing, it should be noted that the prices of propane have historically had wide seasonal fluctuations and that May 15, 1973 prices reflect lower summer prices which may not be fairly representative of the margins obtained on propane by producers and gas processors on an annualized basis.

A complicating factor with respect to implementing such an increase to the May 15, 1973 selling price levels for natural gas liquids is that it cannot simply be added at the producer level because in many instances producers do not sell or transfer natural gas or natural gas liquids to gas processors at a specified price per unit of volume, as crude oil is typically sold or transferred to refiners. Instead, the producers may retain title to the liquids while they are processed and until they are finally sold in the form of propane, butane, or natural gasoline. Or, if title to the liquids is transferred from the producer to the gas processor, the price may be established by reference to a market price for the volumes of the products included in the liquids, or as a

percentage of the actual sales revenues that are received for the products obtained from the liquids.

The FEA therefore is proposing a "first sale" price rule for natural gas liquids that will apply to the first sale of the liquids with respect to which a price per unit of volume is received by the seller, whether the seller is a producer, a royalty owner, or a processor. The actual May 15, 1973 price received in the first sale for which a price per unit of volume was established will form the basis for current lawful first sale prices. Any per gallon increment would be added to the May 15, 1973 price.

The FEA is also proposing procedures whereby increased product costs and certain increased non-product costs may be passed through in the form of increases to the May 15, 1973 prices for natural gas liquids. These rules for passing through increased costs of processing natural gas are intended to be analogous to those which apply to the pass-through of increased costs of refining crude oil, and include profit margin restrictions on the pass-through of non-product cost increases. The new rules attempt to take into account the differences between gas processing and crude oil refining by providing definitions specifically addressed to the operations of gas processing plants, and by providing for the implementation of such increased cost-justified price increases only to the extent that they are actually incurred by the party that would receive the revenues from the price increase.

The special propane rule of § 212.83 (c) (1) (iii), which was amended August 5, 1974, is subject to comment and testimony in this proceeding, and is also a part of the FEA proposal for passing through increased costs of processing natural gas liquids, as applied to the price of propane, in an equitable manner, taking into account the fact that propane is produced from natural gas and from crude oil.

The regulations on natural gas liquids and propane that are proposed in this notice, and the recent amendment to the special propane rule, are intended to reflect the intent of Congress, as expressed in § 5(b) (11) of the FEAA which provides that:

> • • • in administering any pricing authority, [the Administrator shall] provide by rule, for equitable allocation of all component costs of producing propane gas. Such rules may require that (a) only those costs directly related to propane may be allocated by any producer to such gas for purposes of establishing any price for propane, and (b) prices for propane shall be based on the prices for propane in effect on May 15, 1973.

Interested parties commenting on these proposed regulations should, therefore, take this provision of the FEAA into account.

The complex contractual arrangements under which natural gas liquids are processed and sold also pose problems for implementing provisions for the pass-through of increased costs because, under many such arrangements, the party that incurs increased costs no longer has title to the product at the time of the first sale, or is otherwise not in a position to adjust the selling price of the liquids in order to pass those cost increases through.

Accordingly, increased cost pass-through provisions are proposed, for both increased costs of natural gas shrinkage (the equivalent of increased product costs) and increased non-product costs, which could be implemented only to the extent that an increase in the first sale price would actually provide increased revenues to the party that incurred the increased costs.

The amount of the increment to May 15, 1973 prices that will be allowed in order to pass through increased costs will, however, be computed for each gas plant as though the total allowable increased costs for that plant were being passed through in equal amounts in the prices charged for all the liquids sold from that plant. Thus, if cost increases justifying a 1 cent per gallon price increase for all liquids processed in a particular plant were incurred by a party that had the right to increase the prices as to only 50 percent of the plant's production, only 1 cent could be added to the price of that 50 percent of the production. In effect, one half of the increased costs would not be recovered because the party receiving the revenues from one half of the plant's production would not have incurred any increased costs. The FEA has tentatively concluded that an increased cost pass-through provision that would let the party which actually incurred the increased costs pass them through, in their entirety, in the form of price increases in only those sales from which it received the revenues would result in wide and undesirable price disparities in prices for the same products produced in the same gas plant. For example, if all the cost increases at a particular gas plant were incurred by a party that received the revenues from only 10 percent of the products produced in that plant, and those cost increases were passed through in the prices charged charged for that 10 percent of the plant's production, significant price differences in the prices for the same products from that plant would result.

In order to encourage a single price for all products derived from liquids in a particular gas plant, the proposed regulations provide that to the extent that parties to gas processing agreements arrange to share the increased costs in proportion to their receipt of revenues from the first sale, a full pass-through of increased costs could be obtained, and single prices for the production of that gas plant would result.

For example, if a gas processor received from a producer 50 percent of the liquids processed, as a processing fee, and the producer retained title to the other 50 percent, which were also processed by the processor, and if the processor incurred increased costs averaging 1 cent per gallon for the entire quantity of liquids it processed, under the proposed increased cost pass-through provisions, the processor could increase its price by a maximum of 1 cent per gallon only as to the prices it charged for the 50 percent of the liquids it owned. The producer could not add 1 cent to the prices charged for the liquids to which it retained title, because it would not have incurred any increase in processing costs under its agreement with the processor. In order to encourage a single price for all liquids from a particular gas plant, however, the producer would be permitted to pass-through the 1 cent per gallon if it agreed to incur the amount of increased costs associated with the processing of its 50 percent of the liquids.

The special regulations being proposed in this notice for gas plants will also apply to gas plants owned or controlled by refiners, for purposes of determining the appropriate transfer price to the refiner. Increased product or non-product costs included in the transfer price of natural gas liquids to the refiner may not, of course, also be included as increased product or non-product costs under the general refiner price rules. The "special propane rule" (§ 212.83(c) (1) (iii)), as amended on August 5, 1974, is proposed to be kept in effect for refiners, except to the extent that the proposed new natural gas liquids price regulations would determine the transfer prices to refiners from affiliated gas plants.

In amending the special propane rule, refiners were not permitted to apportion to propane any increased product costs incurred prior to July 1, 1974, and not recovered through July 31, 1974. This aspect of the amendment was included because refiners are not required to report separately the amount of increased product cost that could be passed through on prices of propane under the former special propane rule, and the FEA could not estimate the price increases that could have resulted solely from passing through such unrecovered costs (i.e., increased costs that could have been apportioned to propane prior to July 31, 1974, but were not). In order for the FEA to determine the extent to which such unrecovered costs should now be permitted to be passed through on prices for propane, or on prices for other products, refiners are requested to comment specifically on the amount of such unrecouped increased costs, the extent, if any, to which they represent increased costs that could have been passed through on prices for propane under the current "special propane rule," and the effect on propane prices if they were to be passed through on propane over the remaining months prior to the scheduled expiration of the Emergency Petroleum Allocation Act of 1973. Comment is also requested on whether there is a need to extend the "Special Propane Rule" to cover butane and natural gasoline.

A possible alternative to the price regulations for natural gas liquids being proposed by the FEA would be to impose ceiling prices for natural gas liquids and the products derived from them at various levels of distribution, which would take the costs of production into account only generally, on an industry wide basis.

Comments are invited as to the feasibility of such an approach, particularly as to whether there are well-established levels of distribution as to which ceiling prices could apply, and as to what the minimum prices at those levels would need to be, to insure adequate supplies.

II. *Amendments to the increased non-product cost pass-through regulations for refiners.* Current FEA price regulations provide for the pass-through of increased non-product costs by refiners under a prenotification procedure. This procedure requires that increased non-product costs be submitted to the FEA for review and, upon approval by FEA, price increases to reflect such increased non-product costs may be implemented by a refiner. Once such a price increase is implemented, a refiner cannot exceed its base period profit margin, as defined in the regulations, for the fiscal year in which the prenotified price increase is charged. The prenotification procedures were initially adopted by the Cost of Living Council and were generally applicable to a wide variety of firms in all kinds of business activities. The prenotification procedure has not proved to be particularly well-suited for application to refiners, and it does not conform in many respects to the procedures established for the pass-through of increased product costs.

Accordingly, the FEA proposes to modify the procedures whereby refiners can pass through increased non-profit costs to eliminate the prenotification procedure, while retaining the essential substantive features of the current non-product cost pass-through regulations.

There are three important aspects of the proposed amendments on increased non-product cost pass-through.

First, the profit margin limitation as now set forth in § 212.11 will continue to appiy if prices reflecting increased non-product costs are charged, but the profit margin will be determined only as to the activities of a firm with respect to covered products, as defined in § 212.31. Accordingly, a firm's activities concerning non-covered products will no longer be used in the profit margin calculation. Second, the prenotification requirements set forth in Subpart I will be deleted. Thus, firms will no longer be required to prenotify price increases based on allowable non-product cost increases calculated pursuant to § 212.82. Instead, firms will be permitted to pass through allowable non-product costs on a dollar-for-dollar basis using a method and form similar to that used to pass through increased product costs pursuant to § 212.83. A new Form FEA–96 will be issued to replace the present Forms FEA–96 and CLC–22. Third, allowable non-product costs which may be used to justify price increases will be defined to include only increases in refinery labor costs, refinery fuel costs, non-petroleum additive costs, and limited marketing costs.

A. *Profit margin.* The proposed amendment will require a refiner to compute a single profit margin for all of its manufacturing, service, retailing and wholesaling activities with respect to covered products as defined in § 212.31. In other words, only the revenues, costs, and sales of covered products will be used in the calculation of a refiner's "base period profit margin" and fiscal year-end "profit margin."

The present regulations require that a refiner compute a single profit margin for all of its activities. Therefore, under the proposed amendment, refiners will be required to recalculate their base period profit margin for purposes of increased non-product cost pass-through.

The proposed amendment will continue to provide that a refiner which charges a price higher than the base price for a covered product (i.e., a price reflecting pass-through of increased non-product costs) may not exceed its base period profit margin for the fiscal year in which the price in excess of base price is charged.

The definition of the profit margin may also need further modification in light of the substantial increases in crude oil prices which have occurred since the price regulations were first adopted. The profit margin is now defined essentially as the ratio of operating income to net sales, and in essence this permits companies to earn as profit the same percentage of their total sales as they earned during the base period. Although the profit margin in this form provides a reasonably good and easily administered measure of profits during periods of moderate price increases, it may not be appropriate in the peculiar circumstances of the oil industry today.

The major costs element in the industry, the costs of crude oil, has nearly tripled since the base period, and, setting aside certain non-product costs, application of the profit margin test in its present form permits a corresponding trebling of per unit profits. The current method of determining profit margin, therefore, produces a result which is not entirely consistent with the rationale for the dollar-for-dollar pass-through permitted for product cost increases and which could be considered unduly inflationary. As part of this rulemaking FEA also invites suggestions as to whether the profit margin definition should be amended in some manner such as by defining it in terms of an absolute dollar amount per unit of sales, e.g., dollars per barrel of crude oil refined, rather than as a percentage of total sales.

B. *Deletion of prenotification procedures.* At present, refiners may pass through increased costs in two ways: first, pursuant to § 212.83 and the Instructions to Form FEA–96, increased product costs may automatically be passed through on a dollar-for-dollar basis. This is part of the base price calculation. Second, pursuant to § 212.82 and Instructions to Form CLC–22, increased non-product costs may be passed through on a dollar-for-dollar basis after the firm has prenotified the FEA of its proposed price increases and waited 30 days, during which time the FEA can suspend, modify, alter, defer, or disapprove the price increase request. If the FEA takes no action, the price increase may be put into effect on transactions occurring after the expiration of the 30-day waiting period.

The Form CLC–22 requires firms to determine price increases based upon an increase in the rate at which costs are incurred. For example, a firm with an increase in a non-product cost from $5 to $7 per unit has incurred a rate increase of 40 percent. To calculate the percentage price increase allowed, under current prenotification procedures, this rate increase would be multiplied by the percent the non-product cost represented in the total costs of the product. Thus, if the non-product cost were 60 percent of the cost of the final product, the firm would be allowed a 24 percent price increase in the price for the product (40 percent×60 percent=24 percent). In contrast, pursuant to § 212.83 and Form FEA–96, price increases based on increased product costs are calculated by determining the dollar amount of the cost increase. For example, if a product cost increases from $5 to $7 per unit, a firm is allowed to pass through the differential times the quantity of product used. ($2×volume=$ cost increase). Thus, non-product cost increases are now calculated using the CLC–22 "rate" concept while product cost increases are calculated using the FEA–96 "dollar amount" concept.

Theoretically, assuming equal volumes, both methods of calculating cost increases result in the same dollar amount of cost pass-through. The use of the two methods, however, adds unnecessary complexity to the regulations and has caused some confusion.

Accordingly, FEA has concluded that a single method of calculating cost pass-through should be adopted. The proposed amendments and the issuance of a new Form FEA–96 will permit firms to calculate and pass through increases in product and non-product costs in the same manner, with the non-product cost pass-through remaining subject to a profit margin limitation. Also, the pass-through of non-product cost increases by refiners will continue to be subject to a 30-day delay, since increased non-product costs incurred in the month of measurement could not be passed through in the form of price increases until the following month.

C. *Definitions of non-product costs.* Pursuant to § 212.82(b)(2) an "allowable cost," which may be used to justify a prenotified price increase, is now defined to mean "non-product costs attributable to refining operations under the customary accounting procedures generally accepted and historically and consistently applied by the firm concerned and excludes any costs attributable to marketing operations," except as provided in § 212.82(b)(2)(i) through (vi). Accordingly, a refiner may generally pass through all of its non-product cost increases attributable to its refining operations. The proposed amendment will limit the increased non-product costs

which a refiner may pass through in price increases to refinery labor costs, refinery fuel costs, non-petroleum additive costs, and marketing costs, to the extent currently permitted under § 212.82(b) (2) (i) through (vi). Increases in these costs will be passed through on a dollar-for-dollar basis similar to the way in which increased product costs are passed through, except that, as with the present regulations, a refiner that takes advantage of the increased non-product cost pass-through provisions will become subject to the profit margin limitation for the fiscal year in which the price increase above base price is made. Also, the productivity offset which is now set forth in § 212.85 will continue to be applied against any increased refinery labor costs.

The proposed pass-through provisions for non-product cost increases will be more prescriptive, and will define certain non-product costs which are common to the refining industry. The FEA will therefore be able to gather more valuable and complete data regarding non-product costs than is now possible with the Form CLC-22. Also, the FEA's monitoring of price increases based on non-product cost increases will be made easier.

There are two further reasons for proposing to limit, as stated above, the allowable non-product cost increases which may be passed through on a dollar-for-dollar basis by refiners. First, other non-product costs are difficult to define, calculate, and audit. Thus, the administration of the energy program by the FEA will become less burdensome and less complex. Second, the omitted costs have little overall impact on the actual selling price of petroleum products, as they comprise a relatively small proportion of most refiners' overall costs. The cost increases attributable to costs which are not defined in the proposed regulations as those which may be passed through are estimated to constitute 10 percent or less of the overall cost increases that have been incurred by refiners. If it appears that any significant cost item has been omitted from the cost pass-through provisions of the proposed regulations, the FEA will consider amending the regulations to include that item, or, if a particular refiner incurs unusually high increased costs in an area not covered by the proposed regulations, a pass-through of such increased costs would be considered by FEA on a case-by-case basis through the exceptions process.

III. *Application of increased product costs to May 15, 1973 selling prices.* A. *Elimination of the special product rule.* The FEA is proposing that the special product rule, which restricts the amount of increased product cost which refiners may allocate to special products (gasoline, No. 2 heating oil, and No. 2-D diesel fuel), be eliminated. This proposal is made in order to simplify the regulatory structure and to provide greated pricing flexibility so that refiners can have a better ability to respond to supply and demand situations, within the overall restraints of the increased cost pass-through provisions of the regulations. At the same time, the restriction to once a month price increases on special products would be removed.

The special products rule was initially promulgated when short supplies were imminent and disproportionate pass-through of increased product costs on special products was a real possibility. Since the defined special products are a significant portion of refinery output as to which demand is relatively inelastic, restrictions on the pass-through on these products was deemed to be appropriate.

Current and foreseeable supply outlooks indicate that the special products restraints are no longer appropriate, since market forces should serve, instead, to restrain the amount of cost pass-through on all products. Continuation of the special products rule would, on the other hand, continue to impose restraints on pricing that tend to have adverse effects on prices of "other than special products." the rule inflexibly allocates increased costs to these products, and because various refiners have different mixes of products, some are better able to pass through their increased product costs than others. The special products rule, for example, was at least partly responsible for increases in propane prices of many refiners, last fall and winter, because propane is one of the "other than special products." Elimination of the special products rule should permit refiners to price their products more in accordance with economic and market conditions. The special propane rule will be maintained, however, in part because of the complexities in the pricing of this product that result from the fact that it is produced from both natural gas and crude oil, and because of the Congressional intent evidenced in the Federal Energy Administration Act of 1974 with respect to propane price regulations.

There are certain alternatives short of eliminating the special products rule that would also provide added flexibility in pricing, but would not eliminate the rule altogether. The FEA wishes, however, to have comments on the proposal that the special products rule be eliminated in its entirety, since this is the kind of relaxation of the regulatory structure which FEA believes would most closely begin to approach free market conditions, so that in the event the regulatory program is terminated, there will not be severe changes in marketing practices and prices.

An alternate means of achieving approximately this result would be to retain the special products rule in a modified form, so that a greater amount of increased product costs could be passed through on special products, subject to certain specified limits. For example, the special products formula could be modified so that the "H" factor of the special products formula, whereby any amount of increased product cost may currently be transferred from special products to "other than special products," would be made a plus or minus factor, so that an amount of increased product cost could be transferred from "other than special products" to special products. This could also be subject to certain limits. For example, the amount transferred from "other than special products" to special products could be limited to an amount that would result in a price increase of not more than two cents per gallon for each special product.

Another alternative, which FEA would consider, is to eliminate the special products formula, but to retain an overall limitation with respect to the allocation of increased product costs to the price of each product. Such a limitation might be, for example, that in allocating increased product costs to any particular product, a refiner could not allocate more than one hundred fifty percent of the costs attributable to that product under the special product formula. This would be a means of retaining a general guideline that would serve to prevent prices that otherwise might be regarded as inequitable with respect to any particular product, but would also provide a greater amount of flexibility. Since the imposition of such a rule would involve certain administrative complexity, the FEA does not propose to adopt such a rule in the absence of a showing that it is needed.

It should be noted that, as a general policy, the FEA would take steps to modify any practices that resulted in excessively disproportionate pricing practices under the proposed new regulations.

B. *Modifications in the equal application of increased product costs requirements.* FEA price regulations generally require equal application of increased product costs to the May 15, 1973 prices of each product among all classes of purchaser of that product. This results in a maintenance of the May 15, 1973 price differentials among classes of purchaser of each product from a refiner.

In a recent amendment to the regulations which govern the carryover of unrecouped increased product costs for recovery in a subsequent month, the FEA clarified its requirements concerning the equal application of increased product costs to the May 15, 1973 selling prices of each product among classes of purchaser to make clear that, to the extent that there is unequal application of such increased product costs in prices actually charged, the difference between the largest amount of increased product cost actually applied to the price charged to any class of purchaser of a product and any lesser amount applied to the price charged to another class of purchaser may not be recouped in a subsequent month, except to the extent that a higher price could not be charged because of a pre-existing written contract (39 FR 32306, September 5, 1974).

The FEA is aware that the equal application of increased product cost requirements is responsible for an inflexibility in the price regulations which becomes more troublesome and causes

more dislocations in the market as supplies of petroleum products increase and there is greater need for the price mechanism to begin to play its customary role in the market.

A principal problem area with the current regulations results from the fact that some refiners market their products nationally, while others market on a regional basis. A refiner marketing on a national basis is required, for example, to add an equal increment to its May 15, 1973 prices for gasoline throughout the country. It may, however, be competing with regional marketers in one area that have prices on the average that are above its prices, while in another region, the regional marketers may have lower prices. The equal application requirement, in such circumstances, runs counter to the interests of independent regional marketers whose prices are higher than the national refiner's prices, since the national refiner would tend to expand its market at the expense of the higher-priced independent regional refiner in those circumstances.

In effect, a nationwide refiner is unable to adjust its prices on a regional basis and must, as a practical matter, choose an increment of increased product cost to add to its May 15, 1973 prices which results in selling prices that are too high to be competitive in some markets and are too low in other markets.

The FEA is aware that any relaxation of its equal application requirements on an area or regional basis could result in disproportionate pass-through of increased product costs in different regions of the country. On the other hand, there has traditionally been regional price flexibility which serves, among other things, to even out supply among various regions.

The FEA therefore proposes to modify its equal application requirements so that they will apply to all classes of purchaser of a product within the same recognized marketing area. The FEA has tentatively concluded that such price flexibility is needed, among other reasons, to help protect the independent sector of the market. In order to avoid the possibility of undue regional price disparities, however, a provision to limit the largest increment of increased product cost which may be applied to the price of a product to an amount that is not more than 10 percent greater than the smallest amount of increased product cost applied to that product in any other region is also included in this proposal. Comments are specifically requested on whether this limitation on proposed regional flexibility in pricing is needed and, if so, whether the proposed 10 percent limitation is appropriate.

The FEA is also aware that the equal application requirement with respect to classes of purchaser of a product, even if applied on a regional basis, creates an inflexibility that can have results that appear to be at odds with the objectives of the EPAA. For example, by applying the same increment of increased product cost to diesel fuel sold at retail as is applied to diesel fuel sold through independent marketers (who have been permitted certain increased non-product cost related price increases), a refiner is very likely to be selling diesel fuel at refiner-owned and operated retail outlets at a lower price than the independent marketer, because the same non-product cost related price increases cannot be implemented by a refiner unless it prenotifies and becomes subject to profit margin limitations. A special provision was added to the refiner's cost allocation formula to take this problem into account in sales of gasoline, but the problem remains as to other products.

Another example is that a refiner's ability to implement price increases which take into account the ability of a class of purchaser to absorb an increase, or to reflect the fact that a class of purchaser was paying atypically low prices on May 15, 1973, is restricted. Thus, for example, a petrochemical plant or other industrial user of propane may have a May 15, 1973 price for the product that is 3¢ per gallon less than the May 15, 1973 price to wholesale distributors of propane for residential use. Current price regulations preclude an increase in the amount of increased product cost applied to propane sold for industrial use, unless an equal increment is applied to the propane sold for residential use.

The FEA has concluded that the inflexibility of the equal application requirement should be modified also to take such problems into account. However, to the extent that the current requirement serves to protect the independent sector of the market, FEA has concluded that it must be retained. Accordingly, the FEA proposes to amend the equal application requirement so that different amounts of increased product costs may be added to the prices charged to different classes of purchaser of a product, provided that the amount added to the prices charged to any class of purchaser that includes independent marketers cannot be greater than the amount added to the prices charged to any other class of purchaser of the same product, except to the extent that a refiner is selling to a particular purchaser at a lower price under a pre-existing written contract.

Comments are specifically requested as to whether this provision will adequately protect the independent sector of the market, or whether other restrictions on the application of increased product costs are required and, if so, what they should be.

IV. *Modification of the "Banking" regulations*—A. *Modification of the refiners' "Banking" provisions.* Section 212.83(d) of the regulations permits refiners to carry over increased product costs which are not recouped in a current month for recovery in a subsequent month. This provision for carrying forward unrecouped increased product costs is expressed in the "G" factor of the general formula for allocation of increased product cost by refiners, and constitutes what is commonly referred to as a refiner's "bank" of unrecouped increased product costs.

This provision for carrying forward unrecouped increased product costs was initially intended to serve two primary functions. First, since the amount of increased product costs actually recouped by a refiner in a particular month depends upon the volume of each product which is sold in that month, refiners must necessarily make estimates as to sales volumes in each month in determining the expected total number of dollars to be recouped in that month. To the extent that such estimates of sales volumes prove to be inaccurate, refiners recoup greater or lesser amounts of increased product cost than anticipated. Thus, a means for taking into account in a subsequent month the actual recoupment of increased product costs in a current month is needed, and the "G" factor of the formula provides a means for making this adjustment. Second, the existence of the banking provision permits refiners to smooth out price adjustments over a period of time. Thus, if a refiner in a particular month experiences a product cost increase that could be passed through as a one-half cent per gallon increase in the price of gasoline in the next month, the banking provision permits the refiner to choose to delay implementing a one-half cent per gallon price increase until a subsequent month, when a further product cost increase might then justify a one cent per gallon price increase, or a decrease in product cost might eliminate the need for any price change.

The banking provision has, however, begun to serve another function. To the extent that increased supplies are leading to marketing conditions in which refiners are unable to take advantage of the full increased product cost pass-through provisions of the regulations, and are therefore selling products at prices that reflect less than a full pass-through of increased product costs, the amount of increased product costs being banked is increasing. These increased amounts of banked increased product costs pose a serious threat to price stability, even in the absence of further increases in the cost of products to refiners. If a shortage situation were to occur, the maximum lawful prices which refiners could charge under current regulations would include a full pass-through in a single month of all banked costs accumulated over all of the proceeding months. Although it is unlikely, this could result in drastic price increases.

The FEA is aware that certain refiners may have voluntarily incurred increased banked costs in an effort to keep prices at reasonable levels, possibly in reliance on the banking provisions of the regulations.

The FEA has therefore determined that it should propose limitations on the current total amount of banked increased product costs which can be passed through in any single month in the future. The proposed limitations reflect FEA's awareness that banked costs have already been accumulated in part in reliance on FEA regulations and in part because of efforts to keep prices down. They also reflect FEA's concern

over maintaining market stability and avoiding the prospect of very high prices in the event of a shortage.

The FEA has also concluded that the banking provision should be substantially restricted in the future. The intent of the price regulations was never to guarantee into the indefinite future that refiners would be able ultimately to pass through the total amount of their increased product costs, without regard to market conditions. Rather, it was intended only to afford refiners the opportunity to pass through increased product costs on a reasonably current basis.

The FEA acknowledges that it may be more difficult for a refiner with higher average costs of crude oil to pass through the full amount of its increased product costs than it is for a refiner with lower average costs of crude oil. Accordingly, the proposal to allocate old crude oil among refiners is relevant to the impact that this proposal on modifying the banking provisions for refiners would have on particular refiners. The proposals are, however, independent of one another, and parties should comment on this proposal with respect to the banking provisions taking that fact into account.

The specific proposal with respect to refiners' banking provisions is that, beginning with November, 1974, a refiner could not apply to its prices for the current month an amount of unrecouped increased product costs carried forward under the "G" factor of the refiner's price formula in excess of 25 percent of the total amount available for application under that factor at the end of October, 1974.

This approach will result in a spreading of the current banked costs across the remaining months of the price regulation program under the Emergency Petroleum Allocation Act of 1973, which is scheduled to expire February 28, 1975. At the same time, the FEA proposes to restrict the amount of unrecouped increased product costs that could be carried forward from November 1974, and thereafter, to an amount which is limited to those increased costs which were unrecouped because actual sales volumes were less than estimated sales volumes for that month.

In connection with this review of banked costs which refiners have accumulated, the FEA has determined that an amendment to the regulations is necessary to reduce the amount of banked costs of refiners, to the extent that such unrecouped increased costs include increased costs calculated under the former § 212.88(e) of the regulations. Before it was deleted from the regulations on May 14, 1974, § 212.88(e) read as follows:

> (e) *Reflection of costs.* Refiners required to sell crude oil under § 211.65 of this chapter shall be allowed to increase their product prices to reflect increased crude oil costs of all available crude oil prior to making crude oil sales to comply with § 211.65.

This provision, which was adopted at the outset of the first crude oil allocation program, has been the source of considerable confusion.

On the one hand, to the extent that the provision provided that the increased costs of all crude oil, including that sold in allocation sales, should be taken into account in determining the weighted average costs per barrel in each month, it was a necessary provision, since the weighted average price of all crude oil purchased in a month formed the basis for both the increased cost pass-through on covered products and for the selling price of crude oil sold under the allocation program.

On the other hand, to the extent that the provision permitted the increased cost of the barrels of crude oil sold in an allocation sale to be recovered both in the sale price of the crude oil and in the increased cost pass-through on covered products, it operated to permit a double recovery of the increased costs of each barrel of crude oil sold under the allocation program.

The FEA has determined that a minority of the refiner-sellers under the first buy-sell list have interpreted the provision as providing for double recovery. The FEA acknowledges that § 212.88(e) is susceptible to this interpretation.

The FEA has nevertheless concluded that such double recovery of increased costs is not appropriate. Accordingly, the FEA proposes to amend the refiners' cost allocation formula of § 212.83 to eliminate from the unrecouped increased product costs of each refiner any amount attributable to the "double recovery" interpretation of § 212.88(e). Based on a preliminary analysis, it appears that each refiner that followed the "double recovery" interpretation has a much larger total amount of unrecouped increased product costs than the amount of increased product costs attributable to the "double recovery" interpretation of § 212.88(e). Therefore, elimination of that portion of a refiner's unrecouped increased costs that are attributable to the "double recovery" interpretation will serve now to place all refiners on the same basis with respect to the application of the provisions of former § 212.88 (e).

B. *Elimination of reseller and retailer banking provisions.* The FEA is proposing to eliminate the banking provisions of the reseller and retailer price regulations. At the same time, the restriction on price increases by resellers and retailers to once a month would also be eliminated. Thus, there would no longer be any reason for a reseller or retailer to have any unrecouped increased product costs, other than as a direct result of current market conditions, since prices could be adjusted on a current basis to reflect changes in product cost.

It was not the intention of the FEA price regulations to permit resellers or retailers to charge less than the maximum lawful price because of market conditions, and thereby to accumulate "banked" increased product costs which would permit drastsic price increases in the event of shortages.

The current banking provisions for resellers and retailers were adopted at a time when such entities were restricted to a single price increase per month. Thus, in the case of a reseller or retailer with multiple suppliers, two increases in product costs could be incurred in a single month, and the only way to permit a full pass-through of both cost increases would be to permit the second cost increase to be banked until another price increase could be made in a subsequent month. A reseller or retailer does not need to estimate volumes under FEA price regulations to predict recoupment of increased product costs. Rather, a reseller or retailer is required to compute its weighted average unit cost of product in inventory on a current basis, and an increase in that cost could, under the proposed regulation, also be passed through on a current basis. Since prices could be adjusted to reflect current weighted average unit cost in inventory, there would be no purpose served by continuing the banking provisions of the regulation with respect to resellers, particularly in a period of relatively stable price conditions.

The FEA is concerned that current market conditions may be contributing to large "banks" of unrecovered increased costs being accumulated by resellers and retailers, just as in the case of refiners. Accordingly, the amount of the banked costs incurred by resellers and retailers is proposed to be phased out in a manner similar to that which is proposed for refiners. Thus, to the extent that resellers and retailers have unrecovered increased costs, they will be permitted to pass through 20 percent of the total amount of such costs which exist on October 1, 1974, in each month, beginning in October. Since there is no reason for continuing a bank at the reseller/retailer level, no provision for accumulating further banked costs will be provided for, beginning October 1, 1974.

v. *Miscellaneous Amendments* — A. *Definitions of covered products.* The FEA is aware that, in order for its price regulations to have uniform applicability to each entity in the industry, there may be a need for a more comprehensive and definitive listing of products which are covered by those regulations. The FEA therefore wishes to take the opportunity afforded by this proceeding to invite comments from interested parties in areas where there may be some question as to whether particular products are covered by the regulations. The FEA is proposing, for example, to clarify the regulations by specifically including natural gasoline as a covered product.

B. *Refinery Fuel Costs.* A change in the refiner's increased product cost allocation formula is being proposed to make clear that the increased cost of crude oil which is consumed in the refining process as fuel may not be considered as an increased product cost for purposes of the increased product cost pass-through regulations. The principal reason for proposing this change is to

make explicit the fact that the cost of refinery fuel is a non-product cost, and thereby to insure the equitable treatment of all refiners with respect to this cost item. The changes in procedures with respect to the pass-through of non-product cost increases proposed in this notice will permit refiners generally to pass through such increased costs of refinery fuels, subject to a profit margin limitation.

Since it is unclear under the current regulations whether the increased cost of crude oil consumed as refinery fuel could be passed through as an increased product cost, some refiners have sought to pass this cost through as an increased product cost, while others have not. At the same time, refiners that used fuels other than crude oil in the refining process were not permitted, under any interpretation of the rule, to treat costs of such fuels as increased product costs. Refinery fuel is generally accounted for separately from products refined for sale by refiners, and in determining whether to consume crude oil as fuel in the refinery process, refiners would generally compare the cost of the alternative products which could be purchased for use as refinery fuel.

Accordingly, in order to treat all refiners alike with respect to this important cost item, the increased cost of crude oil is consumed as fuel in the refining process will not be allowed as an increased product cost that can be passed through under the refiner's cost formula. Those refiners which included this item as an increased product cost pass-through in the past will be required to adjust their increased product cost recoupment accordingly. If there are any refiners that could have passed the increased cost of crude oil consumed as refinery fuel through as a non-product cost increase by the prenotified price increase procedure now provided for in the regulations, appropriate adjustments will be made by FEA on a case-by-case basis, so that such refiners will not be placed in a disadvantageous position in comparison with those refiners who used the prenotification process for passing through this non-product cost increase.

C. *Deletion of special petrochemical feedstock price regulations.* Sections 212.82(f)(1)(ii) and 212.93(b)(6) provide special price rules for allocation sales of petrochemical feedstocks. In light of the recent amendment to the allocation regulations which deleted the separate treatment of petrochemical feedstocks in Subpart J of Part 211, these provisions are no longer appropriate. Therefore, FEA proposes that they be deleted.

Conclusion

The FEA price regulations are complex and interrelated. Many of the specific proposals made herein affect various other aspects of these regulations. The nature and extent of the revisions being proposed in this notice of rulemaking are quite broad. Accordingly, to the extent that parties wish to comment in this proceeding on aspects of the price regulations which have not specifically been addressed in this notice, they are invited to do so. To the extent that additional significant problems are raised or proposals made, further notices of proposed rulemaking may be issued. Also, depending on the nature of the comments received in this proceeding, certain proposals in this notice may be placed into effect more quickly than others, although the objective is to have all these proposals placed into effect as soon as possible. It may well develop, however, that certain proposals will evoke comments that will require more extensive analysis than others.

Procedures for Written Comments and Public Hearing

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to both the proposed regulations set forth in this notice and the Emergency Amendment to the Special Propane Rule issued August 5, 1974, to Executive Communications, Federal Energy Administration, Box BA, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to FEA Executive Communications with the designation "Mandatory Petroleum Price Regulations." Twenty-five copies should be submitted. All comments received by September 27, 1974, and all relevant information, will be considered by the Federal Energy Administration before final action is taken on the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination. The public hearing in this proceeding regarding the proposed amendments to the mandatory petroleum price regulations issued today, will be held beginning at 9:30 a.m., on September 30, 1974, and will be continued on October 1, 1974, at the New Post Office Building, 12th and Pennsylvania Avenue, NW, Washington, D.C., in order to receive comments from interested persons on the matters set forth herein.

The public hearing in this proceeding regarding the emergency amendment to the special propane rule issued on August 5, 1974, will be held beginning at 9:30 a.m., on September 19, 1974, and will be continued on September 30, 1974 and October 1, 1974, at the New Post Office Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., in order to receive comments from interested persons on the matters set forth therein. Although the hearing on September 19, 1974, is specifically intended to afford an opportunity for testimony on the August 5, 1974 amendment to the "special propane rule," as required by section 7(i)(1)(C) of the FEAA, interested parties are encouraged to defer their testimony until the hearings beginning September 30, so that maximum time for analysis of these proposals will be available.

Any person who has an interest in the August 5, 1974 "emergency amendment to the special propane rule," or who is a representative of a group or class of persons which has an interest in the "emergency amendment," may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.d.t., September 13, 1974. Such a request may be hand delivered to Room 3309, New Post Office Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through September 16, 1974. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., e.d.t., September 16, 1974, and must submit 100 copies of his statements to Executive Communications, FEA, Room 3315, New Post Office Building, Washington, D.C. 20461, before 4:30 p.m., e.d.t., on the last weekday preceding his appearance.

Any person who has an interest in the proposed amendments to the mandatory petroleum price regulations issued today, or who is a representative of a group or class of persons which has an interest in today's proposed amendments, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.d.t., September 23, 1974. Such a request may be hand delivered to Room 3309, New Post Office Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through September 25, 1974. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., e.d.t., September 25, 1974 and must submit 100 copies of his statement to Executive Communications, FEA, Room 3315, New Post Office Building, Washington, D.C. 20461, before 4:30 p.m., e.d.t., on the last weekday preceding his appearance.

The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings.

Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearings, to Executive Communications, FEA, before 4:30 p.m., e.d.t., September 18, 1974. Any person who makes an oral statement and who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection at the Public Reference Facility of the FEA, Room 3130, New Post Office Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93–275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments to offer in this regard.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159; Federal Energy Administration Act of 1974, Pub. L. 93–275; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, it is proposed to amend Parts 210 and 212, Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., September 6, 1974.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administrator.

PART 210—GENERAL ALLOCATION AND PRICE RULES

1. Section 210.31 is revised to read as follows:

§ 210.31 Scope.

Price adjustments and allocation provisions with respect to items and transactions set forth in this Subpart are exempt from and not included within the coverage of this Chapter.

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

§ 212.3 [Deleted]

2. Section 212.3 is deleted.

§ 212.11 [Deleted]

3. Section 212.11 is deleted.

4. Section 212.31 is amended to delete the definitions of "Manufacturing," "Petrochemical feedstock," "Prenotification," "Product line," "Service," "Service activities," "Service Line," and "Special products" and to revise the definitions of "Base period," "Base period profit margin," "Profit margin," and "Refined petroleum product" to read as follows:

§ 212.31 Definitions.

* * * * *

"Based period" means any two, at the option of the firm concerned, of the firm's fiscal years ending after August 15, 1968 except a fiscal year for which compliance is being measured.

"Base period profit margin" means with respect to covered products the ratio that the base period operating income (net sales less cost of goods sold and less normal and generally recurring costs of business operations including interest expense on long and short term debt determined before nonoperating items, extraordinary items, and income taxes) bears to the base period net sales as those net sales were reported on the firm's financial statement, or its financial statement as restated pursuant to Subpart J prepared in accordance with generally accepted accounting principles consistently applied. For purposes of computing a base period profit margin, only revenues and costs attributable to covered products shall be included.

"Profit margin" means with respect to covered products the ratio that operating income (net sales less cost of goods sold and less normal and generally recurring costs of business operations, interest expense on long and short term debt determined before nonoperating items, extraordinary items, and income taxes) bears to net sales as reported on the firm's financial statement or its financial statement as restated pursuant to Subpart J prepared in accordance with generally accepted accounting principles consistently applied. For purposes of computing a profit margin only revenues and costs of items and sales attributable to covered products shall be included.

* * * * *

"Refined petroleum product" means gasoline (including natural gasoline), kerosene, middle distillates (including Number 2 fuel oil), LPG, refined lubricating oils, or diesel fuel.

* * * * *

5. Section 212.51 is revised to read as follows:

§ 212.51 General.

Prices charged with regard to the items and sales described in this subpart are exempt from the price rules prescribed in this part. However, revenues received from exempt sales of covered products are included in a firm's annual sales or revenues, as defined in § 212.31 for the purpose of computing profit margin.

6. Section 212.82 is revised to read as follows:

§ 212.82 Price rule.

(a) *Rule.* A refiner may not charge to any class of purchaser a price for a covered product in excess of the base price of that covered product except to the extent permitted pursuant to the provisions of paragraphs (c) through (e) of this section.

(b) *Base price*—(1) *General rule.* The base price for sales of an item by a refiner is the weighted average price at which the item was lawfully priced in transactions with the class of purchaser concerned on May 15, 1973, plus increased product costs incurred between the month of measurement and the month of May 1973 and measured pursuant to the provisions of § 212.83. In computing the base price, a firm may not exclude any temporary special sale, deal or allowance in effect on May 15, 1973.

(2) *Benzene and toluene.* Notwithstanding the provisions of paragraph (b)(1) of this section, the base price for sales of benzene and toluene by a refiner is the weighted average price at which such an item was lawfully priced in transactions with the class of purchaser concerned on May 15, 1973, plus increased product costs incurred between the month of measurement and the month of May 1973, and measured pursuant to the provisions of § 212.83, plus a maximum of $.337 per gallon for benze, and $.288 per gallon for toluene.

(3) *Naphtha-base aviation fuel.* For purposes of computing the base price of naphtha-base aviation fuel pursuant to this paragraph, naphtha-base aviation fuel and kerosene-base aviation fuel shall be treated as a single item.

(4) *Imputed prices.* If no transaction occurred with respect to a particular product on May 15, 1973, the most recent day preceding May 15, 1973 when a transaction occurred shall be used for purposes of computing the base price. If a refiner first offered an item for sale after May 15, 1973 and prior to the effective date of this paragraph, the first day when the item was offered for sale shall be used for purposes of computing the base price.

(c) *Allowable price in excess of the base price.* A price in excess of the base price of a covered product may be charged only to recover on a dollar-for-dollar basis increased non-product costs incurred between the month of measurement and the month of May 1973 and measured pursuant to the provisions of § 212.87.

(d) *Application of allowable prices in excess of base price.* A firm which charges an allowable price in excess of base price shall apply the increased non-product costs, measured pursuant to the provisions of § 212.87, as provided in § 212.83.

(e) *Profit margin limitation*—(1) *Rule.* A refiner which charges a price for any item in excess of the base price for that item in any fiscal year may not for the fiscal year in which the price in excess of the base price is charged, exceed its base period profit margin as defined in § 212.31.

(2) *Scope.* A refiner shall compute a single profit margin for all of its activities with respect to covered products as defined in § 212.31. For the purposes of this section, a refiner is a parent and its consolidated entities and unconsolidated entities. Any refiner which has been authorized to adjust its base period profit margin pursuant to an exception granted under the authority of the Economic Stabilization Program or the FEA prior to October 1, 1974 may not continue to calculate its base period profit margin pursuant to that exception.

(f) *Certification.* Each refiner of gasoline must, with respect to each sale of gasoline other than a retail sale, certify in writing to the purchaser the octane number, as defined in § 212.31, of the gasoline sold.

7. Section 212.83 is revised to read as follows:

§ 212.83 Allocation of refiner's increased costs.

(a) *Scope.* Except as provided in Subpart F this section prescribes the requirements governing the inclusion of a refiner's increased product costs in the computation of its base price pursuant to § 212.82(b) and its inclusion of increased non-product costs in the computation of allowable price in excess of the base price pursuant to § 212.82(c), for covered products.

(b) *Definitions.* For purposes of this section—"Cost of crude petroleum" means:

(1) For purposes of domestic crude petroleum, (i) in arms-length transactions, the purchase price provided that with respect to sales of crude petroleum subject to Part 212, it conforms with the requirements of that Part; (ii) in a transaction between affiliated entities, the posted price for new crude petroleum, and released crude petroleum, and petroleum produced from stripper wells the first sale of which is exempt pursuant to § 212.54 and the posted price for old crude petroleum. If there is no posted price in a particular field, the related price for that grade of new domestic crude petroleum, released crude petroleum, petroleum produced from stripper wells, and old crude petroleum which is most similar in kind and quality at the nearest field for which the price is posted. Cost of crude petroleum also includes the cost of unfinished oils and natural gas liquids which are used in refining and are further refined, and which are covered products. The cost of domestic crude petroleum, unfinished oils and natural gas liquids includes transportation costs.

(2) For purposes of imported crude petroleum, the landed cost.

"Cost of petroleum product" means (1) For purposes of domestic petroleum products other than crude petroleum, the purchase price including transportation costs. (2) For purposes of imported petroleum products other than crude petroleum, the landed cost.

"Firm" means a parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls.

"Increased non-product costs" means non-product cost increases measured pursuant to the provisions of § 212.87.

"Increased product costs" means the sum of (1) the difference between the total cost of crude petroleum during the month of measurement and the total cost of crude petroleum during the month of May, 1973 plus (2) the difference between the total costs of petroleum product during the month of measurement and the total cost of petroleum product during the month of May, 1973. If a particular petroleum product was neither purchased nor landed during the month of May 1973, the cost of that petroleum product in May 1973 shall be imputed to be the lowest price at or above which at least 10 percent of that product was priced by the refiner in transactions during the month of May 1973.

"Landed cost" means: (1) For purposes of complete arms-length transactions, the purchase price at the point of origin plus the actual transportation cost. (2) For purposes of products purchased in arms-length transactions and shipped pursuant to a transaction between affiliated entities, the purchase price at the point of origin plus the transportation cost computed by use of the accounting procedures generally accepted and consistently and historically applied by the firm concerned. (3) For purposes of products purchased in a transaction between affiliated entities and shipped pursuant to an arms-length transaction, the cost of the product computed by use of the customary accounting procedures generally accepted and consistently and historically applied by the firm concerned plus the actual transportation cost. (4) For purposes of products purchased and shipped pursuant to a transaction between affiliated entities, the costs of the product and the transportation both computed by use of the customary accounting procedures generally accepted and consistently and historically applied by the firm concerned.

"Transaction between affiliated entities" means all transactions between entities which are part of the same firm and transactions with entities in which the firm has a beneficial interest to the extent of entitlement of covered product by reason of the beneficial interest.

(c) *Allocation of increased costs*—(1) *General rule*—(i) *Increased product costs.* In computing base prices for a covered product, a refiner may increase its May 15, 1973 selling price to each class of purchaser each month beginning with November 1973 by an amount to reflect the increased product costs attributable to sales of covered products using the differential between the month of measurement and the month of May, 1973, provided that the amount of increased costs used in computing a base price is calculated by use of the general formula set forth in paragraph (c)(3) of this section and provided that the amount of increased product costs included in computing base prices of a particular covered product must be equally applied to each class of purchaser. In apportioning any amount of increased product costs to covered products, a refiner may apportion the total amount of increased product costs to a particular covered product in whatever amount it deems appropriate.

(ii) *Increased non-product costs.* In computing allowable prices in excess of base prices for a covered product, a refiner may increase its price above base price to each class of purchaser each month beginning with October 1974 by an amount to reflect the increased non-product costs attributable to sales of covered products in the month of measurement, using the differential between the month of measurement and the month of May, 1973, provided that the amount of increased non-product costs used in computing an allowable price above base price is calculated pursuant to § 212.87 and provided that the amount of increased non-product costs included in computing allowable prices above base price of a particular covered product must be equally applied to each class of purchaser. In apportioning any amount of increased non-product costs to covered products, a refiner may apportion the total amount of increased non-product costs to a particular covered product in whatever amount it deems appropriate.

(iii) *Exceptions to equal application rule.* Notwithstanding the provisions of paragraphs (c)(1) (i) and (ii) above, a refiner may comply with the provisions of this pargaraph by applying increased costs equally among classes of purchaser within recognized marketing areas, and need not apply increased costs equally among classes of purchaser in different marketing areas, provided that the largest amount of increased product cost applied to the May 15, 1973 selling price of any product in any marketing area shall not exceed by more than 10 percent the amount of increased product cost applied to the May 15, 1973 selling price of that product in any other marketing area; and, further, a refiner may comply with the provisions of this paragraph within any particular marketing area by applying unequal amounts of increased costs among classes of purchaser of a product, provided that no greater amount of increased cost is applied to the May 15, 1973 selling price of any product in sales to any class of purchaser which includes an independent marketer as defined in § 211.51 of this Chapter, than is applied to the May 15, 1973 selling price of that product in sales to all other classes of purchaser in that marketing area.

(2) *Special propane rule.* Notwithstanding the provisions of paragraph (c)(1) of this section and paragraph (d) of this section, a refiner in computing

base prices for propane for the seven month period of August 1, 1974, through February 28, 1974:

(i) May not apportion to propane a greater percentage of increased cost of crude petroleum purchased or landed in the seven month period of July 1, 1974, through January 31, 1975, than the percentage that the volume of propane produced by the refiner from crude petroleum and sold during the seven month period of August 1, 1974, thorugh February 28, 1975, is to the total volume of all products produced by it from crude petroleum (including other than covered products) and sold by it during the same seven month period;

(ii) May apportion to propane a percentage of the increased cost of natural gas liquids purchased or landed in the seven month period of July 1, 1974, through January 31, 1975, which is not more than the percentage that the volume of propane recoverable from such natural gas liquids is to the total volume of such natural gas liquids, and may apportion to propane the increased cost of propane purchased or landed in the seven month period of July 1, 1974, through January 31, 1975. Notwithstanding § 212.83(b), for purposes of this special propane rule, cost of crude petroleum shall not include the cost of unfinished oils or natural gas liquids; and

(iii) May not apportion to propane any increased product costs incurred prior to July 1, 1974, and not recovered through July 31, 1974.

(3) *General formula.*

$$D^u = A^t\left(\frac{v^n}{V^n}\right) + B^t + G^t + L^t + M^t$$

Where:

D^u = The total dollar amount a refiner may apportion in the period "u" (the current month) to covered products in whatever amounts it deems appropriate to each particular covered products, provided that the total dollar amount is reduced by an amount equal to the total number of gallons of benzene and toluene sold by the refiner during the month of May 1973 multiplied by $.20 and further multiplied by an amount equal to the total number of barrels of refinery input to crude oil distillation units processed during the month of measurement and measured in accordance with Bureau of Mines form 6–1300–M divided by the total number of such barrels processed during the month of May 1973.

$$A^t = R^t\left(\frac{C^t}{Q^t} - \frac{C^o}{Q^o}\right)$$

Which is the total increased cost of crude petroleum purchased or landed in the period "t" (the month of measurement). Where:

R^t = The total number of barrels of refinery input to crude oil distillation units processed during the month of measurement and measured in accordance with Bureau of Mines form 6–1300–M.

Q^t = The total quantity or volume of crude petroleum purchased in the period "t" (the month of measurement). For imported crude petroleum, the quantity or volume landed in the period "t" (the month of measurement).

Q^o = The total quantity or volume of crude petroleum purchased in the period "o" (the month of May 1973). For imported crude petroleum, the quantity or volume landed in.

C^o = The total cost of crude petroleum purchased or landed in the period "o" (the month of May 1973).

C^t = The total cost of crude petroleum purchased or landed in the period "t" (the month of measurement).

V^n = The total volume of all products refined by the refiner from crude petroleum, including other than covered products sold in the period "n" (the consecutive three-month period of the preceding year such that the middle month of the period corresponds to the current month "u").

v^n = The total volume of all covered products refined by the refiner from crude petroleum, sold in the period "n" (the consecutive three-month period of the preceding year such that the middle month of the period corresponds to the current month "u").

B^t = The sum of B_i^t calculated for each specific covered product. The formula for the increased costs of all covered products purchased or landed shall be computed separately for each covered product, and the sum of the amounts so computed shall be used in the general formula.

Where.

$$B_i^t = c_i^t - c_i^o - Y_i(q_i^t - q_i^o)$$

Which is the total increased cost of a specific covered product of the type "i" purchased or landed in the period "t" (the month of measurement).

Where:

c_i^o = The total cost of a covered product or products of the type "i" purchased in the period "o" (the month of May 1973). For imported products, the cost of products of the type "i" landed in the period "o" (the month of May 1973).

c_i^t = The total cost of a covered product or products of the type "i" purchased in the period "t" (the month of measurement). For imported products, the cost of products of the type "i" landed in the period "t" (the month of measurement).

q_i^o = The total quantity or volume of a covered product or products of the type "i" purchased in the period "o" (the month of May 1973). For imported products of the type "i", the total quantity or volume landed in the period "o" (the month of May 1973).

q_i^t = The total quantity or volume of a covered product or products of the type "i" purchased in the period "t" (the month of measurement). For imported products of the type "i", the total quantity or volume landed in the period "t" (the month of measurement).

Y_i = The lowest price at or above which at least 10 percent of the product or products of type "i" were priced in transactions during the month of May 1973 or, if none occurred in that month, in the month next preceding May 1973 in which such transactions occurred.

Alternatively, the cost of the product or products concerned during the month of May 1973 may be used if computed by use of accounting procedures generally accepted and consistently and historically applied by the firm concerned and provided that the FEA has approved in writing of the cost figures used.

increased costs of covered products to the period "t" (the month of measurement) not recovered in sales of products through the period "t", that have been carried forward pursuant to paragraph (d) of this section; or (ii) the total dollar amount by which increased costs of covered products to the period "t" (the month of measurement) have been overrecovered in sales of product through the period "t," that must be subtracted pursuant to paragraph (d) of this section. *Provided, however,* That the total dollar amount which may be applied pursuant to this "G" factor of the formula to prices in a single month, beginning with November 1974, shall not exceed 25 percent of the total dollar amount calculated pursuant to paragraph (d) of this section as the total amount of unrecouped increased costs through the month of October 1974, and provided further that the total dollar amount of increased product cost calculated pursuant to § 212.88(e) prior to June 1, 1974, shall be deducted from the total dollar amount of unrecouped increased costs.

L^t = The total dollar amount of non-product costs attributable to includable amount of commissions incurred during the period "t" (the month of measurement) beginning with June 1974 with respect to sales through consignee-agents of covered products. The includable amount of commission incurred with respect to each item sold through each consignee-agent is the dollar amount per unit of volume by which the commission in the period "t" (the month of measurement) exceeds the commission in effect on May 15, 1973, provided that the includable amount shall be an amount reasonably intended to cover increased non-product costs of the consignee-agent, and that it shall not exceed the amount of the non-product cost price increase that would be permitted if the consignee-agent took title to the product it distributes and were a seller subject to § 212.93(b) of this part.

M^t = The total dollar amount of increased non-product costs in the period "t" (the month of measurement) measured pursuant to the provisions of § 212.87.

The time period for measurement is referenced in the superscript; where:

n = The consecutive three-month period of the preceding year such that the middle month of the period corresponds to the current month.

o = The month of May 1973.

t = The month of measurement. (The month of measurement is the month preceding the current month.)

u = The current month. Quantities calculated for the current month will be estimates which should be based on the best available data.

The subscript "i" references a specific type of covered product.

(d) *Carryover of costs.* (1) If, in any month beginning with October 1973, and ending with September 1974, a firm charges prices for covered products which result in the recoupment of more or less total revenues than the entire

amount of increased product costs calculated pursuant to the general formula and allowable under paragraph (c)(1)(ii) of this section, the excess revenues recouped must be subtracted from the May 15, 1973 selling prices and the amount of increased product costs not recouped may be added to May 15, 1973 selling prices to compute base prices for covered products in the subsequent month provided that the amount of the increased product cost not recouped and included in computing the base prices of a particular covered product must be equally applied to each class of purchaser.

(2) If, in any month beginning with October 1974, a firm charges prices for covered products which result in the recoupment of more total revenues than the entire amount of increased product costs calculated pursuant to the general formula and allowable under paragraph (c)(1)(ii) of this section, the excess revenues recouped must be subtracted from the May 15, 1973 selling prices to compute base prices for covered products in the subsequent month. If, in any month beginning with October 1974, a firm charges prices for covered products which result in the recoupment of less total revenues than the amount of increased product costs calculated pursuant to the general formula, only the amount of increased product costs not recouped because of lesser sales volumes than were estimated for the current month may be added to May 15, 1973 selling prices to compute prices for covered products in the subsequent month.

(e) *Affiliated entities.* For purposes of this section, transactions between affiliated entities may be used to calculate increased product costs. Whenever a firm uses a landed cost which is computed by use of its customary accounting procedures, the FEA may allocate such costs between the affiliated entities if it determines that such allocation is necessary to reflect the actual costs of these entities or the FEA may disallow any costs which it determines to be in excess of the proper measurement of costs.

8. § 212.87 is added to read as follows:

§ 212.87 Increased non-product costs.

(a) *Scope.* This section prescribes the computation of a refiner's increased non-product costs which may be included in the general formula used to calculate increased costs in § 212.83(c)(3) and used to justify a price in excess of a base price pursuant to § 211.82(c).

(b) *General definition.* Increased non-product costs are, for each month of measurement, the sum of the recoverable refinery fuel cost increase, the recoverable labor cost increase, the recoverable additive cost increase, and the recoverable marketing cost increase for that month.

(1) *Recoverable refinery fuel cost.* Recoverable refinery fuel cost increase is the base refinery fuel usage (in supply units) multiplied by the throughput for the month of measurement, and multiplied by the amount which represents the difference between the average refinery fuel cost rate in the month of measurement and the average refinery fuel cost rate in the month of May, 1973, where:

"Average refinery fuel cost rate" means the weighted average rate of refinery fuel cost per unit of energy (such as dollar per million British Thermal Units (B.T.U.)) used in the refinery process. If the calculation of refinery fuel costs is not feasible in energy units, a refiner may substitute a method that is more reasonably consistent with the data available. In such cases, however, the refiner must prepare a schedule justifying the alternative method of calculation and explaining why the results represent the average refinery fuel cost rate;

"Base refinery fuel usage" means the amount of refinery fuel, in units of energy (e.g., million B.T.U.'s) used per barrel of refinery throughput during the month of May 1973. If the calculation of refinery fuel costs is not feasible in energy units, the refiner may substitute a method that is more reasonably consistent with the data available. In such cases, however, the refiner must prepare a schedule justifying the alternative method of calculation and explaining why the results represent the base refinery fuel usages; and

"Throughput" means the volume of crude petroleum, unfinished oils, and natural gas liquids refined during the time period specified.

(2) *Recoverable labor cost increase.* Recoverable labor cost increase is the base labor cost multiplied by an amount which represents the difference between the average labor rate in the month of measurement and the average labor rate in the month of May 1973, and multiplied by a productivity offset of 0.934 where:

"Average labor rate" means the weighted average direct and indirect remuneration or inducement for personal services which are reasonably subject to valuation (in dollars per man-hours) for those personnel employed at the refinery or those personnel directly involved with refinery operations. To substantiate the labor rate increase, a supporting document must be prepared which summarizes the personnel considered in the calculation and the date of their rate increases. Calculation of the average labor rate must be based on the historical accounting practices employed by the refiner; and

"Base labor cost" means the cost of refinery labor incurred during May 1973 calculated in accordance with the procedures and personnel used in determining the average labor rate.

(3) *Recoverable additive cost increase.* Recoverable additive cost increase is the month of measurement additive usage (in supply units) multiplied by the amount which represents the difference between the average additive cost rate in the month of measurement and the average additive cost rate in May 1973, where:

"Additive" means those materials and compounds including catalysts, which are not covered products, and are added or blended to the crude petroleum during the refining process;

"Month of measurement additive usage" means the amount of additive used in the refining process per barrel of throughput during the month of measurement measured in units per barrel of throughput (e.g., lbs/bbl) and weighted by the volume of the type of additive used; and

"Average additive cost rate" means the weighted average unit cost of the additives used in the refining process (e.g., dollars/lb). Such unit cost calculation must employ the same units as employed in the calculation of the "Month of measurement additive usage."

(4) *Recoverable marketing cost increase.* Recoverable marketing cost increase is the difference between the cost of marketing covered products in the month of measurement and the cost of marketing covered products in May 1973, provided, however, that the amount of recoverable marketing cost which may be applied to prices charged for covered products is limited to the extent that such costs:

(i) Allow an increase in the prices of diesel fuel above the prices otherwise permitted to be charged for such products pursuant to the provisions of this part by an amount not in excess of one cent per gallon with respect to retail sales and one half cent per gallon with respect to all other sales; and

(ii) Allow an increase in the price of gasoline above the prices otherwise permitted to be charged for gasoline pursuant to the provisions of this part, including paragraph (b)(4)(i) of this section by an amount not in excess of two cents per gallon with respect to retail sales; and

(iii) Allow an increase in the prices of gasoline above the prices otherwise permitted to be charged for such products pursuant to the provisions of this part including paragraph (b)(4)(i) of this section by an amount not in excess of one-quarter cent per gallon with respect to all sales other than retail sales; and

(iv) Allow an increase in the prices of middle distillates above the prices otherwise permitted to be charged for such products pursuant to the provisions of this part including paragraph (b)(4)(i) of this section by an amount not in excess of one cent per gallon with respect to retail sales and not in excess of one-quarter cent per gallon with respect to all other sales; and

(v) Allow an increase in the prices of propane above the prices otherwise permitted to be charged for such products pursuant to the provisions of paragraph (b)(4) of this section by an amount not in excess of one cent per gallon with respect to retail sales and one-half cent per gallon with respect to all other sales, and where:

"Cost of marketing covered products" means the costs attributable to marketing operations with respect to covered products under the customary accounting procedures generally accepted and historically and consistently applied by the firm concerned. A refiner must prepare a schedule itemizing the principal costs included in this category and describing the accounting procedures by which they are calculated.

9. Section 212.93 is amended to delete paragraphs (b)(6) and (c)(2), to redesignate paragraph (c)(1) as paragraph (c), to delete the words "special products" in paragraph (b)(1) and to substitute therefor the words "gasoline, No. 2 heating oil and No. 2-D diesel fuel," and to revise paragraphs (b)(1)(iv), (c) and (e) to read as follows:

§ 212.93 Price rule.

* * * * *

(b) * * *

(1) * * *

(iv) A seller may adjust its selling price for an item at any time to an amount that is equal to or less than the selling price permitted under this Subpart.

* * * * *

(c) A seller which charges a price for a covered product which exceeds the weighted average price at which the product was lawfully priced by the seller in transactions on May 15, 1973 must decrease the price of that product whenever the costs of that product decrease.

* * * * *

(e) The dollar amount of increased cost not recouped which a seller has calculated as of September 30, 1974 pursuant to the provision of § 212.93(e), as in effect until September 30, 1974, may be applied pursuant to the provisions of this paragraph to prices charged by that seller, provided that not more than 20 percent of the total amount calculated under this paragraph may be recouped in a single month, and provided further, that beginning October 1, 1974, no unrecouped increased costs may be carried forward for recovery in subsequent time periods.

§§ 212.121, 212.122, 212.123, 212.124, 212.125 [Deleted]

10. Sections 212.121, 212.122, 212.123, 212.124, and 212.125 are deleted.

11. A new Subpart K is added to Part 212 to read as follows:

Subpart K—Natural Gas Liquids

Sec.

§ 212.141 Applicability.
§ 212.142 Definitions.
§ 212.143 First sale price rule.
§ 212.144 Application of increased costs.
§ 212.145 Increased product cost.
§ 212.146 Increased non-product cost.

§ 212.141 Applicability.

This subpart applies to the first sale of natural gas liquids by a producer or royalty owner, and to all sales, including any first sale, by a gas plant operator. All other sales of natural gas liquids are subject to the price regulations of Subparts E and F of this Part. This subpart does not apply to sales of ethane except to the extent that it is sold as an unfractionated natural gas liquid.

§ 212.142 Definitions.

For purposes of this Subpart:

"First sale" means, with respect to natural gas liquids, the first transfer for value to a class of purchaser by the producer, royalty owner, or gas plant operator for which the seller receives a price per unit of volume with respect to natural gas liquids.

"Natural gas liquids" means ethane, butane (iso-butane and normal butane), propane and natural gasoline, whether fractionated or unfractionated.

"Raw stream" means unfractionated natural gas liquids.

"Gas plant" means a facility in which the raw stream is separated from natural gas, or in which the raw stream is fractionated into its component products, or both.

"Gas plant operator" means a firm with an ownership interest in a gas plant.

"Increased product costs" means increased raw stream costs and increased natural gas shrinkage costs incurred with respect to the production of natural gas liquids, measured pursuant to the provisions of § 212.145.

"Increased non-product costs" means increased cost of labor, fuel and utilities, and chemical and other processing supplies incurred with respect to the processing of natural gas liquids, measured pursuant to the provisions of § 212.146.

§ 212.143 First sale price rule.

A firm may not charge a price for the first sale of a natural gas liquid which exceeds the May 15, 1973 price per gallon which that firm received for the first sale, plus __¢ per gallon. If the price for the first sale was stated separately for the component parts of the natural gas liquids on May 15, 1973, the first sale price may not exceed the May 15, 1973 first sale price, plus __¢ per gallon, for each component part of the natural gas liquid, other than ethane.

§ 212.144 Application of increased costs.

Any firm which incurs increased product costs or increased non-product costs with respect to processing or fractionating natural gas liquids in a particular plant may pass such costs through, in accordance with the cost pass through provisions for increased costs of Subpart E, provided, however, that where increased costs with respect to a gas plant are incurred by a firm in an amount that is not proportional to the volume of natural gas liquids from that gas plant as to which that firm receives the revenues from the first sale, only the proportion of the total increased costs for that gas plant which is proportional to the volume of natural gas liquids from that gas plant as to which that firm receives the revenues from the first sale may be passed through by that firm. It is the intent of this section, however, that a single maximum lawful price for natural gas liquids sold to a class of purchaser from a particular gas plant be maintained, insofar as practicable, and firms which are parties to agreements which allocate increased costs disproportionately are encouraged to agree to incur a proportionate share of the amount of increased costs, so that a uniform maximum lawful price for each product produced from a particular gas plant may be maintained.

§ 212.145 Increased product cost.

Increased product cost with respect to a gas plant is (a) the difference between the weighted average cost of natural gas liquids purchased in the month of May 1973 and the weighted average cost of natural gas liquids purchased in the month of measurement, multiplied by the volume of natural gas liquids purchased in the month of measurement, plus (b) the difference between the weighted average cost of natural gas shrinkage in the month of May 1972 and the weighted average cost of natural gas shrinkage in the month of measurement, multiplied by the volume of natural gas processed in the month of measurement, where:

"Cost of natural gas shrinkage" means the reduction in sale price of natural gas, per unit of volume or BTU content, of natural gas processed in a gas plant which is attributable to reduction in volume or BTU content by the removal of liquids in the gas plant. The reduction in sale price of natural gas shall be computed according to the method provided for under the sale contract for the natural gas which is processed.

§ 212.146 Increased non-product costs.

(a) *Scope.* This section prescribes the computation of a gas plant's increased non-product costs which may be used to calculate increased costs which may be applied to justify a price increase pursuant to § 212.144.

(b) *General definition.* Increased non-product costs with respect to a gas plant are, for each month of measurement, the sum of the recoverable gas plant fuel and utility cost increase, the recoverable labor cost increase, the recoverable chemical and other processing supply cost increase, and the recoverable marketing cost increase for that month.

(1) *Recoverable gas plant fuel and utility cost.* Recoverable gas plant fuel and utility cost increase is the base gas plant fuel and utility cost usage (in supply units) multiplied by the volume of production for the month of measurement, and multiplied by the amount which represents the difference between the average gas plant fuel and utility cost rate in the month of measurement and the average gas plant fuel and utility cost rate in the month of May, 1973, where:

"Average gas plant fuel and utility cost rate" means the weighted average rate of gas plant fuel and utility cost

per unit of energy (such as dollars per million British Thermal Units (B.T.U.)) used in gas processing. If the calculation of gas plant fuel and utility costs is not feasible in energy units, a gas plant may substitute a method that is more reasonably consistent with the data available. In such cases, however, the gas plant must prepare a schedule justifying the alternative method of calculation and explaining why the results represent the average gas plant fuel and utility cost rate;

"Base gas plant fuel and utility usage" means the amount of gas plant fuel, in units of energy (e.g., million B.T.U.'s) used per gallon of gas plant production during the month of May 1973. If the calculation gas plant fuel and utility costs is not feasible in energy units, the gas plant may substitute a method that is more reasonably consistent with the data available. In such cases, however, the gas plant must prepare schedule justifying the alternative method of calculation and explaining why the results represent the base gas plant fuel and utility usages; and

"Gas plant production" means the volume of natural gas liquids produced during the time period specified.

(2) *Recoverable labor cost increase.* Recoverable labor cost increase is the base labor cost multiplied by an amount which represents the difference between the average labor rate in the month of measurement and the average labor rate in the month of May 1973, and multiplied by a productivity offset, of 0.934 where:

"Average labor rate" means the weighted average direct and indirect remuneration or inducement for personal services which are reasonably subject to valuation (in dollars per man-hours) for those personnel employed at the gas plant or those personnel directly involved with gas plant operations. To substantiate the labor rate increase, a supporting document must be prepared which summarizes the personnel considered in the calculation and the date of their rate increases. Calculation of the average labor rate must be based on the historical accounting practices employed by the gas plant; and

"Base labor cost" means the cost of gas plant labor incurred during May 1973 calculated in accordance with the procedure and personnel used in determining the average labor rate.

(3) *Recoverable chemical and other processing supply cost increase.* Recoverable chemical and other processing supply cost increase is the month of measurement chemical and other processing supply usage (in supply units) multiplied by the amount which represents the difference between the average chemical and other processing supply cost rate in the month of measurement and the average chemical and other processing supply cost rate in May 1973, where:

"Chemical and other processing supply" means those chemicals and compounds including catalysts, which are not covered products, used in gas processing to recover natural gas liquids;

"Month of measurement chemical and other processing supply usage" means the amount of chemical and other processing supply used in gas processing per gallon of gas plant production during the month of measurement, measured in units per gallon of production (e.g., lbs/gal) and weighted by the volume of the tape of chemical and other processing supply used; and

"Average chemical and other processing supply cost rate" means the weighted average unit cost of the chemical and other processing supply used in gas processing (e.g., dollars/lb). Such unit cost calculation must employ the same units as employed in the calculation of the "Month of measurement chemical and other processing supply usage."

(4) *Recoverable marketing cost increase.* Recoverable marketing cost increase is the difference between the cost of marketing natural gas liquids in the month of measurement and the cost of marketing natural gas liquids in May 1973, provided, however, that the amount of recoverable marketing cost which may be applied to prices charged for natural gas liquids is limited to the extent that such costs allow an increase in the prices of propane above the prices otherwise permitted to be charged for such products pursuant to the provisions of this section by an amount not in excess of one cent per gallon with respect to retail sales and one-half cent per gallon with respect to all other sales, and where:

"Cost of marketing natural gas liquids" means the costs attributable to marketing operations with respect to natural gas liquids under the customary accounting procedures generally accepted and historically and consistently applied by the firm concerned. A gas plant must prepare a schedule itemizing the principal cost included in this category and describing the accounting procedures by which they are calculated.

§ 212.85 [Deleted]

12. Section 212.85 is deleted.

[FR Doc.74-20877 Filed 9-6-74;11:51 am]

now available
15-year Cumulation

LAWS AFFECTED TABLES FOR 1956–1970

VOLUMES 70–84
UNITED STATES STATUTES AT LARGE

Lists all prior laws and other Federal instruments which were amended, repealed, or otherwise affected by the provisions of public laws enacted during the years 1956–1970. Includes index of popular name acts affected in Volumes 70–84.

Price: $8.15 domestic postpaid;
$7.50 GPO Bookstore

Compiled by Office of the Federal Register,
National Archives and Records Service,
General Services Administration

Order from Superintendent of Documents,
U.S. Government Printing Office
Washington, D.C. 20402

