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PART I

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

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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.

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Title 3—The President

PROCLAMATION 4325

General Pulaski's Memorial Day, 1974

By the President of the United States of America

A Proclamation

On October 11, 1974, we will honor the 195th anniversary of the death of Casimir Pulaski, the selfless patriot who fought courageously for the cause of freedom both in Poland and in America. It was on October 11, 1779, that Pulaski gave his life for our young Republic, fatally wounded while leading a cavalry charge in the battle of Savannah.

Today, we pay grateful tribute to the heroic sacrifice of Casimir Pulaski. And as we do so, we also pay tribute to all Americans of Polish ancestry whose talents, energies, and devotion to freedom have contributed greatly to the growth of this Nation since the earliest days.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate Friday, October 11, 1974, as General Pulaski's Memorial Day and I direct the appropriate Government officials to display the flag of the United States on all Government buildings on that day.

I also invite the people of the United States to observe the day with appropriate ceremonies in honor of the memory of General Pulaski and his dedication to the defense of liberty.

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

Gerald R. Ford

[FR Doc.74-24016 Filed 10-10-74;11:39 am]

rules and regulations

Title 7—Agriculture

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

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 53—LIVESTOCK, MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

Subpart A—Regulations

FEES FOR GRADING SERVICE

This document updates the regulations under which voluntary meat grading and related services are provided by increasing the hourly fees charged to users of this self-supporting service.

The Agricultural Marketing Act of 1946 provides for the collection of fees approximately equal to the cost of Federal meat grading services rendered under its provisions. Salaries paid to Federal employees have been increased under the provisions of Pub. L. 92–210. Additionally, a change in Government policy requires that Federal agencies be charged directly for federally-owned office space which had previously been provided without charge. Therefore, it has been determined that in order to cover the increased cost of Federal meat grading services resulting from increases in salaries paid to Federal employees and increases in rent and operating costs, the hourly fee must be increased as provided herein.

§ 53.29 [Amended]

The provisions of 7 CFR 53.29(a) prescribing fees in connection with the performance of Federal meat grading services are hereby amended by changing the phrases "$13.80 per hour," "$16.00 per hour," and "$27.60 per hour" to "$14.60 per hour," "$17.60 per hour," and "$29.20 per hour," respectively.

The need for the increase and the amount thereby are dependent upon facts within the knowledge of the Agricultural Marketing Service. Therefore, under the provisions of 5 U.S.C. 553, it is found that notice and other public procedures with respect to this amendment are impractical and unnecessary and good cause is found to make the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment shall become effective November 3, 1974, with respect to all Federal meat grading services rendered on and after that date, including service under commitment agreement whether heretofore or hereafter made.

(Sections 203, 205, 60 Stat. 1087, 1090 (7 U.S.C. 1622, 1624))

Done at Washington, D.C. this 8th day of October 1974.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.74-23766 Filed 10-10-74;8:45 am]

CHAPTER V—AGRICULTURAL RESEARCH SERVICE, DEPARTMENT OF AGRICULTURE

PART 503—CONDUCT ON PLUM ISLAND ANIMAL DISEASE CENTER

Enforcement of Security Measures

The following rules and regulations are a result of the Delegation of Authority to the Secretary of Agriculture to appoint uniformed guards of the Department of Agriculture as special policemen for duty in connection with the policing of the Plum Island Animal Disease Center in New York.

Chapter V of Title 7 of the Code of Federal Regulations is amended by adding a new Part 503, reading as follows:

Sec.

AUTHORITY: (secs. 2, 4, 62 Stat. 281; 40 U.S.C. 318(a), (c); sec. 103, 63 Stat. 380; 40 U.S.C. 486(d); 38 FR 31165 and 38 FR 31166.)

§ 503.1 General.

The rules and regulations in this part cover the buildings, grounds, and vessels of the Plum Island Animal Disease Center (PIADC), United States Department of Agriculture, Orient Point, New York, and apply to all persons entering in or on such properties both on the mainland, Orient Point, New York, and on Plum Island. The Administrator, General Services Administration, has delegated to the Secretary of Agriculture authority to make all needful rules and regulations, and to annex to such rules and regulations such reasonable penalties (not to exceed those prescribed in 40 U.S.C. 318c) as will ensure their enforcement for the protection of persons and property at Plum Island, New York. The Secretary of Agriculture has redelegated this authority to the Assistant Secretary for Conservation, Research, and Education, who in turn has delegated it to the Administrator, Agricultural Research Service (38 FR 31166).

§ 503.2 Admission.

No person will be admitted to PIADC, into animal holding areas, specified restricted areas, laboratory compounds, or into laboratories without having in his or her possession a specific approved pass or permit authorized by the Director, PIADC, to enter such areas. The pass must be presented at the request of the guard or other authorized PIADC safety representative.

§ 503.3 Preservation of property.

The willful destruction, damage to or removal of property or any part thereof from the Government-owned buildings, grounds, and vessels in or on the PIADC is prohibited.

§ 503.4 Conformity with Plum Island regulations.

Persons in and on PIADC shall at all times comply with official signs of a prohibitory or directory nature and with the directions of law enforcement or other authorized officials.

§ 503.5 Nuisances.

The use of loud, abusive or otherwise improper language, unwarranted loitering, sleeping or assembly, the creation of any hazard to persons or things, improper disposal of rubbish, spitting, prurient prying, or the commission of any obscene or indecent act in or on the PIADC is prohibited.

§ 503.6 Camping, boating, and fishing.

The use of PIADC as a recreational area for camping, boating, fishing, and picnicking is prohibited. The use of Plum Island beaches for unauthorized landings and sightseeing is prohibited.

§ 503.7 Gambling.

Participating in games for money or other personal property, or the operation of gambling devices, the conduct of a lottery or pool, or the selling or purchasing of numbers tickets in or on the PIADC is prohibited.

§ 503.8 Intoxicating beverages and narcotics.

Entering the PIADC or operating a motor vehicle thereon by a person under the influence of intoxicating beverages or narcotic drugs, or the consumption of such beverages or the use of such drugs in or on the PIADC, is prohibited.

§ 503.9 Soliciting, vending, debt collection, and distribution of handbills.

The soliciting of alms and contributions, commercial soliciting and vending of all kinds, the display or distribution of commercial advertising, or the collecting of private debts, in or on PIADC is prohibited. This section does not apply to national or local drives for funds for welfare, health, and other purposes, sponsored or approved by the PIADC, or concessions or personal notices posted by employees on authorized bulletin boards. Unauthorized distribution of materials such as pamphlets, handbills, and flyers is prohibited.

§ 503.10 Photographs for news, advertising, commercial purposes or for personal use.

Photographs on the PIADC for news, advertising, commercial purposes, or personal use may be taken only with prior written permission of Director, PIADC.

§ 503.11 Pets.

No pets or animals of any kind may be brought to the PIADC.

§ 503.12 Vehicular and pedestrian traffic.

Drivers of all vehicles on the PIADC Government-owned parking areas in PIADC sahll drive in a careful and safe manner at all times and shall comply with the signals and directions of guards and all posted traffic signs. Pedestrians will also observe specific safety directives as may be issued and posted from time to time by the Director, PIADC, or his authorized representative.

§ 503.13 Weapons and explosives.

No person while in or on the PIADC shall carry firearms or other dangerous or deadly weapons or explosives either openly or concealed, except when authorized to do so for official purposes by the Director, PIADC, or his authorized representative.

§ 503.14 Nondiscrimination.

There shall be no discrimination by segregation or otherwise against any person or persons because of race, religion, sex, color, or national origin in furnishing or refusing to furnish to such person or persons the use of any facility of a public nature, including all services, privileges, accommodations and activities provided by the PIADC.

§ 503.15 Exceptions.

The Director, PIADC, may, in specific cases, make prior written exceptions to the rules and regulations in this part if he determines it to be in the best interest of the Government.

§ 503.16 Penalties and other law.

Whoever shall be found guilty of violating any rule or regulation in this part while in or on the PIADC is subject to a fine of not more than $50 or imprisonment of not more than 30 days, or both. (See 40 U.S.C. 318c.) Nothing contained in these rules and regulations shall be construed to abrogate any other Federal laws or regulations, or any State and local laws and regulations, applicable to the PIADC.

Effective date. This part shall become effective on October 11, 1974.

It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to this department. (36 FR 13804)

The urgency of the need for adequate security at the Plum Island Animal Disease Center is such that these regulations should be made effective as soon as possible. Accordingly, under administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to these regulations are impracticable and unnecessary, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of October, 1974.

T. W. EDMINSTER,
Administrator,
Agricultural Research Service.

Approved:

JAMES MICHAEL KELLY,
Office of General Counsel.

Approved:

JOHN KEARNEY,
Acting Director,
Office of Operations.

[FR Doc.74-23771 Filed 10-10-74;8:45 am]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 4]

PART 729—PEANUTS

Subpart—Regulations for Determination of Acreage Allotments and Marketing Quotas for 1972 and Subsequent Crops of Peanuts

This amendment of the allotment and marketing quota regulations for peanuts of the 1972 and subsequent crops is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.).

(1) Section 729.12 is amended to provide that a preliminary peanut allotment shall not be established for a farm if the county committee determines that the cropland on the farm has been retired from agricultural production.

(2) Section 729.19(b)(2) is revised to provide that the farm operator shall not be eligible for a new grower allotment if he has any ownership interest in any other farm.

(3) Section 729.22(g) is added to provide that when the farm's basic allotment is reduced to zero for a violation of the peanut marketing quota regulations, no allotment may be reapportioned to such farm for the current year.

(4) Section 729.26(d) is revoked to remove the provision that the actual or facsimile signature of the county committee be affixed on notices of acreage allotment.

(5) Section 729.32(a) is amended to provide that peanuts marketed from a within quota marketing card are ineligible for price support if such card is marked "Ineligible for Price Support", and (c) is added to provide that when an operator is in violation of § 1446.13 of Part 1446 of the regulations, the county committee shall notify the operator to return all his marketing cards to the county office to be stamped "Ineligible for Price Support", and any peanuts marketed from a farm represented by such card shall be ineligible for price support.

(6) Section 729.43(b)(3) is amended to establish the basic penalty rate for the 1974 crop of peanuts.

(7) Section 729.58(a) is amended to exclude the notation on the peanut marketing card by the buyer or the Federal State inspector.

(8) Section 729.65 is amended by changing the reference "Office of Inspector General" to "Office of Investigation".

(9) Section 729.69(a)(1) is amended to provide that the witnessing of signatures for transfers is not required if the producers may be unduly inconvenienced, (e)(2) is revised to make clear that the irrigation adjustment is applicable if any part of the peanut acreage on the receiving farm is irrigated, and (v) is added to provide that when a farm's basic peanut allotment is reduced to zero for a violation of the peanut marketing quota regulations, no allotment may be transferred to the farm for the current year.

The marketing of peanuts of the 1974 crop is underway and it is essential that producers and buyers know the provisions of this amendment as soon as possible. Accordingly, it is hereby determined that compliance with the notice, public procedure, and effective date provisions of 5 U.S.C. 553 is unnecessary, impracticable, and contrary to the public interest, and this document shall become effective upon the date of publication in the FEDERAL REGISTER.

The regulations for determination of acreage allotments and marketing quotas for 1972 and subsequent crops of peanuts (37 FR 2645, 3629, 23413, 28124, 39 FR 10883) are amended as follows:

1. The first paragraph of § 729.12 is amended to read as follows:

§ 729.12 Determination of preliminary allotment.

For each old farm the county committee shall determine a preliminary allotment for the current year: *Provided,* That no preliminary allotment will be established for a farm when the county

committee determines that the cropland on the farm has been retired from agricultural production and was not and could not have been acquired under the right of eminent domain by the person or agency, if any, that acquired it. Preliminary allotments shall be determined as follows:

* * * * *

2. Subparagraph (2) of paragraph (b) of § 729.19 is revised to read as follows:

§ 729.19 Conditions of eligibility for new farm allotment.

* * * * *

(b) *Eligibility requirements for operator.* * * *

(2) *Interest in another farm.* The farm operator shall not own, have any ownership interest in, or operate any other farm in the United States for which a peanut allotment is established for the current year.

* * * * *

3. A new paragraph (g) is added to § 729.22 to read as follows:

§ 729.22 Release and reapportionment.

* * * * *

(g) *No reapportionment of released acreage to zero allotment farms.* If the basic allotment for a farm for the current crop year is reduced to zero for a violation of the peanut marketing quota regulations, no allotment may be reapportioned to such farm for the current crop year.

4. Paragraph (d) of § 729.26 is revoked.

§ 729.26 Notice of farm allotments.

* * * * *

(d) [revoked]

* * * * *

5. Paragraph (a) of § 729.32 is amended and a new paragraph (c) is added to § 729.32 as follows:

§ 729.32 Marketing cards and their uses.

(a) *Within quota card.* Form MQ–76 Peanuts, Peanut Within Quota Marketing Card, referred to as a "within quota card," authorizes the marketing of peanuts produced on the farm for which the card is used without payment of penalty and indicates eligibility for price support unless stamped "Ineligible for Price Support".

* * * * *

(c) *Stamping within quota marketing card.* When the Inspection Service notifies the State committee that an operator has not complied with § 1446.13 of Part 1446 of the regulations and the State committee notifies the county committee of such violation, the county committee shall notify the operator to return to the county office all his marketing cards for the involved farm. The marketing card shall be stamped "Ineligible for Price Support," and the date of stamp entered.

6. A new subparagraph (3) is added to paragraph (b) of § 729.43 to read as follows:

§ 729.43 Penalty rate.

* * * * *

(b) *Future years.* * * *

(3) *1974 crop.* The basic support price for peanuts for the marketing year beginning August 1, 1974 and ending July 31, 1975, is $366 per ton or 18.30 cents per pound. Therefore, the basic penalty rate for the 1974 crop of peanuts is 13.7 cents per pound.

§ 729.58 [Amended]

7. Paragraph (a) of § 729.58 is amended by striking the last two sentences.

§ 729.65 [Amended]

8. The first sentence of § 729.65 is amended by striking the words "Office of the Inspector General" and substituting in lieu thereof the words "Office of Investigation".

9. In § 729.69, the next to last sentence in subparagraph (1) of paragraph (a) and subparagraph (2) of paragraph (e) are amended, and a new paragraph (v) is added to read as follows:

§ 729.69 Terms and conditions applicable to transfers under section 358a of the act.

(a) *Persons eligible to file a record of transfer*—(1) *Sale or lease.* * * * The requirement that signatures by witnesses for producers who are ill, infirm, reside in distant areas, or are in similar hardship situations or may be unduly inconvenienced may be waived provided the county office mails Form ASCS–375 for the required signature.

* * * * *

(e) *Productivity adjustments.* * * *

(2) *Downward allotment adjustment because of irrigation.* If the county committee so determines, in the event an allotment is transferred to a farm which at the time of such transfer any part of the peanut acreage on the receiving farm is not irrigated, but within 5 years subsequent to such transfer the peanut acreage is placed under irrigation, it shall make an annual downward adjustment in the allotment so transferred by multiplying the normal yield established for the farm from which the allotment is transferred and dividing the result by the actual yield per acre for the previous year, adjusted for abnormal weather conditions, on the farm to which the allotment is transferred.

* * * * *

(v) *Zero allotment farms.* If the basic allotment for a farm for the current crop year is reduced to zero for a violation of the peanut marketing quota regulations, no allotment may be transferred to such farm for the current crop year.

(Secs. 358, 358a, 359, 375, 55 Stat. 88, as amended, 81 Stat. 658, as amended, 55 Stat. 90, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1358, 1358a, 1359, 1375.)

Effective date: October 11, 1974.

Signed at Washington, D.C. on October 4, 1974.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.74–23822 Filed 10–10–74;8:45 am]

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

[Lemon Reg. 661]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This section fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period October 13–19, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.961 Lemon Regulation 661.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons continues about unchanged from last week. Average f.o.b. price was $6.55 per carton the week ended October 5, 1974, compared to $6.81 per carton the previous week. Track and rolling supplies at 98 cars were down 8 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available informa-

tion, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 8, 1974.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period October 13, 1974, through October 19, 1974, is hereby fixed at 200,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: October 9, 1974.

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

[FR Doc.74-23998 Filed 10-10-74;11:25 am]

PART 981—ALMONDS GROWN IN CALIFORNIA

Expenses of the Almond Control Board, and Rate of Assessment, for the 1974–75 Crop Year

Notice of proposed expenses of the Almond Control Board, and rate of assessment, for the 1974–75 crop year was published in the September 13, 1974, issue of the FEDERAL REGISTER (39 FR 33004). This action is pursuant to §§ 981.80 and 981.81 of the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981), regulating the handling of almonds grown in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. One such comment was received from the Almond Control Board.

The proposal was based on a unanimous recommendation of the Almond Control Board. Expenses of the Almond Control Board for the 1974–75 crop year were proposed at $4,660,750. The assessment rate was proposed at 2.2 cent per pound of almonds (kernel weight basis).

It was also proposed that paragraph (b) of § 981.300 Subpart-Budget of Expenses and Rate of Assessment (7 CFR 981.300; 981.323), authorizing retention in an operating reserve fund of unexpended assessment funds in excess of expenses incurred during the crop year ending June 30, 1973, be deleted. That paragraph is obsolete.

The comment indicated that it was unclear from the proposal, whether the Almond Control Board had authority to retain unexpended assessment funds from the 1973–74 crop year in an operating reserve. The comment indicated that the Board wants these funds to be retained instead of being refunded to handlers. Sections 981.80 and 981.81 provide authority for the Board to establish and maintain an operating reserve fund. Section 981.300 approves the establishment of this fund and specifies how the fund may be used. Accordingly, a paragraph (c) is added to § 981.324 to provide for retention of those funds.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Almond Control Board, the comment received, and other available information, it is found that Subpart—Budget of Expenses and Rate of Assessment shall be amended.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that:

(1) The relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular crop year shall be applicable to all almonds received by handlers for their own accounts during such crop year; and (2) the current crop year began July 1, 1974, and the rate of assessment herein fixed will automatically apply to all such almonds beginning with that date.

Subpart—Budget of Expenses and Rate of Assessment

§ 981.300 [Amended]

(1) In § 981.300 delete paragraph (b) and the "(a)" appearing before the remaining paragraph.

(2) § 981.324 is added to read as follows:

§ 981.324 Expenses of the Control Board and rate of assessment for the 1974–75 crop year.

(a) *Expenses.* Expenses in the amount of $4,660,750 are reasonable and likely to be incurred by the Control Board during the crop year beginning July 1, 1974, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for said crop year, payable by each handler in accordance with § 981.81, less any amount credited pursuant to § 981.41 but not to exceed 2 cents per pound of almonds (kernel weight basis), is fixed at 2.2 cents per pound of almonds (kernel weight basis).

(c) Unexpended assessment funds in excess of expenses incurred during the crop year ended June 30, 1974, shall be retained in an operating reserve fund in accordance with applicable provisions of §§ 981.80 and 981.81.

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

Dated: October 7, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division.

[FR Doc.74-23770 Filed 10-10-74; 8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1974 Crop Corn Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1974 Crop Corn Loan and Purchase Program

On August 29, 1973, the U.S. Department of Agriculture announced loan rates for the 1974 crop of corn on a national average of $1.10 per bushel. On May 10, 1974, the Department announced that beginning with the 1974-

crop corn, storage deductions would no longer be made from the loan value of the commodity for unpaid storage. Instead, in order for a producer to obtain a warehouse storage loan on corn, the warehouse receipt must indicate that storage has been paid or otherwise provided for through the loan maturity date. In the absence of a set-aside program for 1974, the 1974 corn loan and purchase program does not require that the corn be produced on a farm which has an allotment or that the producer file a notice of intention to participate.

Support rates at the county level for the 1974 crop corn reflect adjustments necessary to reflect consideration for historical corn prices received by farmers by States and districts.

In view of the need for early announcement of the 1974 Feed Grain Program and inasmuch as corn is currently being harvested in many parts of the corn-producing area, compliance with the notice of proposed rulemaking procedure would be impracticable and contrary to the public interest. Therefore, this supplement is issued without following such procedure.

The General Regulations Governing Price Support for the 1970 and Subsequent Crops, published in the FEDERAL REGISTER at 35 FR 7363 and 7781, and any amendments thereto, and the 1970 and Subsequent Crops Corn Loan and Purchase Program Regulations, published in the FEDERAL REGISTER at 35 FR 13969, and any amendments thereto, are further supplemented as shown below for the 1974 crop of corn.

The material previously appearing in §§ 1421.111 through 1421.116 shall remain in full force and effect as to the crops to which it is applicable.

Sec.
1421.111 Availability.
1421.112 Maturity of loans.
1421.113 Delivery period.
1421.114 Loan and purchase rates, premiums, and discounts.

AUTHORITY: Sec. 4, 62 Stat. 1070, as amended (15 U.S.C. 714b). Interpret or apply sec. 5, 62 Stat. 1072 (15 U.S.C. 714c); secs. 105, 401, 63 Stat. 1051, 1054, as amended (7 U.S.C. 1441, 1421).

§ 1421.111 Availability.

A producer desiring to participate in the program through loans must request a loan on his 1974 crop of eligible corn on or before June 30, 1975. To sell eligible corn to CCC, a producer must execute and deliver to the appropriate county ASCS office, on or before July 31, 1975, a purchase agreement (Form CCC–614) indicating the approximate quantity of 1974-crop corn he may sell to CCC: Provided, That in any area where it is determined by the State ASC Committee that producers may not be able to or cannot store corn safely on the farm for the full storage period because of insects, adverse climatic conditions, or other factors affecting the safe storage of corn, the final date for requesting loans and purchases on farm stored corn shall be such earlier dates as are established by the State ASC committee. Public announcement of the final dates shall be made sufficiently in advance of such dates to allow producers a reasonable period of time to request loans and purchases.

§ 1421.112 Maturity of loans.

Loans mature on demand but not later than July 31, 1975.

§ 1421.113 Delivery period.

(a) *Regular delivery period.* The regular delivery period shall begin August 1, 1975.

(b) *Where producer may not be in a position to store corn safely.* In areas where it is determined by the State ASC committee that some producers may not be in a position to store corn safely on the farm for the full storage period (for reasons set forth in § 1421.111), the State ASC committee may establish an earlier delivery period prior to maturity (in addition to the regular delivery period) during which any producer in such areas may voluntarily deliver corn which is under farm storage loan. Eligible corn not under loan may also be delivered to CCC for purchase in the earlier delivery period. Such earlier delivery period, if established, shall begin at least 30 days after the final date of availability of loans established by the State ASC committee, but not before April 1, 1975, CCC will accept deliveries of corn during such early delivery period, provided the producer notifies the county ASCS office within the time specified by the county ASCS office that he wants to deliver the corn.

(c) *Where producers cannot store corn safely.* If the State ASC committee determines that producers in an area cannot store corn safely on the farm for the full storage period (for reasons set forth in § 1421.111), all farm storage loans in such area shall be called. Producers having eligible corn not under loan who elect to make deliveries from farm storage for purchase by CCC shall also be required to deliver during the delivery period for loans except that individual producers may keep corn in farm storage until the regular loan maturity date if (1) such corn is shelled, (2) the producer has satisfactory storage facilities, and (3) either the State ASC committee approves or the county ASC committee approves where the State ASC committee has authorized county ASC committee to make such determinations. Any earlier delivery period established shall begin at least 30 days after the final date of availability of loans established by the State ASC committee and not before April 1, 1975.

§ 1421.114 Loan and purchase rates, premiums, and discounts.

County basic loan and purchase rates for corn and the schedule of premiums and discounts are contained in this section. Farm stored loans will be made at the basic rate for the county where the corn is stored, adjusted only for the weed control discount where applicable. The rate for warehouse stored corn loans shall be the basic rate for the county where the corn is stored, adjusted by the premiums and discounts prescribed in paragraphs (b) and (c) of this section. Notwithstanding § 1421.23(c), settlement for corn delivered from other than approved warehouse storage shall be based on the basic rate for the county in which the producer's customary delivery point is located, and on the quality and quantity of the corn delivered as shown on the warehouse receipts and accompanying documents issued by an approved warehouse to which delivery is made, or if applicable, the quality and quantity delivered as shown on a form prescribed by CCC for this purpose.

(a) *Basic county rates.* Basic county rates for corn grading No. 2 and containing from 15.1 through 15.5 percent moisture are as follows:

ALABAMA

	Rate per bushel
All counties	$1.25

ARIZONA

All counties	$1.31

ARKANSAS

All counties	$1.22

CALIFORNIA

All counties	$1.31

COLORADO

County	Rate per bushel	County	Rate per bushel
Baca	$1.14	Prowers	$1.13
Cheyenne	1.13	Sedgwick	1.13
Kit Carson	1.13	Washington	1.15
Kiowa	1.13	Yuma	1.12
Lincoln	1.16	All other counties	1.17
Logan	1.15		
Phillips	1.13		

CONNECTICUT

All counties	$1.34

DELAWARE

All counties	$1.28

FLORIDA

All counties	$1.26

GEORGIA

All counties	$1.26

HAWAII

All counties	$1.62

IDAHO

All counties	$1.28

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	$1.15	Du Page	$1.18
Alexander	1.19	Edgar	1.14
Bond	1.17	Edwards	1.16
Boone	1.15	Effingham	1.15
Brown	1.16	Fayette	1.16
Bureau	1.15	Ford	1.15
Calhoun	1.17	Franklin	1.17
Carroll	1.13	Fulton	1.16
Cass	1.16	Gallatin	1.17
Champaign	1.14	Greene	1.17
Christian	1.16	Grundy	1.16
Clark	1.14	Hamilton	1.16
Clay	1.15	Hancock	1.15
Clinton	1.18	Hardin	1.18
Coles	1.14	Henderson	1.15
Cook	1.19	Henry	1.15
Crawford	1.14	Iroquois	1.15
Cumberland	1.14	Jackson	1.18
De Kalb	1.15	Jasper	1.14
De Witt	1.14	Jefferson	1.18
Douglas	1.14	Jersey	1.17

ILLINIOS—continued

County	Rate per bushel	County	Rate per bushel
Jo Daviess	$1.12	Perry	$1.19
Johnson	1.18	Platt	1.14
Kane	1.17	Pike	1.16
Kankakee	1.16	Pope	1.18
Kendall	1.16	Pulaski	1.19
Knox	1.16	Putnam	1.15
Lake	1.18	Randolph	1.19
La Salle	1.15	Richland	1.15
Lawrence	1.15	Rock Island	1.14
Lee	1.15	St. Clair	1.20
Livingston	1.15	Saline	1.17
Logan	1.15	Sangamon	1.15
McDonough	1.16	Schuyler	1.16
McHenry	1.17	Scott	1.16
McLean	1.14	Shelby	1.15
Macon	1.15	Stark	1.16
Macoupin	1.17	Stephenson	1.12
Madison	1.19	Tazewell	1.15
Marion	1.16	Union	1.18
Marshall	1.15	Vermilion	1.14
Mason	1.16	Wabash	1.16
Massac	1.19	Warren	1.16
Menard	1.15	Washington	1.20
Mercer	1.14	Wayne	1.16
Monroe	1.20	White	1.16
Montgomery	1.16	Whiteside	1.14
Morgan	1.16	Will	1.18
Moultrie	1.14	Williamson	1.17
Ogle	1.14	Winnebago	1.13
Peoria	1.16	Woodford	1.15

INDIANA

Adams	$1.13	Lawrence	$1.16
Allen	1.13	Madison	1.10
Bartholomew	1.14	Marion	1.11
Benton	1.15	Marshall	1.16
Blackford	1.12	Martin	1.16
Boone	1.10	Miami	1.13
Brown	1.14	Monroe	1.14
Carroll	1.13	Montgomery	1.12
Cass	1.15	Morgan	1.12
Clark	1.17	Newton	1.16
Clay	1.12	Noble	1.13
Clinton	1.11	Ohio	1.17
Crawford	1.17	Orange	1.16
Daviess	1.16	Owen	1.12
Dearborn	1.17	Parke	1.12
Decatur	1.14	Perry	1.17
De Kalb	1.13	Pike	1.16
Delaware	1.11	Porter	1.18
Dubois	1.16	Posey	1.17
Elkhart	1.15	Pulaski	1.16
Fayette	1.13	Putnam	1.11
Floyd	1.17	Randolph	1.12
Fountain	1.12	Ripley	1.16
Franklin	1.16	Rush	1.12
Fulton	1.15	St. Joseph	1.16
Gibson	1.17	Scott	1.17
Grant	1.12	Shelby	1.12
Greene	1.14	Spencer	1.17
Hamilton	1.10	Starke	1.16
Harrison	1.17	Steuban	1.13
Hancock	1.11	Sullivan	1.14
Hendricks	1.11	Switzerland	1.17
Henry	1.11	Tippecanoe	1.13
Howard	1.13	Tipton	1.11
Huntington	1.12	Union	1.14
Jackson	1.16	Vanderburgh	1.17
Jasper	1.16	Vermillion	1.13
Jay	1.13	Vigo	1.13
Jefferson	1.17	Wabash	1.13
Jennings	1.16	Warren	1.13
Johnson	1.12	Warrick	1.17
Knox	1.16	Washington	1.17
Kosciusko	1.15	Wayne	1.12
LaGrange	1.13	Wells	1.12
Lake	1.18	White	1.15
La Porte	1.18	Whitley	1.13

IOWA

Adair	$1.09	Black Hawk	$1.10
Adams	1.12	Boone	1.08
Allamakee	1.07	Bremer	1.09
Appanoose	1.12	Buchanan	1.10
Audubon	1.09	Buena Vista	1.05
Benton	1.10	Butler	1.08

IOWA—continued

County	Rate per bushel	County	Rate per bushel
Calhoun	$1.06	Linn	$1.10
Carroll	1.09	Louisa	1.13
Cass	1.10	Lucas	1.11
Cedar	1.13	Lyon	1.02
Cerro Gordo	1.07	Madison	1.09
Cherokee	1.05	Mahaska	1.11
Chickasaw	1.08	Marion	1.10
Clarke	1.11	Marshall	1.10
Clay	1.03	Mills	1.12
Clayton	1.09	Mitchell	1.06
Clinton	1.13	Monona	1.10
Crawford	1.10	Monroe	1.11
Dallas	1.08	Montgomery	1.12
Davis	1.13	Muscatine	1.13
Decatur	1.13	O'Brien	1.04
Delaware	1.10	Osceola	1.02
Des Moines	1.13	Page	1.14
Dickinson	1.01	Palo Alto	1.02
Dubuque	1.11	Plymouth	1.06
Emmet	1.01	Pocahontas	1.05
Fayette	1.09	Polk	1.09
Floyd	1.08	Pottawattamie	1.12
Franklin	1.07	Poweshiek	1.10
Fremont	1.13	Ringgold	1.14
Greene	1.07	Sac	1.07
Grundy	1.09	Scott	1.13
Guthrie	1.08	Shelby	1.11
Hamilton	1.07	Sioux	1.04
Hancock	1.06	Story	1.10
Hardin	1.09	Tama	1.10
Harrison	1.11	Taylor	1.14
Henry	1.13	Union	1.12
Howard	1.06	Van Buren	1.13
Humboldt	1.04	Wapello	1.12
Ida	1.07	Warren	1.10
Iowa	1.11	Washington	1.12
Jackson	1.12	Wayne	1.12
Jasper	1.10	Webster	1.06
Jefferson	1.12	Winnebago	1.05
Johnson	1.12	Winneshiek	1.07
Jones	1.11	Woodbury	1.08
Keokuk	1.12	Worth	1.06
Kossuth	1.03	Wright	1.06
Lee	1.13		

KANSAS

Allen	$1.17	Harvey	$1.11
Anderson	1.18	Haskell	1.11
Atchison	1.19	Hodgeman	1.10
Barber	1.11	Jackson	1.17
Barton	1.09	Jefferson	1.19
Bourbon	1.19	Jewell	1.10
Brown	1.17	Johnson	1.20
Butler	1.13	Kearny	1.10
Chase	1.13	Kingman	1.11
Chautauqua	1.13	Kiowa	1.10
Cherokee	1.19	Labette	1.15
Cheyenne	1.07	Lane	1.09
Clark	1.11	Leavenworth	1.20
Clay	1.11	Lincoln	1.10
Cloud	1.11	Linn	1.19
Coffey	1.16	Logan	1.08
Comanche	1.11	Lyon	1.15
Cowley	1.12	McPherson	1.11
Crawford	1.19	Marion	1.11
Decatur	1.09	Marshall	1.15
Dickinson	1.11	Meade	1.12
Doniphan	1.17	Miami	1.19
Douglas	1.19	Mitchell	1.10
Edwards	1.10	Montgomery	1.14
Elk	1.13	Morris	1.13
Ellis	1.09	Morton	1.12
Ellsworth	1.10	Nemaha	1.16
Finney	1.10	Neosho	1.17
Ford	1.11	Ness	1.09
Franklin	1.18	Norton	1.10
Geary	1.13	Osage	1.16
Gove	1.08	Osborne	1.09
Graham	1.08	Ottawa	1.11
Grant	1.11	Pawnee	1.10
Gray	1.11	Phillips	1.10
Greeley	1.09	Pottawatomi	1.16
Greenwood	1.14	Pratt	1.10
Hamilton	1.10	Rawlins	1.08
Harper	1.11	Reno	1.10

KANSAS—continued

County	Rate per bushel	County	Rate per bushel
Republic	$1.12	Stafford	$1.10
Rice	1.10	Stanton	1.11
Riley	1.15	Stevens	1.12
Rooks	1.09	Sumner	1.12
Rush	1.09	Thomas	1.08
Russell	1.09	Trego	1.08
Saline	1.11	Wabaunsee	1.15
Scott	1.09	Wallace	1.08
Sedgwick	1.12	Washington	1.14
Seward	1.12	Wichita	1.09
Shawnee	1.17	Wilson	1.15
Sheridan	1.08	Woodson	1.16
Sherman	1.08	Wyandotte	1.20
Smith	1.10		

KENTUCKY

Ballard	$1.19	Jefferson	$1.19
Boone	1.18	Kenton	1.18
Bracken	1.20	Lewis	1.20
Breckinridge	1.19	Livingston	1.19
Bullitt	1.20	McCracken	1.19
Campbell	1.18	Mason	1.20
Carroll	1.19	Meade	1.19
Crittenden	1.19	Oldham	1.19
Daviess	1.19	Trimble	1.19
Gallatin	1.19	Union	1.19
Hancock	1.19	All other counties	1.21
Henderson	1.19		

LOUISIANA

All counties	$1.24

MAINE

All counties	$1.34

MARYLAND

All counties	$1.28

MASSACHUSETTS

All counties	$1.34

MICHIGAN

Alcona	$1.11	Keweenaw	$1.09
Alger	1.09	Lake	1.10
Allegan	1.11	Lapeer	1.11
Alpena	1.11	Leelanau	1.11
Antrim	1.11	Lenawee	1.15
Arenac	1.10	Livingston	1.12
Baraga	1.09	Luce	1.09
Barry	1.10	Mackinac	1.09
Bay	1.09	Macomb	1.12
Benzie	1.11	Manistee	1.10
Berrien	1.16	Marquette	1.09
Branch	1.13	Mason	1.10
Calhoun	1.11	Mecosta	1.08
Cass	1.14	Menominee	1.09
Charlevoix	1.11	Midland	1.08
Cheboygan	1.11	Missaukee	1.10
Chippewa	1.09	Monroe	1.16
Clare	1.09	Montcalm	1.08
Clinton	1.10	Montmorency	1.11
Crawford	1.11	Muskegon	1.10
Delta	1.09	Newaygo	1.09
Dickinson	1.09	Oakland	1.12
Eaton	1.11	Oceana	1.10
Emmet	1.11	Ogemaw	1.10
Genesee	1.11	Ontonagon	1.09
Gladwin	1.09	Osceloa	1.09
Gogebic	1.09	Oscoda	1.11
Grand Traverse	1.11	Otsego	1.11
		Ottawa	1.10
Gratiot	1.08	Presque Isle	1.11
Hillsdale	1.14	Roscommon	1.10
Houghton	1.09	Saginaw	1.08
Huron	1.09	St. Clair	1.11
Ingham	1.11	St. Joseph	1.13
Ionia	1.10	Sanilac	1.09
Iosco	1.10	Schoolcraft	1.09
Iron	1.09	Shiawassee	1.10
Isabella	1.08	Tuscola	1.08
Jackson	1.12	Van Buren	1.12
Kalamazoo	1.12	Washtenaw	1.13
Kalkaska	1.11	Wayne	1.14
Kent	1.09	Wexford	1.10

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	$1.02	Marshall	$1.00
Anoka	1.02	Martin	.99
Becker	1.00	Meeker	1.02
Beltrami	1.00	Mille Lacs	1.02
Benton	1.02	Morrison	1.01
Big Stone	.97	Mower	1.03
Blue Earth	1.01	Murray	.98
Brown	1.00	Nicollet	1.01
Carlton	1.02	Nobles	.99
Carver	1.02	Norman	1.00
Cass	1.00	Olmsted	1.03
Chippewa	1.00	Otter Tail	1.00
Chisago	1.02	Pennington	1.00
Clay	1.00	Pine	1.02
Clearwater	1.00	Pipestone	.98
Cook	1.02	Polk	1.00
Cottonwood	.98	Pope	1.00
Crow Wing	1.01	Ramsey	1.02
Dakota	1.02	Red Lake	1.00
Dodge	1.02	Redwood	.99
Douglas	1.01	Renville	1.01
Faribault	1.00	Rice	1.02
Fillmore	1.04	Rock	.99
Freeborn	1.01	Roseau	1.00
Goodhue	1.02	St. Louis	1.02
Grant	1.00	Scott	1.02
Hennepin	1.02	Sherburne	1.02
Houston	1.04	Sibley	1.02
Hubbard	1.00	Stearns	1.01
Isanti	1.02	Steele	1.01
Itasca	1.02	Stevens	.99
Jackson	.99	Swift	.99
Kanabec	1.02	Todd	1.01
Kandiyohi	1.01	Traverse	.97
Kittson	1.00	Wabasha	1.02
Koochiching	1.02	Wadena	1.01
Lac Qui Parle	.97	Waseca	1.01
Lake	1.02	Washington	1.02
Lake of the Woods	1.00	Watonwan	.99
Le Sueur	1.02	Wilkin	.99
Lincoln	.96	Winona	1.03
Lyon	.97	Wright	1.02
McLeod	1.02	Yellow Medicine	.98
Mahnomen	1.00		

MISSISSIPPI

All counties	$1.24

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$1.15	Dunklin	$1.20
Andrew	1.19	Franklin	1.19
Atchison	1.16	Gasconade	1.17
Audrain	1.17	Gentry	1.16
Barry	1.22	Greene	1.20
Barton	1.18	Grundy	1.17
Bates	1.19	Harrison	1.16
Benton	1.17	Henry	1.18
Bollinger	1.19	Hickory	1.18
Boone	1.16	Holt	1.17
Buchanan	1.20	Howard	1.16
Butler	1.20	Howell	1.24
Caldwell	1.20	Iron	1.19
Calaway	1.17	Jackson	1.20
Camden	1.18	Jasper	1.19
Cape Girardeau	1.19	Jefferson	1.20
Carroll	1.19	Johnson	1.20
Carter	1.20	Knox	1.15
Cass	1.20	Laclede	1.20
Cedar	1.19	Lafayette	1.20
Chariton	1.18	Lawrence	1.20
Christian	1.22	Lewis	1.15
Clark	1.14	Lincoln	1.18
Clay	1.20	Linn	1.17
Clinton	1.20	Livingston	1.19
Cole	1.17	McDonald	1.21
Cooper	1.15	Macon	1.16
Crawford	1.19	Madison	1.19
Dade	1.19	Maries	1.18
Dallas	1.20	Marion	1.15
Daviess	1.18	Mercer	1.15
De Kalb	1.18	Miller	1.18
Dent	1.20	Mississippi	1.20
Douglas	1.24	Moniteau	1.17
		Monroe	1.16

MISSOURI—continued

County	Rate per bushel	County	Rate per bushel
Montgomery	$1.17	St. Clair	$1.18
Morgan	1.17	St. Francois	1.19
New Madrid	1.20	Ste. Genevieve	1.19
Newton	1.20	St. Louis	1.20
Nodaway	1.17	Saline	1.18
Oregon	1.22	Schuyler	1.15
Osage	1.17	Scotland	1.14
Ozark	1.24	Scott	1.20
Pemiscot	1.20	Shannon	1.22
Perry	1.19	Shelby	1.15
Pettis	1.16	Stoddard	1.20
Phelps	1.20	Stone	1.22
Pike	1.17	Sullivan	1.16
Platte	1.20	Taney	1.24
Polk	1.20	Texas	1.22
Pulaski	1.20	Vernon	1.18
Putnam	1.14	Warren	1.18
Ralls	1.16	Washington	1.19
Randolph	1.16	Wayne	1.20
Ray	1.20	Webster	1.22
Reynolds	1.20	Worth	1.16
Ripley	1.20	Wright	1.22
St. Charles	1.18		

MONTANA

All counties	$1.19

NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	$1.08	Jefferson	$1.13
Antelope	1.08	Johnson	1.14
Arthur	1.08	Kearney	1.07
Banner	1.13	Kelth	1.09
Blaine	1.04	Keyapaha	1.04
Boone	1.08	Kimball	1.13
Box Butte	1.11	Knox	1.06
Boyd	1.05	Lancaster	1.12
Brown	1.04	Lincoln	1.06
Buffalo	1.05	Logan	1.05
Burt	1.12	Loup	1.04
Butler	1.11	McPherson	1.06
Cass	1.12	Madison	1.08
Cedar	1.06	Merrick	1.07
Chase	1.07	Morrill	1.13
Cherry	1.06	Nance	1.08
Cheyenne	1.11	Nemaha	1.14
Clay	1.10	Nuckolls	1.10
Colfax	1.11	Otoe	1.13
Cuming	1.10	Pawnee	1.15
Custer	1.04	Perkins	1.08
Dakota	1.06	Phelps	1.07
Dawes	1.11	Pierce	1.08
Dawson	1.04	Platte	1.09
Deuel	1.11	Polk	1.09
Dixon	1.06	Red Willow	1.06
Dodge	1.11	Richardson	1.16
Douglas	1.13	Rock	1.04
Dundy	1.06	Saline	1.12
Fillmore	1.11	Sarpy	1.11
Franklin	1.08	Saunders	1.11
Frontier	1.06	Scotts Bluff	1.13
Furnas	1.07	Seward	1.11
Gage	1.14	Sheridan	1.09
Garden	1.09	Sherman	1.05
Garfield	1.05	Sioux	1.13
Gosper	1.06	Stanton	1.10
Grant	1.08	Thayer	1.11
Greeley	1.07	Thomas	1.05
Hall	1.07	Thurston	1.10
Hamilton	1.07	Valley	1.05
Harlan	1.08	Washington	1.13
Hayes	1.06	Wayne	1.08
Hitchcock	1.06	Webster	1.08
Holt	1.05	Wheeler	1.07
Hooker	1.06	York	1.09
Howard	1.07		

NEVADA

All counties	$1.32

NEW HAMPSHIRE

All counties	$1.34

NEW JERSEY

All counties	$1.30

NEW MEXICO

County	Rate per bushel	County	Rate per bushel
Curry	$1.21	Roosevelt	$1.21
Harding	1.21	Union	1.21
Lea	1.21	All other counties	1.28
Quay	1.21		

NEW YORK

All counties	$1.29

NORTH CAROLINA

All counties	$1.27

NORTH DAKOTA

All counties	$1.03

OHIO

County	Rate per bushel	County	Rate per bushel
Adams	$1.18	Logan	$1.15
Allen	1.15	Loraln	1.18
Ashland	1.18	Lucas	1.18
Ashtabula	1.25	Madison	1.14
Athens	1.21	Mahoning	1.25
Auglaize	1.14	Marion	1.16
Belmont	1.23	Medina	1.20
Brown	1.18	Melgs	1.20
Butler	1.15	Mercer	1.13
Carroll	1.22	Miami	1.14
Champaign	1.14	Monroe	1.24
Clark	1.14	Montgomery	1.14
Clermont	1.17	Morgan	1.21
Clinton	1.16	Morrow	1.16
Columbiana	1.25	Muskingum	1.19
Coshooton	1.19	Noble	1.22
Crawford	1.16	Ottawa	1.18
Cuyahoga	1.21	Paulding	1.14
Darke	1.13	Perry	1.19
Defiance	1.14	Pickaway	1.15
Delaware	1.15	Pike	1.17
Erie	1.17	Portage	1.23
Fairfield	1.17	Preble	1.14
Fayette	1.15	Putnam	1.15
Franklin	1.14	Putnam	1.16
Fulton	1.16	Richland	1.16
Gallia	1.19	Ross	1.16
Geauga	1.23	Sandusky	1.16
Greene	1.14	Scioto	1.18
Guernsey	1.21	Seneca	1.16
Hamilton	1.16	Shelby	1.14
Hancock	1.16	Stark	1.22
Hardin	1.15	Summit	1.21
Harrison	1.23	Trumbull	1.25
Henry	1.16	Tuscarawas	1.21
Highland	1.16	Union	1.15
Hocking	1.18	Van Wert	1.14
Holmes	1.19	Vinton	1.18
Huron	1.17	Warren	1.16
Jackson	1.18	Washington	1.23
Jefferson	1.24	Wayne	1.20
Knox	1.16	Williams	1.15
Lake	1.23	Wood	1.16
Lawrence	1.19	Wyandot	1.16
Licking	1.16		

OKLAHOMA

County	Rate per bushel	County	Rate per bushel
Beaver	$1.16	Harper	$1.16
Beckham	1.20	Roger Mills	1.20
Cimarron	1.15	Texas	1.15
Ellis	1.18	All other counties	1.22
Harmon	1.20		

OREGON

All counties	$1.28

PENNSYLVANIA

All counties	$1.29

RHODE ISLAND

All counties	$1.34

SOUTH CAROLINA

All counties	$1.27

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$0.96	Brown	$ .96
Beadle	.96	Brule	.96
Bennett	1.03	Buffalo	.96
Bon Homme	1.00	Butte	1.02
Brookings	.96	Campbell	.98

SOUTH DAKOTA—continued

County	Rate per bushel	County	Rate per bushel
Charles Mix	$ .98	Lawrence	$1.02
Clark	.96	Lincoln	1.01
Clay	1.03	Lyman	.98
Codington	.96	McCook	.98
Corson	1.00	McPherson	.97
Custer	1.06	Marshall	.96
Davison	.97	Meade	1.01
Day	.96	Mellette	1.00
Deuel	.96	Miner	.97
Dewey	1.00	Minnehaha	.99
Douglas	.97	Moody	.98
Edmunds	.97	Pennington	1.03
Fall River	1.09	Perkins	1.00
Faulk	0.97	Potter	.99
Grant	.96	Roberts	.96
Gregory	.98	Sanborn	.97
Haakon	1.00	Shannon	1.06
Hamlin	.96	Spink	.96
Hand	.96	Stanley	1.00
Hanson	.97	Sully	.98
Harding	1.02	Todd	1.01
Hughes	.98	Tripp	.99
Hutchinson	.99	Turner	1.00
Hyde	.97	Union	1.03
Jackson	1.01	Walworth	.99
Jerauld	.96	Washabaugh	1.01
Jones	1.00	Yankton	1.01
Kingsbury	.96	Ziebach	1.01
Lake	.98		

TENNESSEE

All counties	$1.23

TEXAS

Armstrong	$1.17	Hemphill	$1.17
Bailey	1.17	Hockley	1.19
Briscoe	1.17	Hutchinson	1.17
Carson	1.17	King	1.19
Castro	1.17	Lamb	1.17
Childress	1.18	Lipscomb	1.17
Cochran	1.19	Lubbock	1.19
Collingsworth	1.18	Moore	1.17
Cottle	1.19	Motley	1.19
Crosby	1.19	Ochiltree	1.17
Dallam	1.17	Oldham	1.17
Deaf Smith	1.17	Parmer	1.17
Dickens	1.19	Potter	1.17
Donley	1.18	Randall	1.17
Floyd	1.17	Roberts	1.17
Gray	1.17	Sherman	1.17
Hale	1.17	Swisher	1.17
Hall	1.18	Wheeler	1.18
Hansford	1.17	All other counties	1.24
Hartley	1.17		

UTAH

All counties	$1.31

VERMONT

All counties	$1.34

VIRGINIA

All counties	$1.28

WASHINGTON

All counties	$1.26

WEST VIRGINIA

All counties	$1.27

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$1.07	Dodge	$1.13
Ashland	1.07	Door	1.10
Barron	1.05	Douglas	1.02
Bayfield	1.04	Dunn	1.05
Brown	1.09	Eau Claire	1.05
Buffalo	1.04	Florence	1.09
Burnett	1.03	Fond du Lac	1.11
Calumet	1.09	Forest	1.09
Chippewa	1.05	Grant	1.09
Clark	1.07	Green	1.13
Columbia	1.11	Green Lake	1.11
Crawford	1.07	Iowa	1.13
Dane	1.13	Iron	1.08

WISCONSIN—continued

County	Rate per bushel	County	Rate per bushel
Jackson	$1.05	Portage	$1.08
Jefferson	1.14	Price	1.07
Juneau	1.07	Racine	1.16
Kenosha	1.16	Richland	1.10
Kewaunee	1.10	Rock	1.14
La Crosse	1.04	Rusk	1.06
Lafayette	1.12	St. Croix	1.04
Langlade	1.09	Sauk	1.10
Lincoln	1.08	Sawyer	1.06
Manitowoc	1.10	Shawano	1.09
Marathon	1.08	Sheboygan	1.10
Marinette	1.09	Taylor	1.07
Marquette	1.09	Trempealeau	1.04
Menominee	1.09	Vernon	1.05
Milwaukee	1.14	Vilas	1.09
Monroe	1.05	Walworth	1.15
Oconto	1.09	Washburn	1.05
Oneida	1.09	Washington	1.13
Outagamie	1.08	Waukesha	1.14
Ozaukee	1.12	Waupaca	1.09
Pepin	1.04	Waushara	1.09
Pierce	1.04	Winnebago	1.09
Polk	1.03	Wood	1.07

WYOMING

All counties	$1.19

(b) *Premiums.* (1) Moisture.

	Cents per bushel
14.0 or less	+1½
14.1 through 14.5	+1
14.6 through 15.0	+½
15.0 through 15.5	0

(2) Broken corn and foreign material:

	Cents per bushel
Percent: 2.0 or less	+1

(The premiums in this subsection (b) shall not apply to sample grade corn).

(c) *Discounts.* (1) Class.

	Cents per bushel
Mixed	−2

(2) Test weight per bushel.

	Cents per bushel
Pounds:	
53.0 through 53.9	−1
52.0 through 52.9	−2
51.0 through 51.9	−3
50.0 through 50.9	−4
49.0 through 49.9	−5

(3) Total damage.

	Cents per bushel
Percent:	
5.1 through 6.0	−½
6.1 through 7.0	−1

(4) Heat damage.

	Cents per bushel
0.21 through 0.50 percent	−½

(5) Broken corn and foreign material.

	Cents per bushel
3.1 through 4.0 percent	−1

(6) Weed control laws.

	Cents per bushel
(Where required by § 1421.25)	−10

(7) Other: Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of the corn such as (but not limited to) moisture, weevily, musty, sour, and rodent excreta. Such discounts will be established not later than the time delivery of corn to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at county ASCS offices approximately 1 month prior to the loan maturity date.

Effective date: October 11, 1974.

Signed at Washington, D.C., on October 1, 1974.

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

[FR Doc.74-23542 Filed 10-10-74;8:45 am]

Title 9—Animals and Animal Products

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

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

The purpose of these amendments is to establish commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of Veterinary Services performs overtime or holiday duty when such travel is performed solely on account of overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1974 ed.), as amended January 4, 1974 (39 FR 999), January 18, 1974 (39 FR 2265), March 18, 1974 (39 FR 10115), April 4, 1974 (39 FR 12252), June 5, 1974 (39 FR 19940), June 25, 1974 (39 FR 22942), August 14, 1974 (39 FR 29172), August 30, 1974 (39 FR 31622), and September 23, 1974 (39 FR 34019), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty, is hereby amended by adding to or deleting from the respective lists therein as follows:

WITHIN METROPOLITAN AREA

ONE HOUR

Delete: Boise, Idaho.

OUTSIDE METROPOLITAN AREA

TWO HOURS

Add: Boise, Idaho (served from Middleton, Idaho).

(64 Stat. 561; 7 U.S.C. 2260.)

Effective date. The foregoing amendments shall become effective October 11, 1974.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 7th day of October 1974.

J. M. HEJL,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74-23767 Filed 10-10-74;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 205—ADMINISTRATIVE PROCEDURES AND SANCTIONS

Corrective Amendment to Temporary Assignment Provisions

Section 205.39 (Temporary Assignment) is amended to correct an error in drafting that by omission inadvertently restricted the category of persons who may be issued a temporary assignment order.

As the section is now drafted, only wholesale purchaser-resellers, other than those who require an assignment to supply wholesale purchaser-consumers or end-users experiencing hardship or emergency, may receive a temporary assignment order. However, the section inadvertently leaves without relief categories of persons with requirements for products that are not part of the state set-aside system (products in the state set-aside are identified in § 211.17(a)), or persons who are required by the regulations to apply to the National FEA (e.g., producers of synthetic natural gas who use the product as feedstock).

Therefore, § 205.39 is amended to provide that a temporary assignment order may be issued to wholesale purchaser-consumers and end-users who have a requirement for a product that is not in the state set-aside system, including residual fuel for electric utilities and bunker fuel used for maritime shipping, or who must apply for an assignment to the National FEA in accordance with the regulations, and whose needs are so urgent that they cannot be satisfied in accordance with the normal procedures for processing applications for assignment.

Although the 60-day limitation on the duration of temporary assignment orders is generally preserved, a provision has been added to § 205.39 to permit the extension of a temporary assignment order issued to a manufacturer of synthetic natural gas. Such extension may be granted for no more than one 30-day period where the additional period is required to complete the testing or collection of data necessary for the processing of the manufacturer's petition for assignment under § 211.29.

Section 205.39 is further amended, in paragraph (d), to provide that the FEA may issue a temporary assignment order prior to the receipt of comments from aggrieved persons who received notice of the application. This change will enable the FEA to issue a temporary assignment order prior to the end of the 10-day comment period, if the situation demands that action, and retains the notice requirements while conforming them to the time constraints that attend the issuance of such order.

Section 205.13 is also amended to conform it to the requirement in § 211.29 that purchasers of crude oil and allocated products for use as feedstock in a synthetic natural gas plant must make application for an allocation to the National FEA. Finally, other technical changes have been made in both §§ 205.13 and 205.39 to correct errors in their drafting.

Since these regulations are procedural in nature, they do not affect the substantive rights of any person. Furthermore, they will not have a substantial impact on the Nation's economy or large numbers of individuals or businesses within the meaning of section 7(i)(1)(C) of the Federal Energy Administration Act of 1974 (FEAA). Accordingly, the FEA has determined that there is no need for the oral presentation of views, data, and arguments.

Currently, there are several situations in which, although the FEA has received petitions for assignment under § 211.29, permanent assignment orders may not now be issued due to the lack of available data required to process such petitions in accordance with the criteria set forth in that section. Temporary assignment orders are required if existing supply arrangements respecting these petitioners are to be maintained pending a final determination under § 211.29. The FEA has concluded that strict compliance with the requirements of section 7(i)(1)(B) of the FEAA would result in the termination of these supply arrangements and would thus cause serious harm and injury to the public health, safety, and welfare. Accordingly, these requirements must be waived and this amendment is made effective immediately, prior to the opportunity for comment, in order that temporary assignments may be issued.

Interested persons are, however, invited to submit written data, views, or arguments with respect to the amendment to Executive Communications, Room 3309, Federal Energy Administration, Box BF, The Federal Building, Washington, D.C. 20461. Comments should be identified on the outside of the envelope and on the documents submitted to the Federal Energy Administration with the designation "Temporary Assignments." Fifteen copies should be submitted. All comments received by October 31, 1974, will be considered by the Federal Energy Administration in evaluating the efficacy of the amendment.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, 87 Stat. 627; Federal Energy Administration Act of 1974, Pub. L. 93-275, 88 Stat. 96; E.O. 11790, 39 FR 23185).

In consideration of the foregoing, Chapter II of Title 10 of the Code of Federal Regulations is revised as set out below, effective immediately.

Issued in Washington, D.C., October 7, 1974.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

1. Section 205.13 is amended in paragraph (a) by adding a new subparagraph (11) to read as follows:

§ 205.13 Where to file.

(a) * * *

(11) The allocation of crude oil and other allocated products to be utilized as feedstock in a synthetic natural gas plant, pursuant to § 211.29.

* * * * *

2. Section 205.39 is amended by redesignating paragraph (d) as paragraph (e) and by revising paragraphs (a) and (c) and adding a new paragraph (d) to read as follows:

§ 205.39 Temporary assignment.

(a) In certain circumstances and upon application, the FEA may issue a temporary assignment order to certain wholesale purchaser-resellers and to wholesale purchaser-consumers or end-users with a requirement for an allocated product for which there is not a state set-aside, or who, in accordance with Part 211 of this chapter, must submit applications for assignment to the National FEA. Those end-users, wholesale purchaser-consumers and wholesale purchaser-resellers requesting an assignment to meet the needs of end-users and wholesale purchaser-consumers experiencing hardship or emergency requirements with respect to products for which there is a state set-aside (products in the state set-aside are identified in § 211.17(a)) shall apply to the appropriate State Office for an assignment from the state set-aside system, in accordance with Subpart Q of this part. The ordering of a temporary assignment shall occur only in dire circumstances and when it is not feasible to issue an assignment order that conforms to the FEA guidelines, including, but not limited to, the requirement that assignment orders for a month be issued, to the maximum extent possible, by the 15th of the preceding month. Temporary assignments are intended to be issued when circumstances do not permit the issuance of an assignment order in the normal time period, i.e., prior to the 15th day of the month preceeding the month for which there is the requirement for the assignment. Thus, a temporary assignment is an "off-phase" order. The "Application for Temporary Assignment" is to conform to

the requirements of § 205.34, except that such requirements may be waived in whole or in part by the FEA for good cause shown. The application shall fully describe why the assignment must be made out of phase with the normal issuance of assignment orders. A temporary assignment order shall have a duration of not longer than 60 days. It is intended that a temporary assignment order shall be a one-time order that pertains to a specific situation, and it may not be extended by issuance of another temporary assignment order. If the applicant anticipates the requirement for an assignment of longer than 60 days duration, he shall submit contemporaneously with the application for a temporary assignment, or as soon thereafter as feasible, an "Application for Assignment."

* * * * *

(c) Notwithstanding the provisions of § 205.35(b)(3), § 211.29 and Special Rule No. 1 issued thereunder, upon application by a synthetic natural gas manufacturer and upon a finding that circumstances do not permit the issuance of an assignment order in accordance with the criteria set forth in § 211.29 and Special Rule No. 1 issued thereunder because additional testing and/or data are required in order to determine if those criteria are met, which finding shall be stated in the order, a temporary assignment order may be issued. Notwithstanding the provisions of paragraph (a) of this section, a temporary assignment order issued on behalf of a synthetic natural gas manufacturer may be extended for a period not to exceed 30 days upon a finding that such extension is required in order to complete the testing and/or collection of data which occasioned the initial order, which finding shall be stated in the extension. No more than one such extension may be issued respecting a given temporary assignment and in no event shall a temporary assignment order pertaining to a specific situation cover a total period of more than 90 days.

(d) The supplier selected shall be given notice of the temporary assignment order at least 24 hours in advance of its issuance. Notwithstanding the provision for notice to third persons in § 205.33, the FEA may make a decision on an application for temporary assignment prior to the receipt of written comments.

* * * * *

[FR Doc.74-23781 Filed 10-10-74; 2:01 pm]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 72-CE-10-AD, Amdt. 39-1988]

PART 39—AIRWORTHINESS DIRECTIVES

Certain Cessna Series Airplanes

AD 72-7-9, Amendment 39-1423, published in the FEDERAL REGISTER on March 31, 1972 (37 FR 6570), is an Airworthiness Directive (AD) applicable to Cessna 205, 206, P206, U206, TP206, TU206, 207, T207 and T210 series airplanes and to certain serial numbers of Cessna Models 182 and 210 airplanes. This AD requires various repetitive inspections of the aft bulkhead area for cracks or hole elongation and replacement or repair of damaged parts as appropriate. Since the issuance of AD 72-7-9, the manufacturer has incorporated design changes in new airplanes of the above-mentioned series/model airplanes, which increases the strength and provides longer life in the rear fin/bulkhead area. Airplanes with these new design changes are not subject to the unsafe condition identified in AD 72-7-9. Accordingly, the applicability statement of that AD is being revised to exclude these airplanes.

Since this amendment is relieving in nature and is in the interest of safety it imposes no additional burden on any person. Consequently, notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regualtions, is amended by changing the applicability statement of Amendment 39-1423 (37 FR 6570), AD 72-7-9, so that it now reads as follows:

CESSNA. Applies to all 205, 206, T206, TP206 series; 182 series (Serial Numbers 18253599 through 18261530); U206 and TU206 series (Serial Numbers U206-0276 through U20601905); 207 and T207 series (Serial Numbers 20700001 through 20700216); 210 series (Serial Number 21057841 through 21059739); and T210 series (Serial Numbers T210-0001 through T210-0454 and 21059200 through 21059739) airplanes

This amendment becomes effective October 17, 1974.

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

Issued in Kansas City, Missouri on October 3, 1974.

A. L. COULTER,
Director, Central Region.

[FR Doc.74-23750 Filed 10-10-74;8:45 am]

[Airspace Docket No. 74-CE-14]

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

Alteration of Transition Area

On pages 30359 and 30360 of the FEDERAL REGISTER dated August 22, 1974, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to revoke and redesignate controlled airspace within the State of Nebraska generally east of the 99th meridian and to this end to amend the Kearney, Nebraska, Sioux City, Iowa, Yankton, South Dakota, and St. Joseph, Missouri, transition area designations to eliminate reference to airspace within the State of Nebraska and to reduce the floor of Federal Airway V307 to 1200 feet above the surface.

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

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

This amendment shall be effective 0901 G.m.t., December 5, 1974.

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

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

A. L. COULTER,
Director, Central Region.

In § 71.181 (39 FR 440), the following transition areas are amended by deleting references to that airspace extending upward from 1200 feet above the surface.

Fremont, Nebraska
Grand Island, Nebraska
Hastings, Nebraska
Holdrege, Nebraska
Lincoln, Nebraska
Millard, Nebraska
Omaha, Nebraska
O'Neill, Nebraska

In § 71.181 (39 FR 440), the following transition areas would be amended as indicated:

Kearney, Nebraska—add to last sentence "excluding that portion east of the 99th meridian".

Sioux City, Iowa—add to last sentence "and the State of Nebraska".

Yankton, S.D.—add to last sentence "excluding that portion in the State of Nebraska".

St. Joseph, Missouri—after the words "to latitude 40°05'40" N., longitude 95°07'35" W." insert "except that portion in the State of Nebraska".

In § 71.123 (39 FR 307), amend the following airway:

V307—after "INT of Emporia 336° and Pawnee City, Nebraska, 193° radials;" delete "35 MSL".

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

NEBRASKA

That airspace extending upward from 1200 feet above the surface within the boundary of the State of Nebraska east of a line from 43°00'00" N., 99°00'00" W. to 41°41'00" N., 99°02'00" W. to 39°44'00" N., 99°04'00" W.

[FR Doc.74-23748 Filed 10-10-74;8:45 am]

[Airspace Docket No. 74-CE-16]

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

Alteration of Transition Area

On page 30359 of the FEDERAL REGISTER dated August 22, 1974, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to revoke and

redesignate controlled airspace within the State of Iowa and would alter the Sioux Falls, South Dakota, and Prairie Du Chien, Wisconsin, transition area designations to eliminate reference to airspace within the State of Iowa.

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

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

This amendment shall be effective 0901 G.m.t., December 5, 1974.

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

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

A. L. COULTER,
Director, Central Region.

In § 71.181 (39 FR 440), the following transition areas are amended by deleting references to that airspace extending upward from 1200 feet above the surface.

Algona, Ia.	Keokuk, Ia.
Audubon, Ia.	LeMars, Ia.
Boone, Ia.	Mapleton, Ia.
Burlington, Ia.	Marshalltown, Ia.
Carroll, Ia.	Mason City, Ia.
Cedar Rapids, Ia.	Moline, Ill.
Charles City, Ia.	Mount Pleasant, Ia.
Corning, Ia.	Ottumwa, Ia.
Creston, Ia.	Perry, Ia.
Decorah, Ia.	Red Oak, Ia.
Denison, Ia.	Sac City, Ia.
Des Moines, Ia.	Sheldon, Ia.
Estherville, Ia.	Sioux City, Ia.
Fairfield, Ia.	Spencer, Ia.
Forest City, Ia.	Spirit Lake, Ia.
Fort Dodge, Ia.	Storm Lake, Ia.
Ida Grove, Ia.	Waterloo, Ia.
Iowa Falls, Ia.	Webster City, Ia.
Jefferson, Ia.	

In § 71.181 (39 FR 440), the following transition areas would be amended as indicated:

Sioux Falls, S.D.—after the words "from the VORTAC 054° radial clockwise to the Sioux Falls ILS localizer southwest course" insert "excluding that portion in the state of Iowa".

Prairie Du Chien, Wisc.—amend the last sentence to read "and that airspace upward from 1200 feet above the surface within a 55-mile radius of the Waukon VORTAC between the 089° and the 145° radials excluding that portion which overlies in the state of Iowa".

In § 71.181 (39 FR 440), the following transition area is added: "That airspace extending upward from 1200 feet above the surface within the boundary of the state of Iowa."

[FR Doc.74-23749 Filed 10-10-74;8:45 am]

[Airspace Docket No. 74-SO-74]

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

Alteration of V-281 Airway

On August 12, 1974, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (39 FR 28905) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would realign V-281 airway in the vicinity of Atlanta, Ga.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 5, 1974, as hereinafter set forth.

Section 71.123 (39 FR 307) is amended as follows:

V-281 is amended to read as follows:

V-281 From Albany, Ga., via INT Albany 013° and Macon, Ga., 331° radials to the INT Macon 331° and Atlanta, Ga., 117° radials.

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

Issued in Washington, D.C., on October 7, 1974.

GORDON E. KEWER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-12752 Filed 10-10-74;8:45 am]

[Airspace Docket No. 74-WA-17]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of RNAV Route

On June 7, 1974, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (39 FR 20214) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would realign J-949R between Dallas, Tex., and Houston, Tex.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. The Air Transport Association of America (ATA) objected to the proposed realignment, stating that it would increase mileage for area navigation flights and cause the route to overlie conventional routings via VORTAC radials, thereby eliminating any advantage to having area navigation equipment. The FAA agrees with the ATA's assessment of the route realignment; however, since the number of area navigation flights in this area has thus far been near zero, the small number of area navigation flights should conform to the conventional traffic patterns flown by the large numbers of aircraft. When the ratio of area navigation to conventional flights increases substantially, consideration will be given to a revised alignment of the route.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 5, 1974, as hereinafter set forth.

Section 75.400 (39 FR 718 and 38 FR 24204) is amended as follows:

In J-949R, "MAGNO 30°09'17"N. 95°46'07" W. Humble, Tex." is deleted and "NAVASOTA, Tex. 30°17'20"N. 96°03'30"W. Humble, Tex." is substituted therefor.

(Sec. 308(a), Federal Aviation Act of 1958, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on October 7, 1974.

GORDON E. KEWER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-23751 Filed 10-10-74;8:45 am]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 14051; Amdt. 95-251]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 FR 5662), Part 95 of The Federal Aviation Regulations is amended, effective November 7, 1974, as follows:

1. By amending Subpart C as follows:

Section 95.1001 *Direct routes*—United States is amended to read in part:

From; to; and MEA

Julian, Calif., VOR; Bostonia INT, Calif.; 8,000. MAA-41,000.

Section 95.1001 *Direct routes*—United States is amended by adding:

Marathon, Fla., LF/RBN; Tadpo INT, Fla., via Control 1233; 2,500.

Baron INT, Fla.; Gauge INT, Fla., via control 1150; *2,000. *1,200-MOCA.

Gauge INT, Fla.; Carolina Beach, N.C. LF/RBN via Control 1150; *2,000. *1,200-MOCA.

Ukiah, Calif., VOR; Int. 333 M rad Ukiah VOR and southeast Crs Arcata ILS; *1,100. MAA-24,000. *6,600-MOCA.

Int. 333 M rad Ukiah VOR and southeast Crs Arcata ILS; Bridgeville INT, Calif.; *11,000. MAA-17,000. *7,200-MOCA.

Azana INT, S.C.; Yellow Tail INT, S.C.; *2,500. MAA-45,000. *1,200-MOCA.

Ashley, S.C., LF/REN; Azana INT, S.C.; *2,500. MAA-45,000. *2,000-MOCA.

Carps INT, Fla.; Abaco INT, Bh., via Control 1151; *2,000. *1,300-MOCA.

Carps INT, Fla.; Yellow Tail INT, S.C.; *2,000. *1,200-MOCA.

Carps INT, Fla.; Trout INT, Fla., via Control 1153; *2,000. *1,200-MOCA.

Dinsmore, Fla., LF/RBN; Carps INT, Fla., via Control 1153; 2,500.

Gauge INT, Fla.; Carolina Beach, N.C., LF/RBN via Control 1150; *2,000. *1,200—MOCA.

Section 95.1001 *Direct routes*—United States is amended to delete:

Azalea INT, S.C.; Yellow Tail INT, S.C.; *2,500. MAA—45,000. *1,200—MOCA.
Ashley, S.C., RBN; Azalea INT, S.C.; *2,500. MAA—45,000. *2,000—MOCA.
Carp INT, Fla.; Abaco INT, Bahamas (via Control 1151); *2,000. *1,300—MOCA.
Carp INT, Fla.; Yellow Tail INT, S.C.; *2,000. *1,200—MOCA.
Carp INT, Fla.; Trout INT, Fla., via Control 1153; *2,000. *1,200—MOCA.
Dinsmore, Fla. RBN; Carp INT, Fla. (via Control 1153); 2,500.
Gateway INT, Fla.; Carolina Beach, N.C., LF/RBN (via Control 1150); *2,000. *1,200—MOCA.
Marathon, Fla. RBN; Tadpole INT, Fla. (via Control 1233); 2,500.
Barracuda INT, Fla.; Gateway INT, Fla. (via Control 1150); *2,000. *1,200—MOCA.
Gateway INT, Fla.; Carolina Beach, N.C., LF/RBN (via Control 1150); *2,000. *1,200—MOCA.
Ukiah, Calif., VORTAC; Bridgeville INT, Calif.; *11,000. *6,500—MOCA.
Julian, Calif., VORTAC; Bostonia INT, Calif.; 18,000. MAA—41,000.

Section 95.1001 *Direct routes*—United States Route 5 is amended to read in part:

Puerto Rico Routes

*Steelhead INT, P.R.; **Ohios INT, P.R.; ***5,500. *3,000—MRA. **8,000—MRA. ***1,200—MOCA.

Route 7 is amended to read in part:

Dolphin INT, P.R.; *Ohios INT, P.R.; **8,000. *8,000—MRA. **1,200—MOCA.

Route 1 is amended to read in part:

Ramey, P.R., VOR; *Utahs INT, P.R.; **2,500. *7,000—MRA. **1,800—MOCA.

Route 3 is amended to read in part:

*Steelhead INT, P.R.; Utahs INT, P.R.; **7,000. *7,000—MRA. **1,200—MOCA.

Route 9 is amended to delete:

*Drake INT, P.R.; Ponce, P.R. VOR; **2,500. *9,000—MRA. **2,100—MOCA.
Atlantic INT, P.R.; *Vermont INT, P.R.; **8,000. *8,000—MRA. **1,200—MOCA.

Route 9 is amended by adding:

*Dakes INT, P.R.; Ponce, P.R., VOR; **2,500. *9,000—MRA. **2,100—MOCA.
*Atlantic INT, P.R.; **Vermo INT, P.R.; ***8,000. *4,000—MRA. **8,000—MRA. ***1,200—MOCA.

Route 10 is amended to delete:

*Alaska INT, P.R.; Ponce, P.R., VOR; **2,500. *4,800—MRA. **2,100—MOCA.

Route 10 is amended by adding:

*Alaska INT, P.R.; Ponce, P.R., VOR; **2,500. *4,800—MRA. **2,100—MOCA.

Section 95.1001 *Direct routes*—United States Bahama Routes

7 Lima is amended to read in part:

West End, Bh., LF/RBN; Halbi INT, Bh.; *2,000. *1,300—MOCA.
Halbi INT, Bh.; Rubin, Fla., LF/RBN; *2,000. *1,500—MOCA.

64V is amended to read in part:

Biscayne Bay, Fla., VOR; Pike INT, Fla.; 2,000.

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

Drummond, Mont., VOR; Garri INT, Mont.; 9,500.
Garri INT, Mont.; Helena, Mont., VOR; *9,800. *9,200—MOCA.

Section 95.6004 *VOR Federal airway 4* is amended by adding:

Front Royal, Va., VOR; Armel, Va., VOR; 3,900.

Section 95.6004 *VOR Federal airway 4* is amended to delete:

Front Royal, Va., VOR; Int. III M rad Front Royal VOR and 053 M rad Casanova VOR; 3,900.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

Grantsville, Md., VOR, via N. alter.; Flint INT, Pa., via N. alter.; 5,000.
Flint INT, Pa., via N. alter.; Hagerstown, Md., VOR via N. alter.; 4,000.
Goshen, Ind., VOR; Garen INT, Ind.; *3,000. *2,300—MOCA.
Garen INT, Ind.; *Grabill INT, Ind.; **4,000. *4,000—MRA. **2,200—MOCA.

Section 95.6010 *VOR Federal airway 10* is amended to read in part:

U.S. Canadian Border; Gills INT, Ohio; *3,500. *2,500—MOCA.
Gills INT, Ohio; Youngstown, Ohio, VOR; 3,000.

Section 95.6011 *VOR Federal airway 11* is amended to read in part:

*Grabill INT, Ind.; Edgee INT, Ohio; **3,000. *4,000—MRA. **2,600—MOCA.
Edgee INT, Ohio; Hudson INT, Mich.; 3,500.

Section 95.6012 *VOR Federal airway 12* is amended to read in part:

Johnstown, Pa., VOR; Cofax INT, Pa.; 5,000.
Cofax INT, Pa.; Harrisburg, Pa., VOR; 4,500.

Section 95.6014 *VOR Federal airway 14* is amended to read in part:

Bellona INT, N.Y.; Scipo INT, N.Y.; *4,000. *3,600—MOCA.
Scipo INT, N.Y.; Vesper INT, N.Y.; *4,000. *3,900—MOCA.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

Riverhead, N.Y., VOR; Saybo INT, Conn.; 2,000.
Saybo INT, Conn.; Salem INT, Conn.; *2,000. *1,500—MOCA.

Section 95.6018 *VOR Federal airway 18* is amended to read in part:

Talladega, Ala., VOR, Hefin INT, Ala.; *4,000. *3,800—MOCA.
Hefin, INT, Ala.; Rex, Ga., VOR; *4,000. *3,700—MOCA.
Rex, Ga., VOR; Maddi INT, Ga.; *3,000. *2,400—MOCA.
Maddi INT, Ga.; Raytown INT, Ga.; *2,700. *2,500—MOCA.
Rome, Ga., VOR via N. alter.; College INT, Ga. via N. alter.; 5,600.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

Sinclair INT, Ga.; Maddi INT, Ga.; *2,500. *2,000—MOCA.
Maddi INT, Ga.; Athens, Ga., VOR; *2,500. *2,300—MOCA.
Rome, Ga., VOR via N. alter.; Nello INT, Ga., via N. alter.; 5,600.
Nello INT, Ga., via N. alter.; Turners INT, Ga., via N. alter.; 6,000.

Section 95.6034 *VOR Federal airway 34* is amended by adding:

Carmel, N.Y., VOR; Saybo INT, Conn.; 2,000.

Section 95.6034 *VOR Federal airway 34* is amended to delete:

Carmel, N.Y., VOR; Saybrook INT, Conn.; 2,000.

Section 95.6035 *VOR Federal airway 35* is amended to read in part:

Sinclair INT, Ga.; Maddi INT, Ga.; *2,500. *2,000—MOCA.
Maddi INT, Ga.; Athens, Ga., VOR; *2,500. *2,300—MOCA.
Elmira, N.Y., VOR; Scipo INT, N.Y.; 3,700.
Scipo INT, N.Y.; Syracuse, N.Y., VOR; *3,500. *3,300—MOCA.

Section 95.6054 *VOR Federal airway 54* is amended to read in part:

Adler INT, Ala., via S. alter.; Chattanooga, Tenn., VOR via S. alter.; 4,000.

Section 95.6063 *VOR Federal airway 63* is amended to read in part:

Moline, Ill., VOR; Cordova, Iowa, VOR; 2,600.
Cordova, Iowa, VOR; Thomson INT, Ill.; *2,600. *2,200—MOCA.

Section 95.6066 *VOR Federal airway 66* is amended to read in part:

Sinclair INT, Ga.; Maddi INT, Ga.; *2,500. *2,000—MOCA.
Maddi INT, Ga.; Athens, Ga., VOR; *2,500. *2,300—MOCA.

Section 95.6092 *VOR Federal airway 92* is amended to read in part:

Bagel INT, Ind.; Edgee INT, Ohio; *3,000. *2,300—MOCA.
Edgee INT, Ohio; Waterville, Ohio, VOR; 3,000.

Section 95.6097 *VOR Federal airway 97* is amended to read in part:

Crabapple INT, Ga.; Nello INT, Ga.; 5,600.
Nello INT, Ga.; Murphy INT, N.C.; *9,000. *6,200—MOCA.

Section 95.6102 *VOR Federal airway 102* is amended to read in part:

Lubbock, Tex., VOR; Ralls INT, Tex.; 5,000.
Ralls INT, Tex.; Guthrie, Tex., VOR; *4,900. *4,300—MOCA.

Section 95.6115 *VOR Federal airway 115* is amended to read in part:

Whitney INT, Ala.; Chattanooga, Tenn., VOR; 4,000.

Section 95.6120 *VOR Federal airway 120:*

Mullan Pass, Idaho, VOR; *Charl INT, Mont.; **10,000. *13,000—MCA Charl INT, Eastbound. **9,200—MOCA.
Charl INT, Mont.; Simms INT, Mont.; *13,000. *12,000—MOCA.

Section 95.6126 *VOR Federal airway 126* is amended to read in part:

Bagel INT, Ind.; Edgee INT, Ohio; *3,000. *2,300—MOCA.
Edgee INT, Ohio; Waterville, Ohio, VOR; 3,000.

Section 95.6151 *VOR Federal airway 151* is amended by adding:

Lebanon, N.H., VOR, via E. alter.; Morel INT, Vt., via E. alter.; *3,600. *3,300—MOCA.
Morel INT, Vt.; via E. alter.; Rayse INT, Vt., via alter.; *3,600. *3,000—MOCA.
Rayse INT, Vt.; via E. alter.; Montpelier, Vt., VOR, via E. alter.; *5,000. *4,400—MOCA.

Section 95.6170 *VOR Federal airway 170* is amended to read in part:

*Springport INT, Mich.; Lessy INT, Mich.; **4,500. *3,000—MRA. **3,000—MOCA.
Lessy INT, Mich.; Salem, Mich., VOR; *3,000. *2,500—MOCA.

Section 95.6172 *VOR Federal airway 172* is amended to read in part:

Kennard INT, Nebr.; Neola, Iowa, VOR; 2,800.

Section 95.6184 *VOR Federal airway 184* is amended to read in part:

Tidioute, Pa., VOR; Coobe INT, Pa.; 4,000.
Coobe INT, Pa.; Philipsburg, Pa., VOR; *4,000. *3,700—MOCA.

Section 95.6188 *VOR Federal airway 188* is amended to read in part:

U.S. Canadian Border; Gills INT, Ohio; *3,500. *2,500—MOCA.
Gills INT, Ohio; Jefferson, Ohio, VOR; 3,000.

Section 95.6213 *VOR Federal airway 213* is amended to read in part:

Myrtle Beach, S.C., VOR; Bogle INT, N.C.; *3,000. *1,400—MOCA.
Bogle INT, N.C.; Wallace INT, N.C.; *4,000. *1,400—MOCA.

Section 95.6214 *VOR Federal airway 214* is amended to read in part:

Indian Head, Pa., VOR; Flint INT, Pa.; 5,000.
Flint INT, Pa.; Martinsburg, W. Va., VOR; 4,000.

Section 95.6216 *VOR Federal airway 216* is amended to read in part:

Elm INT, Mich.; Saginaw, Mich., VOR; 2,500.

Section 95.6221 *VOR Federal airway 221* is amended to read in part:

Fort Wayne, Ind., VOR; Garen INT, Ind.; 2,700.
Garen INT, Ind.; Litchfield, Mich., VOR; *3,000. *2,500—MOCA.

Section 95.6231 *VOR Federal airway 231* is amended to read in part:

Arlee INT, Mont.; Charl INT, Mont.; 11,000.
Charl INT, Mont.; Kalispell, Mont., VOR; 10,000.

Section 95.6232 *VOR Federal airway 232* is amended to read in part:

Franklin, Pa., VOR; Coobe INT, Pa.; 3,500.
Coobe INT, Pa.; Keating, Pa., VOR; *4,000. *3,900—MOCA.

Section 95.6243 *VOR Federal airway 243* is amended to read in part:

La Grange, Ga., VOR; Hefin INT, Ala.; *4,000. *2,800—MOCA.
Hefin INT, Ala.; Felton INT, Ala.; *6,000. *3,400—MOCA.

Section 95.6246 *VOR Federal airway 246* is amended to read in part:

Nodine, Wis., VOR; Milto INT, Wis.; *3,000. *2,800—MOCA.
Milto INT, WIS.; Stevens Point, Wis., VOR; *2,900. *2,400—MOCA.

Section 95.6257 *VOR Federal airway 257* is amended to read in part:

Butte, Mont., VOR; Garri INT, Mont.; 9,000.
Garri INT, Mont.; Int. 253 M rad Helena VOR and 203 M rad Great Falls VOR; *9,800. *9,200—MOCA.

Section 95.6268 *VOR Federal airway 268* is amended by adding:

Flint INT, Pa.; Hagerstown, Md., VOR; 4,000.

Section 95.6268 *VOR Federal airway 268* is amended to delete:

Flint Stone INT, Pa.; Hagerstown, Md., VOR; 4,000.

Section 95.6321 *VOR Federal airway 321* is amended to read in part:

La Grange, Ga., VOR; Hefin INT, Ga.; *4,000. *2,800—MOCA.
Hefin INT, Ga.; Gadsden, Ala., VOR; 4,000.

Section 95.6345 *VOR Federal airway 345* is amended to read in part:

Dells, Wis., VOR; Milto INT, Wis.; *3,500. *2,500—MOCA.

Milto INT, Wis.; Falls Creek INT, Wis.; *3,500. *3,300—MOCA.

Section 95.6401 *Hawaii VOR Federal airway 1* is amended by adding:

Adise INT, Hawaii; *Hibiscus INT, Hawaii; **3,000. *3,000—MRA. **1,000—MOCA.

Section 95.6401 *Hawaii VOR Federal airway 1* is amended to delete:

Paradise INT, Hawaii; *Hibiscus INT, Hawaii; **3,000. *3,000—MRA. **1,000—MOCA.

Section 95.6402 *Hawaii VOR Federal airway 2* is amended to read in part:

High Tide INT, Hawaii; Breaks INT, Hawaii; *3,000. *1,000—MOCA.
Breaks INT, Hawaii; Honolulu, Hawaii, VOR; 4,000.
Honolulu, Hawaii, VOR; Palms INT, Hawaii; 4,000.
Palms INT, Hawaii; Penguin INT, Hawaii; 2,000.
Waipio INT, Hawaii; Adise INT, Hawaii, eastbound, 4,000, westbound, 6,000.
Adise INT, Hawaii; *Arbor INT, Hawaii; **4,000. *8,000—MRA. **2,800—MOCA.

Section 95.6403 *Hawaii VOR Federal airway 3* is amended by adding:

Hamakua INT, Hawaii; Adise INT, Hawaii; 5,000.

Section 95.6403 *Hawaii VOR Federal airway 3* is amended to delete:

Hamakua INT, Hawaii; Paradise INT, Hawaii; 5,000.

Section 95.6404 *Hawaii VOR Federal airway 4* is amended to read:

*Poten INT, Hawaii; Koko Head, Hawaii, VOR; 4,000. *5,000—MRA.
Koko Head, Hawaii, VOR; Papaya INT, Hawaii; 4,000.
Papaya INT, Hawaii; Crab INT, Hawaii, northeast-bound, 5,000, southwest-bound, 3,000.
Crab INT, Hawaii; *Rises INT, Hawaii, northeast-bound, 7,000, southwest-bound, 5,000. *7,000—MRA.

Section 95.6408 *Hawaii VOR Federal airway 8* is amended to read:

Makai INT, Hawaii; Laau Point INT, Hawaii; 2,000.
Laau Point INT, Hawaii; Molokai, Hawaii, VOR; 3,500.
Molokai, Hawaii, VOR; Bluefin INT, Hawaii; 5,000.
Bluefin INT, Hawaii; Fishe INT, Hawaii; 4,000.

Section 95.6409 *Hawaii VOR Federal airway 9* is amended by adding:

*Lulus INT, Hawaii; Village INT, Hawaii; **9,000. *9,000—MRA. **1,000—MOCA.

Section 95.6409 *Hawaii VOR Federal airway 9* is amended to delete:

*South Honolulu INT, Hawaii; Village INT, Hawaii; **9,000. *9,000—MRA. **1,000—MOCA.

Section 95.6411 *Hawaii VOR Federal airway 11* is amended to read in part:

Molokai, Hawaii, VOR; Laau Point INT, Hawaii; 3,500.
Laau Point INT, Hawaii; Makai INT, Hawaii; 2,000.

Section 95.6412 *Hawaii VOR Federal airway 12* is amended by adding:

*Sharp INT, Hawaii; Orchard INT, Hawaii, westbound, 7,000, eastbound, 4,000. *7,000—MRA.

Section 95.6412 *Hawaii VOR Federal airway 12* is amended to delete:

*Swordfish INT, Hawaii; Orchid INT, Hawaii, westbound, 7,000, eastbound, 4,000. *7,000—MRA.

Section 95.6413 *Hawaii VOR Federal airway 13* is amended by adding:

Bamboo INT, Hawaii; Toads DME Fix, Hawaii; *5,000. *1,000—MOCA.

Section 95.6413 *Hawaii VOR Federal airway 13* is amended to delete:

Bamboo INT, Hawaii; Magnolia INT, Hawaii; *5,000. *1,000—MOCA.
Magnolia INT, Hawaii; Frog DME Fix, Hawaii; *5,000. *1,000—MOCA.

Section 95.6414 *Hawaii VOR Federal airway 14* is amended to read:

*Doggy DME Fix, Alaska; South Kauai, Hawaii, VOR; **10,000. *10,000—MRA. **4,000—MOCA.
South Kauai, Hawaii, VOR; Koko Head, Hawaii, VOR; 4,000.

Section 95.6415 *Hawaii VOR Federal airway 15* is amended by adding:

Holiday DME Fix, Hawaii; Eelic DME Fix, Hawaii; *10,000. *1,000—MOCA.

Section 95.6415 *Hawaii VOR Federal airway 15* is amended to delete:

Holiday DME Fix, Hawaii; Eel DME Fix, Hawaii; *10,000. *1,000—MOCA.

Section 95.6421 *Hawaii VOR Federal airway 21* is amended by adding:

Cutie DME Fix, Hawaii; Hibiscus INT, Hawaii; *21,000. *1,000—MOCA.

Section 95.6421 *Hawaii VOR Federal airway 21* is amended to delete:

Hibiscus INT, Hawaii; Cuttle DME Fix, Hawaii; *21,000. *1,000—MOCA.

Section 95.6422 *Hawaii VOR Federal airway 22* is amended by adding:

Seaside DME Fix, Hawaii; Bates DME Fix, Hawaii; *10,000. *1,000—MOCA.

Section 95.6422 *Hawaii VOR Federal airway 22* is amended to delete:

Seaside DME Fix, Hawaii; Bait DME Fix, Hawaii; *10,000. *1,000—MOCA.

Section 95.6423 *VOR Federal airway 423* is amended to read in part:

Ithaca, N.Y., VOR; Scipo INT, N.Y.; 3,500.
Scipo INT, N.Y.; Syracuse, N.Y., VOR; *3,500. *3,300—MOCA.

Section 95.6424 *Hawaii VOR Federal airway 24* is amended by adding:

*Bass INT, Hawaii; Lobbs DME Fix, Hawaii; **19,000. *14,000—MRA. **1,000—MOCA.

Section 95.6424 *Hawaii VOR Federal airway 24* is amended to delete:

Bass INT, Hawaii; Lobster DME Fix, Hawaii; *19,000. *1,000—MOCA.

Section 95.6425 *Hawaii VOR Federal airway 25* is amended by adding:

Bass INT, Hawaii; Coddy DME Fix, Hawaii; **9,000. *14,000—MRA. **1,000—MOCA.

Section 95.6425 *Hawaii VOR Federal airway 25* is amended to delete:

Bass INT, Hawaii; Cod DME Fix, Hawaii; *9,000. *1,000—MOCA.

Section 95.6454 *VOR Federal airway 454* is amended to read in part:

Sinclair INT, Ga.; Maddi INT, Ga.; *2,500. *2,000—MOCA.
Maddi INT, Ga.; Greenwood, S.C., VOR; *4,000. *2,100—MOCA.

Section 95.6481 *VOR Federal airway 456* is amended to read in part:

Mantanuska INT, Alaska; Smokey DME Fix, Alaska; *10,000. *9,100—MOCA.
Smokey DME Fix, Alaska; Gulkana, Alaska, VOR; 5,000.
Gulkana, Alaska, VOR; *Sanford DME Fix, Alaska; 6,000. *7,800—MCA Sanford DME Fix, northeast-bound.
Sanford DME Fix, Alaska; Northway, Alaska, VOR; *11,000. *10,400—MOCA.

Section 95.6481 *VOR Federal airway 481* is amended to read:

Johnstone Point, Alaska, VOR; Fidalgo DME Fix, Alaska; 5,000.
Fidalgo DME Fix, Alaska; Robe DME Fix, Alaska; 8,000.
Robe DME Fix, Alaska; Klutina DME Fix, Alaska; 10,000.
Klutina DME Fix, Alaska; Gulkana, Alaska, VOR; *7,000. *6,300—MOCA.
Gulkana, Alaska, VOR; Sourdough DME Fix, Alaska; 4,000.
Sourdough DME Fix, Alaska; Ewan DME Fix, Alaska; *6,000. *5,400—MOCA.
Ewan DME Fix, Alaska; *Donnelly DME Fix, Alaska; 12,000. *10,000—MCA Donnelly DME Fix, southbound.
Donnelly DME Fix, Alaska; Big Delta, Alaska, VOR; 6,000.

Section 95.6496 *VOR Federal airway 496* is amended by adding:

Glens Falls, N.Y., VOR; *Sandi INT, Vt.; 3,800. *5,500—MCA Sandi INT, eastbound.
Sandi INT, Vt.; Lebanon, N.H., VOR/DME; 5,700.

Section 95.7034 *Jet Route No. 34* is amended by adding:

From; to; MEA; and MAA

Hoquiam, Wash., VORTAC; Olympia, Wash., VORTAC; 18,000; 45,000.
Olympia, Wash., VORTAC; Moses Lake, Wash., VORTAC; 18,000; 45,000.
Moses Lake, Wash., VORTAC; Helena, Mont., VORTAC; #28,000; 45,000. #MEA is established with a gap in navigation signal coverage.

Section 95.7034 *Jet Route No. 34* is amended to delete:

Seattle, Wash., VORTAC; Ephrata, Wash., VORTAC; 18,000; 45,000.
Ephrata, Wash., VORTAC; Helena, Mont., VORTAC; #28,000; 45,000. #MEA is established with a gap in navigation signal coverage.

Section 95.7054 *Jet Route No. 54* is amended by adding:

Neah Bay, Wash., NDB; Olympia, Wash., VORTAC; 18,000; 45,000.
Olympia, Wash., VORTAC; Pendleton, Oreg., VORTAC; 18,000; 45,000.

Section 95.7126 *Jet Route No. 126* is amended to delete:

Medford, Oreg., VORTAC; Portland, Oreg., VORTAC; 18,000, 45,000.
Portland, Oreg., VORTAC; Seattle, Wash., VORTAC; 18,000; 45,000.

Section 95.7126 *Jet Route No. 126* is amended by adding:

Medford, Oreg., VORTAC; Eugene, Oreg., VORTAC; 18,000; 45,000.
Eugene, Oreg., VORTAC; Newberg, Oreg., VORTAC; 18,000; 45,000.
Newberg, Oreg., VORTAC; Olympia, Wash., VORTAC; 18,000; 45,000.
Olympia, Wash., VORTAC; U.S. Canadian Border; 18,000; 45,000.

2. By amending Subpart D as follows:

Section 95.8005 *Jet routes changeover points:*

From; to; changeover point distance from

J-34 is amended by adding:

Moses Lake, Wash., VORTAC; Helena, Mont., VORTAC; 152; Moses Lake.

J-54 is amended by adding:

Olympia, Wash., VORTAC; Pendleton, Oreg., VORTAC; 70; Olympia.

(Secs. 307 and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510))

Issued in Washington, D.C., on September 30, 1974.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

[FR Doc.74-23623 Filed 10-10-74;8:45 am]

[Docket No. 13569; Amendment No. 121-112]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Stowage of Containers for Transport of Animals Aboard Aircraft; Extension of Compliance Date

The purpose of this amendment to Part 121 of the Federal Aviation Regulations is to extend the time for compliance with new § 121.288 for four months.

On August 9, 1974, the FAA issued Amendment 121-111, effective October 18, 1974, to Part 121 of the Federal Aviation Regulations (published in the FEDERAL REGISTER on August 19, 1974; 39 FR 29917) to require that cargo containers housing large animals for carriage by air in the cargo compartments of aircraft be secured in the cargo compartment in such a fashion as to prevent shifting and be protected from the hazards of shifting of other cargo, and to assure that ventilation areas of the container are not obstructed. That amendment was based on a Notice of Proposed Rule Making (Notice 74-10) published in the FEDERAL REGISTER on March 11, 1974 (39 FR 9456). The FAA has received petitions from the Air Transport Association of America and Southern Airways, Inc., petitioning for an extension of the effective date of Amendment 121-111 to allow for obtaining and installing necessary equipment. In addition, the FAA has received a number of letters from members of the medical profession engaged in research using live animals, requesting that the effective date be extended to assure uninterrupted delivery of animals for research purposes.

None of the comments received in response to Notice 74-10 indicated that extensive aircraft modifications would be necessary to comply with the proposed rule. When the FAA adopted Amendment 121-111, it believed that it provided adequate time for compliance with new § 121.288. However, after further consideration in light of the petitions received and comments from the medical profession, the FAA has determined that a four-month postponement of the effective date of Amendment 121-111 is needed and would provide adequate time for compliance with § 121.288 and that the postponement would be in the public interest.

In view of the imminence of the present effective date and since this amendment imposes no additional burden on any person, I find that notice and public procedure thereon are impractical and that good cause exists for making this amendment effective in less than 30 days.

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

In consideration of the foregoing, effective October 11, 1974, the effective date of Amendment 121-111 is changed from October 18, 1974, to Feburary 18, 1975.

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

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.74-23920 Filed 10-10-74;8:45 am]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER C—FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

Self-Pressurized Household Substances Containing Vinyl Chloride Monomer; Classification as Banned Hazardous Substance

Ruling on objection: The purpose of this notice is to deny the requests for a hearing regarding the Consumer Product Safety Commission's order classifying as a banned hazardous substance self-pressurized products intended or suitable for household use that contain vinyl chloride monomer as an ingredient

or in the propellant. The order was published in the FEDERAL REGISTER of August 21, 1974 (39 FR 30112), and it provided, as is required by section 701(e) of the Federal Food, Drug and Cosmetic Act, that adversely affected persons may file objections and requests for a public hearing within 30 days of the order. Four statements containing objections and requests for a public hearing were received by the Commission. The parties submitting objections will not be affected by the ban, and did not object to it, in so far as it prohibits the future sale of self-pressurized household products containing vinyl chloride monomer. The objections focused on the fact that the ban applies to products already in the hands of consumers and suppliers and requires that such products be repurchased by the manufacturer. The objectors claim that the repurchase requirement will work financial hardship upon them.

The Commission has evaluated the objections received and concludes as follows:

1. Those objections protesting the order and requesting a hearing on the basis that the Commission has not complied with the requirements of the National Environmental Policy Act (42 U.S.C. 4321 et seq.) do not raise an issue which requires a hearing under 701(e) of the Food, Drug, and Cosmetic Act (21 U.S.C. 371(e)). Hearings under section 701(e) of the Food, Drug, and Cosmetic Act (hereafter referred to as section 701(e)) are for the purpose of receiving factual evidence regarding whether a regulation is proper under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.). The Federal Hazardous Substance Act (FHSA) does not incorporate by reference the requirements of the National Environmental Policy Act. Questions of Commission compliance with the National Environment Policy Act must be resolved under that Act.

Further, the Consumer Product Safety Commission has concluded that the ban order does not constitute major agency action significantly affecting the environment and therefore, no environmental impact statement is necessary.

2. Those objections regarding abuse of the Commission's discretion are legally insufficient to require a hearing under section 701(e). The Commission carefully weighed comments filed after the notice of the proposed rule which argued that the ban should be prospective only. However, the Commission concluded that the risk of serious personal injury or illness from products containing vinyl chloride monomer which had already been introduced into commerce was such that a prospective ban would not alleviate the hazard. Whether such a decision constitutes an abuse of agency discretion is a legal question which cannot be resolved in an evidentiary hearing such as is called for by section 701(e).

3. The objection arguing that the Commission's action in banning products containing vinyl chloride monomer is inconsistent with section 15(d) of the Consumer Product Safety Act is legally inadequate to require a section 701(e) hearing. The objection maintains that the Commission should have acted under section 15(d) of the Consumer Product Safety Act (CPSA) rather than under the FHSA, because section 15(d) of the CPSA provides more flexibility to the Commission in selecting remedies. However, section 30(d) of the Consumer Product Safety Act requires that the Commission act under the Federal Hazardous Substances Act rather than under CPSA if a risk of injury associated with a consumer product can be eliminated or reduced to a sufficient extent by action under the Federal Hazardous Substances Act. Thus, before it can act under the CPSA rather than FHSA, the Commission must make a finding that a risk of injury cannot be sufficiently eliminated or reduced under the FHSA. The decision to make a Consumer Product Safety Act section 30(d) finding involves questions of policy and legislative intent which are not proper subjects for an evidentiary hearing. Further, the objection does not contend that the hazard presented by products containing vinyl chloride monomer cannot be reduced or eliminated by action under the FHSA. Since it does not, the objection does not present a valid basis for the relief it is requesting from the agency, and hence it does not present a proper issue for a section 701(e) hearing.

4. The objection that the Commission "has improperly failed to consider the economic and commercial hardships and disruptions generated by its order" is not sufficient to trigger the section 701(e) hearing. Although the Commission is not required by the Federal Hazardous Substances Act to consider the economic consequences of its actions, as a matter of policy the Commission has weighed economic factors in deciding upon courses of action. Such was the case with the vinyl chloride ban, for the Commission had before it and did consider the economic repercussions of its order. Since the objection is predicated upon an incorrect statutory interpretation of the Federal Hazardous Substances Act and since the contention is factually incorrect on its face, the Commission considered the objection frivolous and legally insufficient to warrant a section 701(e) hearing.

5. The objection that the Commission denied the public the opportunity to inspect, evaluate, and comment upon the data relied upon by the Commission in issuing its ban order does not require an evidentiary hearing under section 701(e). If the Commission had failed to make available information which, under the Freedom of Information Act, the Commission had the obligation to make available and which was necessary in order for an affected party to comment effectively on the Commission's order, the Commission would have entertained a request to extend the deadline for filing objections. Such a course would have insured that the purposes of both the Freedom of Information Act and the two-stage rulemaking procedure of section 701(e) were served. Holding an evidentiary hearing under 701(e) would not properly cure the alleged failure to make information available.

6. The objection that the Commission had failed to make a finding as required by section 2(q)(1)(B) of the Federal Hazardous Substances Act (that, notwithstanding cautionary labeling, the degree or nature of the hazard is such that the public health and safety can only be served by keeping the products out of the channels of interstate commerce) is frivolous and cannot be considered sufficient grounds to require a section 701(e) hearing. The Federal Register notice containing the ban order clearly sets forth the findings and the basis for the findings. Further, a mere allegation that the Commission has failed to make findings supported by substantial evidence is, without more, insufficient to require a section 701(e) hearing. The requirement that the order be based upon substantial evidence on the record is not involved until "objections" have been filed which raise issues material to the legality of the disputed order.

7. The objections questioning the adequacy of the data before the Commission to support the ban order do not raise issues which can be resolved by an evidentiary hearing under section 701(e).

All of the statements filed regarding the order raise objections dealing with the facts upon which the order is based. The Commission has carefully examined the objections and finds that none of them disputes the truth of the data relied upon by the Commission. The vast majority of these objections merely say that the Commission's data are not enough, that more is needed to support the Commission's action or that the data do not apply to the products being banned. The section 701(e) hearing was not placed in the statute so that parties regulated by agency action can require the agency to present evidence, more evidence, and still more evidence until the affected parties are finally satisfied that enough evidence has been presented. Whether the Commission's conclusions are reasonable cannot be resolved by an evidentiary hearing. The hearing is directed to receiving factual evidence and expert opinion testimony, not arguments regarding conclusions drawn from the evidence.

The objections are practically void of any references to, or offers to present, factual information which the Commission believes would lead to a conclusion contrary to that reached by it. Such information as has been referred to, even if true, is not legally sufficient to invalidate the ban order.

The Commission had before it information concerning deaths of individuals from a rare form of liver cancer and who had been exposed to vinyl chloride monomer for long periods of time, information that a typical aerosal product sprayed in a room the size of a small bathroom could result in over 250 ppm of vinyl chloride monomer and in some instances can produce concentrations as high as 400 ppm, and that tumors had appeared in mice exposed to 50 ppm of vinyl chloride monomer.

Whether the Commission's conclusion that this and other information before it necessitated the ban order was a reasonable conclusion is not a matter which can be resolved by an evidentiary hearing. The facts on which the ban order are based can be disputed, or other facts necessitating a contrary decision can be presented in an evidentiary hearing, but an evidentiary hearing for any other purpose would serve no valid function.

In the present instance the Commission is concerned with protecting the public from a hazard which is highly severe. Angiosarcoma of the liver is a highly malignant, lethal neoplasm. To delay the effectiveness of the ban and leave products which have known dangers in the hands of dealers and consumers while an evidentiary hearing is being conducted to test the reasonableness of the Commission's decision on the basis of the information it had before it can serve no valid purpose and would be a mockery of the Commission's congressional mandate to protect the public from hazardous substances.

Therefore, the Commission finds that none of the objections received during the statutory period warrant a stay of the effective date of the subject order or the holding of a public hearing, and hereby orders that the requests for a stay and public hearing be denied. Accordingly, the Commission hereby announces that the order as published in the FEDERAL REGISTER, August 21, 1974 (39 FR 30112) is final.

(Secs. 2(f)(1) (A), (B), (g), (q)(1)(B), 3(a), 74 Stat. 372, 374, as amended 80 Stat. 1304–05 15 U.S.C. 1261, 1262); sec. 701 (e), (f), (g), 52 Stat. 1055–56, as amended 70 Stat. 919, 72 Stat. 948 (21 U.S.C. 371 (e), (f), (g)); sec. 30(a), 86 Stat. 1231 (15 U.S.C. 2079 (a)))

Dated: October 8, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74-23779 Filed 10-10-74;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5528, 34-11029, AS-162]

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS (ACCOUNTING SERIES RELEASES)

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Requirements for Financial Statements; Limited Partnerships in Annual Reports

In recent years there have been an increasing number of registration statements filed with the Commission under the Securities Act of 1933 for the sale to the public of interests in limited partnerships which are formed in connection with activities involving income tax shelter or deferral opportunities, as well as the opportunity for investment gain in one form or another. Pursuant to rule 15d–1 [17 CFR 240.15d–1] under the Securities Exchange Act of 1934 registrants under the Securities Act are required to file an annual report on Form 10–K [17 CFR 249.310] for the fiscal year in which a registration statement becomes effective and for each subsequent fiscal year thereafter unless the registrant is exempt under section 15(d) of the Exchange Act from such subsequent filings. Many of these limited partnership registrants qualify for the exemption from filing 10–K reports [17 CFR 249.310] in subsequent fiscal years provided in section 15(d) when securities to which the registration statement relates are held of record by less than 300 persons at the beginning of a fiscal year.

Some registrants, particularly those of the type which develop and sell a single asset, have filed Form 10–K reports [17 CFR 249.310] presenting the required audited financial statements of the limited partnership on a tax basis of accounting rather than on the basis of generally accepted accounting principles (GAAP). Historically, presentation of financial statements of commercial and industrial companies on a GAAP basis has been considered the only acceptable basis for investors and potential investors in a public company. The independent accountants' reports accompanying the financial statements presented on a tax basis acknowledge that the financial statements do not purport to be in conformity with GAAP, and an opinion is expressed on the fairness of presentation of the financial statements on the tax basis. Heretofore, the staff has not, in general, requested amendment of these financial statements presented and audited on a tax basis. However, experience gained with the increased number of recent filings has caused a reconsideration of this matter.

One of the basic purposes of both the Securities Act and the Exchange Act is to require registrants to provide full and fair disclosure regarding all significant aspects and activities of the business for the benefit of the investing public. The requirements for financial statements under the Acts implement this objective by causing disclosures regarding the stewardship of financial resources of the company with respect to their utilization and their condition. Since financial statements prepared on a tax basis do not necessarily give a complete presentation of the stewardship of the resources, they do not, in general, meet the requirements for full and fair disclosure as envisioned in the Acts.

Complete data relating to many aspects of financial position and operations are frequently not included in financial statements prepared on a tax basis and the scope of the independent audit of such tax basis statements also may not be the equivalent of the usual audit of financial statements prepared on a GAAP basis. In addition, some problem areas arising out of relationships between a general partner in the limited partnership and other related parties may cause particular accounting and auditing difficulties. If audits of the financial statements of these limited partnerships are performed on a GAAP basis, it is likely that these factors would receive more attention and have an important bearing on the determination of the scope of the audit.

While it is contended that, in some instances, investors in these limited partnerships are primarily interested in the tax status of their investments and thus tax basis financial statements are of more value to them, the ultimate realization of the tax benefits, as well as the ultimate recovery of the investment through sale of the project, depends on the proper utilization and stewardship of the resources of the enterprise. Independent verification of the reporting on these matters can best be obtained from audited financial statements presented on a GAAP basis. Presentation of the financial data on a tax basis may also be desirable but the presentation should be in addition to the presentation on a GA AP basis and should not supplant it. It is common practice for companies to make adjustments to their GAAP based accounts for income tax reporting purposes, and it is considered that these limited partnerships can provide the tax basis financial statements in addition to the GAAP basis statements without undue difficulty. In the rare instances where the sole 10–K report (17 CFR 249.310) required for the limited partnerships covers a period near the start of the venture, the GAAP basis financial statements serve a useful purpose by providing important information to the original investors on the custody of the funds received and whether plans and commitments are being made in conformity with the proposed schedule of development of the project.

The Commission has concluded that exemptions should not be granted to these limited partnership registrants from the general requirement that financial statements should be presented in conformity with GAAP with the audit opinion rendered thereon on that basis in filings with the Commission. Accordingly, financial statements in Form 10–K reports (17 CFR 249.310) filed by limited partnership registrants for fiscal years ending on or after December 27, 1974, should be presented on the basis of generally accepted accounting principles. Financial data presented on a tax basis may be necessary in footnotes or supporting schedules to provide disclosures regarding tax aspects of the investments.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 27, 1974.

[FR Doc.74-23730 Filed 10-10-74;8:45 am]

Title 20—Employees' Benefits

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

[Regulations No. 5]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED (1965-.....)

Subpart M—Conditions for Coverage of Services of Independent Laboratories

Correction

In FR Doc. 74-21747 appearing at page 33690 in this issue of Thursday, September 19, 1974, in the first column on page 33692, the effective date now reading "October 21, 1971" should read "October 21, 1974".

CHAPTER V—MANPOWER ADMINISTRATION, DEPARTMENT OF LABOR

PART 625—DISASTER UNEMPLOYMENT ASSISTANCE

Implementation of Disaster Relief Act of 1974

Pursuant to the Disaster Relief Act of 1974, Pub. L. 93-288, 88 Stat. 143, which repealed section 240 of the Disaster Relief Act of 1970, Pub. L. 91-606, 84 Stat. 1744, 1755, and made changes in the terms and conditions for the payment of disaster unemployment assistance to individuals unemployed as a result of a major disaster declared by the President pursuant to the Act, Part 625 is revised and readopted to facilitate the implementation of the Act at the earliest possible date.

In order to accomplish the purpose of implementing the Disaster Relief Act of 1974 at the earliest possible date only minimal changes in Part 625 are made in this document, with the intention that a complete revision of Part 625, which shall include any changes resulting from the evaluation of comments received on this document, will be undertaken and published as soon as the revision can be finished.

Revisions to Part 625 in this document include minor conforming and technical changes, such as to reflect new official designations and the address of the Associate Manpower Administrator for the Unemployment Insurance Service in Washington, D.C., and the following:

In § 625.1 referring to the Disaster Relief Act of 1974 and adding a savings clause retaining Part 625 as in effect on March 31, 1974, with respect to the application of the Disaster Relief Act of 1970 to major disasters declared prior to April 1, 1974.

In § 625.2(a) defining "Act" as the Disaster Relief Act of 1974.

In § 625.2(d), and in a number of the subsequent provisions of the regulation, adding a reference to the Canal Zone.

In § 625.2(f) redefining "Disaster assistance period" so as to accord with the one year period prescribed in the Disaster Relief Act of 1974.

In § 625.2(t) deleting the definition of "Subsequent disaster assistance period" so that in connection with changes made in § 625.9 the duration of payments of disaster unemployment assistance shall accord with the Disaster Relief Act of 1974. Paragraphs (u) to (x) are relettered (t) to (w).

In § 625.7(b) changing the provisions governing the termination of eligibility for disaster unemployment assistance to accord with changes made in the Disaster Relief Act of 1974.

In § 625.9(a)(3) deleting the prescription of a weekly amount of $10.00 payable in American Samoa and the Trust Territory of the Pacific Islands, and providing instead that the weekly amount shall approximate fifty per centum of the average weekly wage of the individuals in the major disaster area whose employment is affected by the major disaster, as agreed upon by the Assistant Regional Director for Manpower, Region IX (San Francisco) and the Federal Disaster Assistance Administration.

In § 625.9 deleting paragraphs (b) and (d) and relettering paragraph (c) as (b) so as to provide that the duration of payments of disaster unemployment assistance shall accord with the Disaster Relief Act of 1974.

In § 625.9(c) (relettered (b)) deleting the reference to the Automotive Products Trade Act of 1965 and substituting for the reference to the Manpower Development and Training Act of 1962 a reference to the Comprehensive Employment and Training Act of 1973.

In § 625.13 deleting paragraph (b) and the paragraph designation (a) preceding the paragraph in view of the criminal provisions prescribed in the Disaster Relief Act of 1974.

The regulation published herein shall be effective October 7, 1974.

As this regulation relates to public benefits it has been excepted from the application of the notice and comments provisions of the Administrative Procedure Act, 5 U.S.C. 553(a)(2). The policy of the Department of Labor, as stated in 29 CFR 2.7, is not to use this exception as a basis of not giving opportunity for notice and comment. In this case, however, declarations of major disasters have been issued, with respect to which the Disaster Relief Act of 1974 is applicable, and it is imperative that relief through payments of disaster unemployment assistance and the furnishing of reemployment assistance services be afforded to disaster victims as expeditiously as possible. Accordingly, I find that in order to effectuate promptly the purposes of the Disaster Relief Act of 1974, it is contrary to the public interest to delay the issuance of this regulation to the extent necessary for the preparation, receipt and evaluation of comments. Accordingly, it is not issued for comments prior to publication in its final form, notwithstanding the policy the Secretary issued as 29 CFR 2.7, and which I specifically override in this instance.

Nevertheless, although this regulation is being published in final form and is made effective immediately, it is the policy of the Department of Labor to solicit and consider comments on its regulations. Accordingly, comments will be received just as though this document were a proposal, until November 11, 1974, after which the comments received will be evaluated and, if warranted, the regulation will be appropriately amended. Meanwhile, however, in the interest of expediting the program, this regulation shall remain in force until amended.

Interested persons are invited to submit comments, data or arguments to: Assistant Secretary for Manpower, United States Department of Labor, 601 "D" Street NW., Washington, D.C. 20213, to the attention of Lawrence E. Weatherford, Jr., Acting Associate Manpower Administrator for the Unemployment Insurance Service.

The regulation set forth below amends Title 20 by revising and readopting Part 625. The revised Part 625, which will be effective immediately, reads as follows:

Sec.

AUTHORITY: Secs. 302(a) and 601 of the Disaster Relief Act of 1974, Pub. L. 93-288, 88 Stat. 143; E. O. 11795, 39 FR 25939; and the delegation of authority from the Secretary of Housing and Urban Development to the Secretary of Labor, effective August 5, 1974, 39 FR 33020. Interpret or apply sec. 407 of the Disaster Relief Act of 1974, 88 Stat. 156.

§ 625.1 Purpose.

(a) *Prompt assistance.* The regulation in this part is issued to carry out the purpose of section 407 of the Act to pay disaster unemployment assistance as promptly as possible to individuals unemployed as a result of a major disaster, and to provide reemployment assistance services to such individuals, in States in which the Governor has entered into an agreement with the Secretary for the purpose of section 407 of the Act.

(b) *Liberal construction.* The regulation in this part shall be liberally construed to carry out its purpose.

(c) *Savings clause.* The regulation in this part does not apply to applications, determinations, hearings, or other administrative or judicial proceedings under section 240 of the Disaster Relief Act of 1970, Pub. L. 91-606, 84 Stat. 1744, with respect to major disasters declared prior to April 1, 1974, and such applications, determinations, hearings, or other administrative or judicial proceedings shall remain subject to section 240 of the Disaster Relief Act of 1970 and the regulation in this part issued thereunder which was in effect on March 31, 1974.

§ 625.2 Definitions.

(a) "Act" means the Disaster Relief Act of 1974, Pub. L. 93–288, 88 Stat. 143.

(b) "Additional unemployment compensation" means cash benefits to individuals with respect to their unemployment totally financed by a State (except when paid pursuant to a Federal unemployment compensation law), in addition to regular unemployment compensation, payable under a State law or Federal unemployment compensation law, including 5 U.S.C. Chapter 85 and the Railroad Unemployment Insurance Act, by reason of conditions of high unemployment or by reason of other special factors, such as an individual's being in training with the approval of the State agency.

(c) "Announcement date" means the first date on which the Governor announces the availability of disaster unemployment assistance in the State, pursuant to § 625.3.

(d) "Applicable State law" means, with respect to an individual, the unemployment compensation law of the State in which the major disaster occurred as the result of which such individual became unemployed, except when the major disaster occurred in the Canal Zone, the Territory of Guam, American Samoa, or the Trust Territory of the Pacific Islands, in which case applicable State law means the Hawaii Employment Security Law.

(e) "Date the major disaster began" means the date specified for the purpose in the agreement between the Federal Disaster Assistance Administration and the Governor of the State in which the major disaster occurred, and communicated in writing by the Federal Disaster Assistance Administration to the U.S. Department of Labor.

(f) "Disaster assistance period" means the period beginning the first day of the week which includes the date the major disaster began and ending with the last week which begins prior to one year subsequent to the date the major disaster was declared.

(g) "Extended unemployment compensation" means cash benefits to individuals with respect to their unemployment, payable under provisions of a State law which satisfy the requirements of the Federal-State Extended Unemployment Compensation Act of 1970, including extended unemployment compensation payable pursuant to 5 U.S.C. Chapter 85.

(h) "Governor" means the chief executive of any State.

(i) "Initial application" means the first application for disaster unemployment assistance filed by an individual subsequent to the announcement date of the major disaster as the result of which such individual became unemployed.

(j) "Major disaster" means a major disaster as determined by the President pursuant to section 301(b) of the Act.

(k) "Major disaster area" means the area identified as eligible for Federal assistance by the Federal Disaster Assistance Administration pursuant to a Presidential declaration of a major disaster.

(l) "Notification" means the written communication in which the President notifies the Governor that a major disaster has been declared in his State.

(m) "Regular unemployment compensation" means cash benefits to individuals with respect to their unemployment, payable under any State law or Federal unemployment compensation law, including 5 U.S.C. Chapter 85 and the Railroad Unemployment Insurance Act, other than additional unemployment compensation and extended unemployment compensation.

(n) "Secretary" means the Secretary of Labor of the United States.

(o) "Self-employed individual" means an individual whose primary reliance for income is on his performance of services in his own business or on his own farm.

(p) "Self-employment" means services performed as a self-employed individual.

(q) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Canal Zone, the Territory of Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(r) "State agency" means, in all States except the Canal Zone, the Territory of Guam, American Samoa, and the Trust Territory of the Pacific Islands, the agency administering the State law, and in the Canal Zone, the Territory of Guam, American Samoa, and the Trust Territory of the Pacific Islands means the agency designated by the Governor in his agreement with the Secretary to carry out such provisions.

(s) "State law" means the unemployment compensation law of one of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico and the Virgin Islands.

(t) "Suitable work" means the same as it does under the applicable State law.

(u) "Wages" means remuneration for services performed for another and net income for services performed in self-employment.

(v) "Week" means a week as defined in the applicable State law.

(w) "Week of unemployment" means, with respect to an individual, any week during which he performs no services and no wages are payable to him or he performs less than full-time work and the wages payable to him are less than 1½ times the amount of the disaster unemployment assistance payable to him for a week of total unemployment; except that a self-employed individual shall be deemed to have a week of unemployment even though he performs services or activities during such week if they are for the sole purpose of enabling him to resume his self-employment.

§ 625.3 Announcement of major disaster.

After the Governor of a State (who has signed an agreement with the Secretary for the payment of disaster unemployment assistance) receives a notification, he shall promptly announce through all available news media in the State, including newspapers, radio, and television, that individuals who are unemployed as the result of the major disaster may be entitled to disaster unemployment assistance; that they should file initial applications for disaster unemployment assistance as soon as possible, but not later than the 30th day after the announcement date; the beginning date of the disaster assistance period; and where they should go for information.

§ 625.4 Applications.

(a) (1) An initial application for disaster unemployment assistance shall be filed by an applicant within 30 days after the announcement date of the major disaster as the result of which the applicant became unemployed. But an initial application filed later (except as provided in subparagraph (2) of this paragraph) shall be accepted by the State agency and a determination made whether the applicant had good cause for the late filing. If the State agency determines that there was such good cause, the initial application shall be deemed to have been timely filed; otherwise the application will be rejected.

(2) No application shall be accepted by the State agency if it is filed after the expiration of one year from the announcement date of the major disaster as the result of which the applicant became unemployed.

(b) (1) Except as provided in subparagraph (2) of this paragraph, applications (including initial applications) shall be filed in person at a local employment office or a local claims office, as directed by the State agency, but in the Canal Zone, American Samoa, and the Trust Territory of the Pacific Islands such applications shall be filed in person at the office designated by the Governor.

(2) When the State agency finds that there is an emergency or that individuals are disabled or ill, applications (including initial applications) shall be filed at such times, in such places, and in such manner as directed by the State agency.

§ 625.5 Employment services.

Applicants for disaster unemployment assistance and all other individuals who are unemployed as a result of a major disaster shall be afforded employment services (including counseling and referrals to suitable work opportunities and suitable training) to assist them in obtaining suitable work as soon as possible.

§ 625.6 Interstate applications.

The interstate benefit payment plan shall apply, to the extent that it is appropriate, to individuals filing applications for disaster unemployment assistance whose unemployment is the result of a major disaster in a State but who because of the disaster are not in the State.

§ 625.7 Eligibility.

(a) Disaster unemployment assistance shall be payable under this regulation to an individual for a week of unemployment in a disaster assistance period if with respect to such week the individual:

(1) Has applied therefor as provided in § 625.4;

(2) Is found by the State agency to be unemployed as the result of a major disaster in a major disaster area as provided in § 625.8; and

(3) Is able to work and available for work within the meaning of the applicable State law, but this requirement shall be deemed to be met if the individual's inability to work or unavailability for work is the result of the major disaster.

(b) No disaster unemployment assistance shall be payable for any week of unemployment which begins after the end of a disaster assistance period, nor shall disaster unemployment assistance be payable to an individual after the week in which the individual is reemployed in a suitable position.

§ 625.8 Unemployment result of major disaster.

(a) The unemployment of an applicant shall be deemed to be the result of the major disaster in the major disaster area if:

(1) He worked for another as an employee in the major disaster area at the time of such major disaster and, due directly to the disaster, (i) he no longer has the job, or (ii) he cannot perform his job because of damage to his place of work or such other reasons as that necessary material, supplies, or personnel cannot reach his place of work, or (iii) he cannot reach his place of work;

(2) He lived in the major disaster area at the time of the major disaster and he cannot reach his place of work outside of such area as the result of damage to the means of transportation caused by the disaster;

(3) He was a self-employed individual in the major disaster area at the time of such major disaster and he cannot perform services in his business because of damage caused by the disaster to the place(s) where he performed such services or to the means of transportation so that he cannot reach such place(s), or because of such other reasons as that necessary material, supplies, or personnel cannot reach his places(s) of work.

(4) He was to begin working for another as an employee or in self-employment in the major disaster area when or after the major disaster began and can not do so as the result of the disaster;

(5) He had been unemployed at the time of the major disaster for a period of less than 10 weeks and is prevented from obtaining work in the major disaster area as the result of the disaster;

(6) He had completed his schooling or training for work no earlier than 10 weeks prior to the major disaster and is prevented from obtaining work in the major disaster area as the result of the disaster;

(7) He has become the head of a household and is seeking suitable work because the head of the household died as the result of the major disaster in the major disaster area; or

(8) He, on any other basis, is found by the State agency to be unemployed as the result of the major disaster in the major disaster area, in which case the State agency shall notify the Associate Manpower Administrator for the Unemployment Insurance Service, Room 7000, Patrick Henry Building, 601 "D" Street NW., Washington, D.C. 20213, of the facts and the basis for its finding and shall obtain his approval before disaster unemployment assistance is paid to the individual.

(b) In connection with applications for disaster unemployment assistance for past weeks of unemployment, the criteria in paragraph (a) of this section for determining whether the applicants' unemployment was the result of a major disaster in the major disaster area shall be deemed to be written as to apply to such past weeks.

§ 625.9 Amount.

(a) *Weekly amount.* (1) In all States except the Canal Zone, the Territory of Guam, American Samoa, and the Trust Territory of the Pacific Islands the disaster unemployment assistance payable to an applicant for a week of total unemployment shall be whichever of the following is the greater:

(i) The amount of the average weekly regular unemployment compensation payment (including allowances for dependents) in the State in which the major disaster occurred as the result of which the individual became unemployed, computed by dividing the amount of regular unemployment compensation for total unemployment paid by the State in the first four of the last five completed calendar quarters immediately preceding the quarter in which the disaster began, by the number of weeks of total unemployment for which regular unemployment compensation was paid in that period. The computed average, is not an exact dollar amount, shall be rounded to the next higher dollar.

(ii) The weekly amount he would have been entitled to under the State law for a week of total unemployment had his work and wages been included as employment and wages under such State law.

(2) In the Canal Zone and the Territory of Guam the disaster unemployment assistance payable to an applicant for a week of total unemployment shall be the average of the payments of regular unemployment compensation made by all States (except the Canal Zone, the Territory of Guam, American Samoa, and the Trust Territory of the Pacific Islands) for weeks of total unemployment in the first four of the last five completed calendar quarters immediately preceding the quarter in which the disaster began.

(3) In American Samoa and the Trust Territory of the Pacific Islands the disaster unemployment assistance payable to an applicant for a week of total unemployment shall be an amount agreed upon by the Assistant Regional Director for Manpower for Region IX (San Francisco), and the Federal Disaster Assistance Administration, which, based on information available at the time of the disaster, shall approximate fifty per centum of the average weekly wage of the individuals in the major disaster area whose employment was affected by the major disaster.

(b) *Deductions.* The disaster unemployment assistance payable to an applicant for a week shall be reduced by:

(1) The amount of any of the following that an applicant has received for the week or would receive for the week if he filed a claim or application therefor and took all procedural steps necessary under the appropriate law or insurance policy:

(i) Regular unemployment compensation, additional unemployment compensation, extended unemployment compensation, and any other unemployment compensation under a State or Federal unemployment compensation law, or

(ii) A trade readjustment allowance under the Trade Expansion Act of 1962, or

(iii) Any compensation or insurance from any source for loss of wages due to illness or disability, or

(iv) A supplemental unemployment benefit pursuant to a collective bargaining agreement, or

(v) A basic weekly allowance under section 111(a) of the Comprehensive Employment and Training Act of 1973, or

(vi) Private income protection insurance.

(vii) Any workmen's compensation by virtue of the death of the head of the household as the result of the major disaster in the major disaster area, prorated by weeks, if the applicant is within the provisions of § 625.8(a)(7).

(2) The amount of a retirement pension or annuity under a public or private retirement plan or system (including title II of the Social Security Act) prorated, where necessary, by weeks, but only if, and to the extent that, such amount would be deducted from unemployment compensation payable under the applicable State law.

(3) 75 percent of any wages in excess of $5.00 payable to him with respect to such week.

§ 625.10 Disclosure of information.

Information obtained by a State agency in the administration of the disaster unemployment assistance program shall be kept confidential and may be disclosed only to the same extent and in the same manner as information obtained by such State agency in administering its State law, or in the case of a State that has no State law, to the same extent and in the same manner as information obtained by the State agency of Hawaii under the Hawaii Employment Security Law.

§ 625.11 Determinations.

(a) Upon the filing of an initial application the State agency shall determine an applicant's eligibility for disaster unemployment assistance and the amount payable to him for each week of unemployment which is due to the major disaster.

(b) The State agency shall give notice in writing to the applicant of any determination under paragraph (a) of this section and any subsequent determina-

tion denying or reducing the disaster unemployment assistance payable to him for a week. Such notice shall include a statement of his right to reconsideration or review, and the manner in which such reconsideration or review may be obtained, and if there has been a denial or reduction, the statement shall include the reasons for such denial or reduction. Notice of a determination shall be given to the applicant by delivering the notice to him personally or by mailing it to his last known address. Any information the applicant may receive as to his entitlement to disaster unemployment assistance prior to his receipt of this notice is not a determination and the applicant shall be so informed at the time he files his initial application.

§ 625.12 Reconsideration and review.

(a) *States, except Virgin Islands, Canal Zone, Territory of Guam, American Samoa, and Trust Territory of the Pacific Islands.* Any determination by a State agency, other than that of the Virgin Islands, the Canal Zone, the Territory of Guam, American Samoa, and the Trust Territory of the Pacific Islands, made pursuant to § 625.11 may be reconsidered by the State agency and may be appealed by the applicant under the State law to the first stage State administrative appellate authority under the State's regular appellate procedures. Notice of the reconsidered determination or the decision on appeal, and the reasons therefor, shall be given to the applicant by delivering the notice to him personally or by mailing it to his last known address. Such notice shall contain information as to the applicant's right to review by the appropriate Assistant Regional Director for Manpower and the manner of obtaining such review, including the address of the Assistant Regional Director for Manpower. Notice of the decision on appeal shall be given also to the State agency and to the appropriate Assistant Regional Director for Manpower.

(b) *Virgin Islands.* In the case of an appeal by an applicant from a determination by the State agency of the Virgin Islands, the applicant shall be entitled to a hearing and decision in accordance with the procedures set forth in §§ 609.34–609.45 of this chapter by a referee appointed by the Secretary. Notice of the referee's decision, and the reasons therefor, shall be given to the applicant by delivering the notice to him personally or by mailing it to his last known address. Such notice shall contain information as to the applicant's right to review by the Assistant Regional Director for Manpower for Region II (New York) and the manner of obtaining such review, including the address of the Assistant Regional Director for Manpower. Notice of the decision on appeal shall be given also to the State agency and to the Assistant Regional Director for Manpower.

(c) *Canal Zone, Territory of Guam, American Samoa, and Trust Territory of the Pacific Islands.* In the case of an appeal by an applicant from a determination by the State agency of the Canal Zone, the Territory of Guam, American Samoa, or the Trust Territory of the Pacific Islands, the applicant shall be entitled to a hearing and decision in accordance with the procedures set forth in §§ 609.34–609.45 of this chapter by a referee appointed by the Secretary. Notice of the referee's decision, and the reasons therefore, shall be given to the applicant by delivering the notice to him personally or by mailing it to his last known address. Such notice shall contain information as to the applicant's right to review by the Assistant Regional Director for Manpower for Region IX (San Francisco) and the manner of obtaining such review, including the address of the Assistant Regional Director for Manpower. Notice of the decision on appeal shall be given also to the State agency and to the Assistant Regional Director for Manpower.

(d) *Review by Assistant Regional Director for Manpower.* The appropriate Assistant Regional Director for Manpower, upon request for review by an applicant or a State agency, shall, or upon his own motion may, review a decision rendered pursuant to paragraph (a), (b), or (c) of this section. Any request to the Assistant Regional Director for Manpower by an applicant or a State agency shall be filed, and any review by the Assistant Regional Director for Manpower on his own motion shall be undertaken, within 15 days after notice of the decision rendered pursuant to paragraph (a), (b), or (c) of this section has been given. A request for review by an applicant shall be filed through the appropriate State agency for transmittal to the Assistant Regional Director for Manpower for the region in which the State is located. A request for review by the State agency shall be filed with the Assistant Regional Director for Manpower and a copy shall be mailed promptly to the applicant at his last known address. When an Assistant Regional Director for Manpower undertakes a review on his own motion he shall promptly so notify by mail, the applicant at his last known address, and the State agency. Upon receipt of a request for review by an applicant or the State agency, or when the Assistant Regional Director for Manpower so requests, the State agency shall forward the entire record to the Assistant Regional Director for Manpower. The decision of the Assistant Regional Director for Manpower shall be rendered within 15 days after receipt of the record from the State agency and notice of such decision shall be mailed promptly to the last known address of the applicant and to the State agency. The decision of the Assistant Regional Director for Manpower shall be final and conclusive.

§ 625.13 Overpayments.

If a State agency finds, after affording an applicant a reasonable opportunity for a fair hearing, that he has been paid disaster unemployment assistance to which he is not entitled, such applicant shall be liable to repay such amount to the State agency. The State agency shall take such measures as it believes appropriate to recover such amount including deductions from any future disaster unemployment assistance payable to such applicant.

§ 625.14 Reports to the Secretary.

In addition to such other reports as may be required by the Secretary, within 60 days after all payments of disaster unemployment assistance as the result of a major disaster in the State have been made the State agency shall submit a report to the Secretary. This report shall contain a narrative summary, a chronological list of significant events, pertinent statistics about the disaster unemployment assistance provided to disaster victims, brief statements of major problems encountered, discussion of lessons learned, and suggestions for improvement of the program during future major disasters.

§ 625.15 Inquiry.

Pursuant to Article IV of the agreement between the several States and the Secretary for the payment of disaster unemployment assistance, the Secretary shall, if there is evidence that a State agency may not have complied or is not complying with the agreement, this regulation, or instructions issued pursuant to this regulation, direct an inquiry to be made to determine the facts and a report thereon to be made to him. Upon receipt of the report the Secretary shall take such action as he deems to be appropriate in the circumstances.

Signed at Washington, D.C., this 7th day of October 1974.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.74-23816 Filed 10-10-74;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

[FRL 277-1]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

ALUMINUM PHOSPHIDE

A petition (FAP 2H2665) was filed by TRW/Hazleton Laboratories, 9200 Leesburg Pike, Vienna, VA 22180, on behalf of Phostoxin Sales, Inc. (formerly Hollywood Termite Control Co.), 2221 Poplar Boulevard, Alhambra, CA 91802, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348), proposing that § 121.281 Aluminum phosphide (21 CFR § 121.281) be revised (1) to permit direct contact, by fumigation, of the formulation containing aluminum phosphide with processed animal feeds and (2) to increase the tolerance for phosphine in or on animal feeds resulting from the fumigation of these feeds with aluminum phosphide from 0.01 to 0.1 part per million. (For a re-

lated document, see this issue of the FEDERAL REGISTER, page 36588.)

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

Having evaluated the data in the petition and other relevant material, it is concluded that:

1. The tolerance for residues of phosphine in or on animal feeds resulting from use of aluminum phosphide should be increased from 0.01 to 0.1 part per million.

2. The restriction in § 121.281 prohibiting direct contact of the formulation containing aluminum phosphide with processed animal feeds should be deleted.

Therefore, pursuant to provisions of the Act (sec. 409(c) (1), (4), 72 Stat. 1786; 21 U.S.C. 348(c) (1), (4)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 121.281 is amended by revising paragraphs (b) and (c) to read as follows:

§ 121.281 Aluminum phosphide.

* * * * *

(b) To assure safe use of the additive, it is used in compliance with label and labeling conforming to that registered with the Environmental Protection Agency. Labeling shall bear a warning to aerate the finished feed for 48 hours before use.

(c) Residues of phosphine in or on animals feeds do not exceed 0.1 part per million.

Any person who will be adversely affected by the foregoing order may on or before November 11, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

Effective date. This order shall become effective on October 11, 1974.

Dated: October 4, 1974.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-23717 Filed 10-10-74;8:45 am]

[FRL 277-5]

PART 121—FOOD ADDITIVES

(2-Chloroethyl)Trimethylammonium Chloride

A petition (FAP 4H5045) was filed by American Cyanamid Co., Post Office Box 400, Princeton, NJ 08540, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348), proposing establishment of a food additive tolerance (21 CFR Part 121) for residues of the plant regulator (2-chloroethyl)trimethylammonium chloride in molasses at 6 parts per million to provide for residues that may occur from use of the plant regulator in a proposed experimental program involving application to the growing crop sugarcane.

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

Having evaluated the data in the petition and other relevant material, it is concluded that:

1. Residues of the plant regulator will result in molasses from carryover and concentration under agricultural uses provided for by an experimental permit under the Federal Insecticide, Fungicide, and Rodenticide Act. (For a related document, see this issue of the FEDERAL REGISTER, page 36637.)

2. The proposed tolerance should be established to coincide with the experimental permit.

Therefore pursuant to provisions of the act (sec. 409(c) (1), (4), 72 Stat. 1786; 21 U.S.C. 348(c) (1), (4)) the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), Part 121 is amended as follows:

1. Section 121.348 is added in Subpart C, to read as follows:

§ 121.348 (2-Chloroethyl)trimethylammonium chloride.

A tolerance of 6 parts per million is established for residues of the plant regulator (2-chloroethyl)trimethylammonium chloride in the sugarcane byproduct molasses intended for animal feed, resulting from application of the plant regulator to the growing crop sugarcane. Such residues may be present therein only as a result of the application of the plant regulator to the growing sugarcane treated under an experimental permit, which expires October 4, 1974, and on which said sugarcane a temporary pesticide tolerance for the plant regulator expiring the same date has been established.

2. Section 121.1264 is added to Subpart D, to read as follows:

§ 121.1264 (2-Chloroethyl)trimethylammonium chloride.

A tolerance of 6 parts per million is established for residues of the plant regulator (2-chloroethyl)trimethylammonium chloride in the sugarcane byproduct molasses, resulting from application of the plant regulator to the growing crop sugarcane. Such residues may be present therein only as a result of the application of the plant regulator to the growing sugarcane treated under an experimental permit, which expires October 4, 1975, and on which said sugarcane a temporary pesticide tolerance for the plant regulator expiring the same date has been established.

Any person who will be adversely affected by the foregoing order may on or before November 11, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

Effective date. This order shall become effective on October 11, 1974.

Dated: October 4, 1974.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-23718 Filed 10-10-74;8:45 am]

Title 24—Housing and Urban Development

CHAPTER III—GOVERNMENT NATIONAL MORTGAGE ASSOCIATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER A—INTRODUCTION

[Docket No. R-74-210]

PART 300—GENERAL

List of Attorneys-in-Fact

Paragraph (c) of § 300.11 is amended by bringing current the list of attorneys-in-fact authorized to act on behalf of the Association.

Notice and public procedure on this amendment are unnecessary and impracticable because of the large volume of legal documents that must be executed on behalf of the Association in connection with its recent auctions of mortgages. Part 300 is amended as follows:

1. Section 300.11(c) is revised to read:

§ 300.11 **Power of attorney.**

* * * * *

(c) The persons appointed attorneys-in-fact by paragraph (a) of this section are:

Federal National Mortgage Association, a Government-sponsored private corporation.

Name	*Region*
Margaret M. Ake	Los Angeles, Calif.
Robert E. Allen	Los Angeles, Calif.
Angelina P. Alleva	Philadelphia, Pa.
Ellen W. Allison	Los Angeles, Calif.
Allan E. Arneson	Los Angeles, Calif.
Edwin A. Arvesen	Dallas, Tex.
Robert P. Atkinson	Chicago, Ill.
Walter T. Ausfeld	Atlanta, Ga.
Irene S. Baggio	Philadelphia, Pa.
Donald N. Bailey	Chicago, Ill.
Frank L. Barczewski	Los Angeles, Calif.
Thomas H. Barker	Los Angeles, Calif.
Al Basinger	Dallas, Tex.
Inman L. Beavers	Atlanta, Ga.
Ida Behling	Chicago, Ill.
Gordon C. Bell	Dallas, Tex.
J. M. Benavides	Dallas, Tex.
Donald E. Berg	Dallas, Tex.
James D. Blank	Chicago, Ill.
Norman Camber	Los Angeles, Calif.
Fred O. Carlton	Dallas, Tex.
Howard S. Carnes	Atlanta, Ga.
Earlene P. Carr	Atlanta, Ga.
Robert A. Chambers	Atlanta, Ga.
Heinrich F. Charles	Los Angeles, Calif.
Russell B. Clifton	Washington, D.C.
Stephen C. Crabb	Dallas, Tex.
Thomas G. Dawson	Dallas, Tex.
John J. Deisher	Dallas, Tex.
John C. Diebel	Chicago, Ill.
Warren O. Dinkins	Dallas, Tex.
Joseph R. Eldred	Philadelphia, Pa.
David J. Evans	Atlanta, Ga.
Ray M. Evans, Jr	Dallas, Tex.
Leon Fine	Philadelphia, Pa.
Donna G. Fleming	Philadelphia, Pa.
Richard E. Flesher	Dallas, Tex.
H. J. Flewharty	Dallas, Tex.
William J. Gerard	Los Angeles, Calif.
Gregory Gianpetro	Chicago, Ill.
Norbert C. Greene	Philadelphia, Pa.
John J. Hagerty	Philadelphia, Pa.
Eugene J. Hansen	Chicago, Ill.
Robert E. Haren	Chicago, Ill.
Charles W. Harvey, Jr	Philadelphia, Pa.
John R. Hayes	Chicago, Ill.
J. W. Hester, Jr	Atlanta, Ga.
Ernestine S. Holland	Los Angeles, Calif.
David G. Hooper	Dallas, Tex.
Elwyn V. Hopkins	Washington, D.C.
George L. Huckabee	Dallas, Tex.
Boyd A. Jackman	Los Angeles, Calif.
Fred J. Jankowski	Chicago, Ill.
Dennis V. Johnson	Dallas, Tex.
Harry E. Johnson	Washington, D.C.
William S. Jones	Atlanta, Ga.
Francine Karling	Chicago, Ill.
Arthurine C. Kent	Los Angeles, Calif.
Michael S. Koch	Chicago, Ill.
Michael Kornecki	Chicago, Ill.
John F. Kurth	Atlanta, Ga.
Louis Lane	Los Angeles, Calif.
Joan Lehning	Chicago, Ill.
Victoria Leyendecker	Dallas, Tex.
R. E. Long	Dallas, Tex.
Oliver J. McCarron	Philadelphia, Pa.
James A. McClellan	Chicago, Ill.
Hugh J. McConville	Dallas, Tex.
Grace G. McKay	Atlanta, Ga.
James L. McKnight	Los Angeles, Calif.
Francis J. Moncey	Chicago, Ill.
Thomas F. Monico	Chicago, Ill.
Russell P. Morrison	Philadelphia, Pa.
Doris A. Morrow	Chicago, Ill.
Howard A. Morton	Chicago, Ill.
James D. Nelson	Dallas, Tex.
Vincent H. Nelson	Atlanta, Ga.
Philip R. Nichols, Jr	Philadelphia, Pa.
Terry S. Nooner	Dallas, Tex.
N. A. Owens	Atlanta, Ga.
Virginia K. O'Rourke	Chicago, Ill.
Thomas W. Page	Dallas, Tex.
Cletus C. Parker	Chicago, Ill.
Michael C. Parker	Dallas, Tex.
Leslie A. Parsons	Atlanta, Ga.
Norman H. Peterson	Los Angeles, Calif.
Robert G. Pike	Atlanta, Ga.
Joseph T. F. Quinn	Philadelphia, Pa.
Norman M. Reid	Los Angeles, Calif.
Edward N. Sambol	Chicago, Ill.
Vern Simmons	Los Angeles, Calif.
Robert L. Smith, Jr	Los Angeles, Calif.
Florence Snukst	Chicago, Ill.
Jose Sotor, Jr	Dallas, Tex.
Richard Stern	Chicago, Ill.
Marvin F. Strattman	Los Angeles, Calif.
T. J. Swanson, Jr	Atlanta, Ga.
Keller D. Thormahlen	Dallas, Tex.
Audrey E. Toliver	Los Angeles, Calif.
Jack Tuggle	Los Angeles, Calif.
Ruth C. Turner	Los Angeles, Calif.
John Valentino	Philadelphia, Pa.
Fred B. Vanderwoude	Dallas, Tex.
Esther O. Walder	Philadelphia, Pa.
Walter B. Williams	Atlanta, Ga.
Loretta A. Wing	Philadelphia, Pa.

Effective date. This amendment shall be effective on October 11, 1974.

DANIEL P. KEARNEY,
President, Government National Mortgage Association.

[FR Doc.E4-23780 Filed 10-10-74;8:45 am]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-379]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	
Florida	Seminole	Altamonte Springs, city of	Oct. 9, 1974. Emergency	Feb. 15, 1974		
Illinois	Cook	Hodgkins, village of	do	Mar. 29, 1974		
Kentucky	Hart	Bonnieville, city of	do	June 28, 1974		
Louisiana	Claiborne	Homer, town of	do	Dec. 28, 1973		
Maryland	Talbot	Easton, town of	do	Aug. 9, 1974		
Missouri	Cooper	Boonville, city of	do	Jan. 23, 1974		
New York	Genesee	Le Roy, village of	do	Mar. 8, 1974		
Do	Nassau	Thomaston, village of	do	June 14, 1974		
Do	Ulster	Esopus, town of	do	May 31, 1974		
Do	Albany	Guilderland, town of	do			
Pennsylvania	Potter	Sweden, township of	do			
Do	Allegheny	Scott, township of	do	Sept. 13, 1974		
Do	Delaware	Lower Chichester, township of	do	May 31, 1974		
Do	Westmoreland	Vandergrift, borough of	do	June 14, 1974		
Texas	Brazoria	Brooksi de Village, city of	do	June 28, 1974		
Do	Harris	Jersey Village, city of	do	Apr. 5, 1974		
Do	Coleman	Coleman, city of	do	Mar. 15, 1974		
Virginia	Tazewell	Tazewell, town of	do	May 17, 1974		
Washington	Skagit	Burlington, city of	do	May 24, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended, 39 FR 2787, Jan. 24, 1974.

Issued: October 2, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-23570 Filed 10-10-74;8:45 am]

[Docket No. FI-380]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	
Illinois	Madison	Highland, city of	Oct. 4, 1974. Emergency	Mar. 8, 1974		
Do	Pike	Pleasant Hill, village of	do	Nov. 16, 1973		
New York	Tompkins	Dryden, town of	do	July 19, 1974		
Pennsylvania	Washington	Charlerol, borough of	do	Jan. 23, 1974		
Do	do	Independence, township of	do	Sept. 6, 1974		
Do	Allegheny	McCandless, township of	do	Sept. 20, 1974		
Texas	El Paso	Anthony, town of	do			
Utah	Garfield	Panguitch, city of	do	June 28, 1974		
Do	Weber	Riverdale, city of	do	do		
Washington	Pierce	Sumner, city of	do	July 26, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended, 39 FR 2787, Jan. 24, 1974.

Issued: October 2, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-23571 Filed 10-10-74;8:45 am]

[T.D. 7328]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

PART 48—MANUFACTURERS AND RETAILERS EXCISE TAXES

Manufacturers Excise Tax on Sporting Goods

By a notice of proposed rule making appearing in the FEDERAL REGISTER for May 15, 1974 (39 FR 17328), amendments to the Manufacturers and Retailers Excise Tax Regulations (26 CFR Part 48) were proposed in order to conform such regulations to the amendments made by section 205(a) of the Excise Tax Reduction Act of 1965 (79 Stat. 240), and section 201 of Pub. L. 92–558 (86 Stat. 1173).

Section 205(a) of the Excise Tax Reduction Act of 1965 repealed all of the manufacturers excise taxes on articles of sporting goods imposed by section 4161 of the Internal Revenue Code of 1954, except the tax imposed on fishing rods, reels, creels, and artificial lures, baits, and flies. Section 201 of Pub. L. 92–558 amended section 4161 of the Code by adding a tax on certain bows and arrows, parts and accessories for bows and arrows, and quivers, effective with respect to sales made on and after July 1, 1974. Subsequently, Pub. L. 93–313 (88 Stat. 238) amended Pub. L. 92–558 so as to postpone the effective date of the tax imposed on bows and arrows, etc., until January 1, 1975. In addition to conforming the regulations under section 4161 to the foregoing statutory amendments, minor clarifying changes have been made to the regulations pertaining to the tax on fishing equipment.

On Wednesday, May 15, 1974, notice of proposed rule making with respect to amendment of the Manufacturers and Retailers Excise Tax Regulations (26 CFR Part 48) under section 4161 of the Internal Revenue Code of 1954, was published. This amendment was proposed in order to conform the regulations under section 4161 of the Code to section 205(a) of the Excise Tax Reduction Act of 1965 (Pub. L. 89–44, 79 Stat. 140), and section 201 of Pub. L. 92–558 (86 Stat. 1173). After taking into consideration all such relevant matter as was presented by interested persons regarding the rules proposed, and the interim amendment of Pub. L. 92–558 by Pub. L. 93–313 (88 Stat. 238) that delayed the effective date of the tax imposed on bows and arrows, etc., to January 1, 1975, the amendment of the regulations as proposed is hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. Paragraph (d) of § 48.4161(a)–2, as set forth in paragraph 2 of the appendix to the notice of proposed rule making, is revised to read as set forth below.

PAR. 2. Paragraph (b)(1) of § 48.4161(b)–2, as set forth in paragraph 2 of the appendix to the notice of proposed rule making, is revised to read as set forth below.

PAR. 3. Section 48.4161–5, as set forth in paragraph 2 of the appendix to the notice of proposed rule making, is revised to read as set forth below.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: October 2, 1974.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

1. The table of contents for Subpart K is amended to read as follows:

Subpart K—Sporting Goods and Firearms

2. Subpart K of Part 48 is amended by deleting §§ 48.4161, 48.4161–1, 48.4161–2, 48.4161–3, 48.4171, 48.4171–1, 48.4171–2, 48.4171–3, 48.4172, 48.4172–1, 48.4173, 48.4173–1 and 48.4173–2 and inserting in lieu thereof the following new sections:

SPORTING GOODS

§ 48.4161(a) Statutory provisions; imposition of tax; rods, creels, etc.

SEC. 4161. *Imposition of tax*—(a) *Rods, creels, etc.*—There is hereby imposed upon the sale of fishing rods, creels, reels, and artificial lures, baits, and flies (including parts or accessories of such articles sold on or in connection therewith, or with the sale thereof) by the manufacturer, producer, or importer a tax equivalent to 10 percent of the price for which so sold.

[Sec. 4161(a) as amended by section 205(a) of the Excise Tax Reduction Act of 1965 (79 Stat. 140), and section 201 of the Act of Oct. 25, 1972 (Public Law 92–558, 86 Stat. 1173)]

§ 48.4161(a)–1 Imposition and rate of tax; fishing equipment.

(a) *Imposition of tax.* Section 4161(a) imposes a tax on the sale of the following articles of fishing equipment (including in each case parts or accessories of such articles sold on or in connection therewith or with the sale thereof) by the manufacturer, producer, or importer thereof:

(1) Fishing rods;

(2) Fishing creels;

(3) Fishing reels; and

(4) Artificial lures, baits, and flies.

The tax applies only to those items of fishing equipment specified in section 4161 (a) and this paragraph. Therefore, other items of fishing equipment, such as fishing nets, lines, hooks, sinkers, gaffs, etc., are not subject to the tax. Furthermore, the tax applies only to those specified articles of fishing equipment that are designed or constructed for use in the sport of fishing. Accordingly, the tax does not apply to those articles which, although nominally articles that are specified in section 4161 (a), are in the nature of toys or novelties that merely simulate articles of a type referred to in section 4161 (a), and are not designed or constructed for practical use in the sport of fishing.

(b) *Rate of tax.* Tax is imposed on the sale of the articles enumerated in section 4161 (a) and paragraph (a) of this section at the rate of 10 percent of the price for which such articles are sold. For the definition of the term "price" see section 4216 and the regulations thereunder.

(c) *Liability for tax*—(1) *In general.* The tax imposed by section 4161(a) is payable by the manufacturer, producer, or importer making the sale.

(2) *Special rules.* A person who collects and sells in kit form all the materials and components necessary for the assembling of an article taxable under section 4161(a) is considered to be the manufacturer of a taxable article, and subject to tax on his sale of the kits. Anyone who supplies to another person the materials, tools, or the tools and materials, necessary for the manufacture of an article taxable under section 4161(a), with the understanding that upon completion the article will be sold to the supplier, is considered to be the manufacturer of the finished article, and not the person who actually fabricated the article.

§ 48.4161(a)–2 Meaning of terms.

(a) *Fishing rods.* The term "fishing rods" includes all articles, however, designated, that are designed or constructed for use in conjunction with a fishing reel for casting a line and hook in the sport of fishing. The term does not include any article that is neither designed for use in casting, nor suitable for such use. A so-called fishing rod "blank" is not considered to be a "fishing rod" unless the blank contains an affixed handle and reel seat, or is sold in the form of a kit that contains a rod blank, a handle, and a reel seat.

(b) *Fishing creels.* The term "fishing creels" includes all portable containers, of whatever material made, that are designed for storing and carrying fish from the time they are caught until such time as they are removed from the container for consumption or preservation. The term does not include any article primarily designed for use in the commercial fishing industry, or an article such as a collapsible wire basket designed to be hung over the side of a boat to keep fish captive and alive in the water.

(c) *Fishing reels.* The term "fishing reels" includes all mechanical and electrical devices that contain a spool for dispensing and recovering fishing line, and are designed for use with fishing rods in casting and in reeling in hooked fish in the sport of fishing. The term also includes reels designed for use with bows, in the sport of bowfishing.

(d) *Artificial lures, baits, and flies.* The term "artificial lures, baits, and flies" includes all artifacts, of whatever materials made, that are designed to be attached to a fishing line or hook to attract fish so that they may be captured. Thus, the term includes such artifacts as imitation flies, blades, spoons, spinners, etc., and edible materials that have been processed so as to resemble a different article considered more attractive to fish, such as bread crumbs treated so as to simulate salmon eggs, and pork rind cut and dried to resemble frogs, eels, or tadpoles.

§ 48.4161(a)–3 Parts and accessories.

(a) *In general.* The tax attaches with respect to parts and accessories for articles specified in section 4161(a) and § 48.4161(a)–1 that are sold on or in connection with such articles, or with the sale thereof, at the same rate applicable to the sale of the basic articles. The tax attaches in such cases whether or not charges for the parts or accessories are billed separately. To be considered a part or accessory for an article specified in section 4161(a), an item must be either essential to the operation of the specified article, or be designed to directly improve the performance of the specified article, or to improve its appearance. For example, a carrying case for a fishing rod is not considered to be a part or accessory for a fishing rod, despite the fact that it is designed for use with the rod, because it is neither essential to the use of the rod, nor does it in any way improve its performance or appearance. A sale of a part or accessory which would otherwise be considered a sale "on or in connection with" the sale of an article taxable under section 4161(a), is not subject to tax if the part or accessory is sold as a replacement for an identical part or accessory being sold with the taxable article.

(b) *Essential equipment.* If taxable articles are sold by the manufacturer, producer, or importer thereof without parts or accessories that are essential for the operation or appearance of such articles, the separate sale of such parts or accessories to the same vendee will be considered, in the absence of evidence to the contrary, to have been made in connection with the sale of the basic article, even though the parts or accessories are shipped separately, at the same time or on a different date.

§ 48.4161(a)–4 Use considered sale.

For provisions relating to the tax on use of taxable articles by the manufacturer, producer, or importer thereof, see section 4218 relating to use by a manufacturer being considered a sale, and the regulations thereunder.

§ 48.4161(a)–5 Tax-free sales.

For provisions relating to the tax-free sales of articles referred to in section 4161(a) see—

(a) Section 4221, relating to certain tax-free sales;

(b) Section 4222, relating to registration;

(c) Section 4223, pertaining to special rules relating to further manufacture; and

(d) Section 4225, relating to exemption of articles manufactured or produced by Indians;

and the regulations thereunder.

§ 48.4161(b) Statutory provisions; imposition of tax; bows and arrows, etc.

SEC. 4161. *Imposition of tax*—(a) * * *

(b) *Bows and arrows, etc.*—

(1) *Bows and arrows.*—There is hereby imposed upon the sale by the manufacturer, producer, or importer—

(A) Of any bow which has a draw weight of 10 pounds or more, and

(B) Of any arrow which measures 18 inches overall or more in length,

a tax equivalent to 11 percent of the price for which so sold.

(2) *Parts and accessories.*—There is hereby imposed upon the sale by the manufacturer, producer, or importer—

(A) Of any part or accessory (other than a fishing reel) suitable for inclusion in or attachment to a bow or arrow described in paragraph (1), and

(B) Of any quiver suitable for use with arrows described in paragraph (1),

a tax equivalent to 11 percent of the price for which so sold.

[Sec. 4161(b) as added by section 201 of the Act of Oct. 25, 1972 (Public Law 92–558, 86 Stat. 1173)]

§ 48.4161(b)–1 Imposition and rates of tax; bows and arrows.

(a) *Imposition of tax.* Section 4161(b) imposes a tax on the sale of the following articles by the manufacturer, producer, or importer thereof:

(1) Any bow that has a draw weight of 10 pounds or more;

(2) Any arrow that measures 18 inches overall or more in length;

(3) Any part or accessory (other than a fishing reel) suitable for inclusion in or attachment to a bow or arrow described in subparagraph (1) or (2) of this paragraph; and

(4) Any quiver suitable for use with arrows described in subparagraph (2) of this paragraph.

(b) *Rate of tax.* The tax is imposed on the sale of articles enumerated in section 4161(b) and paragraph (a) of this section at the rate of 11 percent of the price for which such articles are sold. For the definition of the term "price", see section 4216 and the regulations thereunder.

(c) *Liability for tax*—(1) *In general.* The tax imposed by section 4161(b) is payable by the manufacturer, producer, or importer making the sale.

(2) *Special rules.* A person who collects and sells in kit form all the materials and components necessary for the assembling of an article taxable under section 4161(b) is considered to be the manufacturer of a taxable article, and subject to tax on his sale of the kits. Anyone who supplies another person with the materials, tools, or the tools and materials, necessary for the manufacture of an article taxable under section 4161(b), with the understanding that upon completion the article will be sold to the supplier, is considered to be the manufacturer of the finished article, and not the person who actually fabricated the article.

§ 48.4161(b)–2 Meaning of terms.

(a) For purposes of the tax imposed by section 4161(b), and unless otherwise expressly indicated:

(1) *Bows.* The term "bows" includes all articles made of flexible materials, that are designed to be equipped with a string and used for the propelling of arrows in the sport of archery (target shooting), or in hunting or fishing.

(2) *Arrows.* The term "arrows" includes all articles designed or constructed to be propelled by a bow in the sport of archery (target shooting), or in hunting or fishing. The overall length of an arrow is to be measured from the point of the tip or arrow-head to the end of the arrow nock. In the case of arrows sold by the manufacturer without heads, tips, or nocks, the overall length is to include the length of the shaft plus the length of the nock and head or tip that is normally used with the particular type of arrow shaft.

(b) *Parts and accessories*—(1) *In general.* "Parts and accessories" for bows and arrows include all articles (other than fishing reels) suitable for inclusion in, or attachment to, a bow or arrow of the type described in section 4161(b)(1) and paragraph (a) of this section. Examples of parts and accessories for bows are bow handles, bow limbs, bow strings, bow string silencers, bow stabilizers, arrow rests, bow slings, bow sights, bow levels, bow tip protectors, brush buttons, camouflaged bow covers, and all other articles designed to be attached to or included in a bow to assist in aiming or propelling an arrow, or to protect the bow while in use. Example of parts and accessories for arrows are arrow shafts, nocks, tips, heads, head adapters, and feathers.

(2) *General purpose materials and articles.* General purpose materials, and articles that are not specifically designed to directly improve the performance or appearance of bows or arrows, or to protect them while in use, are not considered to be "parts and accessories" for bows or arrows, even though such materials may be intended, after further processing, to be included in or attached to bows or arrows. An example of a nontaxable article that is designed for use with a bow, but is neither attached to a bow, nor serves a purpose directly related to the efficient use of a bow, is a carrying case for a bow. Examples of nontaxable general purpose materials or articles are glues and cements, feathers before they are prepared for use with arrows, and bowstring thread before it is processed into bowstrings. Arrow-shaft material is considered to be a taxable part for an arrow, unless the manufacturer, producer,

or importer can establish that the particular material is unsuitable for use in the manufacture of arrows that are subject to the tax imposed by section 4161(b)(1)(B). In addition, the term "parts and accessories" does not include articles in the nature of expendable supplies, even though such articles are designed to be applied to, or used with, bows or arrows. Examples of such supply materials are bowstring wax, and archery powder.

(c) *Quivers.* The term "quivers" includes all articles, of whatever material made, that are designed to contain, and to provide ready access to, taxable arrows during the time an archer is engaged in target shooting, hunting, or fishing. The term does not include any article designed solely for storing or transporting arrows during times when the arrows are not in use.

§ 48.4161(b)–3 Use considered sale.

For provisions relating to the tax on use of taxable articles by the manufacturer, producer, or importer thereof, see section 4218 relating to use by a manufacturer considered a sale, and the regulations thereunder.

§ 48.4161(b)–4 Tax-free sales.

For provisions relating to tax-free sales of articles referred to in section 4161(b) see—

(a) Section 4221, relating to certain tax-free sales;

(b) Section 4222, relating to registration;

(c) Section 4223, pertaining to special rules relating to further manufacture; and

(d) Section 4225, relating to exemption of articles manufactured or produced by Indians;

and the regulations thereunder.

§ 48.4161(b)–5 Effective date.

The taxes imposed by section 4161(b) are effective with respect to sales made on and after January 1, 1975.

[FR Doc.74-23825 Filed 10-10-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 276-8]

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

Aluminum Phosphide

A petition (PP 2F1184) was filed by TRW/Hazleton Laboratories, 9200 Leesburg Pike, Vienna, VA 22180, on behalf of Phostoxin Sales, Inc. (formerly Hollywood Termite Control Co.), 2221 Poplar Boulevard, Alhambra, CA 91802, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing that § 180.225 Aluminum phosphide; tolerances for residues be revised to provide for the fumigation of all nonperishable raw agricultural commodities by establishing a tolerance for residues of phosphine at 0.1 part per million from use of aluminum phosphide.

Subsequently, the petitioner amended the petition by specifically listing the raw agricultural commodities involved in the proposed use to read as follows: almonds, Brazil nuts, cashews, cocoa beans, coffee beans, cottonseed, dates, filberts, pecans, pistachio nuts, popcorn, soybeans, and walnuts. (For a related document, see this issue of the FEDERAL REGISTER, page 36582.)

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

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

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

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

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.225 is revised to read as follows:

§ 180.225 Aluminum phosphide; tolerances for residues.

Tolerances are established for residues of the fumigant phosphine at 0.1 part per million in or on the following raw agricultural commodities from postharvest treatment with aluminum phosphide: almonds, barley, Brazil nuts, cashews, cocoa beans, coffee beans, corn, cottonseed, dates, filberts, millet, oats, peanuts, pecans, pistachio nuts, popcorn, rice, rye, sorghum, soybeans, sunflower seed, walnuts, and wheat.

Any person who will be adversely affected by the foregoing order may on or before November 11, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

Effective date. This order shall become effective October 11, 1974.

Dated: October 4, 1974.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-23716 Filed 10-10-74;8:45 am]

[FRL 276-6]

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

Captafol

In response to a petition (PP 4E1480) submitted by Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, NJ 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of Hawaii, a notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of August 15, 1974 (39 FR 29383), proposing establishment of a tolerance for residues of the fungicide captafol (*cis-N*-[(1,1,2,2-tetrachloroethyl)thio]-4-cyclohexene-1,2-dicarboximide) in or on the raw agricultural commodity taro (corm) at 0.02 part per million. No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

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

Section 180.267 is amended by adding a new paragraph to the end of the section, as follows:

§ 180.267 Captafol; tolerances for residues.

* * * * *

0.02 part per million in or on taro (corm).

Any person who will be adversely affected by the foregoing order may on or before November 11, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

Effective date. This order shall become effective on October 11, 1974.

Dated: October 4, 1974.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-23714 Filed 10-10-74;8:45 am]

[FRL 276-7]

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

Polyoxyethylated Primary Fatty Amine; Exemption From Tolerance

In response to a petition (PP 3E1352) submitted by ICI America, Inc., Wilmington, DE 19899, a notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of August 15, 1974 (39 FR 29383), proposing establishment of an exemption from the requirement of a tolerance for residues of polyoxyethylated primary amine (C_{14}–C_{18}) where the fatty amine is derived from an animal source and contains 3 percent water; the poly(oxyethylene) content averages 20 moles; when used as a surfactant in accordance with good agricultural practice as an inert (or occasionally active) ingredient in pesticide formulations applied to growing crops only, as follows: (a) prior to actual planting of the crop or (b) as a directed spray around the base of citrus, pome fruits, stone fruits, small fruit and berries, tropical fruits with inedible peel, tree nut crops, leafy beverage crops and seed beverage crops. No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.1001 is amended by alphabetically inserting a new item in the table in paragraph (d) as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * * *

(d) * * *

Inert ingredients	Limits	Uses
* *	* *	*
Polyoxyethylated primary amine (C_{14}–C_{18}); the fatty amine is derived from an animal source and contains 3 percent water; the poly(oxyethylene) content averages 20 moles.	Applied prior to planting of any crop, or as a directed spray around the base of citrus, pome fruit, stone fruit, small fruit and berries, tropical fruits with inedible peel, tree nut crops, leafy beverage crops, and seed beverage crops.	Surfactant.
* *	* *	*

Any person who will be adversely affected by the foregoing order may on or before November 11, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

Effective date. This order shall become effective on October 11, 1974.

Dated: October 4, 1974.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-27315 Filed 10-10-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

Authorization to Prime Contractors and Term Contracts

This change to the General Services Procurement Regulations (GSPR) deletes §§ 5A-5.902 and 5A-5.970 since the material contained in FPR 1-5.9 adequately covers this subject. In addition, procedures for distribution of term contract documents are updated.

PART 5A-5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

The table of contents for Part 5A-5 is amended to delete Subpart 5A-5.9.

Subpart 5A-5.9—Use of GSA Supply Sources by Prime Contractors in Performing Cost-Reimbursements Type Contracts

Subpart 5A-5.9 is deleted.

PART 5A-16—PROCUREMENT FORMS

Subpart 5A-16.9—Illustrations of Forms

Section 5A-16.950-1584-1 is amended.

§ 5A-16.950-1584-1 Instruction on completing GSA Form 1584, Contract Summary.

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

PART 5A-72—REGULAR PURCHASE PROGRAMS OTHER THAN FEDERAL SUPPLY SCHEDULE

Subpart 5A-72.1—Procurement of Stock Items

Section 5A-72.105-23 is amended as follows:

§ 5A-72.105-23 Preparation and distribution of contractual information.

(a) Term contracts. * * *

(3) To provide advance information, one copy of each solicitation for offers involving national or zonal requirements type contracts for stock items shall be forwarded to the Director, National Item Management Division, ATTN: FXN, at the time distribution is made to prospective bidders.

(4) After award of national or zonal requirements type contracts, GSA Form 1584 shall be distributed without delay in accordance with § 5A-76.201. Where distribution cannot be performed within 5 working days after award, an advance copy shall be prepared and immediately forwarded to the ADO National Maintenance Center (10 FXN). (This advance copy may be legibly handwritten or typed.) If changes are necessary after mailing the advance copy, the ADO Center shall be immediately notified and, if appropriate, a revised copy shall be forwarded.

(5) When it is apparent that the award of a contract will be delayed, a written notification shall be furnished to FXN, with a copy to FPX, at least 20 days before the contract expiration date. The notification shall indicate the approximate date contract award data will be furnished and what action should be taken with respect to purchasing interim requirements (see § 5A-72.105-29). Subsequently, when these awards are made, the contracting activity shall, in addition to normal distribution of award information, promptly notify (by TWX, if appropriate) all ordering activities, FXN and FPX, that the contract award has been made.

(6) To facilitate dissemination of contract information, regional buying activities should summarize their local term contracts on GSA Form 1584.

(b) * * *

(5) Any formal modification to an existing definite quantity contract shall have the following minimum identifying information:

(i) The FSC (Federal Supply Classification); and

(ii) The identifying regional purchase order number.

PART 5A-76—EXHIBITS

Subpart 5A-76.2—Distribution of Documents

Section 5A-76.201 is revised.

§ 5A-76.201 Distribution of documents by contracting office—overseas supply support program.

NOTE: Copies of the exhibits illustrated in this Part 5A-76 are filed with the original document.

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

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

Dated: September 25, 1974.

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

[FR Doc.74-23758 Filed 10-10-74;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

MEDICAL ASSISTANCE PROGRAMS

Cost Sharing; Long-Term Care Facility Inspectors

Pub. L. 93–368, approved August 7, 1974, requires the following changes in the regulations for the medical assistance program administered under title XIX, Social Security Act (Medicaid):

1. Section 9 of Pub. L. 93–368 makes the payment of a premium, enrollment fee or similar charge by the medically needy optional with States rather than mandatory.

2. Section 8 of Pub. L. 93–368 extends through June 30, 1977, the availability of 100 percent Federal financial participation for compensation and training costs of long-term care facility inspectors.

The amendments to the regulations set forth below implement these provisions. Notice of proposed rule making has been dispensed with since the amendments merely reflect the statutory provisions and proposed rule making procedures would unnecessarily delay States in taking appropriate action.

Chapter II, Title 45, Code of Federal Regulations, is amended as follows:

PART 248—COVERAGE AND CONDITIONS OF ELIGIBILITY FOR MEDICAL ASSISTANCE

§§ 248.3, 248.21 [Amended]

1. In §§ 248.3(b)(5), 248.3(c)(2) (i) and (ii), and 248.21(a)(3)(ii)(A) and (B), the references to "the" enrollment fee, premium or similar charge are changed to "any" enrollment fee, premium or similar charge.

PART 249—SERVICES AND PAYMENT IN MEDICAL ASSISTANCE PROGRAMS

2. In § 249.40, paragraphs (a)(2) and (b) are revised to read as follows:

§ 249.40 Cost sharing and similar charges.

(a) *State plan requirements.* A State plan for medical assistance under title XIX of the Social Security Act must:

(1) With respect to the categorically needy, provide that no enrollment fee, premium, or similar charge will be imposed with respect to services available under the plan, and no deduction, cost sharing or similar charge will be imposed with respect to the care and services listed in clauses (1) through (5) and (7) of section 1905(a) of the Act.

(2) If an enrollment fee, premium, or similar charge is imposed on the medically needy, specify the amount of and the period of liability for such charges, and define the State's policy regarding the effect on the recipient of non-payment of required charges. Any such amount shall be related to total gross income of each family as follows:

(i) A minimum charge equivalent to $1.00 per month shall be imposed on each 1 or 2 person family with monthly gross income of $150 or less, on each 3 or 4 person family with monthly gross income of $300 or less, and on each family of 5 or more persons with monthly gross income of $350 or less. An appropriately higher charge shall be imposed on each family with higher income.

(ii) Income-related charges above the minimum shall not exceed amounts equivalent to the monthly charges found in the following table:

Gross family income (per month)	Maximum monthly charge		
	Family size		
	1 or 2	3 or 4	5 or more
$150 or less	$1	$1	$1
$151 to $200	2	1	1
$201 to $250	3	1	1
$251 to $300	4	1	1
$301 to $350	5	2	1
$351 to $400	6	3	2
$401 to $450	7	4	3
$451 to $500	8	5	4
$501 to $550	9	6	5
$551 to $600	10	7	6
$601 to $650	11	8	7
$651 to $700	12	9	8
$701 to $750	13	10	9
$751 to $800	14	11	12
$801 to $850	15	12	10
$851 to $900	16	13	11
$901 to $950	17	14	13
$951 to $1,000	18	15	14
More than $1,000	19	16	15

* * * * *

(b) *Federal financial participation.* Federal financial participation at the appropriate rate in the expenditures for medical services and care provided in accordance with the approved State plan is available to the extent that such expenditures (1) do not include any amounts which should have been paid as deductibles, coinsurance, co-payments or similar charges required by the State plan (except for amounts paid as bad debts of providers reimbursed under reasonable cost reimbursement standards and principles described in 20 CFR 405.402–405.454, in accordance with § 250.30 of this chapter); (2) have been reduced by the amount for premiums, enrollment fees, or similar charges collected or due to be collected as provided by this section where the State plan provides for the imposition of such charges; and (3) do not include any amounts paid on behalf of ineligible individuals, whether or not the individual had paid any required premium or enrollment fee.

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

§ 250.120 [Amended]

3. In § 250.120(d), the date "June 30, 1974" is changed to "June 30, 1977".

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

Effective Date: These regulations shall be effective January 1, 1973, except that the change in § 250.120(d) is effective July 1, 1974. (Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program.)

Dated: September 26, 1974.

JAMES S. DWIGHT JR.,
Administrator, Social and Rehabilitation Service.

Approved: October 7, 1974.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.74-23792 Filed 10-10-74;8:45 am]

Title 47—Telecommunications

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19942; FCC 74-1021]

PART 78—CABLE TELEVISION RELAY SERVICES

Interference to Space Radiocommunications Services

Correction

In FR Doc. 74-23263, appearing on page 36014 of the issue of Monday, October 7, 1974, make the following corrections:

1. On page 36014, in § 78.101, insert five asterisks below the section heading.

2. On page 36014, in § 78.105, the footnote reference at the end of paragraph (c) should be changed from "2", to "1".

proposed rules

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 971]

LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Proposed Limitation of Handling

This proposal, designed to promote the orderly marketing of lettuce grown in the Lower Rio Grande Valley in South Texas, would impose pack, container and inspection requirements to standardize the pack of lettuce to be shipped to consumers.

Consideration is being given to the issuance of a handling regulation, hereinafter set forth, which was unanimously recommended by the South Texas Lettuce Committee. The committee has been established pursuant to Marketing Agreement No. 144 and Marketing Order No. 971 (7 CFR Part 971) which regulate the handling of lettuce grown in the Lower Rio Grande Valley in South Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

This proposal is in accord with the committee's recommendations and marketing policy and reflects its appraisal of the 1974–75 crop of lettuce in the Lower Valley and marketing prospects for the season.

The South Texas lettuce industry as well as other lettuce shipping areas are accustomed to operating on a six day shipping week. The experience has been that a six day shipping week is adequate for five days distribution in terminal markets. Therefore, proposed "packaging holidays" on Sundays and Christmas Day would promote more orderly marketing.

The proposed pack and container requirements are in accord with the generally accepted commercial practices of the South Texas lettuce industry of packing specified numbers of heads of lettuce in specific sized containers limited to those found acceptable to the trade for safe transportation of the lettuce, and will prevent deceptive practices.

No purpose would be served by regulating the pack or requiring the inspection and assessment of insignificant quantities of lettuce. Therefore quantities up to two cartons of lettuce per day would be exempt from such requirements.

Proposed provisions with respect to special purpose shipments, including export, are designed to meet the different requirements for other than commercial channels of domestic trade. Because of the production area's proximity to the Mexican border, Mexican buyers have been accustomed to acquiring small lots of production area lettuce for their home market. These buyers can utilize lettuce which fails to meet the pack and container regulations. Inasmuch as such shipments have a negligible effect on the domestic market, they should be permitted provided certain safeguard requirements are met.

All persons who desire to submit written data, views, or arguments in connection with these proposals shall file the same in duplicate with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than October 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 proposal is as follows:

§ 971.315 **Handling regulations.**

During the period November 25, 1974, through March 31, 1975, no person shall handle any lot of lettuce grown in the production area unless such lettuce meets the requirements of paragraphs (a), (b), (c), and (d) of this section, or unless such lettuce is handled in accordance with paragraphs (e) or (f) of this section. Further, no person may package lettuce during the above period on any Sunday or on Christmas Day.

(a) [Reserved]

(b) *Pack.* (1) Lettuce heads, packed in container Nos. 7303, 7306, or 7313, if wrapped may be packed only 18, 20, 22, 24, or 30 heads per container; if not wrapped, only 18, 24, or 30 heads per container.

(2) Lettuce heads in container No. 85–40 may be packed only 24 or 30 heads per container.

(c) *Containers.* Containers may be only the following depth, width and length respectively;

(1) Cartons with inside dimensions of 10 inches x 14¼ inches x 21$^{5}/_{16}$ inches (designated as carrier container No. 7303), or

(2) Cartons with inside dimensions of 9¾ inches x 14 inches x 21 inches (designated as carrier container No. 7306), or

(3) Cartons with inside dimensions of 14 inches x 9¾ inches by 21 inches (designated as carrier container No. 7313), or

(4) Cartons with inside dimensions of 10¾ inches x 16⅛ inches x 21½ inches (designated as carrier container No. 85–40—flat pack).

(d) *Inspection.* (1) No handler shall handle lettuce unless such lettuce is inspected by the Texas-Federal Inspection Service and an appropriate inspection certificate has been issued with respect thereto, except when relieved of such requirement pursuant to paragraphs (e) or (f) of this section.

(2) No handler may transport, or cause the transportation of, any shipment of lettuce by motor vehicle for which inspection is required unless each such shipment is accompanied by a copy of an appropriate inspection certificate or shipment release form (SPI–23) furnished by the inspection service verifying that such shipment meets the current grade, pack and container requirements of this section. A copy of such inspection certificate or shipment release form shall be available and surrendered upon request to authorities designated by the committee.

(3) For administration of this part, such inspection certificate or shipment release form required by the committee as evidence of inspection is valid for only 72 hours following completion of inspection, as shown on such certificate or form.

(e) *Minimum quantity.* Any person may handle up to, but not to exceed two cartons of lettuce a day without regard to inspection, assessment, grade, and pack requirements. This exception may not be applied to any shipment of over two cartons of lettuce.

(f) *Special purpose shipments.* The pack, container, and inspection requirements of this section shall not be applicable to shipments as follows:

(1) For relief, charity, experimental purposes, or export to Mexico, if, prior to handling, the handler pursuant to §§ 971.120–971.125 obtains a Certificate of Privilege applicable thereto and reports thereon; and

(2) For export to Mexico, if the handler of such lettuce loads and transports it only in a vehicle bearing Mexican registration (license).

(g) *Definitions.* (1) "Wrapped" heads of lettuce refers to those which are enclosed individually in parchment, plastic, or other commercial film and then packed in cartons or other containers.

(2) Other terms used in this section have the same meaning as when used in Marketing Agreement No. 144 and this part.

Dated: October 7, 1974.

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

[FR Doc.74-23769 Filed 10-10-74;8:45 am]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 570]

STUDENT LEARNERS

Employment in Logging Occupations

Pursuant to authority in section 3(1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 203) and Reorganization Plan No. 2 of 1946 (3 CFR 1943–48 Comp., p. 1064), and in accordance with Subpart D of Part 570 of Title 29 of the Code of Federal Regulations it is proposed to amend § 570.54 to exempt from its restrictions the employment of student learners in "all occupations in logging," as that phrase is defined in § 570.54(b) (1).

Interested persons may submit written data, views, or arguments concerning this proposal to the Administrator, Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210, on or before November 11, 1974.

The proposed new § 570.54(c) reads as follows:

§ 570.54 Logging occupations and occupations in the operation of any sawmill, lath mill, shingle mill, or cooperage stock mill (Order 4).

• • • • •

(c) *Exemption.* This section shall not apply to the employment of student learners in all occupations in logging under the conditions prescribed in § 570.50(c).

Signed at Washington, D.C., this 7th day of October 1974.

BETTY SOUTHARD MURPHY,
Administrator, Wage and Hour Division.

[FR Doc.74-23772 Filed 10-10-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 103]

RESEARCH PROJECTS IN VOCATIONAL EDUCATION

Additional Criteria for Selection of Applicants for Fiscal Year 1975

Pursuant to the authority contained in section 131(a) of Part C of the Vocational Education Act of 1963, as amended (20 U.S.C. 1281(a)), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Part 103 of Title 45 of the Code of Federal Regulations, revising Appendix B to read as set forth below. The proposed and revised Appendix B would contain additional criteria for selection of applications under the program of support for Research Projects in Vocational Education for Fiscal Year 1975.

1. *Program purpose.* Section 131(a) of Part C of the Vocational Education Act of 1963, as amended (20 U.S.C. 1281(a)), provides for federally administered grants or contracts for Research Projects in Vocational Education. The purposes of these research projects are: (a) to produce information designed to improve vocational education, and (b) to produce products that are designed to improve and extend existing vocational education practices. The projects are conducted under grants or contracts awarded by the Commissioner of Education, in accordance with the provisions of Part C of the Act and the applicable Federal regulations (45 CFR Part 103). Eligible applicants may include local educational agencies, State boards for vocational education, and public and private agencies, institutions or organizations.

2. *Regulations and criteria.* Regulations relating to the administration of the research projects program under Part C of the Vocational Education Act of 1963 are contained in 45 CFR Part 103. (See particularly 45 CFR 103.11–15.) Regulations published in FEDERAL REGISTER, Volume 38, No. 213 on November 6, 1973, relate to general fiscal and administrative provisions for all Office of Education programs. These general regulations contain general criteria for the review of applications under Office of Education project type programs (45 CFR 100a.26). These regulations will also be applicable to the program under Part C of the Act.

3. *Additional criteria.* In addition to the criteria for review of applications already published in the FEDERAL REGISTER, as described above, it is proposed that the additional criteria set forth in the proposed revision to Appendix B of the regulations in 45 CFR Part 103 will be applicable in connection with the review of applications for new projects to be awarded in Fiscal Year 1975.

4. *Written comments.* Interested persons are invited to submit written comments, suggestions, or objections regarding such proposed additional criteria to the Division of Research and Demonstration, U.S. Office of Education, 7th and D Streets, SW., Room 5002–ROB–3, Washington, D.C. 20202. Comments received in response to this notice will be available for public inspection at the above office on Mondays through Fridays between 8:30 a.m. and 4 p.m. All relevant material must be received not later than November 11, 1974.

(Catalog of Federal Domestic Assistance Program Number 13.498; Vocational Education—Research)

Dated: August 8, 1974.

DUANE J. MATTHEIS,
Acting Commissioner of Education.

Approved: September 26, 1974.

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

APPENDIX B

RESEARCH PROJECTS IN VOCATIONAL EDUCATION—ADDITIONAL CRITERIA FOR THE FISCAL YEAR 1975

In granting of awards from funds available for the program, the Commissioner will give priority to applications which rank high on the basis of the criteria in 45 CFR 100a.26(b) which propose projects in one or more of the priority areas described below. In addition, the Commissioner will give special consideration to programs or projects of national, regional, or interstate significance in the priority areas described below. The results of these projects should improve and extend existing federally supported vocational education programs.

(A) *Administration of Vocational Education at the State Level.* (1) The administrative capability of utilizing information to make decisions about educational programs, short- and long-range, needs to be improved in order to maximize the attainment of vocational education goals. The administrative capability to utilize student supply, manpower demand, cost analysis, student placement and follow-up services, and evaluation information needs to be improved. Administrators need better information to facilitate the improved articulation of vocational, occupational, manpower, and adult education programs across and within various educational programs administered or supported at the State level.

(2) The Commissioner is authorized to support applied studies and development projects that build on existing knowledge to design, develop, and field test comprehensive educational management and information systems that are results-oriented for vocational education at the State level. Projects may focus on one or more of the following activities:

(i) The design of a comprehensive educational management and information system for vocational education or one or more components;

(ii) The development of a comprehensive educational management and information system or one or more of the components;

(iii) The field testing of a comprehensive educational management and information system or one or more of the components.

(B) *Administration of Vocational Education at the Local Level.* (1) To expand vocational education to ensure articulated programs; to improve coordination and cooperation with business, industry, and community organizations; to initiate new programs in emerging occupational areas; to utilize student needs data; to utilize manpower information; and to utilize cost-benefit and similar data require improved needs assessment, planning, and management techniques and skills at the local educational level.

(2) The Commissioner has authority to support applied studies and development projects that address one or more of the following:

(i) The development of alternative administrative strategies for the maximizing of educational program goals of vocational education while utilizing varying levels of resource allocations;

(ii) the design, development, and field testing of a comprehensive educational management and information system or components of such a system at the local level for vocational education which is based on a needs assessment and existing technology;

(iii) based on a needs assessment, the development and field testing of inservice training materials for vocational education administrators along with user guides in order to ensure the transportability of the materials.

(C) *Comprehensive Systems of Guidance, Counseling, Placement, and Follow-Through Services.* (1) Comprehensive systems of guidance, counseling, placement and follow-through services for all youth—both in and out of school—and adults have become increasingly important at the elementary, secondary, and post-secondary levels. The need

to articulate such systems with business, industry, other service agencies, and manpower information systems is evident as is the need to ensure such services for minorities and for all youth without sex discrimination.

(2) The Commissioner is authorized to support development projects that address all of the following:

(i) Conceptualization, design, and development of comprehensive systems of guidance, counseling, placement, and follow-through services for all youth and adults at the elementary, secondary, and post-secondary levels;

(ii) utilization of existing tested materials and procedures for implementing and field testing a comprehensive system;

(iii) development of materials for training educational personnel to operate a comprehensive system; and

(iv) development of user guides which help to ensure the transportability of the comprehensive system.

(3) The Commissioner is authorized to support applied studies which produce information concerning (i) career planning and assessing student capabilities for selected populations, (ii) evaluation of intended and unanticipated effects of components of existing systems of guidance, counseling, placement and student follow-through systems, and determining cost and cost-benefits of components of a comprehensive system of guidance, counseling, placement and follow-through services.

(D) *Educational Personnel Serving the Educationally Disadvantaged, Handicapped, and Minorities.* (1) Educational personnel who administer programs, teach, and who serve the educationally disadvantaged, handicapped, and minority populations, need special motivational awareness, and instructional and service-oriented skills in order to assist both young men and women to succeed in vocational awareness, exploration, and preparation programs of their choice, and in their career progression.

(2) The Commissioner is authorized to support applied studies and development projects which produce information, models, and pre- and in-service training materials. These projects should:

(i) Create an awareness on the part of vocational educators and employers of the capabilities of the target populations;

(ii) improve the motivation, instructional, and service skills of vocational educators to improve learning opportunities for the target populations;

(iii) utilize knowledge gained from such groups or organizations such as AMIDS, COP, Teacher Corps, Urban and Rural Programs, and as stipulated in Part F of EPDA; and

(iv) assist in attracting and qualifying persons from all ethnic backgrounds to be involved in vocational education.

(E) *Curriculum, Demonstration, and Installation Studies.* (1) More information is needed regarding: (i) the required curriculum and instructional material for vocational education in open entry-exit situations; (ii) the initiating and implementing of demonstration and innovative activities in vocational education at the local level within a framework that allows for the transportability of the activities; and (iii) the methods of installing tested and demonstrated innovations in other educational settings.

(2) The Commissioner is authorized to support applied studies (Curriculum development, demonstrations, or installation projects are not encouraged) to produce information about one or more of the following concerns:

(i) The required types of curricula and instructional materials that are needed for vocational education in open entry-exit situations;

(ii) the necessary information, organizational requirements, and administrative arrangements to initiate and operate demonstration activities in order that the innovation will remain when outside sources of funds are no longer available; also, what is required to enable other user groups to understand the nature and effectiveness of the demonstration activity; and

(iii) the information needed regarding successful administrative techniques and other information necessary in installing tested demonstrations in other educational settings.

(20 U.S.C. 1248, 1281–1284)

(F) *Applications.* In order to assure that applications do not duplicate projects already undertaken in the state, the applicants shall send a copy of the application to the State Director of Vocational Education and notify the Commissioner of Education of this action. The State Director should advise the Commissioner of Education of applications considered to be a duplication of other projects in the state.

(20 U.S.C. 1283(a))

(G) Application Review Criteria. Criteria will be utilized by the Federal and non-Federal reviewers in reviewing formally transmitted applications in Fiscal Year 1975. These criteria are consistent with § 100a.26, Review of Applications, in the Office of Education's General Provisions for Programs, Volume 38, Number 213, Part III, of November 6, 1973. Segments or a segment of the application must address each criterion area. Each criterion is weighted and includes the maximum score that can be given to a segment of an application in relation to the criteria. The criteria and maximum weights for each criterion are as follows:

Criteria	Maximum score
(1) *Priority Area*—Application is focused on an announced priority area(s), and further delineates the priority area	15
(2) *Need and Problem*—Application clearly defines the need for the project and delineates the problem rather than symptoms of the problem	15
(3) *Objectives*—The objectives of the proposed project are sharply defined, clearly stated, capable of being attained by the proposed procedures, and capable of being measured	15
(4) *Plan*—The application clearly describes the general design for the proposed project. The procedures specify in detail how each objective will be accomplished, and an adequate project management plan is available. If appropriate, inservice training, evaluation procedures, and dissemination plans are included	20
(5) *Results*—The proposed results or end products are identified and described in terms of transportability to other educational projects or programs	10
(6) *Personnel*—The qualifications and experience of personnel are appropriate for the proposed project	10
(7) *Institutional Commitment*—The application shows reasonable evidence of commitment to provide adequate facilities and equipment, and the application provides documented assurance of support from cooperating institutions and agencies when necessary for project success	5
(8) *Budget*—The estimated cost is reasonable in relation to anticipated results, and the size, scope, and duration of the project are reasonable	10

[FR Doc.74-23789 Filed 10-10-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Ch. I]

AIRWORTHINESS REVIEW PROGRAM

Relationship of Certain Proposals to Other FAA Rulemaking Proposals

The purpose of this notice is to inform interested persons that a number of proposals contained in the Compilation of Proposals, dated May 29, 1974, have been removed from consideration during the 1974–75 Airworthiness Review Program because their substance is being, or has been considered in other rulemaking actions. Notice 74–5A (39 FR 18662; May 29, 1974) indicated that proposals might be removed from consideration for this reason.

The proposals removed, the sections of the Federal Aviation Regulations to which they relate, and the FAA rulemaking actions to which they relate are as follows:

(1) *Special certificates.* Notice of proposed rulemaking; Notice No. 74–29 (39 FR 29189; August 14, 1974). This notice proposed to limit the issuance of experimental certificates to aircraft engaged in genuine experimental operations, except for certain amateur-built aircraft.

Proposals removed. No. 35 (§ 21.191); No. 498 (§ 91.42).

2. *Type A passenger emergency exit capacity.* Advance notice of proposed rulemaking; Notice No. 74–19 (39 FR 16900; May 10, 1974). This notice proposed to revise the passenger seating configuration limit that is applicable to Type A Exits on transport category airplanes.

Proposal removed. No. 245 (§ 25.807).

3. *Crashworthiness for small airplanes.* Notice of proposed rulemaking; Notice No. 73–1 (38 FR 2985; January 31, 1973). This notice proposed, for small civil airplanes, that shoulder harnesses be installed and that cabin and flight crew compartment interiors be designed to protect occupants from injury caused by contact with interior objects.

Proposals removed. No. 95 (§ 23.785); No. 125 (§ 23.1413); No. 483 (Part 91).

4. *Aircraft and aircraft engines.* Notice of proposed rulemaking; Notice No. 71–12 (36 FR 8383; May 5, 1971). This notice proposed to change the procedural requirements relating to aircraft and aircraft engine certifications, and to update and improve the airworthiness standards applicable to the type certification and installation of aircraft engines. Final amendments (Amdts. Nos. 1–23, 21–40, 23–15, 25–36, 27–9, 29–10, and 33–6) pursuant to Notice No. 71–12 have been adopted, effective October 31, 1974 (39 FR 35452; October 1, 1974).

Proposals removed. No. 677 (§ 23.1305 (q) (r) with respect to (q) only); No. 752

(§ 25.997); No. 784 (§ 25.1305); No. 863 (§ 27.1305); No. 941 (§ 29.1183); No. 947 (§ 29.1305).

5. *Transport category turbine powered airplanes fuel system explosion prevention.* Notice of proposed rulemaking; Notice No. 74–16 (39 FR 12260; April 4, 1974). This notice proposed an explosion prevention system for each fuel tank and fuel vapor and vent space for the type certification of turbine powered transport category airplanes.

Proposal removed. No. 750 (§ 25.979).

Issued in Washington, D.C., on October 3, 1974.

R. P. SKULLY,
Acting Director,
Flight Standards Service.

[FR Doc.74–23745 Filed 10–10–74;8:45 am]

[14 CFR Ch. I]

[Docket No. 13542; Notice 74–5B]

AIRWORTHINESS REVIEW PROGRAM

Availability of Agenda and Related Working Documents for Airworthiness Review Conference

On February 15, 1974, the FAA invited all interested persons to submit proposals for consideration during the First Biennial Airworthiness Regulations Review (Ref. Notice 74–5, 39 FR 5785). In that notice, the FAA announced that it would make available, for comment by interested persons, a compilation of proposals that were to be given further consideration as possible agenda items for the First Biennial Airworthiness Review Conference. On May 29, 1974, the FAA announced the availability of the Compilation of Proposals containing over 1000 submissions by the FAA and interested persons) and invited all interested persons to submit comments on the proposals it contained (Ref. Notice 74–5A, 39 FR 18662, May 29, 1974).

In response to that invitation for comments, over 4900 individual comments contained in 74 submissions were received by the FAA. Based on those comments and on the Compilation of Proposals, the FAA has prepared a number of working documents to be used for the Airworthiness Review Conference to be held at the Shoreham-Americana Hotel, 2500 Calvert Street, NW, Washington, D.C. 20008, on December 2–11, 1974.

The FAA hereby announces the availability of those working documents for the Airworthiness Review Conference. They are being distributed to all persons who have participated thus far in the Airworthiness Review Program and to other persons who have expressed an interest. Other interested persons may obtain a copy of those documents of interest to them by contacting the Federal Aviation Administration, Flight Standards Service, Attention: Airworthiness Review Staff, AFS–70, 800 Independence Avenue, SW, Washington, D.C. 20591.

As stated in Notice 74–5 and Notice 74–5A, not all of the proposals contained in the Compilation would necessarily be included in the final agenda for the Conference. Whether a proposal appeared in the agenda would in large measure depend on the comments received. In that light and based on a review by the FAA, a number of proposals will not be given formal consideration during the Conference. The general categories of proposals that were removed from formal consideration at the Conference are as follows:

(1) Proposals that were beyond the scope of the Airworthiness Review Program, but which were inadvertently included in the Compilation of Proposals.

(2) Proposals that were withdrawn by their proponent.

(3) Proposals that, because of their lack of clarity or justification, or because of a need for further study or development are not likely to produce fruitful discussion at the Conference. Such proposals have been deferred for further study and may be considered during the next Airworthiness Review.

(4) Proposals that deal with issues covered in other FAA rulemaking actions.

(5) Proposals that are straightforward, adequately justified and for which the comments indicate that no useful purpose would be served by discussion at the Conference. These proposals would be held for inclusion in a Notice of Proposed Rule Making. If time permits and a desire is expressed, questions relating to them might be discussed at the Conference.

To facilitate the identification of the proposals that were contained in the Compilation but have been removed from consideration during the Conference, one of the Conference working documents titled "Proposals Not in Agenda" will provide information relating to those proposals. If any person should desire more specific information with respect to one or more of those proposals, inquiries may be made to the Airworthiness Review Staff.

In addition to the document titled "Proposals Not in Agenda" the following working documents have been prepared:

(1) The Agenda for the Airworthiness Review Conference.

(2) Workbook titled "Committee I—Procedures and Special Subjects".

(3) Workbook titled "Committee II—Flight".

(4) Workbook titled "Committee III, Part 1—Airframe (Large Airplanes)".

(5) Workbook titled "Committee III, Part 2—Airframe (Small Airplanes and Rotorcraft)".

(6) Workbook titled "Committee IV—Powerplant".

(7) Workbook titled "Committee V—Equipment and Systems".

Each of the workbooks contains the proposals to be discussed at the Conference by the designated Committee, in a form similar to that used for the Compilation of Proposals, with comments by interested persons added.

Within each workbook the proposals are arranged in the order in which the regulations they relate to appear in the FAR's. The Agenda, in addition to providing general information relating to the Conference program, contains detailed information on how the proposals have been grouped as Agenda Items, and on how these Agenda Items have been scheduled for discussion by the respective Committees. Participants can arrange their workbooks accordingly.

Information with respect to the Conference, that is not contained in the Agenda, will be distributed in the future. Advance registration information for the Conference is being distributed to all persons who have shown an interest and will be forwarded to anyone requesting such information from the Airworthiness Review Staff, AFS–70. Persons who plan to attend the Conference should be aware that the following procedures have been established to facilitate the workings of the Conference:

(1) Transcripts of Committee meetings will not be made; however all meetings will be tape recorded and those tapes will be available to interested persons for review. Copies of the tapes may also be purchased, at fees determined in accordance with 49 CFR 7.85(j)

(2) Summaries of the Committee discussion on each Agenda Item will be tape recorded by the FAA Committee Chairman at the meeting. Transcripts of these summaries will be made available to all persons who register and participate in the Committee sessions. They also will be available in the Rules Docket.

(3) Cognizance will not be taken of material prepared for discussion at the Conference by participants (but not contained in the working documents distributed by the FAA) unless the following procedures are followed:

(a) The material must be submitted to the FAA Airworthiness Review Staff at the Conference Registration Desk on the first day (December 2) or at least 48-hours before the agenda to which it pertains is scheduled to be discussed at the Conference.

(b) A copy of the material must be made available for each person expected to attend the meeting at which it is to be discussed. (This information will be available at the Registration Desk).

(c) The material must on its first page or cover identify the preparer, the agenda item to which it relates, the Committee in which the material is to be discussed, and a concise statement of the reason for the submission (i.e. the material contains a counter-proposal, or a more specific proposal or the material provides additional justification for the preparer's position on the Agenda Item). The FAA plans to distribute some such additional material to the appropriate participants on the first day of the Conference.

This notice is issued under the authority of section 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C. on October 3, 1974.

R. P. SKULLY,
Acting Director,
Flight Standards Service.

[FR Doc.74–23747 Filed 10–10–74;8:45 am]

[14 CFR Parts 21, 23, 25]

[Docket No. 14052; Notice No. 74-33]

AIRWORTHINESS REVIEW PROGRAM

Form Number and Other Clarifying Revisions; Proposed Rulemaking

The Federal Avation Administration is considerating amending Parts 21, 23, and 25 of the Federal Aviation Regulations to incorporate several form number and other clarifying revisions.

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW, Washington, D.C. 20591. All communications received on or before December 10, 1974, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

On February 15, 1974. the Federal Aviation Administration, by Notice 74-5 (39 FR 5785), invited all interested persons to submit proposals for consideration during the 1974-75 Airworthiness Review. In that notice, the FAA announced that it would make available a compilation of those proposals which are to be given further consideration as possible agenda items for the Airworthiness Review Conference (December 2-11, 1974), for comment by all interested persons.

On May 29, 1974, the FAA, by Notice 74-5A (39 FR 18662), announced the availability of a Compilation of Proposals described in Notice 74-5. As stated in Notice 74-5, not all proposals contained in the compilation will necessarily be included in the Final Agenda. The disposition of proposals in this regard will depend, in large measure, on the comments received. In this connection it should be noted that there are over 1000 proposals in the compilation.

A number of proposals received, which were not included in the Compilation, pertain solely to form number and other minor clarifying revisions. Those proposals are contained in this Notice.

Part 21 currently contains references to a number of FAA Forms. Several of the referenced forms are now obsolete. The FAA proposes to replace obsolete form references with the current and correct form references.

On August 13, 1969, Amendment 23-7, Small Airplane Type Certification Requirements, was published in the FEDERAL REGISTER (34 FR 13078). Amendment 23-7, as adopted, changed all references to "miles" and "miles per hour" to "nautical miles" and "knots", respectively wherever used in Part 23. The amendments herein proposed to § 23.335 and Appendix A to Part 23 would incorporate clarifying revisions that were inadvertently omitted when Amendment 23-7 was adopted.

In Part 25, § 25.1459(a)(1) references § 25.1327, which pertains to directional data, but there is no reference to "directional data" in § 25.1459(a)(1). The amendment to § 25.1459(a)(1) herein proposed would incorporate that reference to "directional data" for consistency and clarity.

This amendment is proposed under the authority of sections 313(a), 601, 603, and 608 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423, and 1428), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend Parts 21, 23, and 25 of the Federal Aviation Regulations as follows:

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

§ 21.251 [Amended]

1. By amending § 21.251(b)(4)(iii) and (iv) by striking the parenthetical expression "(FAA Form 186)" and inserting the expression "(FAA Form 8130-3)" in its place in both subdivisions.

§ 21.271 [Amended]

2. By amending § 21.271(a) by striking the parenthetical expression "(FAA Form 186)" and inserting the expression "(FAA Form 8130-3)" in its place.

§ 21.325 [Amended]

3. By amending § 21.325(a)(1) by striking the phrase "FAA Form 26" and inserting the phrase "FAA Form 8130-4" in its place, and by amending § 21.325(a)(2) by striking the phrase "FAA Form 186" and inserting the phrase "FAA Form 8130-3" in its place.

§ 21.339 [Amended]

4. By amending § 21.339(a) by striking the parenthetical expression "(FAA Form 1362)" and inserting the expression "(FAA Form 8100-2)" in its place, and by amending § 21.339(b) by striking the parenthetical expression "(FAA Form 306)" and inserting the expression "(FAA Form 8130-1)" in its place.

PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES

§ 23.335 [Amended]

5. By amending § 23.335(c)(1) by striking the parenthetical expression "(in miles per hour)".

Appendix A [Amended]

6. By amending Part 23, Appendix A, A23.3, by adding, after each of the four speed equations, the abbreviation: "kts."

7. By amending Part 23, Appendix A, Figure A-3 by inserting, under the title, the sentence: "Speeds are in knots."

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

8. By amending § 25.1459(a)(1) to read as follows:

§ 25.1459 Flight recorders.

(a) * * *

(1) It is supplied with airspeed, altitude, and directional data obtained from sources that meet the accuracy requirements of §§ 25.1323, 25.1325, and 25.1327, as appropriate;

* * * * * *

Issued in Washington, D.C., on October 3, 1974.

R. P. SKULLY,
Acting Director,
Flight Standards Service.

[FR Doc.74-23746 Filed 10-10-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-SW-42]

CONTROL ZONE

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a control zone at West Memphis, Ark.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before November 11, 1974, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Forth Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

A VFR tower is scheduled for commissioning in January 1975 at the Municipal Airport, West Memphis, Ark. With the commissioning of the tower, it is planned tha airport will meet the weather reporting and communications requirements for the establishment of a control zone.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.171 (39 FR 354), the following control zone is added:

WEST MEMPHIS, ARK.

Within a 5-mile radius of the Municipal Airport, West Memphis, Ark. (latitude 35°08'24" N, longitude 90°14'00" W); within 3 miles each side of the 351°T (347°M) bear-

ing from the West Memphis RBN (latitude 35°08'20" N, longitude 90°14'02" W), extending from the 5-mile radius zone to 8 miles north of the RBN; and within 3 miles each side of the 186°T (182°M) bearing from the West Memphis RBN, extending from the 5-mile radius zone to 8 miles south of the RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

The control zone will provide controlled airspace for aircraft executing instrument approach procedures predicated on the West Memphis RBN and aircraft departing the West Memphis Municipal Airport.

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

Issued in Fort Worth, TX., on October 1, 1974.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.74-23754 Filed 10-10-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-CE-18]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Ozark, Missouri.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before November 11, 1974, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangments for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public-use instrument approach procedure is being developed for the Air Park South Airport, Ozark, Missouri. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a 700-foot transition area at Ozark, Missouri.

In consideration of the foregoing, the Federal Aviation Administration proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

OZARK, MISSOURI

That airspace extending upward from 700 feet above the surface within a 5 mile radius oft he Air Park South Airport (latitude 37°03'35" N., longitude 93°14'08" W.); within 2.75 miles either side of the Springfield, Missouri VORTAC (latitude 37°21'21" N., longitude 93°21'02" W.) 163T radial, extending from the 5 mile radius to 4.5 miles north, excluding that portion which overlies the Springfield, Missouri control zone and 700 feet transition areas.

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

Issued in Kansas City, Missouri, on September 27, 1974.

A. L. COULTER,
Director, Central Region.

[FR Doc.74-23753 Filed 10-10-74;8:45 am]

Hazardous Materials Regulations Board

[49 CFR Parts 172, 173, 174, 177, 178]

[Docket No. HM-121; Notice No. 74-12]

TRANSPORTATION OF HAZARDOUS MATERIALS

Use of Certain Packagings

The Hazardous Materials Regulations Board ("the Board") is considering amendments to many unrelated sections of the Department of Transportation's Hazardous Materials Regulations. These proposals include changes to regulations covering certain Class A explosives, Class B explosives, flammable liquids, flammable solids, oxidizing materials, corrosive materials, compressed gases, Class A poisons, and Class B poisons. Changes are also proposed to several steel drum specifications, to the DOT-2S and DOT-2SL inside polyethylene packaging specifications, to the DOT-12B fiberboard box specification, and to the DOT-44C multiwall paper bag specification.

All these proposals except certain changes to §§ 172.5, 173.24, 173.134, 173.302, 174.532, 177.837, and the steel drum specification changes are based on petitions from special permit holders who have reported to the Board satisfactory shipping experience while shipping under the special permit authorizations. Thirty-eight special permits would be affected by this rule making. These involve the use of packagings not presently authorized for the transportation of hazardous materials which, in the Board's belief, possess an adequate degree of safety in the transportation of hazardous materials.

In § 172.5 it is proposed to change the rail express package quantity limitation for motor fuel antiknock compound and tetraethyl lead from 55 gallons to 65 gallons. The petitioner requests this change because DOT specification 5 steel drums of the 65-gallon size (55 imperial gallons) have been used via surface transportation modes other than by rail express for many years without incident. The Board considers this petition to be reasonable and justifiable in the interest of facilitation of commerce in view of the standard package sizes used by some other countries.

In § 173.24(c)(2), it is proposed to change the minimum dimensions referenced for 16 and 20-gauge steel. This proposal is based on a petition from the Steel Shipping Container Institute citing the fact that the American Iron & Steel Institute, considered the authority on these dimensions, has changed the manufacturers' tolerances to reduce permissible deviations in the thickness of various gauges of steel to reflect the greater accuracy of today's steel rolling operations. Since the changes result in thicker material being required by the gauge referenced, the Board has no objection to this petition. In addition, the Board is proposing to delete the numerous repetitive references to gauge dimensions in each steel drum and overpack specification since no safety purpose is served by the repetition and it presents a potential for unintentional error. It is simpler to have only one reference source for dimensions. Since the tables are proposed to be deleted in each drum specification, the Board proposes to add a note to the table in § 173.24 concerning measurement of steel in the drum, which note now appears with each repeated table in each specification.

In §§ 173.134, 174.532, and 177.837, the Board has been petitioned to provide for use of a DOT specification 33A polystyrene case in addition to the non-DOT specification box now authorized as an overpack for cylinders. Since this polystyrene case is considered an adequate packaging for containing glass bottles of liquid hazardous materials, the Board considers the packaging adequate for overpacking cylinders.

In § 173.302(a)(4), on its own motion, the Board is proposing to prohibit the use of DOT specification 39 aluminum cylinders for oxygen. This is based on the doubts the Board has concerning the safety in transportation of oxygen in aluminum vessels. This concern was set forth in Docket No. HM-115; Notice No. 74-3 (39 FR 7950).

In accordance with the objectives of the Board regarding delegations of authority, this proposal also covers removal of discretionary delegations of authority to the Bureau of Explosives in §§ 173.93(e)(4), 173.134(a), 178.35-2, and 178.35a-1. In place of requiring that properties of the polyethylene described in §§ 178.35 and 178.35a be measured by a test method approved by the Bureau of Explosives, the test methods set forth in Appendix B to Part 178, Specifications For Plastics would apply.

The Board has been petitioned to change the I-bar rolling hoop dimensions on DOT specification 5 and 6 series drums of 55-gallon capacity. The petitioners state that the request is made

to insure the continuing availability of these drums in a market that now takes very small quantities. One petitioner describes the reasoning behind the request as follows:

Presently the principal items produced in those specifications calling for I-bar rolling hoops are 30 and 55 gallon cylindrical drums in specs 5 and 5C. Smaller quantities are made in specs 5A, 5K and 5M and some 15 gallon drums are produced. The total number of I-bar drums made annually is estimated to be less than 20,000. Except for the 55 gallon size in the specifications listed in the first paragraph of this letter the I-bar specified is a ¾" X 1¼" section. The 55's require an I-bar of 1" X 1½" section.

I-bars of the two sizes specified must each be ordered directly from a steel mill in 50 ton minimum quantities. They are not available through steel warehouses. Fifty tons of either size bar represents approximately a two year inventory to us, an obviously costly condition and one which discourages continued production. Consolidation of the requirements into a single I-bar section would alleviate the problem.

The reason for stipulating the smaller ¾" X 1¼" I-bar as the preferred section is based on production difficulties rather than cost. With existing manufacturing equipment and methods it is not possible to roll the heavier bar into the tighter circle needed for the 15 and 30 gallon sizes while the lighter bar can be made in all three diameters.

The petitioner stated that under the present steel shortage condition there is increasing reluctance on the part of steel mills to accept orders for as little as 50 tons for special sections of this type. The ability to consolidate into one section will enable them to order larger quantities at one time and insure a continued supply of specification drums.

One petitioner submitted laboratory test reports showing that the proposed reduced dimension I-bar would withstand a 6500 pound load before deflecting more than ½-inch. The proposed bar also has sufficient height to protect body fittings from contact with adjacent surfaces. From a safety viewpoint, the Board considers that the ¾-inch by 1¼-inch I-bar provides adequate protection and the public interest would be served by reducing the dimensions as proposed.

In consideration of the foregoing, the Hazardous Materials Regulations Board proposes to amend 49 CFR Parts 172, 173, 174, 177, and 178 as follows:

PART 172—LIST OF HAZARDOUS MATERIALS CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL MATERIALS SUBJECT TO PARTS 170–189 OF THIS SUBCHAPTER

In § 172.5 paragraph (a), the List of hazardous materials would be amended as follows:

§ 172.5 List of hazardous materials.

(a) * * *

Article	Classed as	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(add)				
Methyl bromide, pressurized	Pois. B	No exemption, 173.353	Pois	300 pounds.
Methyl bromide and chloropicrin mixture, pressurized *containing not more than 2 percent by weight chloropicrin.*	Pois. B	No exemption, 173.353	Pois	300 pounds.
Motor fuel antiknock compound	Pois. B	No exemption, 173.354	Pois	65 gallons.
Tetraethyl lead	Pois. B	No exemption, 173.354	Pois	65 gallons.
Vanadium oxytrichloride and titanium tetrachloride mixture.	Cor	No exemption, 173.245, 173.245a.	Corrosive	1 quart.
(change)				
Nitrogen tetroxide-nitric oxide mixture (*containing up to 39.5 percent by weight nitric oxide*).	Pois. A	No exemption, 173.338	Pois. gas	Not accepted.
Vinyl methyl ether	F. C. G	173.306, 173.304, 173.314	F. G	20 pounds.
(delete)				
Methyl bromide and nonflammable, nonliquefied, compressed gas mixtures, liquid.	Pois	No exemption, 173.353	Pois	300 pounds.

* * * * *

PART 173—SHIPPERS

1. In Part 173 Table of Contents, §§ 173.217, 173.245a, 173.247, 173.338, 173.353, 173.359, and 173.377 would be amended to read as follows:

Sec.

173.217 Calcium hypochlorite mixtures, dry; Lithium hypochlorite compounds, dry; mono-(trichloro) tetra-(monopotassium dichloro)-penta-s-triazinetrione, dry; Potassium dichloro-s-triazinetrione, dry; Sodium dichloro-s-triazinetrione, dry; Trichloro-s-triazinetrione, dry.

173.245a Corrosive liquids shipped in bulk.

173.247 Acetyl bromide; Acetyl chloride; Acetyl bromide; Acetyl chloride; Acetyl iodide; Antimony pentachloride; Benzoyl chloride; Boron trifluoride-acetic acid complex; Chromyl chloride; Dichloroacetyl chloride; Diphenylmethyl bromide solutions; Pyrosulfuryl chloride; Silicon chloride; Sulfur chloride (mono and di); Sulfuryl chloride; Thionyl chloride; Tin tetrachloride (anhydrous); Titanium tetrachloride; Trimethyl acetyl chloride.

173.338 Nitrogen tetroxide-nitric oxide mixture containing up to 39.5 percent by weight nitric oxide.

173.353 Methyl bromide, liquid (bromomethane); Mixtures of methyl bromide and ethylene dibromide, liquid; Mixtures of methyl bromide and chloropicrin, liquid; Methyl bromide, pressurized; Methyl bromide and chloropicrin mixture (containing not in excess of 2 percent chloropicrin), pressurized.

173.359 Hexaethyl tetraphosphate mixtures, liquid; Methyl parathion mixtures, liquid; Organic phosphate compound mixtures, n.o.s., liquid; Parathion mixtures, liquid: Tetraethyl dithio pyrophosphate mixtures, liquid; Tetraethyl pyrophosphate mixtures, liquid.

173.377 Hexaethyl tetraphosphate mixtures, dry; Methyl parathion mixtures, dry; Organic phosphate compound mixtures, n.o.s., dry; Parathion mixtures, dry; Tetraethyl dithio pyrophosphate mixtures, dry; Tetraethyl pyrophosphate mixtures, dry.

2. In § 173.24 paragraph (c)(2), the Table would be amended and footnote 1 would be added as follows:

§ 173.24 Standard requirements for all packages.

* * * * *

(c) * * *

(2) * * *

Gauge No.	Nominal thickness (inch) [1]	Minimum thickness (inch) [1]
(change)		
16	0.0598	0.0538
20	.0359	.0329

[1] On steel drums, thickness must be measured at any point on the sheet not less than ⅜ inch from an edge.

* * * * *

3. In § 173.28, the introductory text of paragraph (m) would be revised to read as follows:

§ 173.28 Reuse of containers.

* * * * *

(m) Specifications 17C, 17E, and 17H steel drums (§§ 178.115, 178.116, 178.118 of this subchapter) from which contents have been removed, may be reused as prescribed in this Part as packagings for shipment of flammable liquids, flammable solids, oxidizing materials, poisons covered by § 173.370, radioactive materials, and corrosive liquids covered by §§ 173.249 and 173.249a, only if the following requirements, in addition to the other requirements of this section, are complied with prior to each reuse:

* * * * *

4. In § 173.65, paragraph (a)(5) would be revised to read as follows:

§ 173.65 High explosives with no liquid explosive ingredient nor any chlorate.

(a) * * *

(5) When these explosives contain over 5 percent moisture, boxes must have inside securely closed polyethylene bags having a minimum wall thickness of 0.006-inch, or must incorporate a Specification 2L (§ 178.30 of this subchapter) lining. Polyethylene is authorized only for materials that will not permeate, react with, or cause decomposition of the plastic.

* * * * *

5. In § 173.93, paragraph (a)(1) would be added; paragraph (e)(4) would be deleted as follows:

§ 173.93 **Propellant explosives (solid) for cannon, small arms, rockets, guided missiles, or other devices, and propellant explosives (liquid).**

(a) * * *

(1) Specification 12H, 23G, or 23H (§§ 178.209, 178.218, 178.219 of this subchapter) fiberboard boxes with inside securely closed polyethylene bags, having a minimum wall thickness of 0.006-inch.

* * * * *

(e) * * *

(4) [Deleted]

* * * * *

6. In § 173.119, paragraph (a)(23) would be revised to read as follows:

§ 173.119 **Flammable liquids not specifically provided for.**

(a) * * *

(23) Specification 12A (§ 178.210 of this subchapter). Fiberboard box, with inside glass bottles or specification 2E (§ 178.24a of this subchapter) polyethylene bottles of not over 1 gallon capacity each. Polyethylene bottles are authorized only for materials that will not react with or cause decomposition of the plastic. Not more than four inside bottles exceeding 5 pints capacity each may be packed in a package. Shipper must have established that the completed package meets the test requirements prescribed by § 178.210–10 of this subchapter.

* * * * *

7. In § 173.134, the introductory text of paragraph (a) and paragraph (a)(1) would be revised; a Note would be added following paragraph (a)(1) to read as follows:

§ 173.134 **Pyroforic liquids, n.o.s.**

(a) Pyroforic liquids, n.o.s., must be packed in specification packaging as follows:

(1) Cylinders as prescribed for any compressed gas except acetylene, and having a minimum design pressure of 175 pounds per square inch. Cylinders with valves must be equipped with steel valve protection caps or collars, or must be packed in a strong wooden box or DOT–33A (§ 178.150 of this subchapter) polystyrene case and secured therein to protect all valves. Unless packed in a box or case, any safety relief device must be in the vapor space of any loaded cylinder. (See §§ 174.532(b)(3) 177.837(d) of this subchapter.)

NOTE: For purposes of this section, where § 178.150 of this subchapter (specification DOT–33A) specifies bottles, the term "bottles" includes cylinders.

* * * * *

8. In § 173.139, paragraph (a)(4) would be revised to read as follows:

§ 173.139 **Ethylene imine, inhibited, and propylene imine, inhibited.**

(a) * * *

(4) Specification 104W, 111A60W1, or 105A100W (§§ 179.100, 179.101, 179.200, 179.201 of this subchapter). Tank cars which are authorized for inhibited ethylene imine only. Specification 111A60W1 tank cars must be insulated in accordance with § 179.200–4 of this subchapter.

* * * * *

9. In § 173.154, paragraph (a)(16) would be added to read as follows:

§ 173.154 **Flammable solids and oxidizing materials not specifically provided for.**

(a) * * *

(16) Specification 6D or 37M (nonreusable container) (§§ 178.102, 178.134 of this subchapter). Cylindrical steel overpacks with inside specification 2S, 2SL, or 2U (§§ 178.35, 178.35a, 178.24 of this subchapter) polyethylene packaging.

10. In § 173.163, paragraph (a)(9) would be added to read as follows:

§ 173.163 **Chlorate of soda, chlorate of potash, and other chlorates.**

(a) * * *

(9) Specification 56 (§§ 178.251, 178.252 of this subchapter). Metal portable tanks.

11. In § 173.208, paragraph (a)(2) would be added to read as follows:

§ 173.208 **Titanium metal powder, wet or dry.**

(a) * * *

(2) Any DOT specification full removable head steel drum authorized by § 173.154.

* * * * *

12. In § 173.217, the heading and paragraph (a)(5) would be revised; paragraph (a)(7) would be added to read as follows:

§ 173.217 **Calcium hypochlorite mixtures, dry; Lithium hypochlorite compounds, dry; mono-(trichloro) tetra-(monopotassium dichloro)-penta-s-triazinetrione, dry; Potassium dichloro-s-triazinetrione, dry; Sodium dichloro-s-triazinetrione, dry; Trichloro-s-triazinetrione, dry.**

(a) * * *

(5) Specification 21C (§ 178.224 of this subchapter). Fiber drum which must be made with integral inner body ply having 0.003 inch minimum thickness aluminum facing and bottom interior having 0.001-inch minimum thickness aluminum facing. Cover of drum must be gasketed. Authorized net weight not over 400 pounds. Authorized for dry calcium hypochlorite mixtures only.

* * * * *

(7) Specification 12B (§ 178.205 of this subchapter). Fiberboard box with not more than two inside minimum 30-gauge thick steel pails containing not over 26 pounds net weight each. Each cover must be gasketed.

* * * * *

12. In § 173.223, paragraph (a)(5) would be revised to read as follows:

§ 173.223 **Peracetic acid.**

(a) * * *

(5) Specification 6D or 37M (nonreusable container) (§§ 178.102, 178.134 of this subchapter). Cylindrical steel overpacks with inside specification 2S or 2SL (§§ 178.35, 178.35a of this subchapter) polyethylene packaging. Each package must have a vented closure which does not permit leakage of liquid contents under normal conditions of transportation.

* * * * *

13. In § 173.234, paragraph (a)(2) would be revised to read as follows:

§ 173.234 **Sodium nitrite and sodium nitrite mixtures.**

(a) * * *

(2) Specification 44C (§ 178.237 of this subchapter). Multiwall paper bag which must be constructed of heavy duty shipping sack Kraft paper or extensible Kraft paper, with a polyethylene inner sheet or coating having a minimum basis weight of 10 pounds. A four-ply bag with a minimum basis weight of 240 pounds is required for up to 100 pounds net weight except that a three-ply bag with a minimum basis weight of 180 pounds is authorized for not over 50 pounds net weight. All closures must be such as to provide a moisture resistant package for shipment.

* * * * *

14. In § 173.242, paragraphs (a) and (b) would be revised to read as follows:

§ 173.242 **Bottles containing corrosive liquids.**

(a) Bottles containing corrosive liquids, as defined by § 173.240, may not be packed in the same package with any other hazardous material, except as specifically provided in paragraphs (b) and (c) of this section and § 173.25, 173.257, 173.258, 173.259, 173.260, 173.261, or 173.286.

(b) Bottles containing corrosive liquids cushioned by incombustible, nonreactive, absorbent material and securely packed in tightly closed metal packaging, except hydrofluoric acid which must be over packed in a packaging other than one made of metal, may be packed with other hazardous materials. This exception does not apply to nitric acid exceeding 40 percent concentration, perchloric acid, hydrogen peroxide exceeding 52 percent strength by weight, nitrohydrochloric acid, or nitrohydrochloric acid diluted, which must not be packed in the same package with any other article under any circumstances.

* * * * *

15. In § 173.245, paragraph (a)(27) would be revised to read as follows:

§ 173.245 **Corrosive liquids not specifically provided for.**

(a) * * *

(27) Specification 33A (§ 178.150 of this subchapter). Polystyrene case (nonreusable container) with inside glass bottles not over 5 pints capacity each. Not more than four 5-pint bottles may be packed in one outside packaging.

* * * * *

16. In § 173.245a, the heading is revised and table in paragraph (a) is amended as follows:

§ 173.245a Corrosive liquids shipped in bulk.

(a) * * *

Corrosive liquid	Authorized tank car	Authorized portable tank [3]
(change)		
Ethyl chlorothiolformate.	----------	DOT-51, monel or monel clad.
(add)		
Vanadium oxytrichloride and titanium tetrachloride mixture.	----------	DOT-51.

(Footnotes remain unchanged.)

* * * * *

17. In § 173.247, the heading and paragraph (a)(17) would be revised; paragraph (a)(2), (a)(18), and (a)(19) would be added to read as follows:

§ 173.247 Acetyl bromide; Acetyl chloride; Acetyl iodide; Antimony pentachloride; Benzoyl chloride; Boron trifluoride-acetic acid complex; Chromyl chloride; Dichloroacetyl chloride; Diphenylmethyl bromide solutions; Pyrosulfuryl chloride; Silicon chloride; Sulfur chloride (mono and di); Sulfuryl chloride; Thionyl chloride; Tin tetrachloride (anhydrous); Titanium tetrachloride; Trimethyl acetyl chloride.

(a) * * *

(2) Specification 6D (§ 178.102 of this subchapter). Cylindrical steel overpack with inside specification 2S or 2SL (§§ 178.35, 178.35a of this subchapter) polyethylene packaging. Polyethylene used must be Type III as set forth in Appendix B—Specifications For Plastics to Part 178 of this Title. Authorized only for sulfuryl chloride.

* * * * *

(17) Specification 4BA240 or 4BW240 (§§ 178.51, 178.61 of this subchapter). Cylinders authorized for titanium tetrachloride or tin tetrachloride, anhydrous, without any compressed gas. Safety relief devices are not authorized on cylinders ccntaining tin tetrachloride.

(18) Specification 3E1800 (§ 178.42 of this subchapter). Cylinder authorized for titanium tetrachloride, anhydrous only.

(19) Specification 51 (§ 178.245 of this subchapter). Portable tank authorized for titanium tetrachloride, anhydrous only, without any compressed gas.

* * * * *

18. In § 173.247a, the heading and paragraph (a)(1) would be revised; paragraph (a)(3) would be added to read as follows:

§ 173.247a Vanadium tetrachloride and vanadium oxytrichloride.

(a) * * *

(1) Specifications 3A, 3AA, 4B240, 4BA240, 4BW240, and 3E1800 (§§ 178.36, 178.37, 178.50, 178.51, 178.61, 178.42 of this subchapter). Cylinders.

* * * * *

(3) Specification MC310, MC311, or MC312 (§ 178.343 of this subchapter). Tank motor vehicles. Authorized for vanadium oxytrichloride only, with an inert non-soluble gas padding, adequate to exclude the presence of air. Specifications MC310 and MC311 cargo tanks must be in compliance with § 178.343–2 (b) or (c) as applicable, and §§ 178.340–9(a) and 178.343–4(a) of this subchapter.

19. In § 173.266, paragraph (b)(7) would be revised to read as follows:

§ 173.266 Hydrogen peroxide solution in water.

* * * * *

(b) * * *

(7) Specification 21P (§ 178.225 of this subchapter). Fiber drum overpack with inside specification 2U (§ 178.24 of this subchapter) polyethylene packaging, not over 15 gallons capacity, or specification 2SL (§ 178.35a of this subchapter) polyethylene packaging. The inside specification 2U and 2SL must be equipped with vented closures to prevent accumulation of internal pressure and the head with the closures must be marked "KEEP THIS END UP" or "KEEP PLUG UP TO PREVENT SPILLAGE".

* * * * *

20. In § 173.268, paragraph (b)(6) would be added; paragraph (f)(6) would be deleted as follows:

§ 173.268 Nitric acid.

* * * * *

(b) * * *

(6) Specification 33A (§ 178.150 of this subchapter). Polystyrene cases (nonreusable container) with inside glass bottles not over 5 pints capacity each. Not more than four 5-pint bottles may be packed in one package.

* * * * *

(f) * * *

(6) [Deleted]

* * * * *

21. In § 173.269, paragraph (a)(6) would be added to read as follows:

§ 173.269 Perchloric acid.

(a) * * *

(6) Specification 6D (§ 178.102 of this subchapter). Cylindrical steel overpack with inside Specification 2S (§ 178.35 of this subchapter) polyethylene packaging, not over 30-gallon capacity. Authorized for transportation only in a transport vehicle assigned for sole use of one shipper and containing no other freight.

* * * * *

22. In § 173.299, paragraph (a)(2) would be revised to read as follows:

§ 173.299 Etching acid liquid, n.o.s.

(a) * * *

(2) Specification 37M (§ 178.134 of this subchapter). Cylindrical steel overpack with inside specification 2S or 2SL (§§ 178.35, 178.35a of this subchapter) polyethylene container. Overpack over 30-gallon capacity must be constructed of at least 20-gauge steel.

* * * * *

23. In § 173.302, paragraph (a)(4) would be revised to read as follows:

§ 173.302 Charging of cylinders with non-liquified compressed gases.

(a) * * *

(4) Specification 39 (§ 178.65 of this subchapter) cylinder. For flammable gases, internal volume must not exceed 75 cubic inches. Aluminum cylinders are not authorized for oxygen.

* * * * *

23. In § 173.304, the introductory text of paragraph (a)(1) is revised and (a)(2) Table is amended to read as follows:

§ 173.304 Charging of cylinders with liquified compressed gas.

(a) * * *

(1) Specification 3,[1] 3A, 3AA, 3B, 3BN, 3D, 3E, 4, 4A, 4B, 4BA, 4B–ET, 4BW, 4E, 9,[1] 25,[1] 26,[1] 38,[1] 39, 40,[1] or 41[1] (§§ 178.36, 178.37, 178.38, 178.39, 178.41, 178.42, 178.48, 178.49, 178.50, 178.51, chapter), except that no specification 4E, 9, 39, 40, or 41 packaging may be charged and shipped with a mixture containing a pyroforic liquid, carbon bisulfide (disulfide), ethyl chloride, ethylene oxide, nickel carbonyl, spirits of nitroglycerin, or poisonous material (Class A, B, or irritating material), unless specifically authorized in this Part.

* * * * *

(2) * * *

[1] Use of existing cylinders authorized, but new construction not authorized.

Kind of gas	Maximum permitted filling density (see note 1)	Containers marked as shown in this column or of the same type with higher service pressure must be used except as provided in § 173.34 (a), (b), § 173,301 (j). (See notes following table.)
(change)	*Percent*	
Hydrogen chloride	65	DOT-3A1800; DOT-3AA1800; DOT-3AX1800; DOT-3AAX1800; DOT-3; DOT-3T1800; DOT-3E1800.
Liquefied nonflammable gases, liquid other than those classified as flammable, corrosive, or poisonous, and mixtures or solutions thereof, charged with nitrogen, carbon dioxide, or air. (See notes 7 and 8.)	Not liquid full at 130° F.	Specification packaging authorized in paragraph (a)(1) of this section and DOT-3HT; DOT-4D; DOT-4DA; DOT-4DS.
Sulfur hexafluoride	120	DOT-3A1000; DOT-3AA1000; DOT-3; DOT-3E1800.
Vinyl methyl ether. (See note 5.)	68	DOT-4B150, without brazed seams; DOT-4BA225, without brazed seams; DOT-4BW225; DOT-3A150; DOT-3AA150; DOT-3B150; DOT-25; DOT-3E1800.

* * * * * * *

(Notes remain unchanged.)

25. In § 173.314 paragraph (c), the Table is amended to read as follows:

§ 173.314 Requirements for compressed gases in tank cars.

* * * * *

(c) * * *

Kind of gas	Maximum permitted filling density, note 1	Required tank car, see § 173.31(a) (2) and (3)
(change)	*Percent*	
Vinyl methyl ether; note 9	68	1CC-105A100[1], DOT-105A100W, Note.
	68	DOT-106A500X, Note 7.

* * * * * * *

(Notes remain unchanged.)

26. In § 173.338, the heading and the introductory text of paragraph (a) would be revised to read as follows:

§ 173.338 Nitrogen tetroxide-nitric oxide mixture containing up to 39.5 percent by weight nitric oxide.

(a) Nitrogen tetroxide-nitric oxide mixture containing up to 39.5 per cent by weight nitric oxide must be packed as follows:

* * * * *

27. In § 173.345, paragraph (a) (2) would be revised to read as follows:

§ 173.345 Exemptions for poisonous liquids, class B.

(a) * * *

(2) In glass or earthenware packagings not over 1 pint capacity each, or in metal or polyethylene packagings not over 1 quart capacity each, packed in a strong outside fiberboards box or molded expanded polystyrene case.

28. In § 173.348, paragraph (a) (4) would be added to read as follows:

§ 173.348 Arsenic acid.

(a) * * *

(4) Specification 21P (§ 178.225 of this subchapter). Fiber drum overpack with inside specification 2S, 2SL, or 2U (§§ 178.35, 178.35a, 178.24 of this subchapter) polyethylene packaging of not over 30-gallon capacity.

29. In § 173.353, the heading and the introductory text of paragraph (a) would be revised to read as follows:

§ 173.353 Methyl bromide, liquid (bromomethane); Mixtures of methyl bromide and ethylene dibromide, liquid; Mixtures of methyl bromide and chloropicrin, liquid; Methyl bromide, pressurized; Methyl bromide and chloropicrin mixture (containing not in excess of 2 percent chloropicrin), pressurized.

(a) Methyl bromide, liquid (bromomethane), mixtures of methyl bromide and ethylene dibromide, liquid, mixtures of methyl bromide and chloropicrin, liquid, or methyl bromide (including methyl bromide containing not more than 2 percent by weight of chloropicrin) pressurized with a nonflammable, nonliquefied compressed gas, must be packed as follows:

* * * * *

30. In § 173.354 paragraph (c) would be revised to read as follows:

§ 173.354 Motor fuel antiknock compound or tetraethyl lead.

* * * * *

(c) Steel tank conforming or equivalent to ASME specifications which contain solid or semisolid residual motor fuel antiknock compound (including rust, scale, or other contaminants) may be shipped by rail freight or highway. The tank must have been designed and constructed to be capable of withstanding full vacuum. All openings must be closed with gasketed blank flanges or vapor tight threaded closures. Each tank must be secured and braced to prevent movement under conditions normally incident to transportation.

31. In § 173.359, the heading would be revised; paragraph (a) (15) would be added to read as follows:

§ 173.359 Hexaethyl tetraphosphate mixtures, liquid; Methyl parathion mixtures, liquid; Organic phosphate compound mixtures, n.o.s., liquid; Parathion mixtures, liquid; Tetraethyl dithio pyrophosphate mixtures, liquid; Tetraethyl pyrophosphate mixtures, liquid.

(a) * * *

(15) Specification 37D (§ 178.137 of this subchapter). Nonreusable steel drum which must be of not less than 21-gauge wall and 20-gauge heads. Authorized only for methyl parathion mixtures, parathion mixtures, and organic phosphate compound mixtures, n.o.s. not exceeding a weight of 12 pounds per gallon.

* * * * *

32. In § 173.364, paragraph (a) (1) would be revised to read as follows:

§ 173.364 Exemptions for poisonous solids, class B.

(a) * * *

(1) In inside glass, earthenware, or composition bottles or jars, or metal packagings, or lock-corner sliding-lid wooden boxes, of not over 5 pounds capacity each; or inside chipboard, pasteboard, or fiber cartons, cans, boxes, or tightly closed strong plastic bags or bottles compatible with product of not over 1 pound capacity each, packed in an outside wooden or fiberboard box, or wooden barrel or keg, or molded expanded polystyrene case. Net weight of contents of outside container may not exceed 100 pounds.

* * * * *

33. In § 173.365, paragraph (a) (2) would be revised to read as follows:

§ 173.365 Poisonous solids not specifically provided for.

(a) * * *

(2) Specification 17E, 17H, 37A, or 37B (§§ 178.116, 178.118, 178.131, 178.132 of this subchapter). Metal drums (single-trip). Gross weight not over 460 pounds except for material fused solid in the drum a gross weight of up to 880 pounds is authorized and for waste material containing arsenic trioxide a gross weight of up to 550 pounds is authorized, in drums constructed of at least 22-gauge steel regardless of gross weight marking embossed on the drum.

* * * * *

34. In § 173.377, the heading, introductory text of paragraph (g), and paragraph (g) (1) would be revised to read as follows:

§ 173.377 Hexaethyl tetraphosphate mixtures, dry; Methyl parathion mixtures, dry; Organic phosphate compound mixtures, n.o.s., dry; Parathion mixtures, dry; Tetraethyl dithio pyrophosphate mixtures, dry; Tetraethyl pyrophosphate mixtures, dry.

* * * * *

(g) Dry mixtures containing more than 2 percent but not over 16.5 percent by weight of hexaethyl tetraphosphate, methyl parathion, organic phosphate compound mixtures, n.o.s., parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate, and in which the liquid is absorbed in an inert material, in addition to packagings prescribed in paragraphs (a) and (b) of this section, may be packed in specification packaging as follows:

(1) Specification 44B (§ 178.236 of this subchapter). Multiwall paper bags with inside paper bags, specification 2D (§ 178.23 of this subchapter), not over 10 pounds capacity each. Net weight of material in outside packaging may not exceed 50 pounds. Specification 2D bags over 5 pounds capacity or outside packaging over 30 pounds net weight not authorized for shipment by water.

* * * * *

PART 174—CARRIERS BY RAIL FREIGHT

In § 174.532, paragraph (b) (3) would be revised to read as follows:

§ 174.532 Loading other hazardous materials.

* * * * * *

(b) * * *

(3) Cylinders containing pyroforic liquids, n.o.s., unless packed in a box or case, must be loaded with all valves and safety relief devices in the vapor space. All cylinders must be secured so that no shifting may occur in transit.

* * * * *

PART 177—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

In § 177.837, paragraph (d) would be revised to read as follows:

§ 177.837 Flammable liquids.

* * * * *

(d) Cylinders containing pyroforic liquids, n.o.s., unless packed in a box or case, must be loaded with all valves and safety relief devices in the vapor space. All cylinders must be secured so that no shifting may occur in transit.

PART 178—SHIPPING CONTAINER SPECIFICATIONS

1. In Part 178 Table of Contents, §§ 178.35 and 178.35a would be revised to read as follows:

Sec.
178.35 Specification 2S; polyethylene packaging.
178.35a Specification 2SL; molded or thermoformed polyethylene packaging.

2. In § 178.35–2 the heading and paragraph (a) would be revised; Note 1 would be deleted as follows:

§ 178.35–2 Material requirements.

(a) Packaging must be made of Type I polyethylene as described in Appendix B to this Part except the melt index may be 2.6 maximum. Other materials may be added provided they do not affect adversely the properties covered by Appendix B. When required by Part 173 of this subchapter, packaging must be made of Type II or III polyethylene as specified.

NOTE 1: [Deleted]

* * * * *

3. In § 178.35a–1 the heading and paragraph (a) would be revised; Note 1 would be deleted as follows:

§ 178.35a–1 Material requirements.

(a) Packaging must be made of Type I polyethylene as described in Appendix B to this Part except the melt index may be 2.6 maximum. Other materials may be added provided they do not affect adversely the properties covered by Appendix B. When required by Part 173 of this subchapter, packaging must be made of Type II or III polyethylene as specified.

NOTE 1: [Deleted]

* * * * *

4. In the following sections, paragraph (b) would be deleted:

§ 178.80–7	§ 178.102–2
§ 178.81–7	§ 178.115–6
§ 178.82–7	§ 178.116–6
§ 178.83–7	§ 178.117–7
§ 178.84–7	§ 178.118–6
§ 178.87–7	§ 178.130–5
§ 178.91–7	§ 178.131–6
§ 178.97–5	§ 178.132–6
§ 178.98–5	§ 178.133–5
§ 178.99–5	§ 178.134–2
§ 178.100–5	§ 178.135–5
§ 178.101–5	

5. In the following sections under the columns entitled "Rolling hoops" and "Size (gauge or inch)," the dimension "1 x 1½" would be changed to read "¾ x 1¼" wherever it appears:

§ 178.81–7	§ 178.90–6
§ 178.83–7	§ 178.91–7
§ 178.84–7	§ 178.97–5
§ 178.87–7	§ 178.98–5
§ 178.88–6	§ 178.99–5

§ 178.107–6 [Amended]

6. In § 178.107–6(a), in the third column of the table, the dimension "1 x 1½" would be changed to read "¾ x 1¼."

§ 178.108–6 [Amended]

7. In § 178.108–6(a), in the fourth column of the table, the dimension "1 x 1½" would be changed to read "¾ x 1¼."

§ 178.109–6 [Amended]

8. In § 178.109–6(a), in the third column of the table, the dimension "1 x 1½" would be changed to read "¾ x 1¼."

9. Paragraph (c)(5) would be added in § 178.205–14.

§ 178.205–14 Flap closures.

* * * * *

(c) * * *

(5) A gap not over one-inch wide between inner flaps if inside packaging is to consist of rectangular metal cans.

* * * * *

10. In § 178.205–16(a) the table is amended and footnote 5 added.

§ 178.205–16 Authorized gross weight and parts required.

(a) * * *

Authorized gross weight (pounds)	Strength of fiberboard (minimum) Mullen or Cady test						
	Solid board			Double faced corrugated		Double wall corrugated	
	Box	Lining [3]	Heads [4]	Box	Lining [3]	Box	Lining [3]
(*change*)							
40 [5]	275		350	275 / 200	175	200	

* * * * * * *

[5] 45 pounds gross weight authorized when inside packaging consists of rectangular metal cans.

11. In § 178.205–18, subparagraph (a)(1)(i) is added to read as follows:

§ 178.205–18 Marking.

(a) * * *

(1) * * *

(i) Authorized gross weight must be followed by the letter "C" when box is unit authorized under § 178.205–14(c)(5) or note 5 in § 178.205–16, e.g., 12B45C.

* * * * *

12. Paragraph (a) of § 178.237–3 would be revised to read as follows:

§ 178.237–3 Construction.

(a) Bags must be at least 4 thicknesses of paper unless otherwise specified in Part 173 of this subchapter; this must be heavy duty shipping sack kraft paper conforming to the requirements of § 178.237–2 paragraphs (a) and (b), or equivalent, with a minimum total basis weight of 250 pounds of paper (500 sheets, 24 inches x 36 inches). Outer sheet must be of water resistant stock and at least 60 pounds basis weight, inner sheets not less than 40 pounds basis weight. Bags to be of sewn, sift-proof bottom construction. Other bottoms of equal efficiency authorized.

* * * * *

Interested persons are invited to give their views on these proposals. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, Washington, D.C. 20590. Except for the proposed changes relating to I-bars on steel drums, communications received on or before January 21, 1975, will be considered before final action is taken on these proposals. Communications relating to the proposed I-bar changes must be received on or before November 12, 1974. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, room 6215 Trans Point Building, Second and V Streets SW., Washington, D.C., both before and after the closing date for comments.

AUTHORITY: Transportation of Explosives Act (18 U.S.C. 831–835), sec. 6 of the Department of Transportation Act (49 U.S.C. 1655); Title VI and sec. 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 October 4, 1974.

WILLIAM K. BYRD,
Deputy Director,
Office of Hazardous Materials.

[FR Doc.74–23590 Filed 10–10–74;8:45 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 34]

LICENSES FOR RADIOGRAPHY AND RADIATION SAFETY REQUIREMENTS FOR RADIOGRAPHIC OPERATIONS

Personnel Monitoring of Radiographers

The Atomic Energy Commission has under consideration an amendment of its regulations in 10 CFR Part 34, "Licenses for Radiography and Radiation Safety Requirements for Radiographic Operations." The proposed amendment would revise § 34.33 to allow the use of either thermoluminescent dosimeters or film badges by radiographers and their assistants. Existing regulations only permit the use of film badges. This amendment is desirable because dosimeters can perform as well as film badges and are superior to film badges in certain applications.

The proposed amendment would also require that direct-reading pocket dosim-

eters be used instead of allowing the use of pocket dosimeters or pocket chambers that may be either directly or indirectly reading. The purpose of these pocket dosimeters is to provide a means for radiographers to easily determine the exposure they have obtained. This is more easily and readily obtained with a direct reading dosimeter.

Other minor changes in the wording would substitute the word "individual" for the word "person" to be consistent with the definitions in 10 CFR § 20.3, substitute "exposure" for "dose" to be consistent with the International Commission on Radiological Units and Measurements Report 19, and change the section heading of § 34.33 from "Personnel monitoring control" to "Personnel monitoring."

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendment of 10 CFR Part 34 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendment should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section by December 10, 1974. Copies of the comments on the proposed amendment may be examined at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

Section 34.33 is revised to read as follows:

§ 34.33 Personnel monitoring.

(a) The licensee shall not permit any individual to act as a radiographer or as a radiographer's assistant unless, at all times during radiographic operations, each such individual wears a direct reading pocket dosimeter and either a film badge or a thermoluminescent dosimeter. Pocket dosimeters shall have a range from zero to at least 200 milliroentgens and shall be recharged daily or at the start of each shfit. Each film badge and thermoluminescent dosimeter shall be assigned to and worn by only one individual.

(b) Pocket dosimeters shall be read and exposures recorded daily. An individual's film badge or thermoluminescent dosimeter shall be immediately processed if his pocket dosimeter is discharged beyond its range. Reports received from the badge or dosimeter processor and records of the pocket dosimeter readings shall be maintained for inspection by the Commission.

(Sec. 161; Pub. L. 83–703; 68 Stat. 948 (42 U.S.C. 2201))

Dated at Washington, D.C. this 8th day of October 1974.

For the Atomic Energy Commission.

GORDON M. GRANT,
Secretary of the Commission.

[FR Doc.74–23784 Filed 10–10–74;8:45 am]

[10 CFR Part 70]

SPECIAL NUCLEAR MATERIAL

Criticality Accident Dosimetry

The Atomic Energy Commission has under consideration an amendment of its regulations in 10 CFR Part 70, "Special Nuclear Material", to require a criticality accident dosimetry capability where special nuclear material is handled, used, or stored.

Section 70.24 of 10 CFR Part 70 currently establishes requirements for criticality alarms and for emergency procedures. The proposed amendment would add a requirement for an ongoing dosimetry capability, in order that it be available in the event of a criticality accident.

The purpose of this dosimeter capability is to provide estimates of neutron and gamma doses that may have resulted from a criticality accident.

If the proposed amendment is adopted, a period of one year would be provided for licensees currently operating without a criticality accident dosimetry capability to implement the requirements.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, a notice is hereby given that adoption of the following amendment to 10 CFR Part 70 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendment should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section by December 10, 1974. Copies of the comments received on the proposed amendment may be examined at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

1. In § 70.24 of 10 CFR Part 70, paragraphs (a)(3), (a)(4) and (a)(5) are added to read as follows:

§ 70.24 Additional requirements.

(a) * * *

(3) Maintain a criticality accident dosimetry capability. The capability shall provide the means for determining which individuals have received doses of 10 rads or more and to estimate the neutron and gamma dose in the 10 to 1000 rad range. This capability shall include (i) an exposure indicating device on each individual who enters an area where he might receive a dose of 10 rads or more from a criticality accident, (ii) possession of or access to properly maintained and calibrated instruments for estimating the doses of the exposed individuals and to include personnel capable of properly using the instruments, and (iii) procedures for estimating the doses.

(4) Maintain provisions for appropriate medical treatment of individuals exposed in such accidents.

(5) Holders of licenses for construction or operation of a nuclear reactor issued pursuant to Part 50 of this chapter are exempted from the requirements of paragraphs (a)(3) and (a)(4) of this section with respect to special nuclear material used or to be used in the reactor.

* * * * *

(Secs. 53, 161, 182, 183; Pub. L. 83–703; 68 Stat. 930, 948, 953, 954 (42 U.S.C. 2073, 2201, 2232, 2233))

Dated at Washington, D.C. this 8th day of October 1974.

For the Atomic Energy Commission.

GORDON M. GRANT,
Secretary of the Commission.

[FR Doc.74–23785 Filed 10–10–74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 276–2]

OREGON

Proposed Revision to Implementation Plans

On May 31, 1972 (37 FR 10888), the Administrator approved the "State of Oregon Clean Air Act Implementation Plan" in its entirety. Contained in that approved plan is Chapter 340 of the Oregon Administrative Rules (OAR), Department of Environmental Quality.

On February 21, 1974, the Oregon Department of Environmental Quality (DEQ) submitted to the Administrator amendments to OAR, Chapter 340, sections 25–255 through 25–290, regarding Primary Aluminum Plants, as proposed revisions to the Oregon implementation plan. The amendments had been the subject of public hearings on June 29, July 26, and October 24–25, 1973, in Portland, Medford, and Astoria, respectively, and were adopted by the Oregon Environmental Quality Commission (EQC) on November 26, 1973.

The amendments, as adopted by the EQC, establish specific emission standards for fluorides and particulate matter for new and existing primary aluminum plants. The presently approved regulation states that visible emissions from all sources shall not exceed twenty (20) percent opacity (Ringelmann 1). The proposed revisions for emission standards can be summarized as follows:

For new plants (constructed on or after January 1, 1973):

(a) Total fluoride emissions shall not exceed:

(1) A monthly average of 1.3 pounds of fluoride ion per ton of aluminum produced; (2) an annual average of 1.0 pound of fluoride ion per ton of aluminum produced; and (3) 12.5 tons of fluoride ion per month from any single aluminum plant without prior written approval by DEQ.

(b) Total particulate matter emissions shall not exceed:

(1) A monthly average of 7.0 pounds of particulate per ton of aluminum produced; and (2) an annual average of 5.0 pounds of particulate per ton of aluminum produced.

(c) Visible emissions from any source shall not exceed ten (10) percent opacity or 0.5 on the Ringelmann Smoke Chart at any time.

Compliance is to be achieved within 180 days of plant start-up.

For existing plants (constructed on or before January 1, 1973):

(a) Total fluoride emissions shall not exceed:

(1) A monthly average of 3.5 pounds of fluoride ion per ton of aluminum produced; (2) an annual average of 2.5 pounds of fluoride ion per ton of aluminum produced; and (3) 22.0 tons of fluoride ion per month from any single aluminum plant without prior written approval by DEQ.

(b) The total particulate emissions shall not exceed:

(1) A monthly average of 13.0 pounds of particulate per ton of aluminum produced; and (2) an annual average of 10.0 pounds of particulate per ton of aluminum produced.

(c) Visible emissions from any source shall not exceed 20 percent opacity or 1.0 on the Ringlemann Smoke Chart at any time.

Existing plants must submit a compliance schedule to the DEQ not later than 180 days after the effective date of the amended regulations. Existing plants must meet the emissions standards for existing sources by January 1, 1977, and the emissions standards for new sources by January 1, 1984, pending a review of those standards by the EQC during the calendar year 1979.

Regular monitoring and reporting of progress by the sources to DEQ is also required. An added portion, section 25–270, Special Problem Areas, enables DEQ to require more restrictive emission limits than the numerical emission standards listed above for an individual plant upon a finding by the EQC that the plant is located or proposed to be located in a special problem area. The proposed revisions, as adopted by the EQC, are of equivalent or greater stringency than the presently approved regulation.

The Administrator is required by section 110 of the Federal Clean Air Act to approve or disapprove any proposed revisions to an implementation plan submitted by a State. Your public comment is invited on whether the Administrator should approve or disapprove the proposed revisions to the State of Oregon Clean Air Act Implementation Plan, stating your reasons therefore.

Copies of the proposed revisions are available for public inspection during normal working hours at the following locations:

EPA, Region X
1200 Sixth Avenue
Seattle, Washington 98101

Oregon Department of Environmental Quality
1234 S.W. Morrison Street
Portland, Oregon 97205

EPA, Oregon Operations Office
1234 S.W. Morrison Street
Portland, Oregon 97205

Lane Regional Air Pollution Authority
16 Oak Way Mall
Eugene, Oregon 97401

Freedom of Information Center, EPA
Room 329
401 M Street SW
Washington, D.C. 20460

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Regional Administrator, Environmental Protection Agency, Region X, 1200 Sixth Avenue, Seattle, Washington 98101: Attention: K. Higley M/S 629. Relevant comments received on or before November 11, 1974, will be considered and will also be available for public review during normal working hours at the Region X Office.

(Sec. 110(a) of the Clean Air Act as amended (42 U.S.C. 1857c–5(a)))

Dated: October 4, 1974.

CLIFFORD V. SMITH, JR.,
Regional Administrator.

It is proposed to amend Part 52 of Chapter 1, Title 40 Code of Federal Regulations as follows:

Subpart MM—Oregon

1. In § 52.1970, paragraph (c)(2) is amended as follows:

§ 52.1970 **Identification of plan.**

* * * * *

(c) * * *

(2) August 10, 1972; February 9, May 30, June 8, 22 and 25, July 17 and August 3, 20 and 27, 1973; and February 21, 1974 by the Department of Environ- Quality.

[FR Doc.74–23713 Filed 10–10–74;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR 211]

MANDATORY PETROLEUM ALLOCATION REGULATIONS

Adjustments and Assignments of Allocated Products and Curtailment of Sources of Energy

The Federal Energy Administration hereby gives notice of a proposal to amend the mandatory petroleum allocation regulations to revise and clarify the procedures for adjusting base period volumes and assigning suppliers and base period volumes to wholesale purchaser-consumers and end-users whose source of energy other than allocated products has been or may be curtailed.

FEA is attempting to identify and make provision for allocations to those users of an energy source which may be curtailed during this year's heating season. In order to expedite this process, FEA considers the proposed regulatory changes to be necessary. FEA's intention is to make required assignments or adjustments prior to actual curtailments in order to mitigate the effects of curtailments upon both users and suppliers of allocated products. Thus, § 211.12(h) would be revised to make it clear that an end-user or wholesale purchaser-consumer can apply for assignment of a supplier or adjustment of its base period use of an allocated product prior to actual curtailment of a source of energy.

In those situations where an end-user or wholesale purchaser-consumer has a base period supplier of an allocated product, the proposal would provide that applications for adjustment to base period use would be submitted to such base period suppliers with a requirement that the supplier validate and forward the application to FEA within ten (10) days following submission of the application to the supplier. Such adjustments may be necessary if curtailments are for longer periods of time than they were during the base period.

In those situations where a wholesale purchaser-consumer or end-user does not have a base period supplier of an allocated product, the proposal provides for application to FEA for assignment of a base period supplier and a base period use. It should be noted that all end-user applications, either for an adjustment or an assignment under § 211.12(h), would be submitted directly to FEA rather than to the State Office.

The proposal contemplates that applications would include documented evidence that the applicant's source of energy has been or may be curtailed. This requirement is necessary to permit FEA to make assignments or adjustments based upon the reasonable possibility that a curtailment will occur rather than provide "insurance" allocations unrelated to expected curtailments. FEA does not wish to make assignments or adjustments which will create uncertainties or place unnecessary burdens upon suppliers for purchasers which may not exercise their right to purchase an allocated product. Thus, the proposal also contains a provision which would require purchasers which have received an assignment or adjustment pursuant to § 211.12(h) to declare their intention to purchase all or a portion of their allocation entitlement at least twenty (20) days prior to the beginning of each period which corresponds to a base period. A supplier would be relieved of the obligation to supply any portion of an entitlement not declared at least twenty (20) days prior to the commencement of a period corresponding to a base period.

Suppliers of such purchasers would also be permitted to require such purchasers to enter into agreements to pay for all or a portion of the amounts so declared by a user even though it may not use such amounts. Such agreements, however, could be entered into only after the user nominates an amount to be lifted and prior to the beginning of a period corresponding to a base period. FEA believes that such a provision would be equitable to both purchasers and suppliers. Suppliers would thereby be provided with a better idea of the actual amounts necessary to meet their supply obligations during a period corresponding to a base period and would be compensated for having the obligation to provide product to users which may not actually use the product if they are not curtailed. Further, suppliers would be protected against users which seek the right to purchase a product but who will refuse to do so until their use of their primary fuel is curtailed. Purchasers, on the other hand, will be assured that they

will share allocated products on an equitable basis with the historic users of those products.

FEA believes that these steps are necessary to provide an orderly basis upon which suppliers are to determine and meet their obligations should natural gas curtailment be severe in the coming winter. However, FEA requests comments to guide it in evaluating this proposal. In particular, FEA requests comments on that part of the proposal requiring a curtailed purchaser to nominate and pay for entitlements even though it subsequently does not use the entitlements.

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's comments were as follows:

Under this proposal, when FEA determines that an end-user or wholesale purchaser consumer's unallocated energy source may be curtailed during this year's heating season, EPA suggests that FEA grant the requesting user/consumer an allocated product which, when burned, will conform to appropriate ambient air quality standards established by the Clean Air Act. Two considerations may be necessary in this regard. For users/consumers who have been meeting ambient air quality standards with natural gas, and face curtailment of these supplies, FEA's replacement allocation may have to be a low-sulfur residual and/or middle distillate oil product.

In addition, for users/consumers now burning coal and facing a curtailment of that fuel as a consequence of an action taken under the Defense Production Act, FEA's replacement allocation (under Section 4(b)(3) of the Emergency Petroleum Allocation Act of 1973) should be a sufficiently high quality, low sulfur oil product. This may be necessary to prevent the user/consumer's emissions from deteriorating below existing levels, or to enable the user/consumer to remain on an EPA air quality compliance schedule.

In order that FEA be adequately informed, and be able to better provide the quality and volumes of replacement fuels needed, EPA also suggests that FEA specify that users/consumers state their fuel quality and volume requirements necessary to comply with the Clean Air Act at the time they request allocations under this proposal.

The public hearing in the proceeding will be held beginning at 9:30 a.m., on Thursday, October 24, 1974, at the Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., to receive comments from interested persons on the matters set forth herein. Any person who has an interest in the subject of the hearing, or who is a representative of a group or class of persons which has an interest in the subject of the hearing, 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.s.t., October 18, 1974. Such a request may be hand delivered to Room 3309, Federal 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 or she 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 or she may be contacted through October 21, 1974. Each person selected to be heard will be so notified by the FEA before 5:30 p.m., e.d.s.t., October 21, 1974 and must submit 100 copies of his or her statement to Executive Communications, FEA, Room 3315, Federal Building, Washington, D.C. 20461, before 9 a.m., e.d.s.t., October 24, 1974.

The FEA reserves the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. 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 hearing. It will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, 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 hearing 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 or she 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 hearing, to Executive Communications, FEA, before 4:30 p.m., e.d.s.t., October 23, 1974. Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearing, will determine whether the question is relevant, and whether time limitations permit it to be presented for answers.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the FEA and made available for inspection at the Public Reference Facility of the FEA, Room 3130, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Anyone may buy a copy of the transcript from the reporter.

Interested persons are invited to participate in this rulemaking by submitting data, views, or arguments with respect to the proposed regulations set forth in this notice to Executive Communications, Federal Energy Administration, Box BE, Washington, D.C., 20461.

Comments should be identified on the outside envelope and on documents submitted to Executive Communications, FEA, with the designation "Curtailment of Sources of Energy." Fifteen copies should be submitted. All comments received by October 22, 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.

(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 Part 211, Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., October 9, 1974.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

1. Section 211.12 is amended in paragraph (h) to read as follows:

§ 211.12 Purchaser's allocation entitlement.

* * * * *

(h) *Curtailment of certain energy sources pursuant to Federal or State rule or order.* (1) Any end-user or wholesale purchaser-consumer which has been denied access or advised that it may be denied access to a source of energy other than an allocated product as a consequence of curtailment under a plan filed in compliance with a rule or order of a Federal or State agency, or which is or may be unable to obtain such fuel by reason of an abandonment of service permitted or ordered by a Federal or State agency, may apply to the FEA in accordance with this paragraph for adjustment of base period use or for assignment of a supplier and a base period use if such purchaser does not have a base period supplier of an allocated product.

(2) Applications under this paragraph by wholesale purchaser-consumers which have base period suppliers shall be made in accordance with Subpart B of Part 205 of this chapter. Applications under this paragraph by end-users which have base period suppliers shall be made to the appropriate Regional FEA Office. Wholesale purchaser-consumers and end-users shall submit their applications for adjustments to their base period use under this paragraph to their suppliers prior to submission to FEA. The supplier shall certify information with respect to the application in accordance with forms and instructions issued by FEA and submit the application together with its certification to FEA not later than ten

(10) days following receipt of the application from the wholesale purchaser-consumer or end-user.

(3) Notwithstanding the provision of paragraph (e) of this section, applications under this paragraph by wholesale purchaser-consumers which do not have base period suppliers shall be made in accordance with Subpart C of Part 205 of this chapter. Notwithstanding the provisions of paragraph (f) of this section, applications under this paragraph by end-users which do not have base period suppliers shall be made to the appropriate Regional FEA Office.

(4) Applications under this paragraph shall be in accordance with forms and instructions issued by FEA or § 205.24(b) or § 205.34(b) if appropriate, and shall include documented evidence that the applicant's source of energy has been or may be curtailed, or has or may become unobtainable. FEA shall only make adjustments and assignments pursuant to this paragraph when there are compelling situations requiring relief. Such adjustments shall be based upon applications which are fully supported by detailed facts, figures and other relevant documentation.

(5) Wholesale purchaser-consumers and end-users which have received an assignment or adjustment pursuant to this paragraph shall notify their suppliers whether they will lift all or part of their entitlement for a period corresponding to a base period. Such notification shall be made at least twenty (20) days prior to the beginning of each such period. Suppliers may require that such wholesale purchaser-consumers and end-users enter into an agreement requiring the purchaser to pay for any portion of the purchaser's entitlement which the purchaser declares it will lift even though the purchaser subsequently fails to lift such amount. This agreement shall be entered into only after the purchaser declares the portion of its entitlement it will lift and prior to the commencement of the period corresponding to a base period for which the entitlement relates.

[FR Doc.74-23918 Filed 10-10-74;8:45 am]

GENERAL SERVICES ADMINISTRATION

[41 CFR Part 101-32]

GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

Proposed Amendment to Federal Property Management Regulations

Notice is hereby given in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(c)), that the General Services Administration is considering amending 41 CFR Part 101-32, Government-wide Automated Data Management Services.

The proposed amendment includes recodifying Subpart 101-32.4 to provide agencies with updated, regrouped procurement and contracting policies and procedures. Substantive proposed revisions in this subpart include (1) revising the guidance on use of requirements-type contracts and stating the exceptions and conditions under which agencies may procure ADPE without prior approval from GSA (the dollar limitation is $500,000 for competitive procurements or $50,000 for noncompetitive procurements) and (2) providing for the requirement for competition for procurements against applicable ADP Schedule contracts.

Sections 101-32.406 through 101-32.409 of this subpart are proposed to be rearranged and retitled to provide (1) in § 101-32.406 for GSA action on system planning submissions; (2) in § 101-32.407 to combine all existing procurement guidance and to incorporate therein new ADP procurement policies regarding competition, interim upgrade of ADPE, industry review of ADP specifications, and contracts for data processing services; and (3) in § 101-32.408 to cite all standard ADP contract clauses. Two new clauses, "Warranty Exclusion and Limitation of Damages" and "Contractor Representation," are proposed to be added in § 101-32.408. These clauses would eliminate contractor liability for consequential damages and specify limits of contractor responsibility regarding implied or expressed system capabilities. These clauses were developed by ADTS after consultation with Federal agencies and the ADP industry, and were submitted to agencies by letter of June 1, 1973, from the Commissioner, Automated Data and Telecommunications Service. The "Fixed Price Options" clause was amended to clarify the bases in exercising the options.

Anyone wishing to submit written data, views, or objections to this proposed amendment may write to the General Services Administration (CP), Washington, DC 20405, on or before December 2, 1974.

Dated: September 20, 1974.

WHIT DODSON,
Acting Commissioner, Automated Data and Telecommunications Service.

As proposed, the amendment to the regulations would read as follows:

1. The table of contents for Part 101-32 is amended to read as follows:

Sec.

AUTHORITY: Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(c)).

Subpart 101-32.4—Procurement and Contracting

2. Sections 101-32.402-2, 101-32.402-6, and 101-32.402-10 are revised to read as follows:

§ 101-32.402-2 Software.

"Software" means commercially available proprietary computer programs and routine used to extend the capabilities of ADPE. This category of software includes those software packages available in the commercial market through lease or purchase. Software packages provided by original equipment manufacturers which are separately priced from ADPE are included in this category.

§ 101-32.402-6 Agency procurement request.

"Agency procurement request" (APR) means a request by a Federal agency for GSA to procure ADPE, software, or maintenance services or for GSA to delegate the authority to procure these items. It includes applicable requests for proposals (RFP), invitations for bids (IFB), or requests for quotations (RFQ), and amendments thereto, and any other pertinent information regarding the proposed procurement. When the APR for ADPE is submitted before preparation of the solicitation document, the data systems specifications and/or the equipment performance requirements, as available, and the attendant software requirements may be provided in lieu of the RFP, IFB, or RFQ. In such instances, the software requirements shall include that software as defined in § 101-32.402-2, above, software in the public domain, and any additional software, excluding applications programs, to be developed either in-house or by contract.

§ 101-32.402-10 Selection plan.

"Selection plan" means criteria and systematic procedures established to enable the Government to measure the proposal of an offeror/bidder against the requirements of the Government as set forth in the solicitation document. These

criteria shall be based on the Government's requirements and shall not be equipment or vendor oriented.

3. Section 101–32.402–15 is added as follows:

§ 101–32.402–15 Interim upgrade.

"Interim upgrade" means the replacement and/or augmentation of an installed ADP system on a temporary basis (normally not to exceed 24 months) to improve the system's processing capability to meet unforeseen urgent data processing requirements.

4. Section 101–32.403 is amended and § 101–32.403–1 is revised to read as follows:

§ 101–32.403 Procurement authority.

* * * * *

(a) The exercise of procurement authority shall be accomplished as specified in § 101–32.407.

(b) If the estimated value of the procurement is below $500,000, two copies of the solicitation document (RFP, IFB, or RFQ, as applicable) and any subsequent amendments thereto shall be forwarded to the General Services Administration (CDP), Washington, DC 20405, as soon as available, but in no event to arrive later than 8 workdays before the proposed date of issuance to industry. GSA will notify the agency of the date of receipt of the solicitation document as soon as it is received. Solicitation documents relating to procurements over $500,000 shall be forwarded to GSA as required by § 101–32.407–8.

(c) Amendments to all solicitations, regardless of dollar value, which are clearly administrative in nature, or for clarification purposes, need not be forwarded to GSA until the dates the amendments are sent to industry. In addition, one copy of all contracts and subsequent amendments thereto shall be forwarded to GSA when they are issued. Also, a list of commercial prices shall be forwarded for each separately identified and priced component, special feature, and software package included in the contract that is not listed on an ADP Schedule contract of the vendor selected.

§ 101–32.403–1 Automatic data processing equipment.

Except as indicated in § 101–32.403–4 regarding potential use of the ADP Fund and in Subpart 101–32.14 regarding acquisition of hardware monitors for measuring computer system performance, agencies may procure ADPE without prior approval of GSA provided:

(a) The procurement will occur by placing a purchase/delivery order against an applicable GSA requirements-type contract; or

(b) The value of the procurement does not exceed $500,000 for a competitive procurement or $50,000 for a noncompetitive (sole source) procurement. However, if ADP Schedule contracts are used in consummating these procurements, the limitations set forth in § 101–32.407–6 pertaining to the use of ADP Schedules shall apply. (The dollar limitations set forth above shall exclude attendant maintenance costs if purchase is the method of acquisition. If equipment is leased, the monthly basic rental costs multiplied by 40 shall be used to determine whether the procurement falls within the dollar limitation set forth above.); or

(c) The contemplated procurement meets both the requirement for competition set forth in § 101–32.407–2 and the criteria for the use of ADP Schedule contracts set forth in § 101–32.407–6; and

(1) The procurement will occur by placing a purchase/delivery order against an applicable ADP Schedule contract under terms of the contract; or

(2) The procurement will fall within the limitations prescribed in the scope-of-contract clause of the ADP Schedule as it relates to the maximum order limitations, but if the procurement is a result of negotiations with a company having an ADP Schedule contract, a separate contract rather than a general amendment to the ADP Schedule contract is the desired contractual vehicle. The separate contract, however, must contain improved terms or conditions, with all other terms and conditions at least equal to those in the applicable ADP Schedule contract.

NOTE: When telecommunications are involved, regardless of the authority to procure ADPE as indicated in § 101–32.403–1, agencies shall submit documentation prescribed in Part 101–35.

5. Section 101–32.403–2 is amended to read as follows:

§ 101–32.403–2 Software.

* * * * *

(a) The procurement will occur by placing a purchase/delivery order against an applicable ADP Schedule contract under the terms of the contract, provided such action meets the requirements for competition set forth in § 101–32.407–2; or

* * * * *

6. Section 101–32.403–3 is revised to read as follows:

§ 101–32.403–3 Maintenance services.

When approved by GSA, the ADP Fund may be used by agencies to obtain maintenance services for ADPE leased from GSA through the ADP Fund. In addition, agencies may procure maintenance services without prior approval of GSA when:

(a) Such services are available from an ADP Schedule contract under the terms and conditions of that contract, provided the procurement meets the requirement for competition set forth in § 101–32.407–2; or

(b) The procurement does not exceed $25,000 annually.

7. Sections 101–32.404, 101–32.406, and 101–32.407 are revised to read as follows:

§ 101–32.404 Request for procurement action.

If agencies determine that the conditions of the contemplated procurement are not covered by the provisions of § 101–32.403, or if the conditions of the contemplated procurement change during the procurement cycle in such a manner as to remove it from these provisions, four copies of the APR and such other applicable documents shall be forwarded to the General Services Administration (CPS), Washington, DC 20405. Agencies shall ensure that the policies and guidance stated in applicable Office of Management and Budget (OMB) and GSA policy directives have been complied with prior to forwarding such documentation to GSA. The APR shall contain the name and telephone number of an individual within the agency who shall act as the point of contact with GSA. The APR shall be accompanied by:

(a) A certification that a performance evaluation has been made of currently installed ADP system(s) and that the proposed procurement represents the lowest cost alternative for meeting the agency's data processing needs;

(b) Justification to support negotiated procurement when such procurement is being accomplished. (This justification is for use by GSA when GSA effects the procurement. If GSA determines that the procurement will be accomplished by the agency, the justification will be returned with the delegation of authority for use by the agency in effecting the procurement.); and

(c) Also, if applicable, justification to support a contemplated noncompetitive (sole source) procurement. Specifically, this justification must address:

(1) The intended use or application of the equipment;

(2) The critical or unique features and/or mandatory requirements, dictated by the intended use, that limit the acquisition to a single source of supply. (The overriding necessity of this competition-limiting requirement shall be clearly identified.);

(3) The fact that no other known or probable source of supply exists for the required equipment. (The justification also shall elaborate on the steps taken which led to this conclusion.);

(4) The existence of patent, copyright, or other limitations; and

(5) The practical factors which preclude the development of specifications and/or the requirement for competition.

NOTE: When telecommunications are involved, agencies shall submit documentation prescribed in Part 101–35.

§ 101–32.406 GSA action on system planning submissions.

(a) Provided the GSA Form 2928, Automated Data and Telecommunications System Plan, contains all of the necessary data set forth in Subpart 101–32.15, GSA will notify agencies by July 1 of each year which of those procurements GSA will conduct and will grant a delegation of procurement authority for the remainder. These delegations will cover all of the non-GSA competitive procurements wherein the RFP is scheduled for release during the fiscal year in question. Each such delegation is subject to the following limitations:

(1) The dollar value of the procurement does not exceed the estimated dollar value set forth in the planning report by more than 10 percent, and

(2) The RFP is released to industry no later than the fiscal quarter specified in the planning report.

(b) Any deviation from the above limitations renders the delegation void for the particular procurement in question, and an agency procurement request must be submitted in accordance with § 101–32.404.

§ 101–32.407 Procurement guidance.

The procurement of ADPE, software, maintenance services, and supplies shall be accomplished in accordance with the policies set forth in this § 101–32.407.

8. Sections 101–32.407–1 through 101–32.407–20 are added as follows:

§ 101–32.407–1 Procurement directives.

Procurement shall occur in conformance with the policies, guidance, or provisions set forth in:

(a) The Federal Property Management Regulations (FPMR);

(b) The applicable OMB and GSA policies and guidance;

(c) Federal Information Processing Standards Publications (FIPS PUBS) issued by the National Bureau of Standards; and

(d) Procurement regulations as applicable to individual agencies except as otherwise provided by the FPMR.

§ 101–32.407–2 Competition.

(a) The existence of a nonmandatory ADP Schedule contract does not preclude or waive the requirement for full and complete competition in obtaining ADPE, software, or maintenance services. Except where a noncompetitive (sole source) procurement is determined to be clearly justified, or where a determination as to lowest overall cost can be reached and documented without further solicitation or negotiation, proposals or bids shall be solicited to determine the ADPE, software, or maintenance services which would satisfy agency requirements at the lowest overall cost to the Government, price and other factors considered.

(b) Competitive procurements of ADPE that are based on plug-to-plug compatibility or on make and model or equivalent specifications shall be considered as meeting the established requirements for competition provided a determination is made that it is impracticable to conduct a full competitive procurement based on data system specifications or equipment performance requirements.

(c) If at any time during a competitive procurement only one vendor remains in the competition, this fact shall be made known immediately, in writing, to the General Services Administration (CDP), Washington, DC 20405. Simultaneously, action on the procurement shall be suspended pending further advice from the General Services Administration.

§ 101–32.407–3 Publicizing competitive procurements.

To ensure that appropriate competition is obtained on all ADP procurements, agencies shall publicize solicitations as set forth below:

(a) All solicitations for ADPE, software, and maintenance service shall be publicized in the "Commerce Business Daily" in accordance with applicable directives.

(b) The GSA centralized Bidders Mailing List (BML) for Federal Supply Classification (FSC) Group 70 shall be used for all competitive ADPE and software procurements. Each addressee on the BML must be informed in writing of the proposed procurement and be advised that he must request, in writing, copies of the solicitation if he desires to compete. Agencies shall obtain the GSA BML by a written request to the General Services Administration (8BL), Building 41, Denver Federal Center, Denver, Colorado 80225. The request shall include the applicable class and BML code number(s).

7010–0001	ADPE Configuration.
7020–0001	ADP Central Processing Unit (CPU, Computer), Analog.
7021–0001	ADP Central Processing Unit (CPU, Computer), Digital.
7022–0001	ADP Central Processing Unit (CPU, Computer), Hybrid.
7025–0001	Memory—Magnetic Storage.
7025–0002	Magnetic Tape Subsystems.
7025–0003	Magnetic Disk Subsystems.
7025–0004	Printers, High Speed (ADP).
7025–0005	Paper Tape Devices.
7025–0006	Batch Terminal.
7025–0007	Interactive Display.
7025–0008	Interactive Graphics.
7025–0009	Interactive Hard Copy.
7025–0010	Other ADP Input/Output and Storage Devices.
7030–0001	Operating System.
7030–0002	Application Programs.
7030–0003	Data Base Management Programs.
7030–0004	Other Software.
7035–0001	ADP Accessorial Equipment.
7040–0001	Punched Card Equipment.
7045–0002	ADP Support Equipment.
7050–0001	ADP Components.

(c) Section 101–32.407–3(b) shall be cited as the authority for the request. For further definitization of the above classes, agencies shall contact General Services Administration (CDP), Washington, DC 20405.

(d) To procure ADP maintenance services, agencies shall use the BML for Standard Industrial Group 0739, BML Code 4. Procedures for obtaining and using this BML are the same as those outlined in (b), above. Section 101–32.407–3(d) shall be cited as the authority for requesting this BML.

(e) Copies of the complete solicitation shall be forwarded to all known active bidders plus those who respond affirmatively as a result of paragraph (a), (b), and (d) of this section.

§ 101–32.407–4 Interim upgrade of ADPE.

Frequently, it is possible to satisfy urgent ADPE requirements by acquiring additional or replacement equipment either from the product line of the current vendor or compatible equipment from another vendor. However, the mere availability of this equipment does not relieve an agency of the responsibility for conducting a full competitive procurement for the additional data processing capability required. Nevertheless, the upgrading of an installed ADP system to meet urgent requirements on an interim basis, without full competition, is permissible provided that the conditions set forth below are met:

(a) The urgency of the requirement is such that time will not permit full competition and agency files are documented to support the urgency of the requirement;

(b) The agency shall conduct a full competitive procurement based on new specifications as expeditiously as possible. (Such competitive procurements shall be completed within 24 months from the date the urgent requirement is met, unless there are unusual circumstances which the agency and GSA mutually agree make a longer period of time preferable.); and

(c) To attain the broadest possible competition for the upgraded compatible equipment to meet the urgent requirements, alternative sources of supply, such as leasing companies and independent suppliers of plug-to-plug compatible equipment, shall be used, where possible, to ensure that the equipment for the interim upgrade is obtained at the lowest overall cost to the Government. If the interim urgent procurement is to be made on a sole source basis, the applicable provisions of GSA regulations shall apply.

§ 101–32.407–5 Restrictions on the use of simulation in the ADPE procurement process.

This section sets forth restrictions on the use of computer system simulation for ADPE procurement.

(a) A simulation input definition format shall not be used as the only means of describing data processing requirements in solicitation documents. Any such format shall be accompanied by a narrative description of the ADP objectives and workload and any available application logic diagrams.

(b) Solicitation documents shall not be structured in such a way as to require offerors/bidders to use a specific computer system simulator in order to offer/bid, but where offerors/bidders submit computer simulation as part of the bid, they shall be required to describe clearly the simulator used and the make and model of the computer on which the simulation was run.

(c) Generally, offers/bids shall not be considered to be nonresponsive or unacceptable solely on the basis of simulation results.

(d) Information concerning procurement policies and procedures for ADP simulation and computer performance evaluation services is in Subpart 101–32.14.

The availability of ADPE, software, and maintenance services under an

existing nonmandatory ADP Schedule shall not preclude or otherwise detract from procuring components, including peripheral equipment of a system, or augmenting an existing system from a number of different sources if this action will be in the best interests of the Government. Suitable equipment not on an ADP Schedule contract and that which is on such a contract must be considered. Use of nonmandatory ADP Schedule contracts is subject to the following:

(a) Except for minicomputers and those central processing units where the ADP Schedule purchase price does not exceed $50,000 (regardless of the actual mode of acquisition), a specific delegation of procurement authority pursuant to §§ 101–32.405 or 101–32.406 is required before an agency may:

(1) Issue an order against an ADP Schedule contract to renew the lease of any central processing unit (CPU), or ADPE system that includes a CPU, when GSA has determined that viable competition exists in the marketplace for the CPU(s) in question; or

(2) Place an order against an ADP Schedule contract for the initial acquisition of a CPU or an ADPE system that includes a CPU; or

(3) Convert from lease to purchase under an ADP Schedule contract any CPU, or any specific make and model machine that can be cable connected to such CPU, when GSA has determined that viable competition exists in the marketplace for the ADPE in question.

NOTE: GSA will notify agencies by March 31 each year as to the availability of competition for that ADPE referred to in (a) (1) and (3), above.

(b) If ADPE, software, or maintenance services are procured under ADP Schedule contracts at other than the lowest available delivered price, agencies shall justify the action as required by § 101–26.408 and shall retain the justification and supporting data.

§ 101–32.407–7 Use of requirements contracts.

GSA makes selected ADPE available to agencies through requirements-type contracts when such contracts will provide for substantially lower equipment costs. Where ADPE is available from GSA requirements-type contracts, this source shall be used by all agencies as the primary source to satisfy needs in accordance with the provisions of the contracts. The General Services Administration (CDP), Washington, DC 20405, shall be furnished a copy of the findings and determination when an agency determines that equipment available under the contracts will not meet its requirements. In addition, prior authorization shall be obtained from GSA before placing an order against a requirements contract if GSA is responsible for the allocation of available ADPE on the contracts. Copies of the contracts (not contractors' price lists) are distributed to recipients of the schedule FSC Group 70, Part I. Additional copies are available from the General Services Administration (8BR), Building 41, Denver Federal Center, Denver, Colorado 80225.

§ 101–32.407–8 Industry review of ADP specifications.

Maximum advantage shall be taken of the latest technological advances in the ADP field to ensure that the Government's data processing requirements are met at the lowest possible overall cost. The ADP industry can perform a useful service during the early stage of the procurement process by ensuring that the specifications are clearly stated and readily understandable and that they will permit the Government to take full advantage of current ADP technology. Accordingly, prior to release of the formal solicitation for each competitive procurement where the estimated value of the procurement exceeds $500,000, a copy of the draft technical specifications and/or workload performance specifications shall be provided to offerors/bidders who are scheduled to receive a copy of the solicitation under the provisions of § 101–32.407–3. Offerors/bidders will be given 10 days in which to submit their written comments. The contracting officer shall evaluate the comments received and shall take such action as he determines to be appropriate regarding the procurement in question. The contracting officer's decision with respect to the action taken on these comments shall be final. When draft specifications have been reviewed by industry as set forth above, agencies may release the solicitation without prior review by GSA, provided that a delegation of procurement authority has been granted previously and that two copies of the draft specifications and industry comments received, plus the solicitation document and any amendments thereto, are forwarded to the General Services Administration (CDP), Washington, DC 20405, concurrently with the release of the documents to industry.

§ 101–32.407–9 Handling of late bids, proposals, modifications, and withdrawals.

(a) Late bids, modifications of bids, or withdrawals of bids shall be handled in accordance with the procedures set forth in Subpart 1–2.3.

(b) Late proposals and late modifications shall be handled in accordance with the provisions of §§ 1–3.802–1 or 1–3.802–2 when applicable.

(c) The records set forth in § 1–2.308 shall, if available, be included in the purchasing office files with respect to each late bid or proposal and late modification.

§ 101–32.407–10 Resolicitation of requirements.

The head of an agency or his designated representative may determine that consideration of a late bid/proposal or a late modification is extremely important to the Government; for example, if the late bid/proposal/modification offers some relevant and significant technical or scientific breakthrough. If such a determination is made, the contracting officer shall:

(a) Resolicit all offerors/bidders, including late offerors/bidders, capable of meeting current requirements;

(b) Specify in the resolicitation a date for submission of new bids/proposals; and

(c) Include the appropriate late bids/proposal clause in the resolicitation.

§ 101–32.407–11 [Reserved]

§ 101–32.407–12 Use of equipment specifications.

If the use of system specifications in solicitation documents is not appropriate, equipment specifications that include the hardware characteristics and elements of performance necessary to meet the user's needs may be used to secure competition. In addition, the use of "make and model or equivalent" may be used in lieu of equipment specifications, where appropriate.

§ 101–32.407–13 Evaluation factors.

To enable an offeror/bidder to prepare a proposal or quotation, the solicitation shall identify all the evaluation factors that are to be considered. In addition to the mandatory requirements, desirable features shall be included where applicable. When desirable features are included in a solicitation, relative weights, expressed in dollar value, or points, or any other reasonable indicator which describes the relative importance of these features shall be assigned to them.

§ 101–32.407–14 Use of standard clauses.

The standard clauses in § 101–32.408 shall be inserted in solicitation documents in accordance with the instructions set forth for each clause listed.

§ 101–32.407–15 Conversion rental credits.

Conversion rental credits applicable to installed ADPE during the period of conversion to new equipment shall not be considered as an evaluation factor in the procurement of ADPE. (Conversion rental credits are not the same as, and shall not be confused with, purchase option credits. The latter, when applicable, are to be considered in the evaluation.)

§101–32.407–16 Software procurements.

Agencies shall strive to obtain the following objectives:

(a) Avoid restrictive clauses which limit the use of the software to a specific computer system, installation, or organization;

(b) Incorporate a clause that will permit other Government agencies to obtain the software under the contract being negotiated;

(c) Obtain additional quantity discounts, should any other Government agency acquire the same software under the contract in question; and

(d) Ensure that the vendor is contractually obligated to support and

maintain the software in subsequent years.

§ 101–32.407–17 Procurement of supplies.

(a) Unless otherwise indicated in specific purchase programs established by GSA, Federal agencies shall submit requirements for the following items to GSA for purchase action if the requirement exceeds the specified dollar limitations:

(1) For EDP tape and tabulating machine cards, $2,500; and

(2) For instrumentation tape (wide and intermediate band), $5,000.

(b) Specific purchase programs established by GSA include electronic data processing (EDP) tape, instrumentation tape (wide and intermediate band), tabulating machine cards, and marginally punched continuous forms. Instructions for ordering EDP and instrumentation tapes are in § 101–26.508; for tabulating machine cards, in § 101–26.509; and for marginally punched continuous forms, in § 101–26.604.

§ 101–32.407–18 Contracts for data processing services.

(a) When leased ADPE is used on Government contract work, the contracting officer should obtain for the Government, where possible, the right to accrued purchase credits if the contractor elects not to exercise his purchase option. This applies to all cost-type contracts for data processing if leased ADPE is used on Government contract work, but if less than 100 percent of the cost of this equipment is absorbed by the Government. Accordingly, negotiation objectives for cost-type contracts for data processing should include the following:

(1) The contractor should be encouraged to incorporate in his ADP equipment lease the right to assign accrued purchase credits to the Government;

(2) The contracting officer should obtain for the Government, if possible, the right of first refusal on accrued purchase credits if the contractor elects not to exercise his purchase option; and

(3) A 60-day advance notice should be provided to the Government when the contractor proposes to terminate his ADP equipment lease if the Government has been granted rights to accrued purchase credits.

(b) If the Government has been granted rights to purchase credits and the contractor elects not to exercise his purchase option, the ADPE shall be reported through agency or GSA reutilization channels as set forth in § 101–32.303.

§ 101–32.407–19 Assistance by GSA.

Assistance in any phase of the procurement process covered by this Subpart 101–32.4 shall be obtained by contacting the General Services Administration (CDP), Washington, DC 20405.

§ 101–32.407–20 Sole source procurement documentation.

The following procurement documents, clearly marked "sole source procurement," shall be forwarded to the General Services Administration (CDPD), Washington, DC 20405, for each sole source acquisition of ADPE if the dollar value involved is between $10,000 and $50,000:

(a) A copy of the contract or

(b) A copy of the purchase/delivery order issued against a GSA ADP Schedule contract.

9. Sections 101–32.408 and 101–32.408–1 are revised as follows:

§ 101–32.408 Standard clauses.

The following clauses shall be used as specified in solicitations and contracts for ADP.

§ 101–32.408–1 Late bids, proposals, modifications, and withdrawals.

(a) The late bids, modifications of bids, or withdrawal of bids clause set forth in § 1–2.201(a)(31) shall be inserted in all invitations for bids on ADPE, software, maintenance services, or supplies.

(b) The late proposals and modifications of proposals clause set forth in § 1–3.802–1(a) shall be inserted in all solicitation documents for negotiated procurements for ADPE, software, maintenance services, or supplies except that the alternate clause set forth in § 1–3.802–2(b) may be used in those instances in which overriding mitigating circumstances clearly make use of the alternate clause in the best interest of the Government; and

(1) The head of an agency or his designated representative authorizes use of the alternate clause for the individual procurement in question; and

(2) Prior specific approval is obtained from the Commissioner, Automated Data and Telecommunications Service, Washington, DC 20405.

(c) Late bids, modifications of bids, or withdrawals of bids shall be handled in accordance with the procedures set forth in Subpart 1–2.3.

(d) Late proposals and late modifications shall be handled in accordance with §§ 1–3.802–1 or 1–3.802–2 when applicable.

(e) The records specified in § 1–2.303–8 shall, if available, be included in the purchasing office files with respect to each bid or proposal and late modification.

10. Section 101–32.408–2 is added as follows:

§ 101–32.408–2 Limitation of liability.

The following clause shall be used in all solicitations and contracts for ADPE, software, maintenance, and related supplies and services unless the contracting officer determines that a higher degree of protection is in the best interest of the Government.

(WARRANTY EXCLUSION AND LIMITATION OF DAMAGES

Except as expressly set forth in writing in this agreement, or except as provided in the clause entitled, "Commitments, Warranties, and Representations," if applicable, and except for the implied warranty of merchantability, there are no warranties expressed or implied. In no event will the Contractor be liable to the Government for consequential damages as defined in the Uniform Commercial Code, Section 2–715, in effect in the District of Columbia as of January 1, 1973; i.e.:

Consequential damages resulting from the seller's breach include:

(1) Any loss resulting from general or particular requirements and needs of which the seller at the time of contracting had reason to know and which could not reasonably be prevented by cover or otherwise; and

(2) Injury to person or property proximately resulting from any breach of warranty.

11. Sections 101–32.408–3 through 101–32.408–5 are revised as follows:

§ 101–32.408–3 Contractor representation.

The following clause shall be used in all solicitations and contracts for ADPE when the Government's requirement is set forth in the form of a data system specification and the value of the contract is expected to exceed $100,000:

CONTRACTOR REPRESENTATION

Unless the Contractor expressly states otherwise in his proposal, where functional requirements are expressly stated as part of the requirements of this solicitation, the Contractor, by responding, represents that in its opinion the system proposed is capable of meeting those requirements. However, once the functions have been demonstrated or put to use on the delivered system, Contractor responsibility under this clause ceases. In the event of any inconsistency between the detailed specifications and the functional specification contained in the solicitation, the former will control.

§ 101–32.408–4 Fixed price options.

When the Government has firm requirements for ADPE, software, or maintenance services which exceed the basic contract period (and quantity) to be awarded, but due to the unavailability of funds the option(s) cannot be exercised at the time of award of the basic contract (although there is a reasonable certainty that funds will be available thereafter to permit exercise of the options); realistic competition for the option periods (and quantity) may be impracticable once the initial contract is awarded; and it is in the best interest of the Government to evaluate options in order to eliminate the possibility of a "buy-in," the following clause shall be inserted in solicitation documents:

FIXED PRICED OPTIONS

(a) This solicitation is being conducted on the basis that the known requirements exceed the basic contract period (and quantity) to be awarded, but due to the unavailability of funds the option(s) cannot be exercised at the time of award of the basic contract (although there is a reasonable certainty that funds will be available thereafter to permit exercise of the options); realistic competition for the option periods (and quantity) is impracticable once the initial contract is awarded; and it is in the best interest of the Government to evaluate options in order to eliminate the possibility of a "buy-in." Therefore, to safeguard the integrity of the Government's evaluation and because the Government is required to procure ADPE and related items on the basis of fulfilling system specifications at the lowest overall cost, subsequent (or additional) as well as initial requirements must be satis-

fied on a fixed price basis. Since the systems or items to be procured under this solicitation have an expected life of ____ months (hereafter referred to as "systems life," or "items life," as appropriate), and since lowest systems (items) life costs are synonymous with lowest overall costs, the contract resulting from this solicitation must contain options for renewals for subsequent fiscal years throughout the projected systems (items) life at fixed prices, and, if applicable, at fixed prices for all stated optional quantities of supplies or services not included in the initial requirement. Despite the foregoing, offerors are reminded that although the evaluation which will lead to contract award will be based on systems (items) life costs, the exercise of the option(s) is dependent not only on the continued existence of the requirement and the availability of funds, but also on an affirmative determination that such exercise is in the best interest of the Government. Should the offeror desire, separate charges, if any, which will incur to the Government should the latter fail to exercise the option(s), may be stated separately. Options included in offers submitted in response to this solicitation will be evaluated as follows:

(1) To be considered responsive to this solicitation, vendors must offer fixed prices for the initial contract period for the initial systems or items being procured. Fixed prices, or prices which can be finitely determined, must be quoted for each separate option renewal period and must remain in effect throughout that period. Where optional quantities are offered, prices must be fixed or finitely determinable.

(2) Offers will be evaluated for purposes of award by adding the total price of all optional periods and, if applicable, all stated optional quantities to the total price for the initial contract period covering the initial systems or items. Separate charges, if any, which will incur to the Government should the latter fail to exercise the options, will not be considered in the evaluation, except as stated in (3), below.

(3) An offer which is unbalanced as to prices for the basic and optional quantities may be rejected. An unbalanced offer is one which is based on prices significantly less than cost for some systems and/or items and prices which are significantly overstated for the other systems and/or items. In determining an offer which is unbalanced as to prices, the Government will evaluate separate charges, if any, which the Government will incur for failure to exercise the options.

(b) Evaluation of options will not obligate the Government to exercise the options. Offers which do not include fixed or determinable systems (items) life prices cannot be evaluated for the total requirement and will be rejected. Offers which meet the mandatory requirements will be evaluated on the basis of lowest overall cost to the Government, including all stated options. Accordingly, the following applicable provisions shall be included in any contract resulting from this solicitation:

OPTION TO EXTEND THE TERM OF THE CONTRACT

This contract is renewable, at the option of the Government, by the Contracting Officer giving written notice of renewal to the Contractor by July 1st of each year or within 30 days after funds for that fiscal year become available, whichever date is the later; provided that the Contracting Officer shall have given preliminary notice of the Government's intention to renew at least ____ days before this contract is to expire. Such a preliminary notice shall not be deemed to commit the Government to renewals. If the Government exercises this option for renewal, the contract as renewed shall be deemed to include this option provision. However, the total duration of this contract, including the exercise of any options under this clause, shall not exceed ____ months. (Optional: Should the Government fail to exercise this option to extend the term of the contract, separate charges, as set forth elsewhere in this contract, shall incur.)

OPTION FOR INCREASED QUANTITY

The Government may increase the quantity of items called for herein by the amount stated elsewhere in this contract and at the unit price specified therein. The Contracting Officer may exercise this option at any time within the period specified in the contract by giving written notice to the Contractor. Delivery of items added by exercise of this option shall be in accordance with the delivery schedule set forth elsewhere in this contract. (Optional: Should the Government fail to exercise this option for increased quantity, separate charges as set forth elsewhere in this contract, shall incur.)

§ 101–32.408–5 Standard clauses for implementation of FIPS PUBS.

The standard terminology, as set forth in Subpart 101–32.13, shall be included in the solicitation for each FIPS PUB that is applicable to the procurement in question.

12. The text of § 101–32.409 is deleted and the section is reserved as follows:

§ 101–32.409 [Reserved]

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

Dated: September 20, 1974.

[FR Doc.74–23759 Filed 10–10–74;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 3]

VETERANS BENEFITS

World War I Training Camps

The Administrator of Veterans' Affairs proposes a regulatory amendment to clarify a provision relating to training camps which were in operation during World War I.

Section 3.7, Part 3 of Title 38, Code of Federal Regulations, lists categories of service which entitle the persons who served therein and their dependents to benefits based on military service. Paragraph (t) of that section provides that members of training camps authorized under section 54 of the National Defense Act are included except members of Student Army Training Corps Camps at three specified locations from July 18, 1918, to September 16, 1918. These camps trained civilian students and faculty members for the purpose of serving as instructors in the forthcoming Student Army Training Corps program which was activated in October 1918. However, there were in fact six such camps, three of which are not currently identified in § 3.7(t). The members of these camps acquired no military status and are not entitled to veterans benefits. The proposed amendment to § 3.7(t) adds the three Student Army Training Corps Camps not previously reflected in the regulation as exceptions to the general rule stated therein.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (27A1), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All relevant material received before November 11, 1974, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that the proposed amendment would be effective the date of final approval.

It is proposed to amend Part 3 of Title 38, Code of Federal Regulations, as follows:

1. In § 3.7, paragraph (t) is revised to read as follows:

§ 3.7 Persons included.

The following are included:

* * * * *

(t) *Training camps.* Members of training camps authorized by section 54 of the National Defense Act, except members of Student Army Training Corps Camps at the Presidio of San Francisco, Plattsburg, New York, Fort Sheridan, Illinois, Howard University, Washington, D.C., Camp Perry, Ohio, and Camp Hancock, Georgia, from July 18, 1918, to September 16, 1918.

* * * * *

2. The cross reference following § 3.7 is amended to read as follows:

CROSS REFERENCE: Office of Workers' Compensation Programs. See § 3.708.

Approved: October 7, 1974.

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.74–23793 Filed 10–10–74;8:45 am]

notices

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

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Delegation Order ATF O 1100.6]

ASSISTANT DIRECTOR

Delegation of Authority

A. Pursuant to the authority vested in the Director by Treasury Department Order No. 221, dated June 6, 1972, and by 26 CFR 301.7701–9 there is hereby delegated to the Assistant Director, Regulatory Enforcement, the authority to take final action on the following matters relating to 26 CFR Part 201, Distilled Spirits Plants Regulations:

(1) Approval of applications for (1) alternate methods, procedures, or operations, including alternate construction or equipment; and (2) emergency variations from requirements for construction, equipment, and methods of operations, under 26 CFR 201.62.

(2) Designation of temporary pilot or experimental operations, under 26 CFR 201.63.

(3) Approval of applications for the establishment and operation of experimental distilled spirits plants, under 26 CFR 201.64 and 26 CFR 201.65.

(4) Approval of applications for waiver of requirements, under 26 CFR 201.66.

(5) Authorizations for the carrying on of other businesses on premises of distilled spirits plants, under 26 CFR 201.67.

(6) Exemptions from provisions of law and regulations by reason of disaster, under 26 CFR 201.69.

(7) Requirements for the discontinuance of storage facilities, under 26 CFR 201.71.

(8) Approval of applications and requirements for the filing of bonds to conduct experimental or research operations, under 26 CFR 201.72.

(9) Approval of applications to establish a warehouse without regard to the minimum storage requirements, under 26 CFR 201.112.

(10) Authorizations for Regional Directors to approve registrations of plants with separated areas, under 26 CFR 201.117.

(11) Approval of applications by successors to adopt approved Forms 27–B Supplemental, Formula and Process for Rectified Products, under 26 CFR 201.165.

(12) Approval of pipelines which may not be readily examined, under 26 CFR 201.244.

(13) Authorizations for the spirits content of chemicals to exceed 10 percent by volume including chemical byproducts of spirits production, under 26 CFR 201.278.

(14) Approval of applications to store packages and cases, under 26 CFR 201.291.

(15) Approval of applications to enter code symbols on Forms 1515, Distilled Spirits Bottled in Bond, in lieu of affixing approved or exempted labels thereto, under 26 CFR 201.330.

(16) Waiver of requirements for showing label information, under 26 CFR 201.331.

(17) Waiver of the requirements for weighing packages transferred in bond, under 26 CFR 201.368.

(18) Approval of applications on Forms 1444, Tax-Free Spirits for use of United States, and any subsequent cancellation thereof, under 26 CFR 201.391.

(19) Authorizations for the disposition of excess spirits in the possession of a Government agency, under 26 CFR 201.392.

(20) Requirements for a diagram, drawing or other pictorial depiction of process, under 26 CFR 201.422.

(21) Approval of riders to formulas and the acceptance of surrendered formulas, under 26 CFR 201.425.

(22) Approval of Forms 27–B Supplemental, under 26 CFR 201.443.

(23) Approval of applications to enter code symbols on Forms 2637, Bottling Tank Report, in lieu of affixing the labels thereto, under 26 CFR 201.456.

(24) Waiver of requirements for showing label information, under 26 CFR 201.467.

(25) Approval of applications to enter code symbols on Forms 2637 in lieu of affixing labels thereto, under 26 CFR 201.470j.

(26) Approval of extraneous matter to be printed on caution labels, under 26 CFR 201.523.

(27) Approval of applications for designs or marks on cases, under 26 CFR 201.530.

(28) Approval of applications for distinctive liquor bottles, under 26 CFR 201.540e.

(29) Approval of applications to receive and reuse liquor bottles, under 26 CFR 201.540f.

(30) Requirements for the State of distillation to be shown on labels and granting of permission for other labeling, under 26 CFR 201.540o.

(31) Approval of overprinting on strip stamps, under 26 CFR 201.541.

(32) Authorizations for the affixing of labels or State stamps, under 26 CFR 201.545.

(33) Approval of applications to use modified forms, under 26 CFR 201.614.

(34) Approval of applications to estimate the weight or volume of distilling materials produced, under 26 CFR 201.618.

2. The authorities delegated herein may be redelegated in the Bureau Headquarters but not below the level of Division Chief.

Dated: October 4, 1974.

[SEAL] REX D. DAVIS,
Director.

[FR Doc.74-23827 Filed 10-10-74;8:45 am]

DEPARTMENT OF DEFENSE

Corps of Engineers

WINTER NAVIGATION BOARD ON GREAT LAKES AND ST. LAWRENCE SEAWAY

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463) notice is hereby given of a meeting of the Winter Navigation Board to be held on October 22, 1974 at the Sheraton Cadillac Hotel in Detroit, Michigan. The meeting will be in session from 10 am to 4:30 pm.

The Winter Navigation Board is a multi-agency organization which includes representatives of Federal agencies and non-Federal public and private interests. It was established to direct the Great Lakes and St. Lawrence Seaway navigation season extension investigations being conducted pursuant to Pub. L. 91–161 and Pub. L. 93–251.

The primary purpose of the meeting is to approve the FY 76 proposed program as developed by the Working Committee. Other topics of discussion will include the test plan for vessel transits through an ice boom in the St. Lawrence River, the operational plan to be implemented at Sugar Island in the St. Marys River this winter, and the status of the Environmental Impact Statement on FY 75 Demonstration activities.

The meeting will be open to the public subject to the following limitations:

a. As the seating capacity of the meeting room is limited, it is desired that advance notice of intent to attend be provided. This will assure adequate and appropriate arrangements for all attendants.

b. Written statements may be submitted prior to, or up to 10 days following the meeting, but oral participation by the public is precluded because of the time schedule.

Inquiries may be addressed to Mr. David Westheuser, U.S. Army Engineer District, Detroit, Corps of Engineers, P.O. Box 1027, Detroit, Michigan 48231, telephone 313–226–6769.

Dated: October 7, 1974.

By authority of the Secretary of the Army.

FRED R. ZIMMERMAN,
Lt. Colonel, U.S. Army
Chief, Plans Office, TAGO.

[FR Doc.74-23720 Filed 10-10-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[C–21963–RW]

ROCKY MOUNTAIN NATURAL GAS COMPANY, INC.

Pipeline Application

OCTOBER 3, 1974.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of February 25, 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Rocky Mountain Natural Gas Company, Inc., Box 700, Glenwood Springs, Colorado 81601, has applied for a right of way for a natural gas pipeline across the following lands:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 8 S., R. 104 W.,
Sections 2, 10, 11, 12, 13;

T. 6 S., R. 104 W.,
Section 34;
T. 7 S., R. 104 W.,
Sections 2, 3, 10, 11, 14, 23, 26, 27, 34;
T. 8 S., R. 103 W.,
Sections 7, 16, 17, 18, in Mesa and Garfield Counties, Colorado.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application; and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed pipeline right of way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objections must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, within thirty days from the date of this notice.

EVERETT K. WEEDIN,
Chief,
Branch of Land Operations.

[FR Doc.74-23800 Filed 10-10-74;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: L. David Mech, Wildlife Rsearch Biologist, Minnesota Field Station, Patuxent Wildlife Research Center (North Central Forest Experiment Station), Folwell Avenue, St. Paul, Minnesota 55101.

MEMORANDUM

AUGUST 28, 1974.

From: L. David Mech, Wildlife Research Biologist, Minnesota Field Station, Patuxent Wildlife Research Center (North Central Forest Experiment Station, Folwell Ave., St. Paul, Mn. 55101).

Subject: Application for permit for scientific research on the eastern timber wolf (*Canis lupus lycaon*).

I am applying herewith for a permit to conduct scientific research on the eastern timber wolf (*Canis lupus lycaon*) as required by the Endangered Species Act of 1973, and under the provisions of Part 13—General Permit Procedures of 50 CFR 13.

1. Name and address as above, phone 612-645-0841.

2. Not applicable.

3. Director, U.S. Fish and Wildlife Service: Lynn A. Greenwalt.

4. Permit requested for Minnesota, Wisconsin, and Michigan.

5. Type of Permit: Endangered Wildlife: *scientific*; to live-trap, radio-tag, ear-tag, blood-sample, examine, possess, hold, transport, release, photograph, observe and study, live *Canis lupus lycaon*; to procure, possess, and transport blood samples, whole carcasses or any part thereof of dead *Canis lupus lycaon*; and to live-trap up to ten (10) live specimens of wild *Canis lupus lycaon* in Minnesota for captivity studies requiring pure wild stock, and to hold them and their offspring in captivity for an indefinite period of the study.

This permit is necessary for the continuation of ecological, behavioral, and physiological studies of timber wolves in the Great Lakes region by the U.S. Fish and Wildlife Service and its contractors, collaborators, and associates. Individual study plans are on file at the Division of Endangered Wildlife Research Patuxent Wildlife Research Center, U.S. Fish and Wildlife Service, Laurel, Md. 20810. It is assumed that under the provisions of Section 13.25(b) persons employed or under the direct control of the permittee will also be covered by the permit applied for.

6. Not applicable. No importation or exportation is contemplated.

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. Proposed effective date: Immediately.

9. Present date: August 26, 1974.

10.

L. DAVID MECH,
Wildlife Research Biologist.

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), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before November 11, 1974, will be considered.

Dated: October 3, 1974.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.74-23774 Filed 10-10-74;8:45 am]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Walter O. Stieglitz, Refuge Manager, Department of the Interior, U.S. Fish and Wildlife Service, San Francisco Bay National Wildlife Refuge, Fremont, California.

JULY 29, 1974.

U.S. Fish and Wildlife Service, Washington, D.C.

Refuge Manager, San Francisco Bay National Wildlife Refuge, Fremont, CA.

Permit for Scientific Study of Salt Marsh Harvest Mouse Under Endangered Species Act of 1973.

We need to have subject permit issued to this field station as expeditiously as possible.

The salt marsh harvest mouse is on the current list of endangered wildlife. Although Fisler (1965) and Schaub (1971) trapped a limited number of sites for this species, no thorough survey of appropriate marshlands throughout the San Francisco Bay area has ever been conducted.

We have planned a study to determine the status and distribution of salt marsh harvest mice around San Francisco and San Pablo Bays (outline attached). The study will be conducted by U.S. Fish and Wildlife Service personnel at the San Francisco Bay National Wildlife Refuge. Census of mice will be by live trapping, marking and releasing. No animals will be collected or removed from their original location, and extreme care will be exercised to assure that no significant impact on individual animals or on the species occurs.

The results of this study are essential for the following:

1. In the preparation of a recovery plan for this species;

2. As a basis for the management of lands included in the San Francisco Bay National Wildlife Refuge which provide habitat for this species;

3. In providing the Division of River Basin Studies information on the status of the mice for their use in reviewing environmental impact statements.

Please advise us as to the progress of this application to conduct a population survey of salt marsh harvest mice.

WALTER O. STIEGLITZ.

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.

WALTER O. STIEGLITZ,
Refuge Manager, San Francisco Bay National Wildlife Refuge Complex.

JULY 29, 1974.

WILDLIFE MANAGEMENT STUDY OUTLINE—DIVISION OF WILDLIFE REFUGES—REGION 1

PROJECTS: SAN FRANCISCO BAY—2

1. *Title of Study.* Determination of the Status and Distribution of Salt Marsh Harvest Mice around San Francisco and San Pablo Bays.

2. *Objectives.* A. Determine locations of populations of the two subspecies of salt marsh harvest mice endemic to the San Francisco and San Pablo Bays.

B. Develop a practical technique for inventorying populations.

C. Monitor populations and habitat parameters in selected representative marshes.

3. *Justification.* The salt marsh harvest mouse, *Reithrodontomys raviventris*, is an endangered mammal endemic to the marshs adjacent to the San Francisco Bay. Two subspecies are known. *R. raviventris raviventris*, commonly called the red-bellied harvest mouse, inhabits the Corte Madera marsh and the marshes of San Francisco Bay proper south of both the Golden Gate and the Carquinez Straits. *Reithrodontomys raviventris halicoetes* is found in marshes around

Martinez and in those along the San Pablo Bay north of Corte Madera and the Carquinez Straits.

The once extensive marshes of San Francisco Bay area have been drastically diminished by filling and diking. The remaining habitat of both forms of this species is only a small fraction of that which was formerly available. The decline in the salt marsh harvest mouse population accompanying the diminished habitat has resulted in the current endangered classification of this animal.

In view of this mouse's endangered status and of the threat of additional losses of salt marsh habitat, it is essential that the current population status and distribution of this species be determined. An efficient procedure for inventorying these populations needs to be derived to facilitate the estimation of current local population numbers and the determination of population trends.

The San Francisco Bay and San Pablo Bay National Wildlife Refuges, respectively, will contain significant percentages of the remaining habitat of the raviventris and halicoetes forms of salt marsh harvest mouse. To manage these refuges properly, it is necessary to have a thorough understanding of the numbers and distribution of these two races and to have available an efficient census technique to monitor population trends.

4. *Procedure.* A. *Literature Review:* A limited amount of research is available on this species. Refuge personnel have already conducted a review of the major publications available, and will consult additional sources as required throughout the study.

B. *Data Collection:* Census work by live trapping, marking, and releasing the mice can be conducted during all seasons of the year, depending on tides and access points. The entire remaining range along the San Francisco and San Pablo Bays will be surveyed in order to obtain complete population data.

Initially, each marsh will be surveyed to determine the presence of mice. For this phase, a minimum of 50 traps will be set in strips from the mudflat fringe to the upland border of the marsh. Traps may also be set in locations, such as Australian salt bush, which are known to be preferred mouse habitat. Two consecutive nights of trapping will generally be used to determine the presence of mice in a particular marsh, although additional nights could be necessary in some instances. All mice trapped will be marked with consecutively numbered ear tags before release.

In addition to trapping to determine the presence of salt marsh harvest mice, representative marshes will be trapped more extensively to determine:

a. Factors that contribute to the highest rate of capture. This information will allow better placement of traps when surveying a new area for the presence of mice.

b. Seasonal effects on water, soil and vegetation characteristics and resultant mouse distribution within a marsh.

c. Tidal differences on mouse distribution within a marsh.

d. Other parameters affecting the population estimate.

e. A practical technique, using "a" through "d" above, for inventorying populations.

f. Population estimates for each of these marshes, using the inventory procedure in "e" above.

g. Population trends in these marshes. Census routes and/or transects will be permanently marked and plotted on maps which, along with a narrative description of the technique, will be retained in the wildlife inventory file folder in the refuge office.

h. Factors influencing the population trends.

Habitat quantity and quality will be determined by using aerial photographs, ground surveys and vegetation maps, which are available or are being developed by other individuals or agencies for the study area. This information will be used in conjunction with that obtained in the proposed study.

Since the salt marsh harvest mouse is included on the official U.S. Department of the Interior list of endangered species, extreme care will be exercised in conducting the field work to assure that no significant impact on the species occurs as a result of the proposed study. No animals will be collected.

C. *Data Analysis and Interpretation:* This aspect will be handled by refuge personnel with technical assistance donated by cooperators where necessary or desirable.

5. *Cooperators.* Meetings have been held with representatives from the California Department of Fish and Game and with personnel from local universities most knowledgeable on the subject species and its habitat. A concensus has been reached at these meetings that there is an urgent need to obtain the information outlined under "Objectives" for the two subspecies of salt marsh harvest mice.

Professors and members of the graduate school at local universities have expressed an interest in providing technical and field assistance in the proposed study as necessary. Cooperation with the Army Corps of Engineers will be requested in supplying records from tidal stage recorders in the marshes selected for population trend monitoring. This information will be used in conjunction with periodic vegetation, water and soil analyses to make predictions on population trends. These predictions will be useful in deciding Bureau policy on land and water uses affecting raviventris and halicoetes habitat and in supporting Bureau statements regarding these uses.

A permit to study resident endangered species will be obtained from the California Department of Fish and Game. Howard Leach, head of the Department's office of endangered species, has been in attendance at meetings with refuge personnel and concurs with the need for the current study.

The Leslie Salt Company, agencies of the Department of Defense, and various other public and private landowners will also be informal cooperators.

6. *Responsibility.* The study will be carried out by refuge personnel. Professors at San Jose State University and the University of California at Berkeley will donate technical and field assistance on an informal basis.

7. *Cost.*

Labor:	
2 man-days/site at 42 sites (phase I).	$3,600
10 man-days/year (phase II) (per year).	850
Equipment:	
100 small mammal live traps. (50 of these are already on hand. All traps will be available for other projects.)	225
Ear tags (500) and clinchers	50
Hach water sampling kit. (Also may be used in other projects.)	200
Transportation. (By refuge vehicle. Mouse surveys will be combined with other refuge business trips wherever possible.)	200

8. *Schedule.* The study should begin as soon as possible. The following schedule is tentative, depending on the time required to obtain the necessary approvals and permit.

Commence—April, 1974.

Complete Field Work of Phase I—October 31, 1974. (Preliminary survey of marshes around San Francisco and San Pablo Bays for presence of salt marsh harvest mice.)

Complete Report on Phase I—December 31, 1974.

Field Work on Phase II—Continuing. (Monitoring populations and habitat parameters to determine trends.)

The second phase of the study would require an estimated 10 man days/year. This phase would continue until the species is no longer endangered or until the relationship between habitat parameters and the mouse are well enough understood to predict population response to habitat changes. Accurate prediction would facilitate adequate management to maintain the species.

9. *Reports.* Five copies of progress reports and the final report will be prepared. Four copies of same will be forwarded to the Regional Director for appropriate distribution. The following reporting schedule shall be adhered to:

Initial Progress Report—August 31, 1974.

Final Phase I Report—December 31, 1974.

Phase II Progress Report—December 1, 1975 and annually thereafter until completion of Phase II.

10. *Publication.* Both phases of the study should be published in appropriate journals. In addition, the assistant refuge manager will coordinate with Dr. A. S. Leopold at the University of California, Berkeley, to use study results to meet M.S. thesis requirements.

11. *Submitted by.*

a. Recommended by Walter O. Stieglitz, Refuge Manager, Date, 3/23/74.

b. Recommended by _____, Regional Supervisor, Date, _____.

SITES FOR HARVEST MOUSE TRAPPING

Corte Madera Marsh.
Galinas Creek (north).
Galinas Creek (south).
Novato Creek (mouth).
Petaluma Marsh (site one mile upstream from bridge).
Petaluma Marsh (sewage treatment plant—if mice are present in first Petaluma site).
San Pablo Refuge (west end).
San Pablo Refuge (Lower Tubbs Island area).
San Pablo Refuge (Sonoma Creek—east side).
San Pablo Refuge (Leslie Salt intake).
San Pablo Refuge (Figueros Tract).
Mare Island Marsh.
San Pablo (City) Marsh.
Richmond (City) Marsh.
San Leandro Bay Marsh.
Alameda Creek(Hayward) mouth.
Turk Island Marsh.
Ideal Cement (Fremont Unit).
Dumbarton Point Marsh (south of railroad).
Mowry Slough (above duck clubs).
Marsh on south side of Ponds 12, 11, 10 (two sites).
Marsh on west end of Pond 2.
Marsh north side Coyote Creek (two sites).
Unnamed Slough between Ponds 3 and 4.
Station Island.
Triangle Marsh.
New Chicago Marsh (refuge).
Marsh east of Alviso Marina.
Alviso Slough Marsh (east).
Alviso Slough Marsh (west).
Palo Alto Baylands (use existing data).
Cooley Landing Marsh.
Charleston Slough.
Ravenswood Slough.
Greco Island (two sites).
Bair Island (south of Corkscrew mouth south).
Corkscrew Marsh.
Bair Island (east end).
Redwood Shores Peninsula Marsh.
Bird Island.

Documents and other information submitted in connection with this applica-

tion 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), U.S. Fish and Wildlife Service, P.O. Box 19183, Washington, D.C. 20036. All relevant comments received on or before November 11, 1974, will be considered.

Dated: September 25, 1974.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.74-23775 Filed 10-10-74;8:45 am]

National Park Service

[INT DES 74-87]

GRIZZLY BEAR MANAGEMENT PROGRAM FOR YELLOWSTONE NATIONAL PARK, WYOMING

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a draft environmental statement for a grizzly bear management program for Yellowstone National Park, Wyoming.

The statement considers measures designed with the purpose of perpetuating a wild, free-ranging grizzly bear population in Yellowstone National Park and minimizing conflicts betwen humans in the park and grizzly bears by the reduction of the role of man as a food source and by the regulation of visitor distribution in the park.

Written comments on the environmental statement are invited and will be accepted on or before November 25, 1974. Comments should be addressed to the Regional Director, Rocky Mountain Regional Office at the address given below.

Copies are available from or for inspection at the following locations:

Rocky Mountain Regional Office
National Park Service
645-655 Parfet Avenue
Denver, Colorado 80215

Office of the Chief Scientist
National Park Service
Department of the Interior
18th & C St., NW.
Washington, D.C. 20240

Superintendent
Yellowstone National Park
Yellowstone National Park, Wyoming
82190

Dated: September 18, 1974.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.74-23833 Filed 10-10-74;8:45 am]

Office of Hearings and Appeals

[Docket No. M75-44]

ADOLPH COORS CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provision of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Adolph Coors Company has filed a petition to modify the application of 30 CFR 75.1405 to its Lincoln Mine.

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.

To be read concurrently with 30 CFR 75.1405 is 30 CFR 75.1405-1 which provides:

The requirement of § 75.1405 with respect to automatic couplers applies only to track haulage cars which are regularly coupled and uncoupled.

In support of its petition, Petitioner states:

Cars are delivered to the loading section in car units by a trolley locomotive. The cars are used to haul timbers into the mine in order to support the roof and for various other uses in order to maintain mine safety. The Lincoln Mine was designed for belt haulage; therefore, the cross-cuts were driven at 90° angles to the entries. This track was installed for material and man trips.

The "W" type automatic car coupler designed by C. S. Card Iron Works of Denver, Colorado must have curves with not less than a 20 foot radius. The curves in the Lincoln Mine have a 9 foot radius.

The mine cars enter the mine in two or three car trains and are taken to the place required, unloaded, and returned to the surface to be reloaded.

The Petitioner has special hooks attached to the haulage motors that eliminate the necessity of one man going between the cars to uncouple the same. These hooks are being used by the motorman operating the motor at this mine and thus any hazard in the uncoupling procedure has been eliminated. The Petitioner is undertaking a study to determine whether automatic couplers could be attached to the small cars now in use so that the cars could be operated with automatic couplers on the short curves in the mine. Also, a study is being conducted to establish whether the curves can be enlarged by removing part of the ribs without weakening the roof and thus provide curves that would have a radius of not less than 20 feet.

The pit cars used in this mine were built especially for the mine by the C. S. Card Iron Works of Denver, Colo. They were custom-built cars for special use in this particular mine. It is not practical or possible to install automatic car couplers because of the limited space in the Lincoln Mine.

The Petitioner has contracted with C. S. Card Iron Works to make a study of a coupler that could be manufactured for use on this particular car to provide adequate safety. The Card Company has supplied a schematic drawing which accompanies the petition for modification.

It would be dangerous to install couplers which would project beyond a safe clearance zone between the cars and the rib.

The use of the above-described method (without automatic couplings) has been in existence ever since the mine was opened many years ago without loss of time due to accidents.

Petitioner respectfully requests that it be allowed to use an alternate system at the Lincoln Mine which will guarantee as great or greater safety than the regulation.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 11, 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.

NEWTON FRISHBERG,
Acting Director, Office of Hearings and Appeals.

OCTOBER 2, 1974.

[FR Doc.74-23801 Filed 10-10-74;8:45 am]

[Docket No. M75-29]

ALABAMA BY-PRODUCTS 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), Alabama By-Products Corporation has filed a petition to modify the application of 30 CFR 75.1405 to its Chetopa Mine, Jefferson County, Alabama.

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.

To be read concurrently with 30 CFR 75.1405 is 30 CFR 75.1405–1 which provides:

The requirement of § 75.1405 with respect to automatic couplers applies only to track haulage cars which are regularly coupled and uncoupled.

In support of its petition, Petitioner states:

Four-wheel, rotary dump mine cars which had a capacity of 104 cubic feet and are approximately 30 years old are used to transport supplies from the surface to the working sections of the mine. The cars have been modified by removing a portion of each side to better facilitate the loading and unloading of supplies.

There are currently in use at this mine nine supply cars which are fitted with link and pin coupling devices. The cars are pulled over light-weight track at the mine elevation by electrically operated locomotives after being lowered down a sixteen degree decline by an electrically operated hoist.

There have been no accidents due to the link and pin coupling system during the 7¾ years the mine has been in operation.

The supply cars are small and light and are not suited for use with automatic couplers. The impact required to make a coupling would create the hazard of derailing the cars.

Petitioner has recently opened a new underground coal mine. Considerable difficulty was encountered in operating new supply cars equipped with automatic couplers over trackage with rapid grade changes even though a long vertical radius had been installed in the track. It is evident from this firsthand knowledge that hauling cars over the rapidly changing grades at the subject mine could strain automatic couplers to a point where the couplers would break or cause the cars to derail.

Recently, mine management has become aware of the existence of an alternate method which does not possess the disadvantages of the automatic coupler and achieves the same measure of protection to miners sought to be achieved by use of the automatic coupler.

Safety standard with respect to which modification is being requested. It is petitioner's understanding that the Mine Enforcement and Safety Administration has further interpreted the phrase "regularly coupled and uncoupled" as excluding mine cars which are coupled together by pin and link arrangements provided the pin, when in coupling position, is secured by a suitable locking pin or nut so that the cars thus coupled cannot be uncoupled simply by lifting the pin. Thus a string of mine cars which have been coupled together by link and fixed pin arrangements are not required to have automatic couplers except on the end of the exterior car of the string which is from time to time (irregularly) coupled to some other piece of haulage equipment. This interpretation has not been published.

Petitioner submits that the application of the foregoing provision of the Act and the foregoing regulations and interpretations, if applied to petitioner's mine would result in a diminution of safety over the present system in effect. In order to better achieve the purposes sought to be achieved by the Act and regulations and thus provide a greater measure of protection to the miners, petitioner proposes an alternate method, as set forth hereinafter.

Alternate method. Approval of this alternate system as a satisfactory replacement of 30 CFR 75.1405 is subject to the following understanding and conditions which are incorporated as part of the alternate system:

A. All supply cars in use at the captioned mine will be coupled together in units or strings of cars using pin and link couplings and each pin will be drilled with a ¼ inch hole and fixed in position with the appropriate size cotter key. The front end of the front car of each string will be fitted with a coupling lever so designed as to permit an employee to lift or drop the pin through the car bumper to secure or release a link that has been inserted from another haulage unit and to do this without the necessity of positioning himself between the units being coupled or uncoupled. If it becomes necessary in the coupling operation to position the link, this also will be done without the employee positioning himself between the units. He will effectuate this alignment by using a specially designed hand link aligner tool which will be part of the equipment of all supply crews. There will be two hand link aligners on each supply locomotive: The regular size and a shorter more convenient size in the event the motorman wishes to position the link for coupling while remaining seated in the "deck" of the locomotive.

It is presently planned that most, if not all, supply car units or strings will consist of three cars. However, in the event it becomes more practical to combine cars into strings of more or less than three cars, each string of cars will nevertheless meet the specifications of fixed pin on all cars and coupling lever on the front car.

B. All employees at the captioned mine will be trained and instructed in the proper operation and use of the coupling levers and the hand link aligners and their proper use will be mandatory requirements for coupling and uncoupling of all mine car supply units at this mine. More specifically in this regard:

(1) All present employees engaged in handling and transportation of supplies at this mine will be instructed on the function and use of the coupling lever and hand link aligners.

(2) Thereafter, any new employees hired as supply men at this mine will be given instructions on the function and use of the coupling lever and hand link aligners as part of their orientation before they commence actual work.

(3) This instruction will be repeated at six month intervals.

(4) The company will maintain a permanent record of the names and dates when each employee received his instruction and re-instruction.

(5) The requirement that, upon conversion of supply cars at this mine, coupling and uncoupling be done by means of coupling levers and hand link aligners 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 mine.

(6) As each multiple supply car unit is converted, it will be subject to the modified standard set forth in this petition and such unit will only be coupled and uncoupled by use of the coupling lever and hand link aligner.

Safety considerations. The alternate method set forth above will provide no less than the same measure of protection to miners at the Chetopa Mine than that sought to be afforded by section 314(f) of the Act and Interior Department 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. This is because:

1. Automatic couplers lack the flexibility of permitting mine cars to negotiate some of the rail curves in this mine.

If this were attempted the result would be derailments with possible roof falls and other sources of injury to mine personnel. The radii of these rail curves cannot be enlarged without removing some of the coal from the adjacent coal pillars. Such removal would reduce the protection from roof falls, a most serious and overriding cause of concern in underground coal mines.

2. Any modification of the present mine cars with automatic couplers would have to be accomplished by affixing coupler units to the bumpers of the present cars. The point where such couplers are affixed to the present chassis would be subject to severe strain and stress which would be more likely to cause coupling misalignment and failure than in the case of the pin-link arrangement or in the case of new car units where the automatic coupler has been designed as part of the car chassis. The prospect of derailment and runaway cars, with the attendant dangers to employees, is less likely if pin and link couplings were used.

3. No imminent danger is presently involved. Petitioner proposes his alternate method in the sincere conviction that it provides a safer method than the use of automatic couplers. Petitioner is in the process of installing prototype coupling levers on one mine car, and constructing prototype long and short hand link aligners.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 11, 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.

NEWTON FRISHBERG,
Acting Director,
Office of Hearings and Appeals.

OCTOBER 2, 1974.

[FR Doc.74-23804 Filed 10-10-74;8:45 am]

[Docket No. M74-172]

BISHOP COAL CO.

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), Bishop Coal Company has filed a petition to modify the application of 30 CFR 75.1101-4 to its Nos. 34, 33-37, and 36 Mines, McDowell County, West Virginia.

30 CFR 75.1101-4 provides:

As a part of the deluge-type water spray system, two or more branch lines of nozzles shall be installed. The maximum distance between nozzles shall not exceed 8 feet.

Petitioner seeks for its mines modification of that portion of § 75.1101-4 that states: "As a part of the deluge-type water system, two or more branch lines of nozzles shall be installed."

Based on the recommendation of the Lee Engineering Company which had knowledge of research indicating that the branch system was not necessary, single line systems were installed at the Bishop Mines. This was done only after consultation with Mr. William Parks, then head of District 4, MESA. Mr. Parks indicated that the single line system was acceptable.

Petitioner believes that single line system is as safe as that provided for in § 75.1101-4 on the basis of advice from Mr. Will Jamison, head of Lee Engineering Company who was a party to research conducted by the Technical Support Group of MESA. This research concluded that the single pipe system is as equally effective as the branch system.

Petitioner's plans for alternate system. A single line system of nozzles not more than eight feet apart will be maintained as part of the deluge-type water spray system required by section 311(f) of the Act at main and secondary belt-conveyor drives in Petitioner's mines.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 11, 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.

NEWTON FRISHBERG,
Acting Director,
Office of Hearings and Appeals.

OCTOBER 2, 1974.

[FR Doc.74-23808 Filed 10-10-74;8:45 am]

[Docket No. M75-26]

CONSOLIDATION COAL CO.

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), Consolidation Coal Company has filed a petition to modify the application of 30 CFR 75.326 to its Ireland Mine, Marshall County, West Virginia.

30 CFR 75.326 provides, in pertinent part:

* * * the entries used as intake and return air courses shall be separated from the belt haulage entries * * * and such air shall not be used to ventilate active working places * * * .

Petitioner plans to adopt an alternate system which will eliminate the separation of belt entry from the intake entries and would allow the air intaking along the belt to be used at the active working places.

Petitioner feels that the provisions of the alternate plan are as safe as or safer than that provided in Section 75.326 for the following reasons:

1. All belts at the mines are equipped with a fire-sensing device which will give warning inside the mine. Equipment is on order to give warning outside the mine in case of fire.

2. All belts are provided with water lines, fire hoses and accessible outlets.

3. All belts in the mines are constructed of fire-resistant material.

4. All belts are patrolled at least once each shift in search of potential trouble or fire hazard.

5. All belt drives in the mines are equipped with deluge sprays which activate automatically in case of fire.

6. Because of the high ignition temperature of the coal dust of the Pittsburgh coal seam in this area, there is no history of serious belt fires in this area of the Pittsburgh seam.

7. In case of fire, there will still be a return escapeway and an intake escapeway.

8. Compliance with dust standards will be effected by the use of water sprays at points of the belt line where the dust may go into suspension.

9. The elimination of the stoppings, overcasts, and seals necessary for isolation will enable the air being delivered to the faces to be regulated more efficiently.

10. The elimination of the resistance created by the stoppings, overcasts and seals used in isolation will enable more air to be delivered to the working faces.

11. Without isolation, the supervision and inspection of the belt lines is madt easier.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 11, 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.

NEWTON FRISHBERG,
Acting Director,
Office of Hearings and Appeals.

OCTOBER 2, 1974.

[FR Doc.74-23807 Filed 10-10-74;8:45 am]

[Docket No. M75-27]

CONSOLIDATION COAL CO.

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), Consolidation Coal Company has filed a petition to modify the application of 30 CFR 75.305 to its Ireland Mine, Marshall County, West Virginia.

30 CFR 75.305 provides:

In addition to the pre-shift and daily examinations required by this Subpart D, examinations for hazardous conditions, including tests for methane, and for compliance with the mandatory health or safety standards, shall be made at least once each week by a certified person designated by the operator in the return of each split of air where it enters the main return, on pillar falls, at seals, in the main return at least one entry of each intake and return aircourse in its entirety, idle workings, and insofar as safety considerations permit, abandoned areas. Such weekly examinations need not be made during any week in which the mine is idle for the entire week, except that such examination shall be made before any other miner returns to the mine. The person making such examinations and tests shall place his initials and the date and time at the places examined, and if any hazardous condition is found, such condition shall be corrected immediately. If such condition creates an imminent danger, the operator shall withdraw all persons from the area affected by such conditions to a safe area, except those persons referred to in section 104(d) of this Act, until such danger is abated. A record of these examinations, tests, and actions taken shall be recorded in ink or indelible pencil in a book approved by the Secretary kept for such purpose in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard, and the record shall be open for inspection by interested persons.

In support of its petition, Petitioner states:

(1) The subject mine was opened in 1956 and has been operated constantly over the past 18 years by the Consolidation Coal Company. The area, cited by the Inspector, from the River Coal Slope to the 1 North seals including the #1 Fan shaft was mined during 1957 and 1958 as shown on the attached map.

(2) During that period, the mining was done under the drawslate. The drawslate was supported either by 5x7 crossbars on post, or by 2''x10''x14'' plank held in place with 6' roof bolts. The crossbars and wood plank have since deteriorated as did the drawslate, causing massive falls throughout that area which hinder travel or make the area impassible.

(3) There are no active workings in this area ventilated by the #1 Fan, only the main line haulage to the rotary dump and the supply slope at the River Portal where all supplies for the mine are lowered into the mine.

(4) There are four seals in 1 North. These seals are constructed of 36 inches of reinforced concrete. The seals are trenched into the ribs and bottom for 24 inches with pins inserted into the bottom sides and top. The area from the seals to the crosscut that ventilates them is coated with gunite. The immediate area of the seals is well supported and ventilated; however, the access to and from this area has become very hazardous for travel.

(5) There is a single seal ("A" North seal) approximately 200 feet from the bottom of the #1 airshaft. This seal is also constructed of 36 inches of reinforced concrete, trenched into the bottom and sides with pins into the top, sides and bottom. The access to this seal also became very hazardous because of the adverse roof conditions that prevail in this area of the mine.

(6) No mechanical equipment can be used in the return air course to rehabilitate this area. The task of handling the material by hand would require years of work and exposure of people to unnecessary hazards. As a result, an alternate method is proposed that would substitute for an examination of these entries and seals yet would yield the same results. The alternate method would provide the same measure of protection afforded by the mandatory standard while at the same time eliminating the hazards presented miners involved in the long and difficult task of rehabilitating the area involved.

Alternate method. The alternate method to be used would satisfy all criteria outlined in § 75.305 of the Mandatory Safety Standards. Five check point stations would be established underground: Checkpoint One—at the overcasts outby 1 South, where the split of air coming from the rotary dump area and the air from the west area returns to the #1 Fan; Checkpoint Two—the split of air that ventilates the 2 South seals after it has brushed the four seals and is returning to #1 Fan; Checkpoint Three—outby the last seal of 3 South after that split of air has brushed the seal and returning to #1 Fan; Checkpoint Five—on the return side of 2 North seals, the air that brushed these seals will also ventilate the 1 North seals then return to the #1 North Fan Checkpoint Four would be used to monitor the quality of air in the 1 North seal area. This checkpoint is just inby the 1 North air lock. The area inby this station is deteriorating rapidly. In addition, a measuring station would be maintained on the surface at the #1 Fan to measure the total quantity and the methane content of the air handled by the fan.

Guidelines for the establishment of the checkpoint stations would be as follows:

1. Methane and air quantity readings would be made by a certified, competent person.

2. Methane would not be permitted to accumulate in the return air courses, as determined at the underground or surface stations, beyond the legal limits.

3. The access to and from the checkpoint stations would be kept in a travelable and safe condition.

4. A date board would be located at each station for the initials, date and time of the certified person making the examination.

5. Examinations would be made at each station weekly as required by § 75.305 except that the surface station at the #1 Fan would be measured daily.

6. The record of all readings taken would be kept in a book for that purpose at the mine office as outlined in § 75.305.

Persons interested in this petition may request a hearing on the petition or furnish coments on or before November 11, 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.

NEWTON FRISHBERG,
Acting Director,
Office of Hearings and Appeals.

OCTOBER 2, 1974.

[FR Doc.74-23805 Filed 10-10-74;8:45 am]

[Docket No. M 75-40]

EASTERN COAL 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), Eastern Coal Corporation has filed a petition to modify the application of 30 CFR 75.1405 to its Stone No. 4 Mine, Pike County, Kentucky.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1970, 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.

To be read concurrently with § 75.1405 is 30 CFR 75.1405-1 which provides:

The requirement of § 75.1405 with respect to automatic couplers which applies only to track haulage cars which are regularly coupled and uncoupled.

In support of its petition, Petitioner states:

The mine cars involved are used for hauling men and supplies and are two hundred in number. These are Sanford-Day cars and their ages range considerably, representing the capital expenditures for addition or replacement by Petitioner over the years. All of the mine cars are fitted with standard pin-and-link coupling devices.

Investigation of the possibility of installation of automatic couplers on the coal cars had been conducted, but serious safety problems have been presented which suggest a diminution of safety over the present method. Many of the haulage rail switches leading from the main line into the working areas of the mine were installed when the mine was first being developed and are of shorter radius than those which would be needed to accommodate cars joined together with automatic couplers. These switches cannot be replaced with wider-radius switches without removing portions of the adjacent coal pillars which help provide roof support. The relative lack of flexibility of automatic couplers both vertically and horizontally could cause derailments and require that workers position themselves between mine cars to retrack and recouple affected mine cars.

In recent weeks, mine management has become aware of the existence of an alternate method which does not possess the disadvantages of the automatic coupler and which achieves the same measure of protection to miners sought to be achieved by use of the automatic coupler. (See March 14, 1974, decision by Administrative Law Judge Kennedy in Docket No. MORG 74-22).

It is Petitioner's understanding that the Mining Enforcement and Safety Administration has further interpreted the phrase "regularly coupled and uncoupled" as excluding mine cars which are coupled together with pin and link arrangements: *Provided,* The pin, when in coupling position, is secured by a suitable lock pin, nut or other locking device so that the cars thus coupled cannot be uncoupled simply by lifting the pin. Thus, a string of coal cars which have been coupled together by link and fixed pin arrangements are not required to have automatic couplers except on the end of the exterior car of the string which is from time to time (irregularly) coupled to some other piece of haulage equipment. This interpretation has not been published.

Petitioner submits that the application of the foregoing provision of the Act and the foregoing regulations and interpretations, if applied to Petitioner's mine, 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 said mine, Petitioner proposes an alternate method, as set forth hereinafter.

Alternate method. Approval of this alternate system as a satisfactory replacement of the standard which otherwise would become effective in mandating automatic couplers on mine cars at this

mine is subject to the following understandings and conditions which are incorporated as parts of the alternate system:

A. All cars in use at the captioned mine for transporting supplies will be coupled together in units or strings of cars using pin and link couplings and each pin will be fixed in position by welding a stop on the mine car to prevent the link from being disengaged. The coupling end of all haulage electric locomotives and the rear end of the last car of each string will be fitted with a coupling lever so designed as to permit an employee to lift or drop the pin through the car bumper to secure or release a link that has been inserted from another haulage unit and to do this without the necessity of positioning himself between the units being coupled or uncoupled. If it becomes necessary in the coupling operation to position the link, this also will be done without the employee positioning himself between the units—he will effectuate this alignment by using a specially designed Hand Link Aligner tool which shall be part of the equipment on all haulage crews. (Attachment A contains the detailed specifications for the Coupling Lever on mine cars and the Hand Link Aligners). The front end of the haulage locomotives (that is the end opposite the deck end) will be fitted with similar Coupling Levers.

B. All employees at the captioned mine will be trained and instructed in the proper operation and use of the Coupling Levers and the Hand Link Aligners and their proper use will be mandatory requirements for coupling and uncoupling of all mine car haulage units at this mine. More specifically in this regard:

(1) All present employees at this mine will be instructed on the function and use of the Coupling Lever and Hand Link Aligners.

(2) Thereafter, any new employee hired at this mine will be given instruction on the function and use of the Coupling Lever and Hand Link Aligners as part of his orientation before he commences actual work.

(3) This instruction of all employees will again be repeated at six month intervals. Employees absent from work during the normal reinstruction period will be reinstructed after they return to work.

(4) The Company will maintain a permanent record of the names and dates when each mine employee received this instruction and reinstruction.

(5) The requirement that, upon conversion of supply haulage mine cars at this mine, coupling and uncoupling be done by means of Coupling Levers and Hand Link Aligners shall be a mandatory safety rule at this mine and a notice to this effect shall be posted on the regular Company and Union bulletin boards at the mine.

(6) Should the alternative methods be approved, as each electric haulage locomotive and as each multiple mine car unit is converted and placed into operation, such locomotive and multiple car unit will be subject to the modified standard set forth in this petition and such haulage locomotive or multiple car units will be coupled and uncoupled by use of the Coupling Lever and Hand Link Aligner in accord with the modified standard. Effective upon a date agreeable with all of the parties hereto, all electric haulage locomotives and all multiple mine car units in operation at this mine must have been converted and the modified standard will become fully operative except as an extension of time has been provided by stipulation of all the parties or by order of an Administrative Law Judge of the Interior Department Office of Hearings and Appeals. In the event shortages and/or unavailability of materials or other conditions beyond the control of management prevent completion of full conversion by such agreed upon date, Petitioner will endeavor to arrange by stipulation with the other parties for a mutually agreeable period of extension. Failing such agreement, Petitioner may request from the Office of Hearings and Appeals the assignment of an Administrative Law Judge and conduct of a hearing for the purposes of determining whether an extension of time should 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 conduct of hearing, shall have authority to provide for an appropriate extension if the circumstances make it reasonable to do so.

Safety considerations. The alternate method set forth above will provide no less than the same measure of protection to miners at the Stone No. 4 mine than that sought to be afforded by section 314(f) of the Act and Interior Department 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, because:

1. Automatic couplers lack the flexibility of permitting mine cars to negotiate some of the rail curves in this mine. If this were attempted, the result would be derailments with possible roof falls and other sources of injury to mine personnel. The radius of these rail curves cannot be enlarged without removing some of the coal from the adjacent coal pillars. Such removal would reduce the protection from roof falls, a serious and overriding cause of concern in underground coal mines.

2. Any modification of the present mine cars with automatic couplers would have to be accomplished by affixing coupler units to the bumpers of the present cars. The point where such couplers are affixed to the present chassis would be subject to severe strain and stress that would be much more likely to cause coupling misalignment and failure than in the case of the pin-link arrangement or in the case of new car units where the automatic couplers have been designed as part of the car chassis. The prospect of derailments and runaway cars, with attendant dangers to employees, is less likely if pin-and-link couplings are used.

3. The type of mine car, particularly under the haulage layout at this mine, requires a much more flexible coupler arrangement than is possible with the relatively rigid automatic couplers, which pose the danger of derailments and runaway cars. Furthermore, dips occur along the main haulageway which could possibly cause uncoupling of automatic couplers. The coupling arrangement proposed in this alternate system, involving the flexible pin and link coupling, with safeguards, provides a much safer operation.

4. No imminent danger is presently involved. Petitioner proposes his alternate method in the sincere conviction that it provides a safer method than the use of automatic couplers.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 11, 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.

NEWTON FRISHBERG,
Acting Director, Office of Hearings and Appeals.

OCTOBER 2, 1974.

[FR Doc.74–23802 Filed 10–10–74;8:45 am]

[Docket No. M 74–147]

ELKAY MINING CO.

Amendment to 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), Elkay Mining Company has filed an amendment to its petition to modify the application of 30 CFR 75.1405 to its No. 1 Mine, Lyburn, Logan, West Virginia.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1970, 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 amendment, Petitioner describes its alternate method as follows:

Approval of this alternate system as a satisfactory replacement of the standard which otherwise would become effective in mandating automatic couplers on mine cars at this mine is subject to the following understandings and conditions which are incorporated as parts of the alternate system:

A. All cars in use at the captioned mine for transporting coal and supplies will be coupled together in units or strings of cars using pin and link couplings and each pin will be fixed in position by weld-

ing a stop on the mine car to prevent the link from being disengaged. The coupling end of all haulage electric locomotives and the rear end of the last car of each string will be fitted with a sliding bar so designed as to permit an employee to lift or drop the pin through the car bumper to secure or release a link that has been inserted from another haulage unit and to do this without the necessity of positioning himself between the units being coupled or uncoupled. If it becomes necessary in the coupling operation to position the link, this also will be done without the employee positioning himself between the units—he will effectuate this alignment by using a specially designed sliding bar with a chain attached to the link. Said bar shall be affixed onto the link end of the strings of cars. The front end of the haulage locomotives (that is the end opposite the deck end) will be fitted with the appropriate type sliding bar.

It is presently planned that all mine car units or strings will consist of ten cars. However in the event it becomes more practical to combine cars into strings of more or less than ten cars, each string of cars will nevertheless meet the specifications of appropriately placed sliding bars on the front and rear of each string.

B. All employees at the captioned mine will be trained and instructed in the proper operation and use of the pin sliding bar and the link sliding bar and their proper use will be mandatory requirements for coupling and uncoupling of all mine car coal haulage units at this mine. More specifically in this regard:

(1) All present employees at this mine will, by October 10, 1974, be instructed on the function and use of the pin sliding bar and the link sliding bar.

(2) Thereafter, any new employee hired at this mine will be given instruction on the function and use of the pin sliding bar and the link sliding bar as part of his orientation before he commences actual work.

(3) This instruction of all employees will again be repeated at six month intervals. The first such re-instruction shall be given during the first five work days in March 1975, the next during the first five work days in August 1975, etc., etc. Employees absent from work during these periods will be re-instructed within the first five work days after they return to work.

(4) The Company will maintain a permanent record of the names and dates when each mine employee received this instruction and re-instruction.

(5) The requirement that, upon conversion of coal haulage mine cars at this mine, coupling and uncoupling be done by means of pin sliding bars and link sliding bars shall be a mandatory safety rule at this mine and a notice to this effect shall be posted on the regular Company and Union bulletin boards at the mine.

(6) For the period October 10, 1974 through April 10, 1975, as each electric haulage locomotive and as each multiple mine car unit is converted and placed into operation, such locomotive and multiple car unit will be subject to the modified standard set forth in this petition and such haulage locomotive or multiple car units will only be coupled and uncoupled by use of the pin sliding bar and the link sliding bar in accord with the modified standard. Effective April 10, 1975, all electric haulage locomotives and all multiple mine car units in operation at this mine must have been converted and the modified standard will become fully operative except as an extension of time has been provided by stipulation of all the parties or by order of an administrative law judge of the Interior Department Office of Hearings and Appeals. In the event shortages and/or unavailability of materials or other conditions beyond the control of management prevent completion of full conversion by April 10, 1975, Petitioner will endeavor to arrange by stipulation with the other parties for a mutually agreeable period of extension. Failing such agreement, Petitioner may request from the Office of Hearings and Appeals the assignment of an administrative law judge and conduct of a hearing for the purpose of determining whether an extension of time should 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 conduct of hearing, shall have authority to provide for an appropriate extension if the circumstances make it reasonable to do so.

The alternate method set forth above will provide no less than the same measure of protection to miners at the subject mine than that sought to be afforded by section 314(f) of the Act and Interior Department 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. This is because:

1. Automatic couplers lack the flexibility of permitting mine cars to negotiate some of the rail curves in this mine. If such negotiations were attempted the result would be derailments with possible roof falls and other sources of injury to mine personnel. The radii of these rail curves cannot be enlarged without removing some of the coal from the adjacent coal pillars. Such removal would reduce the protection from roof falls, a most serious and overriding cause of concern in underground coal mines.

2. Any modification of the present mine cars with automatic couplers would have to be accomplished by affixing coupler units to the bumpers of the present cars. The point where such couplers are affixed to the present chassis would be subject to severe strain and stress that would be much more likely to cause coupling misalignment and failure than in the case of the pin-link arrangement or in the case of new car units where the automatic coupler has been designed as part of the car chassis. The prospect of derailments and runaway cars, with the attendant dangers to employees, is less likely if pin and link couplings were used.

3. The type of mine car, particularly under the haulage layout at this mine, requires a much more flexible coupler arrangement than is possible with the relatively rigid automatic couplers, posing the danger of derailments and runaway cars. Furthermore, severe dips occur along the main haulageway which would probably cause uncoupling of automatic couplers. The coupling arrangement proposed in this alternate system, involving the flexible pin and link coupling, with safeguards, provides a much safer operation.

4. No imminent danger is presently involved. Petitioner proposes his alternate method in the sincere conviction that it provides a safer method than the use of automatic couplers.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 11, 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.

NEWTON FRISHBERG,
Acting Director, Office of Hearings and Appeals.

OCTOBER 2, 1974.

[FR Doc.74-23810 Filed 10-10-74;8:45 am]

[Docket No. M 74-190]

HERRING BROTHERS AND LUCAS COAL CO.

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), Herring Brothers and Lucas Coal Company has filed a petition to modify the application of 30 CFR 75.301 to its Herring Brothers Slope Mine, Schuylkill County, Pennsylvania.

30 CFR 75.301 provides in pertinent part:

> All active workings shall be ventilated by a current of air containing not less than 19.5 volume per centum of oxygen, not more than 0.5 volume per centum of carbon dioxide, and no harmful quantities of other noxious or poisonous gases; and the volume and velocity of the current of air shall be sufficient to dilute, render harmless, and to carry away, flammable, explosive, noxious, and harmul gases, and dust, and smoke and explosive fumes. The minimum quantity of air reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms shall be nine thousand cubic feet a minute, and the minimum quantity of air reaching the intake end of a pillar line shall be nine thousand cubic feet a minute. The minimum quantity of air in any coal mine reaching each working face shall be three thousand cubic feet a minute. * * *

In support of its petition for waiver of 30 CFR 75.301, Petitioner states:

1. That the Petitioners are actively engaged in the production and preparation of anthracite coal for sale in Schuylkill County, Pennsylvania.

2. That pursuant to an inspection by an authorized representative of the Secretary of the Interior, it was determined that certain conditions existed therein which constituted a violation of the mandatory health and safety regulations promulgated by the Secretary, 30 CFR 75.301.

3. That the Petitioners have determined and do believe that implementation of the standards promulgated in the above-cited regulation, to wit, nine thousand (9,000) cubic feet of air per minute in the last open cross-cut, and three thousand (3,000) cubic feet of air per minute at each working face, will result in a diminution of safety to the miners in such mine.

4. That the Petitioners have determined and do believe that a lesser volume of air than that specified in the above-cited regulation will at all times guarantee no less than the same measure of protection afforded the miners in Petitioners mine by such standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 11, 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.

NEWTON FRISHBERG,
Acting Director, Office of Hearings and Appeals.

OCTOBER 2, 1974.

[FR Doc.74-23806 Filed 10-10-74;8:45 am]

[Docket No. M75-38]

INDEPENDENT MINERS AND ASSOCIATES

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. Section 861(c) (1970), Independent Miners and Associates have filed a petition to modify the application of 30 CFR 75.301 to the following mines:

Mine	Location	Company
No. 1 Slope Mine	Schuylkill, Pa.	Klinger Coal Co.
Buck Mountain Slope.	do	S & K Coal Co.
No. 4 Vein Slope	Northumber, Pa.	Twin Oaks Coal Co.
No. 3 Slope	Schuylkill, Pa.	Walaitis Coal Co.
Skidmore Slope	do	Williamson Coal Co.
B and M Tunnel	do	Wilson Coal Co.
Mammoth Slope Mine.	do	Woratyla Coal Co.
Buck Mountain Slope.	do	Knorr Coal Co.
No. 3 Slope	do	Fireside Mining, Inc.
No. 2 Slope	do	4-D Coal Co.
Middle Split Slope.	do	Hatter Coal Co.
Nos. 1 and 2 Slope Mine.	do	Do.
No. 5 Slope	do	Heglns Mining Co.
No. 5 Vein	Northumber, Pa.	D.R.Z. Coal Co.
No. 1 Slope	Schuylkill, Pa.	Power Coal Co.
No. 2 Slope	Nicholas, West Virginia.	Donaldson Coal Co.
Buck Slope	Schuylkill, Pa.	Zakrewsky Coal Co.
No. 1 Slope	do	A.H.A. Coal Co.
East Drift	Northumber, Pa.	K and S Coal Co.
Buck Slope	Schuylkill, Pa.	Wolfgang Bros. Coal Co.
Wanamie No. 18, No. 2 Slope.	do	Silver Anthracite, Inc.
Porter Tunnel	do	Leon E. Kocher Coal Co., Inc.

30 CFR 75.301 provides in pertinent part:

All active workings shall be ventilated by a current of air containing not less than 19.5 volume per centum of oxygen, not more than 0.5 volume per centum of carbon dioxide, and no harmful quantities of other noxious or poisonous gases; and the volume and velocity of the current of air shall be sufficient to dilute, render harmless, and to carry away, flammable, explosive, noxious, and harmful gases, and dust, and smoke and explosive fumes. The minimum quantity of air reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms shall be nine thousand cubic feet a minute, and the minimum quantity of air reaching the intakes end of a pillar line shall be nine thousand cubic feet a minute. The minimum quantity of air in any coal mine reaching each working face shall be three thousand cubic feet a minute. * * *

In support of its petition, Petitioner states:

It is requested that sec. 75.301 be modified for anthracite mines to require, in part, that the minimum quantity of air reaching each working face shall be 1,500 cubic feet a minute, that the minimum quantity of air reaching the last open crosscut in any pair or set of developing entries shall be 5,000 cubic feet a minute, and that the minimum quantity of air reaching the intake end of a pillar line shall be 5,000 cubic feet a minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful mine atmosphere.

This petition requesting modification to 30 CFR 75.301 is submitted for the following reasons:

1. A history of air samples reveals that harmful quantities of methane are nonexistent in the mines.

2. Ignition, explosion and fires have not erupted in the subject mines.

3. There is no history of harmful quantities of carbon dioxide and other noxious or poisonous gases.

4. Mine dust sampling programs have revealed extremely low concentrations of respirable dust.

5. Extremely high velocities in restricted manways, particularly in steeply pitched mines, present a hazard to the miners.

6. High velocities and large air quantities cause uncomfortably damp and cold conditions in the mines.

7. Difficulty in keeping miners on the job and securing additional mine help is due primarily to the conditions cited above.

The Petitioners aver that the alternate method will in no way provide less than the same measure of protection afforded the miners under the existing standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 11, 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.

NEWTON FRISHBERG,
Acting Director, Office of Hearings and Appeals.

OCTOBER 2, 1974.

[FR Doc.74-23803 Filed 10-10-74;8:45 am]

[Docket No. M 74-148]

SNAP CREEK COAL CO.

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. section 861(c) (1970), Snap Creek Coal Company has filed an amendment to its petition to modify the application of 30 CFR 75.1405 to its Rita Mine No. 6, Logan County, West Virginia.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1970, 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 cou-

plers 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 amendment, Petitioner describes its alternate method as follows:

Approval of this alternate system as a satisfactory replacement of the standard which otherwise would become effective in mandating automatic couplers on mine cars at this mine is subject to the following understandings and conditions which are incorporated as parts of the alternate system:

A. All cars in use at the captioned mine for transporting coal and supplies will be coupled together in units or strings of cars using pin and link couplings and each pin will be fixed in position by welding a stop on the mine car to prevent the link from being disengaged. The coupling end of all haulage electric locomotives and the rear end of the last car of each string will be fitted with a sliding bar so designed as to permit an employee to lift or drop the pin through the car bumper to secure or release a link that has been inserted from another haulage unit and to do this without the necessity of positioning himself between the units being coupled or uncoupled. If it becomes necessary in the coupling operation to position the link, this also will be done without the employee positioning himself between the units—he will effectuate this alignment by using a specially designed sliding bar with a chain attached to the link. Said bar shall be affixed onto the link end of the strings of cars. The front end of the haulage locomotives (that is the end opposite the deck end) will be fitted with the appropriate type sliding bar.

It is presently planned that all mine car units or strings will consist of ten cars. However in the event it becomes more practical to combine cars into strings of more or less than ten cars, each string of cars will nevertheless meet the specifications of appropriately placed sliding bars on the front and rear of each string.

B. All employees at the captioned mine will be trained and instructed in the proper operation and use of the pin sliding bar and the link sliding bar and their proper use will be mandatory requirements for coupling and uncoupling of all mine car coal haulage units at this mine. More specifically in this regard:

(1) All present employees at this mine will, by October 10, 1974, be instructed on the function and use of the pin sliding bar and the link sliding bar.

(2) Thereafter, any new employee hired at this mine will be given instruction on the function and use of the pin sliding bar and the link sliding bar as part of his orientation before he commences actual work.

(3) This instruction of all employees will again be repeated at six month intervals. The first such re-instruction shall be given during the first five work days in March 1975, the next during the first five work days in August 1975, etc., etc. Employees absent from work during these periods will be re-instructed within the first five work days after they return to work.

(4) The Company will maintain a permanent record of the names and dates when each mine employee received this instruction and re-instruction.

(5) The requirement that, upon conversion of coal haulage mine cars at this mine, coupling and uncoupling be done by means of pin sliding bars and link sliding bars shall be a mandatory safety rule at this mine and a notice to this effect shall be posted on the regular Company and Union bulletin boards at the mine.

(6) For the period October 10, 1974 through April 10, 1975, as each electric haulage locomotive and as each multiple mine car unit is converted and placed into operation, such locomotive and multiple car unit will be subject to the modified standards set forth in this petition and such haulage locomotive or multiple car units will only be coupled and uncoupled by use of the pin sliding bar and the link sliding bar in accord with the modified standard. Effective April 10, 1975, all electric haulage locomotives and all multiple mine car units in operation at this mine must have been converted and the modified standard will become fully operative except as an extension of time has been provided by stipulation of all the parties or by order of an administrative law judge of the Interior Department Office of Hearings and Appeals. In the event shortages and/or unavailability of materials or other conditions beyond the control of management prevent completion of full conversion by April 10, 1975, Petitioner will endeavor to arrange by stipulation with the other parties for a mutually agreeable period of extension. Failing such agreement, Petitioner may request from the Office of Hearings and Appeals the assignment of an administrative law judge and conduct of a hearing for the purpose of determining whether an extension of time should 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 conduct of hearing, shall have authority to provide for an appropriate extension if the circumstances make it reasonable to do so.

The alternate method set forth above will provide no less than the same measure of protection to miners at the subject mine than that sought to be afforded by section 314(f) of the Act and Interior Department 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. This is because:

1. Automatic couplers lack the flexibility of permitting mine cars to negotiate some of the rail curves in this mine. If such negotiation were attempted the result would be derailments with possible roof falls and other sources of injury to mine personnel. The radii of these rail curves cannot be enlarged without removing some of the coal from the adjacent coal pillars. Such removal would reduce the protection from roof falls, a most serious and overriding cause of concern in underground coal mines.

2. Any modification of the present mine cars with automatic couplers would have to be accomplished by affixing coupler units to the bumpers of the present cars. The point where such couplers are affixed to the present chassis would be subject to severe strain and stress that would be much more likely to cause coupling misalignment and failure than in the case of the pin-link arrangement or in the case of new car units where the automatic coupler has been designed as part of the car chassis. The prospect of derailments and runaway cars, with the attendant dangers to employees, is less likely if pin and link couplings were used.

3. The type of mine car, particularly under the haulage layout at this mine, requires a much more flexible coupler arrangement than is possible with the relatively rigid automatic couplers, posing the danger of derailments and runaway cars. Furthermore, severe dips occur along the main haulageway which would probably cause uncoupling of automatic couplers. The coupling arrangement proposed in this alternate system, involving the flexible pin and link coupling, with safeguards, provides a much safer operation.

4. No imminent danger is presently involved. Petitioner proposes his alternate method in the sincere conviction that it provides a safer method than the use of automatic couplers.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 11, 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.

NEWTON FRISHBERG,
Acting Director,
Office of Hearings and Appeals.

OCTOBER 2, 1974.

[FR Doc.74-23809 Filed 10-10-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 3]

SALES OF CERTAIN COMMODITIES

Monthly Sales List (Fiscal Year Ending June 30, 1975)

The CCC Monthly Sales List for the fiscal year ending June 30, 1975 published in 39 FR 24684 is amended as follows:

1. The provisions of section 13 entitled "Corn-Unrestricted Use Sales-Bulk-Storable-Basis Grade 2 Yellow Corn 15.1 to 15.5 Percent Moisture-In Store" published in 39 FR 24685 are revised to read as follows:

The minimum price will be the market price but not less than the formula price. The formula price is the 1974 county loan rate where stored plus the monthly markup shown in this section plus transit value, if any.

Loan differentials will be applied in determining the formula price of other grades or qualities.

MONTHLY MARKUPS—CENTS PER BUSHEL

1974		1975	
October	23	January	23
November	23	February	25
December	23	March	27
		April	29
		May	31
		June	33

2. Section 17 published in 39 FR 24685 is revised to read as follows:

17. Sorghum-Unrestricted Use Sales (Bulk-Storable Basis Grade 2 or Better In-Store). The minimum price is the market price but not less than the formula price.

At designated terminals the formula price is the 1974 county loan rate where stored plus the monthly markup shown in this section plus 7 cents per hundredweight or the transit value, whichever is higher.

Outside of designated terminals the formula price is the county loan rate where stored plus the monthly markup shown in this section plus the transit value, if any.

Loan differentials will be applied in determining the formula price of other grades and qualities.

MONTHLY MARKUPS—CENTS PER HUNDREDWEIGHT

1974		1975	
October	39½	January	39½
November	39½	February	43
December	39½	March	46½
		April	50
		May	53½
		June	57

3. The provisions of section 25 entitled "Rice-Rough-Unrestricted Use Sales F.O.B. Warehouse" published in 39 FR 24685 as revised in 39 FR 29208 are deleted.

Effective Date: 2:30 p.m. (e.d.t.) September 30, 1974.

Signed at Washington, D.C. on October 4, 1974.

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

[FR Doc.74-23823 Filed 10-10-74;8:45 am]

Commodity Exchange Commission

ERVIN L. PETERSON, ET AL.

Notice of Membership

Pursuant to the provisions of section 1(c) of Pub. L. 90-258, amending the Commodity Exchange Act, the Secretary of Agriculture designated me to serve as Chairman of the Commodity Exchange Commission (38 FR 26744). The Attorney General has designated Joseph J. Saunders, Chief of the Public Counsel and Legislative Section, Antitrust Division, Department of Justice, to serve as a member of the Commission. Notice is hereby given that the Secretary of Commerce has designated Samuel B. Sherwin, Deputy Assistant Secretary and Director of the Bureau of Domestic Commerce, Department of Commerce, to serve as a member of the Commission.

Done at Washington, D.C., this 4th day of October, 1974.

ERVIN L. PETERSON,
Chairman, Commodity Exchange Commission.

[FR Doc.74-23824 Filed 10-10-74;8:45 am]

Forest Service

OREGON DUNES NATIONAL RECREATION AREA WILDERNESS

Recommendation and Hearing Announcement

Notice is hereby given in accordance with the provisions of the Act of September 3, 1964 (78 Stat. 890-892; 16 U.S.C. 1131-1132), that public hearings will be held on the results of the Wilderness suitability study within the Oregon Dunes National Recreation Area as required by section 13, Pub. L. 92-260. The Oregon Dunes National Recreation Area is located in the Siuslaw National Forest in the counties of Lane, Douglas, and Coos in the State of Oregon.

The hearings will be held on Monday, November 11, 1974, in the Youth Auditorium, State Fairgrounds, Salem, Oregon, and on Thursday, November 14, 1974, in the Reedsport High School Auditorium, Reedsport, Oregon. Both hearings will be held in two sessions; the first session beginning at 1 p.m., and the second at 7 p.m., each day.

A brochure containing a map and information about the proposed recommendation may be obtained from the Area Ranger, Oregon Dunes National Recreation Area, 855 Highway Avenue, Reedsport, Oregon 97467; Forest Supervisor, Siuslaw National Forest, 545 South Second Street, P.O. Box 1148, Corvallis, Oregon 97330; or the Regional Forester, Multnomah Building, 319, SW. Pine Street, P.O. Box 3623, Portland, Oregon 97208.

A draft Environmental Statement about the proposal has been sent to the Council on Environmental Quality. The statement may be reviewed at the above offices. In addition, the draft Environmental Statement may be reviewed at the offices of the Forest Supervisor, Willamette National Forest, 210 E. 11th Avenue, Eugene, Oregon, and the Chief, U.S. Forest Service, Department of Agriculture, South Building, 12th and Independence Avenue, SW., Washington, D.C. 20250.

Individuals and organizations may express their views by appearing at either of these hearings or may submit written comments for inclusion in the official record to the Regional Forester, Multnomah Building, 319 SW. Pine Street, P.O. Box 3623, Portland, Oregon 97208, by December 15, 1974. Those wishing to present oral statements at the hearings should notify the Regional Forester, Multnomah Building, 319 SW. Pine Street, Portland, Oregon 97208, by October 29 stating at which hearing location the views will be expressed.

Dated: October 4, 1974.

JOHN R. MCGUIRE,
Chief, Forest Service.

[FR Doc.74-23821 Filed 10-10-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COMPUTER PERIPHERALS, COMPONENTS AND RELATED TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Notice of Meeting and Determination

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I (Supp. II, 1972)) and Office of Management and Budget Circular A-63 (Revised), Advisory Committee Management, effective May 1, 1974, notice was given (39 FR 33018) of a meeting of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee to be held Thursday, October 17, 1974, at 9:30 a.m. in Room 5230 of the Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230. The Notice of Determination, approved by the Assistant Secretary of Commerce for Administration and the delegate of the General Counsel of the Department of Commerce on May 16, 1974 and May 17, 1974 respectively, to close a portion of such meeting to the public, was not included in the published Notice of the Meeting. In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in "Aviation Consumer Action Project, et al. v. C. Langhorne Washburn, et al." of September 10, 1974, as amended, September 23, 1974 (Civil Action No. 1838-73), the complete Notice of Determination to close portions of the meetings of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee and formal subgroups thereof is hereby published.

Dated: October 8, 1974.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

COMPUTER PERIPHERALS, COMPONENTS AND RELATED TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

NOTICE OF DETERMINATION

In response to written requests of representatives of a substantial segment of the computer industry, the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee was established by the Secretary of Commerce on January 3, 1973, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, to advise the Department of Commerce with respect to questions involving technical matters, worldwide availability, and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer peripherals, components, and

related test equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee, which currently has 16 members representing industry and 7 members representing government agencies, will terminate no later than January 3, 1975, unless extended by the Secretary of Commerce. All members of the Committee have the appropriate security clearance.

The Committee's activities are conducted in accordance with the provisions of section 5(c)(1) of the Export Administration Act of 1969, as amended, the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. II, 1972) and Office of Management and Budget Circular A-63 (Revised), Advisory Committee Management, effective May 1, 1974. Section 10 of the Federal Advisory Committee Act provides, among other things, that the meetings of advisory committees are to be open to the public, and to public participation, unless the head of the agency (or his delegate) to which the committee report determines in writing that all, or some portion, of the agenda of the meeting of the committee is concerned with matters listed in section 552(b) of Title 5 of the United States Code.

Section 552(b)(1) of Title 5, United States Code, provides that information may be withheld from the public if it concerns matters specifically required by Executive Order to be kept secret in the interest of the national defense or foreign policy.

Notices of Determination authorizing the closing of those portions of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee dealing with security classified matters were approved June 8, 1973; July 17, 1973; August 13, 1973; and December 20, 1973. The latter Determination covered the closure of a series of meetings of the Committee and formal subgroups thereof for the period January 1, 1974, to April 30, 1974.

The Committee currently is engaged in preparing a report to the Office of Export Administration (OEA), based on work assignments issued by the Chairman. It is anticipated that this report will include information on the foreign availability of selected computer peripherals, components and related test equipment and advice on redefining certain types of such equipment for export control purposes. Much of this material will carry the security classification of confidential. The OEA, in conjunction with other agencies, will use this report in establishing the U.S. Government position for the international review of the COCOM control list scheduled to begin in Paris in September 1974. Prior to the list review negotiations and for an indeterminate period after the negotiations get underway, the OEA intends to seek the advice of the Committee on questions concerning the initial U.S. negotiating position relative to the continued international control of computer peripherals, components and related test equipment, and related technical data, on the submissions of other COCOM-participating countries for continued control of such equipment and data, and on technical problems arising during the negotiations. In order to obtain the best advice possible, the Committee will be presented with security classified materials.

The portions of the series of meetings of the Committee and of formal subgroups thereof leading to the submission of its report and of the subsequent series of meetings dealings with COCOM negotiations on the continued international control of computer peripherals, components and related test equipment that will involve discussions of matters carrying the security classification of confidential in the interest of the national defense[1] of the United States must be closed to the public. The remaining portions of the series of meetings will be open to the public.

It is anticipated that the COCOM list review negotiations will continue into the first part of 1975. When matters relating to computer peripherals, components and related test equipment will be resolved is impossible to predict, but it is likely that the OEA will require the advice of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee on these matters up to its current expiration date of January 3, 1975.

Accordingly, I hereby determine, pursuant to section 10(d) of the Federal Advisory Committee Act that those portions of the series of meetings of the Committee and of any formal subgroups thereof, dealing with the aforementioned classified material shall be exempt, for the period May 1, 1974, to January 3, 1975, from the provisions of section 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the Committee and subgroup discussions will be concerned with matters listed in section 552(b)(1) of Title 5, United States Code. The remaining portions of the meetings will be open to the public.

Dated: May 16, 1974.

HENRY B. TURNER,
Assistant Secretary for Administration.

Dated: May 17, 1974.

ALFRED MEISNER,
Acting General Counsel.

[FR Doc.74-23818 Filed 10-10-74;8:45 am]

[Case 438]

DON OKEN AND DODD ELECTRONICS

Export Privileges

By order effective December 1, 1972 (37 FR 25552). The above named respondents, Don Oken and Dodd Electronics, Inc., Ossining, New York were denied U.S. export privileges for a period of five years. The order included a provision to the effect that 18 months after the date thereof the above respondents might apply for modification of the denial order. Respondents by letters dated July 18, 1974 and August 1, 1974 have filed such application. The application was referred to the Hearing Commissioner and considered by him. He has reported that it appears from said respondents representations, and otherwise from information in possession of the Compliance Division, Office of Export Administration, that conditional restoration of said respondents export privileges is consistent with the purposes of the export administration program. The Hearing Commissioner has recommended that an order be entered conditionally restoring export privileges to said respondents and placing them on probation until December 1, 1977.

The undersigned has considered the record herein and concurs with the Hearing Commissioner that conditional restoration of Don Oken and Dodd Electronics, Inc., export privileges and placing them on probation until December 1, 1977 is consistent with the purposes of the U.S. Export Administration Act of 1969 as amended and regulations thereunder.

Accordingly, it is hereby ordered:

That the export privileges of Don Oken and Dodd Electronics, Inc., be and the same are hereby restored conditionally, and the said respondents are placed on probation until December 1, 1977.

The conditions of probation are that said respondents: (1) Shall fully comply with all of the requirements of the Export Administration Act of 1969 as amended and all regulations, licenses, and orders issued thereunder; (2) shall on request of the Office of Export Administration, or a representative of the U.S. Government, acting on its behalf, promptly disclose fully the details of his participation in any and all transactions involving U.S. origin commodities or technical data, including information as to the disposition or intended disposition of such commodities or technical data and on such request shall also furnish all records and documents relating to such matters. Further, on such request, said respondent shall promptly disclose the names and addresses of his partners, agents, representatives, employees, and other persons associated with him in trade or commerce.

Upon finding by the Director, Office of Export Administration, or such other official as may be exercising the duties now exercised by him, that said respondent has failed to comply with any of the conditions of probation, said official, with or without prior notice to said respondent, by supplemental order, may revoke the probation of said respondent and deny to him all export privileges for such period as said official may deem appropriate. Such order shall not preclude the Bureau of East-West Trade from taking further action for any violation as may be warranted.

This order shall become effective September 30, 1974, and supersedes the denial order against the respondents effective December 1, 1972 (37 FR 25552) insofar as the latter is inconsistent with the terms of this order.

Dated: September 30, 1974.

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.74-23773 Filed 10-10-74;8:45 am]

ELECTRONIC INSTRUMENTATION TECHNICAL ADVISORY COMMITTEE

Notice of Meeting and Determination

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I (Supp. II, 1972)) and Office of Management and Budget Circular A-63 (Revised), Advisory Committee Management, effective May 1, 1974, notice was given (39 FR 33584) of a meeting of the Electronic Instrumentation Technical Advisory Committee to be held Tuesday, October 15, 1974, at 9:30 a.m. in Room 6802 of the Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230. The Notice of

[1] Or foreign policy.

Determination, approved by the Assistant Secretary of Commerce for Administration and the delegate of the General Counsel of the Department of Commerce on May 28, 1974, to close a portion of such meeting to the public, was not included in the published Notice of the Meeting. In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in "Aviation Consumer Action Project, et al. v. C. Langhorne Washburn, et al." of September 10, 1974, as amended, September 23, 1974 (Civil Action No. 1838–73), the complete Notice of Determination to close portions of the meetings of the Electronic Instrumentation Technical Advisory Committee and formal subgroups thereof is hereby published.

Dated: October 8, 1974.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

ELECTRONIC INSTRUMENTATION TECHNICAL ADVISORY COMMITTEE

NOTICE OF DETERMINATION

In response to written requests of representatives of a substantial segment of the electronic industry, the Electronic Instrumentation Technical Advisory Committee was established by the Secretary of Commerce on October 23, 1973, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, to advise the Department of Commerce with respect to questions involving technical matters, world-wide availability, and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to electronic instrumentation, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee, which currently has nine members representing industry and eight members representing government agencies, will terminate no later than October 23, 1975, unless extended by the Secretary of Commerce. All members of the Committee have the appropriate security clearance.

The Committee's activities are conducted in accordance with the provisions of Section 5(c)(1) of the Export Administration Act of 1969, as amended, the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. II, 1972), and Office of Management and Budget Circular A–63 (Revised), Advisory Committee Management, effective May 1, 1974. Section 10 of the Federal Advisory Committee Act provides, among other things, that the meetings of advisory committees are to be open to the public, and to public participation, unless the head of the agency (or his delegate) to which the Committee reports determines in writing that all, or some portion, of the agenda of the meeting of the Committee is concerned with matters listed in Section 552(b) of Title 5 of the United States Code.

Section 552(b)(1) of Title 5, United States Code, provides that information may be withheld from the public if it concerns matters specifically required by Executive Order to be kept secret in the interest of the national defense or foreign policy.

Notices of Determination authorizing the closing of those portions of the first two meetings of the Electronic Instrumentation Technical Advisory Committee dealing with security classified matters were approved March 12, 1974 and April 25, 1974.

At the second meeting of the Committee, the Chairman issued work assignments on the following:

(1) Oscilloscopes (Real Time and Sampling) and Spectrum Analyzers.

(2) Counters, Frequency Synthesizers and Frequency Standards.

(3) Analog-to-Digital Converters, Digital Voltmeters, Electrical Interfaces and Instrumentation Systems.

(4) Signal and Sweep Generators, Parameter Measuring Instruments, and Waveguide and Coaxial Components.

Each of these work assignments will require a series of meetings of the Committee and of formal subgroups thereof for completion. These work assignments will deal in part with information relating to COCOM export controls, foreign availability, military and military-support uses of the above-listed equipment, and the state-of-the-art of their production and use in the USSR, Eastern Europe, and the People's Republic of China. Much of this material will carry the security classification of confidential.

On completion of the work assignments, the Committee will submit a report to the Office of Export Administration (OEA), providing advice as to changes in the level of export controls on the above-listed equipment. Much of this material will carry the security classification of confidential. The OEA, in conjunction with other agencies, will use the report of the Committee to establish the U.S. Government position for the international review of the COCOM control list scheduled to begin in Paris in September, 1974. Prior to the list review negotiations and for an indeterminate period after the negotiations get underway, the OEA intends to seek the advice of the Committee on questions concerning the initial U.S. negotiating position relative to the continued international control of electronic instrumentation and related technical data, on the submissions of other COCOM-participating countries for continued control of such equipment and data, and on technical problems arising during the negotiations. In order to obtain the best advice possible, the Committee will be presented with security classified material.

The portions of the series of meetings of the Committee and of formal subgroups thereof dealing with the work assignments and the report to the OEA, and with COCOM negotiations that will involve discussions of matters carrying the security classification of confidential in the interest of national defense or foreign policy of the United States must be closed to the public. The remaining portions of the series of meetings will be open to the public.

It is anticipated that the COCOM list review negotiations will continue into the first part of 1975. When matters relating to electronic instrumentation will be resolved is impossible to predict, but it is likely that the OEA will require the advice of the Committee on these matters up to January 3, 1975.

Accordingly, I hereby determine, pursuant to section 10(d) of the Federal Advisory Committee Act that those portions of the series of meetings of the Committee and of any formal subgroups thereof, dealing with the aforementioned classified material shall be exempt, for the period ending January 3, 1975, from the provisions of section 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the Committee and subgroup discussions will be concerned with matters listed in section 552(b)(1) of Title 5, United States Code. The remaining portions of the meetings will be open to the public.

Dated: May 28, 1974.

ALFRED B. TURNER,
Assistant Secretary for Administration.

Dated: May 28, 1974.

ALFRED MEISNER,
Acting General Counsel.

[FR Doc.74–23819 Filed 10–10–74;8:45 am]

TELECOMMUNICATIONS EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Notice of Meeting and Determination

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I (Supp. II, 1972)) and Office of Management and Budget Circular A–63 (Revised), Advisory Committee Management, effective May 1, 1974, notice was given (39 FR 32770) of a meeting of the Telecommunications Equipment Technical Advisory Committee to be held Wednesday, October 16, 1974, at 9:30 a.m. in Room 6705 of the Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230. The Notice of Determination, approved by the Assistant Secretary of Commerce for Administration and the delegate of the General Counsel of the Department of Commerce on May 16, 1974 and May 17, 1974 respectively, to close a portion of such meeting to the public, was not included in the published Notice of the Meeting. In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in "Aviation Consumer Action Project, et al. v. C. Langhorne Washburn, et al." of September 10, 1974, as amended, September 23, 1974, (Civil Action No. 1838–73), the complete Notice of Determination to close portions of the meetings of the Telecommunications Equipment Technical Advisory Committee and formal subgroups thereof is hereby published.

Dated: October 8, 1974.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

TELECOMMUNICATIONS EQUIPMENT TECHNICAL ADVISORY COMMITTEE

NOTICE OF DETERMINATION

In response to written requests of representatives of a substantial segment of the telecommunications industry, the Telecommunications Equipment Technical Advisory Committee was established by the Secretary of Commerce on April 5, 1973, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, to advise the Department of Commerce with respect to questions involving technical matters, world-wide availability, and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to telecommunications equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee, which currently has six members representing industry and eight

members representing government agencies, will terminate no later than April 5, 1975, unless extended by the Secretary of Commerce. All members of the Committee have the appropriate security clearance.

The Committee's activities are conducted in accordance with the provisions of section 5(c)(1) of the Export Administration Act of 1969, as amended, the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. II, 1972), and Office of Management and Budget Circular A-63 (Revised), Advisory Committee Management, effective May 1, 1974. Section 10 of the Federal Advisory Committee Act provides, among other things, that the meetings of advisory committees are to be open to the public, and to public participation, unless the head of the agency (or his delegate) to which the committee reports determines in writing that all, or some portion, of the agenda of the meeting of the committee is concerned with matters listed in section 552(b) of Title 5 of the United States Code.

Section 552(b)(1) of Title 5, United States Code, provides that information may be withheld from the public if it concerns matters specifically required by Executive Order to be kept secret in the interest of the national defense or foreign policy.

Notices of Determination authorizing the closing of those portions of the Telecommunications Equipment Technical Advisory Committee dealing with security classified matters were approved June 5, 1973; September 7, 1973; and November 28, 1973. The latter Determination covered the closure of a series of meetings of the Committee and formal subgroups thereof for the period up to April 30, 1974.

The Committee has recently submitted a report to the Office of Export Administration (OEA), providing information on the foreign availability and military and military support uses of certain specified telecommunications equipment and advice as to changes in the level of export controls on such equipment. Much of this material carries the security classification of confidential. Based on new work assignments issued by the Chairman, the Committee currently is engaged in preparing a similar report on other selected telecommunications equipment. Much of this material will also carry the security classification of confidential. The OEA, in conjunction with other agencies, will use the reports of the Committee to establish the U.S. Government position for the international review of the COCOM control list scheduled to begin in Paris in September, 1974. Prior to the list review negotiations and for an indeterminate period after the negotiations get underway, the OEA intends to seek the advice of the Committee on questions concerning the initial U.S. negotiating position relative to the continued international control of telecommunications equipment and related technical data, on the submissions of other COCOM-participating countries for continued control of such equipment and data, and on technical problems arising during the negotiations. In order to obtain the best advice possible, the Committee will be presented with security classified material.

The portions of the series of meetings of the Committee and of formal subgroups thereof leading to the submission of its supplemental report and of the series of meetings dealing with COCOM negotiations on the continued international control of telecommunications equipment that will involve discussions of matters carrying the security classification of confidential in the interest of the national defense[1] of the United States must be closed to the public. The remaining portions of the series of meetings will be open to the public.

It is anticipated that the COCOM list review negotiations will continue into the first part of 1975. When matters relating to telecommunications equipment will be resolved is impossible to predict, but it is likely that the OEA will require the advice of the Telecommunications Equipment Technical Advisory Committee on these matters up to January 3, 1975.

Accordingly, I hereby determine, pursuant to section 10(d) of the Federal Advisory Committee Act that those portions of the series of meetings of the Committee and of any formal subgroups thereof, dealing with the aforementioned classified material shall be exempt, for the period May 1, 1974 to January 3, 1975, from the provisions of section 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the Committee and subgroup discussions will be concerned with matters listed in section 552(b)(1) of Title 5, United States Code. The remaining portions of the meetings will be open to the public.

Dated: May 16, 1974.

HENRY B. TURNER,
Assistant Secretary for Administration.

Dated: May 17, 1974.

ALFRED MEISNER,
Acting General Counsel.

[FR Doc.74-23817 Filed 10-10-74;8:45 am]

[1] Or foreign policy.

National Oceanic and Atmospheric Administration

COASTAL ZONE MANAGEMENT ADVISORY COMMITTEE

Notice of Public Meeting

Pursuant to section 10(a)(2) of 5 U.S.C. App. I (Supp. II, 1972), notice is hereby given of the meeting of the Coastal Zone Management Advisory Committee (the "Committee") on Thursday and Friday, November 14 and 15, 1974. The meeting will commence at 9 a.m. on each day in Room 6802, Department of Commerce, 14th St., NW, between E St. and Constitution Ave., NW, Washington, D.C.

Interested persons are invited to attend and participate in the meeting, subject to the procedures which follow. From approximately 11:25 a.m. until 12 noon on November 14, interested persons will be permitted to make oral statements to the Committee which are relevant to topics on the agenda. Depending on the level of interest expressed in making oral statements, the number of persons permitted to make oral statements that day may be limited to five, the length of oral statements may be limited to no more than five minutes, and preference may be given based upon the relevance of statements to items on the agenda; such decisions will be made by the Chairman in consultation with the Committee. Interested persons wishing to make oral statements must register on November 14 with the Executive Secretary between 8:30 a.m. and 9 a.m. in the meeting room and must provide their name, legal address, a list of any affiliations relevant to their intended topic(s), and a brief, written description of their topic(s). A written version of an oral statement or a written statement may be submitted to the Executive Secretary before or after the meeting, or may be mailed within five days to: Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, 6001 Executive Blvd., Rockville, Maryland 20852; (Attn: Executive Secretary, CZM Advisory Committee). All statements received in typewritten form will be distributed to the Committee for consideration with the minutes of the meeting.

The items for Committee discussion at the meeting will include the following:

NOVEMBER 14

9:00 a.m.	Call to Order and Announcements.
9:15 a.m.	Chairman's Report.
9:45 a.m.	Continuation of Review of Approaches to CZM Being Taken by Selected States: Michigan and North Carolina.
10:30 a.m.	Brief Recess.
10:45 a.m.	Continuation of State Presentations.
11:25 a.m.	Oral Statements (if any) by Interested Persons.
12:00 noon	Recess for Lunch.
1:30 p.m.	Committee Discussion on the Federal Role in Coastal Zone Management.
3:15 p.m.	Brief Recess.
3:30 p.m.	Discussion of Marine Sanctuaries Program.
4:30 p.m.	Adjourn.

NOVEMBER 15

9:00 a.m.	Call to Order.
9:15 a.m.	Discussion of the Relationship Between Coastal Zone Management Program and Sea Grant Programs.
10:00 a.m.	Consideration of Pending Resolutions.
10:20 a.m.	Brief Recess.
10:30 a.m.	Report on Legislation Impacting on Coastal Zone Management.
11:30 a.m.	Date, Location, Agenda of Next Meeting.
12:00 noon	Adjourn.

Dated: October 7, 1974.

ROBERT M. WHITE,
Administrator.

[FR Doc.74-23820 Filed 10-10-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

ADVISORY COMMITTEE ON THE EDUCATION OF BILINGUAL CHILDREN

Notice of Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that a meeting of the Subcommittee of the Advisory Committee on the Education of Bilingual Children will be held from 8:30 a.m. to 5 p.m. on Wednesday, October 23, 1974, and on Thursday, October 24, 1974 from 8:30 a.m. to 5 p.m. The Subcommittee will meet in the Skyline #1 Conference Room, 15th Floor, Dade County Public School Administration

Building, 1410 NE. 2nd Avenue, Miami Beach, Florida on October 23 and 24.

This meeting shall be open to the public. The proposed agenda for the meeting is:

1. Discussion and revision of the proposed draft position paper on Bilingual Education.

Records shall be kept of all proceedings, and shall be available for public inspection at Room 3600, Regional Office Building 3, 7th and D Streets SW., Washington, D.C. 20202.

Signed at Washington, D.C., on October 7, 1974.

JOHN C. MOLINA,
Director, Division of Bilingual Education.

[FR Doc.74-23721 Filed 10-10-74;8:45 am]

RESEARCH PROJECTS IN VOCATIONAL EDUCATION

Closing Date for Receipt of Applications

Notice is hereby given that, pursuant to the authority contained in section 131(a) of Part C of the Vocational Education Act of 1963, as amended (20 U.S.C. 1281(a)), applications are being accepted for vocational education project grants and contracts.

Applications must be received by the U.S. Office of Education, Application Control Center on or before November 29, 1974.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.498. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mailrooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will reply on the time-date stamp of such mailrooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Rooms 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time, except on Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Program application information.* (1) Applications must be prepared and submitted in accordance with instructions and forms which may be obtained from the Division of Research and Demonstration, Bureau of Occupational and Adult Education, Office of Education, Room 5002, 7th and D Streets, SW., Washington, D.C. 20202.

(2) To be eligible for review by the Office of Education, an application from a local educational agency must be approved by the State board. In order to permit the consideration of an application from a local educational agency by the Office of Education for funding, the approval of the State board with respect to that application must be received by the Office of Education with the application by the deadline established above. All applications from other than local educational agencies must be submitted in accordance with 45 CFR § 103.13(a) of the program regulations (20 U.S.C. 1281(a)).

(3) *Duplication.* In order to assure that applications do not duplicate projects already undertaken in the state, the applicants shall send a copy of the application to the State Director of Vocational Education and notify the Commissioner of Education of this action. The State Director should advise the Commissioner of Education of applications considered to be a duplication of other projects in the state.

D. *Awards in states.* (1) Direct grants or contracts are awarded in each State up to the limit of funding available for the U.S. Commissioner of Education to use in that State as allotted under section 131(a) of Part C of the Act. Subject to § 103.15 of the program regulations (45 CFR 103.15), the approximate allocations anticipated for initiating new grants during fiscal year 1975 are: Alabama $166,913; Alaska $10,911; Arizona $79,211; Arkansas $88,741; California $688,960; Colorado $95,967; Connecticut $91,060; Delaware $19,133; Florida $267,624; Georgia $214,142; Hawaii $28,307; Idaho $35,174; Illinois $359,519; Indiana $210,363; Iowa $115,572; Kansas $90,253; Kentucky $156,360; Louisiana $180,640; Maine $45,621; Maryland $142,133; Massachusetts $197,877; Michigan $333,176; Minnesota $155,659; Mississippi $109,731; Missouri $189,094; Montana $32,096; Nebraska $60,585; Nevada $15,759; New Hampshire $30,734; New Jersey $223,166; New Mexico $51,673; New York $536,237; North Carolina $252,311; North Dakota $30,691; Ohio $412,648; Oklahoma $116,881; Oregon $88,486; Pennsylvania $448,971; Rhode Island $37,746; South Carolina $135,264; South Dakota $32,576; Tennessee $188,194; Texas $502,426; Utah $56,019; Vermont $20,183; Virginia $205,902; Washington $134,657; West Virginia $82,560; Wisconsin $185,107; Wyoming $14,490; District of Columbia $23,621; American Samoa $1,319; Guam $4,205; Puerto Rico $132,616; Virgin Islands $2,771; Trust Territory $4,315.

(2) These projects should not exceed 18 months in duration.

E. *Authority.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Part 100a) and the regulations on Research and Training, Exemplary, and Curriculum Development Programs in Vocational Eduction (45 CFR Part 103), published in the FEDERAL REGISTER on August 15, 1974 at 39 FR 29361.

(Catalog of Federal Domestic Assistance No. 13.498 Vocational Eduction—Research.)

Dated: September 19, 1974.

T. H. BELL,
Commissioner of Education.

[FR Doc.74-23791 File 10-10-74;8:45 am]

Food and Drug Administration

[DESI 10911; Docket No. FDC-D-530; NDA 10-911]

BUCLIZINE HYDROCHLORIDE WITH PYRIDOXINE HYDROCHLORIDE, SCOPOLAMINE HYDROBROMIDE, ATROPINE SULFATE, AND HYOSCYAMINE SULFATE

Notice of Withdrawal of Approval of Pertinent Part of New Drug Application

On November 15, 1972, there was published in the FEDERAL REGISTER (37 FR 24208) a notice of opportunity for hearing (DESI 10911) in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of NDA 10-911 providing for Bucladin Tablets, containing buclizine hydrochcloride, pyridoxine hydrochloride, scopolamine hydrobromide, atropine sulfate, and hyoscyamine sulfate; Stuart Pharmaceuticals, Division of ICI United States, Inc., Wilmington, DE 19899.

All identical, related, and similar drug products, as defined in 21 CFR 310.6, not the subject of an approved new drug application, are covered by the application reviewed and are subject to this notice. Any person who wishes to determine whether a specific product is covered by this notice should write the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD-300), 5600 Fishers Lane, Rockville, MD 20852.

On December 6, 1972, Stuart Pharmaceuticals requested a hearing. Subsequently Stuart supplemented the application to reformulate the product by deleting all components except buclizine hydrochloride, to relabel it, and to change the name to Bucladin-S. The firm thereafter withdrew its request for hearing.

No other persons responded to the notice of opportunity for hearing.

The Director of the Bureau of Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and under authority delegated to him (21 CFR 2.121), finds that on the basis of new information before him with

respect to the drug product, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug product will have the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, pursuant to the foregoing finding, approval of that part of new drug application No. 10-911 applying to the combination product marketed as Bucladin Tablets, and all amendments and supplements applying thereto, is withdrawn effective on October 21, 1974.

Shipment in interstate commerce of the above-listed product or of any identical, related, or similar product, not the subject of an approved new drug application, will then be unlawful.

Dated: October 7, 1974.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.74-23765 Filed 10-10-74;8:45 am]

[DESI 5597; Docket No. FDC-D-676; NDA 10-437, etc.]

CERTAIN PREPARATIONS CONTAINING PROMETHAZINE HYDROCHLORIDE

Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

The National Academy of Sciences/National Research Council, Drug Efficacy Study Group evaluated the effectiveness of the drug products described below, found the drugs to be less-than-effective, and submitted its reports to the Commissioner of Food and Drugs. Copies of those reports have previously been made publicly available and are on display at the office of the Food and Drug Administration's Hearing Clerk. After reviewing the Academy's reports and the available data and information, the Commissioner concluded that the drugs are less-than-effective and published his conclusions in the FEDERAL REGISTER of January 10, 1970 (35 FR 396) that the drugs are possibly effective for their labeled indications.

NDA 10-437, Synalgos Capsules containing 6.25 milligrams promethazine hydrochloride, 3 grains aspirin, 2.5 grains phenacetin, and 7.5 milligrams mephentermine sulfate per capsule; and

NDA 11-483; Synalgos-DC Capsules containing 16 milligrams dihydrocodeine bitartrate, 6.25 milligrams promethazine hydrochloride, 3 grains aspirin, 2.5 grains phenacetin, and 7.5 milligrams mephentermine sulfate per capsule; both drugs marketed by Ives Laboratories, Inc., 685 Third Avenue, New York, NY 10017.

No data were submitted to demonstrate the effectiveness of these fixed combinations compared with the effectiveness of each of the individual ingredients, or that they are otherwise in accord with the requirements for fixed combination drugs as set forth in § 3.86 Fixed Combination Prescription Drugs for Humans (21 CFR 3.86). Instead, Ives Laboratories, Inc., reformulated both drug products and submitted supplemental new drug applications for the reformulated products (Synalgos Capsules New Formulation and Synalgos-DC-New Formulation). These supplemental applications are being processed separately. This notice pertains only to Synalgos Capsules and Synalgos-DC Capsules.

On the basis of all of the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111 (a)(5) and 21 CFR 3.86, demonstrating the effectiveness of Synalgos Capsules and Synalgos-DC Capsules.

Therefore, notice is given to the holder(s) of the new drug application(s) and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505 (e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) (or if indicated above, those parts of the application(s) providing for the drug product(s) listed above) and all amendments and supplements thereto on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD-300), 5600 Fishers Lane, Rockville, MD 20852.

In addition to the ground(s) for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in § 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201 (p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR 310, 314), the applicant(s) and all other persons subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and of all identical, related, or similar drug products.

If an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before November 11, 1974 a written notice of appearance and request for hearing, and (2) on or before December 10, 1974, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 130.14 as published and discussed in detail in the FEDERAL REGISTER of March 13, 1974 (39 FR 9750), recodified as 21 CFR 314.200 on March 29, 1974 (39 FR 11680).

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the per-

son(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration (HFC–20), Room 4–65, 5600 Fishers Lane, Rockville, MD 20852.

All submissions pursuant to this notice, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 52 Stat. 1052–53, as amended; (21 U.S.C. 355)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121).

Dated: October 7, 1974.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.74–23763 Filed 10–10–74;8:45 am]

[DESI 9366; Docket No. FDC–D–696; NDA 9–366]

PIPRADROL HYDROCHLORIDE TABLETS

Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

The National Academy of Sciences–National Research Council, Drug Efficacy Study Group evaluated the effectiveness of the drug products described below, found the drugs to be less-than-effective, and submitted its reports to the Commissioner of Food and Drugs. Copies of those reports have previously been made publicly available and are on display at the office of the Food and Drug Administration's Hearing Clerk. After reviewing the Academy's reports and the available data and information, the Commissioner concluded that the drugs are less-than-effective and published his conclusions in the FEDERAL REGISTER of May 15, 1970 (35 FR 7616) that the drugs are possibly effective and lacking substantial evidence of effectiveness for their claimed indications:

NDA 9–366, Meratran Tablets, containing 1.0 milligram or 2.5 milligrams pipradrol hydrochloride per tablet; Merrell-National Laboratories, Division of Richardson-Merrell, Inc., 110 Amity Road, Cincinnati, OH 45215.

In response to the notice, Merrell-National submitted reports of three double-blind clinical studies following a similar protocol in which Meratran is compared with placebo in groups of patients having mild to moderate depression with the diagnostic categorization of a neurotic grouping. Following are discussions of those studies.

Study No. 1: This is a reprint of a published paper by B. J. Goldstein, et al. who carried out a double-blind study comparing pipradrol hydrochloride tablets with placebo in 58 patients of both sexes between the ages of 21 and 65 with mild to moderate depression who, in the opinion of the psychiatrist, might benefit from psychotropic medications. Medical and psychiatric histories were obtained prior to treatment. Other pre-treatment assessments consisted of two physician-rated scales (the Brief Psychiatric Rating Scale (BPRS) and Merrell Depression Scale (MDS)), a side effect check list, and one Thirty-five Item Symptom Check List (SCL) rated by the patient. The study reported that pipradrol hydrochloride improved "sadness" on the MDS and "depressed mood" on the BPRS. Total pathology scores on other items disclosed no significant differences between treatments. Analysis of covariance performed on the 35 items rated by patients on the SCL revealed no significant differences between treatments. The physician's global evaluation of improvement is summarized and, based on analysis of variance on a weighted physician global scale, showed that the drug-treated group had a greater improvement than the placebo-treated group, but the difference did not reach statistical significance of the 0.05 level. The study reported that pipradrol hydrochloride produces unpleasant pharmacological CNS stimulant effects, including anorexia and over-stimulation. Of the twenty-nine patients in each group, 12 in the pipradrol hydrochloride group and 7 in the placebo group completed less than three weeks of treatment. The attrition noted in the pipradrol hydrochloride group was primarily due to side effects characterized as subjective feelings of stimulation.

The Director of the Bureau of Drugs concludes that the study does not provide substantial evidence of effectiveness. Among the things of concern are:

1. No raw data are included for review. This makes full evaluation of the results difficult and significantly limits the level of assurance of any of the reviewers' responses. For example, on the depressed mood item of the BPRS, the pre-treatment score for the pipradrol hydrochloride group is given as 4.35 while the mean adjusted post-treatment score is given as 2.42; the placebo pre-treatment score is 3.77 and the mean adjusted post-treatment score is 3.54. In reviewing this data without the ability to review the raw scores, the question arises as to whether the two groups' pre-treatment scores are or are not significantly different from each other. If they were different, they might not be comparable as required by the regulations with respect to pertinent variables (21 CFR 314.111(a)(5)(ii)(*a*)(2)(*iii*)). A second question also arises from the fact that the pre-post/placebo scores show little or no change. In the large majority of studies in such a neurotic population there is a very high tendency to show marked pre-post score changes on placebo alone. This could be considered to suggest that the diagnostic criteria used in this study are not appropriate (314.111(a)(5)(ii)(*a*)(2)(*i*)).

2. The Merrell Depression Scale is the primary instrument used to demonstrate significant improvement in sadness. This scale has not had its reliability and validity demonstrated. On the other hand, by the SCL (self-rating scale), which is a widely used and significantly documented instrument, no significant difference between active drug and placebo was shown. Also, there is serious doubt regarding the appropriateness of the BPRS score, which showed significant improvement in depressed mood, for use in the patients in this study. This instrument was primarily developed for, and has been mainly utilized in, a hospitalized psychotic population.

3. The study reports a high dropout rate, particularly in the treatment group, where 40 percent did not complete the course of treatment, principally because of subjective feelings of stimulation. While this high rate of attrition may be evidence of pharmacological activity, it diminishes confidence in the data reported. The drop-out group may well have had less relief of depression than the patients who completed the study. This would tend to make the drug appear more effective than more complete compilation would indicate.

Study No. 2: This is a reprint of a published paper by Rickels, et al. who studied two groups of mildly to moderately depressed patients: symptomatic volunteers to a hospital clinic and patients treated by general practitioners. The author's own conclusions were that the findings of the study were "rather modest". There are several deficiencies in this study. There was a relatively high drop-out rate; 31 percent of pipradrol and 26 percent of placebo did not complete the study and the tables included in the paper indicate about 20 percent loss from both groups even at 2 weeks. No analysis of the drop-outs has been provided; i.e., whether they were evenly distributed with regard to initial scores and other parameters between the placebo and treatment groups. Without a careful analysis of this question there can be no assurance at all of the comparability of placebo and drug groups (314.11(a)(5)(ii)(*a*)(2)(*iii*)). An additional problem was that results were different depending on which of the several methods of measuring depression were used; a physician's depression scale (PDS), physician's questionnaires, or a Zung self-rating depression scale filled out by the patient. None of the physician-completed measurements showed any significant differences in improvement between drug and placebo. The Zung results did show drug effect on several parameters, but only in the more depressed subgroup. Although, as in the Goldstein study, this study may provide some suggestion of effectiveness in depression, the conflicting results derived from various tests, the absence of the raw data for review and the serious question of whether the patient and placebo groups were comparable, render any evidence of effectiveness less than substantial.

Study No. 3: This is a statistical analysis of a study by Jaston-Germain Trigos which was to have involved 100 outpatients with mild to moderate depression, but which was terminated after only 27 patients completed the study. Raw data were not submitted. With

reference to this study, the sponsor stated "Because of a small number of patients involved, it is felt that minimal weight should be given this study." Among the available data, the items on the MDS that were analyzed, such as "sadness" and "crying", do not appear to show statistically significant differences between drug and placebo. On the Hamilton scale, the items analyzed also show no significant difference, and analysis of a total score in the cluster analysis was not carried out. On the BPRS the factor "withdrawal retardation" and "anxious-depression" were analyzed, again with no significant differences between drug and placebo.

In summary, the Director, Bureau of Drugs, concludes that the information submitted is insufficient to show that pipradrol hydrochloride is significantly superior to placebo in the treatment of mild to moderate depression.

On the basis of all of the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5), demonstrating the effectiveness of the drug.

Therefore, notice is given to the holder(s) of the new drug application(s) and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) (or if indicated above, those parts of the application(s) providing for the drug product(s) listed above) and all amendments and supplements thereto on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD–300), 5600 Fishers Lane, Rockville, MD 20852.

In addition to the ground(s) for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in § 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR 310, 314), the applicant(s) and all other persons subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and of all identical, related, or similar drug products.

If an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before November 11, 1974, a written notice of appearance and request for hearing, and (2) on or before December 10, 1974, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 130.14 as published and discussed in detail in the FEDERAL REGISTER of March 13, 1974 (39 FR 9750), recodified as 21 CFR 314.200 on March 29, 1974 (39 FR 11680).

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration (HFC–20), Room 4–65, 5600 Fishers Lane, Rockville, MD 20852.

All submissions pursuant to this notice, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 52 Stat. 1052–53, as amended; (21 U.S.C. 355)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121).

Dated: October 7, 1974.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc. 74–23764 Filed 10–10–74;8:45 am]

National Institutes of Health

BOARD OF COUNSELORS, NATIONAL INSTITUTE OF NEUROLOGICAL DISEASES AND STROKE

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Neurological Diseases and Stroke, National Institutes of Health, October 31 and November 1, 1974, in Conference Room 1B–07, Bldg. 36, at the National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public from 10:30 a.m. to 5 p.m. on October 31 to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 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 until the conclusion of the meeting on November 1 for the review, discussion and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Chief, Office of Scientific and Health Reports, Mrs. Ruth Dudley, Bldg. 31, Room 8A03, NIH, NINDS, Bethesda, Maryland, will furnish summaries of the meeting and rosters of committee members.

The Executive Secretary from whom substantive program information may be obtained is: Dr. Thomas N. Chase, Acting Director of Intramural Research, NINDS, Bldg. 36, Room 5A05, NIH, Bethesda, Maryland.

(Catalog of Federal Domestic Assistance Program No. 13.356, National Institutes of Health)

Dated: October 3, 1974.

R. W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

[FR Doc. 74-23873 Filed 10-10-74;8:45 am]

CANCER CONTROL PREVENTION AND DETECTION REVIEW COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Control Prevention and Detection Review Committee, National Cancer Institute, October 31-November 1, 1974, National Institutes of Health, Building 31, Conference Room 3.

This meeting will be open to the public on October 31, 1974, from 9 a.m. to 9:30 a.m., to discuss the planned reorganization of the Cancer Control Program. 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 October 31, 1974, from 9:30 a.m. to adjournment for the review, discussion and evaluation, of individual contract proposals. The proposals 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 proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of meetings and rosters of committee members.

Dr. Veronica L. Conley, Acting Executive Secretary, Blair Building, Room 7A01, National Institutes of Health, Bethesda, Maryland 20014 (301/427-7943) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

Dated October 3, 1974.

R. W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

[FR Doc.74-23872 Filed 10-10-74;8:45 am]

NEUROLOGICAL DISEASE PROGRAM-PROJECT REVIEW A COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Neurological Disorders Program-Project Review A Committee, National Institute of Neurological Diseases and Stroke, National Institutes of Health, October 17 and 18, 1974, at 9 a.m. in the Westwood Building, Conference Room D, Bethesda, Maryland.

This meeting will be open to the public from 9 a.m. until 10 a.m. on October 17th, to discuss program planning and program accomplishments. 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) of Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 10 a.m. on October 17th to adjournment on October 18th, for the review, discussion and evaluation of individual grant applications. The 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.

The Chief, Office of Scientific and Health Reports, Mrs. Ruth Dudley, Bldg. 31, Room 8A03, NIH, NINDS, Bethesda, Maryland, will furnish summaries of the meeting and rosters of committee members.

Dr. Leon J. Greenbaum, Jr., Executive Secretary, Westwood Bldg., Room 7A03a, Bethesda, Maryland, telephone 496-7966, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.356, National Institutes of Health)

Dated: October 3, 1974.

R. W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

[FR Doc.74-23875 Filed 10-10-74;8:45 am]

NEUROLOGICAL DISORDERS PROGRAM—PROJECT REVIEW B COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Neurological Disorders Program-Project Review B Committee, National Institute of Neurological Diseases and Stroke, National Institutes of Health, October 17 and 18, 1974, at 9 a.m. in the Westwood Building, Conference Room 825, Bethesda, Maryland.

This meeting will be open to the public from 9 a.m. until 10 a.m. on October 17th, to discuss program planning and program accomplishments. 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) of Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 10 a.m. on October 17th to adjournment on October 18th, for the review, discussion and evaluation of individual grant applications. The 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.

The Chief, Office of Scientific and Health Reports, Mrs. Ruth Dudley, Bldg. 31, Room 8A03, NIH, NINDS, Bethesda, Maryland, will furnish summaries of the meeting and rosters of committee members.

Dr. G. Lawrence Fisher, Executive Secretary, Westwood Bldg., Room 7A03b, Bethesda, Maryland, telephone 496-7967, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.356, National Institutes of Health)

Dated: October 3, 1974.

R. W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

[FR Doc.74-23874 Filed 10-10-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. EX74-5; Notice 2]

ASTON MARTIN LAGONDA, LTD.

Exemption From Exterior Protection Standard

This notice grants Aston Martin Lagonda, Ltd. of Newport Pagnell, England, an exemption from Motor Vehicle Safety Standard No. 215, Exterior Protection, until October 1, 1977, on grounds of substantial economic hardship.

Notice of petition for the exemption was published in the FEDERAL REGISTER on August 22, 1974 (39 FR 30374) and an opportunity afforded for comment.

Aston Martin manufactures less than 400 passenger cars a year. Since the end of the 1971 model year the company has not participated in the American market. However, it finds that it complies, or can comply, with all Federal motor vehicle safety standards except Standard No. 215. In the 29-month period ending March 31, 1973, the company's losses exceeded 2,000,000 pound sterling, and the company may have lost an additional $720,000 in the 12-month period ending March 31, 1974. The company seeks to enter the American market as expeditiously as possible, where it believes a demand for half its output exists. The company intends to conform by the end of the exemption period.

No comments were received on the petition. Because of the petitioner's low

volume of production and the nature of the exemption requested, the NHTSA finds that a temporary exemption from Standard No. 215 is in the public interest and consistent with the objectives of the National Traffic and Motor Vehicle Safety Act. Accordingly, Aston Martin Lagonda, Ltd. is hereby granted NHTSA Temporary Exemption No. 74-5, from Motor Vehicle Safety Standard No. 215, 49 CFR 571.215, expiring October 1, 1977.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegation of authority at 49 CFR 1.51.)

Issued on October 8, 1974.

JAMES B. GREGORY,
Administrator.

[FR Doc.74-23826 Filed 10-10-74;8:45 am]

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE'S EXECUTIVE SUBCOMMITTEE

Public Meeting

On October 31, 1974, the National Highway Safety Advisory Committee's Executive Subcommittee will hold an open meeting at the Department of Transportation headquarters building, 400 Seventh Street, SW., Washington, D.C.

The National Highway Safety Advisory Committee is composed of 35 members appointed by the President in accordance with the Highway Safety Act of 1966 (23 U.S.C. 401 et seq.). The Committee consists of representatives of State and local governments, State legislatures, public and private interests contributing to, affected by, or concerned with highway safety, other public and private agencies, organizations, and groups demonstrating an active interest in highway safety, and research scientists and other experts in highway safety.

The Advisory Committee advises, consults with, and makes recommendations to the Secretary of Transportation on matters relating to the activities of the Department in the field of highway safety. The Committee is specifically authorized (1) to review research projects or programs, and (2) to review, prior to issuance, standards proposed to be issued by the Secretary under the national highway safety program.

The Executive Subcommittee will meet from 9 a.m. to 1 p.m. in room 3200 with the following agenda, subject to approval by the Secretary.

Plans for Future Actions
Preparation of December Committee Meeting Agenda
Reorganization of Committee Structure

Further information may be obtained from the Executive Secretariat, National Highway Traffic Safety Administration, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590, 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: October 8, 1974.

WM. H. MARSH,
Executive Secretary.

[FR Doc.74-23814 Filed 10-10-74;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON INFORMAL ACTION

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Informal Action of the Administrative Conference of the United States, to be held at 10 a.m., October 25, 1974 in the offices of Shea & Gardner, 734 15th Street, NW., Washington, D.C. 20005.

The Committee will meet to consider consultant and staff studies on the following subjects: (i) The decision to discharge a psychiatric patient from commitment to a Veterans' Administration hospital, (ii) safety of hydraulic dams, (iv) imposition of forfeitures by the Federal Communications Commission, (v) administration of the Foster Grandparent Program, and (vi) permits for the transportation of hazardous materials.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least one day in advance. The Committee Chairman may, if he deems it appropriate, permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact Michael Jay Singer, Staff Liaison (phone, 202-254-7065). Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

OCTOBER 7, 1974.

[FR Doc.74-23798 Filed 10-10-74;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON ECCS

Notice of Meeting

OCTOBER 7, 1974.

In accordance with the purposes of section 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on ECCS will hold a meeting on October 26, 1974 in Room 1046, 1717 H Street, NW, Washington, D.C. 20545. The purpose of this meeting will be to discuss the development of models formulated to meet current ECCS Criteria.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

SATURDAY, OCTOBER 26, 1974—9 A.M.-3 P.M.

Discussion with the AEC Regulatory Staff on the development of models formulated to meet current ECCS criteria.

In connection with the above agenda item, the Subcommittee will hold executive sessions before and after the meeting to discuss its preliminary views and to exchange opinions and formulate recommendations to the ACRS. In addition, following the public portion of the meeting, the Subcommittee may hold closed sessions with the Regulatory Staff to discuss privileged information relating to the agenda item.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the executive session at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that a closed session may be held to discuss certain documents which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect such privileged information and the free interchange of internal views and to avoid undue interference with Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than October 18, 1974 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to the details of the agenda and schedule, whether the meeting has been cancelled or rescheduled, and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on October 24, 1974, to the Office of the Executive Secretary of the Committee (telephone 301–973–5651) between 8:30 a.m. and 5:15 p.m., e.d.t.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street NW., Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portions of the meeting will be available for inspection on or after October 30, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street NE., Washington, D.C. 20002 (telephone 202–547–6222) upon payment of appropriate charges.

(j) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 after January 27, 1975. Copies may be obtained upon payment of appropriate charges.

JOE B. LA GRONE,
Acting Advisory Committee Management Officer.

[FR Doc.74–23761 Filed 10–10–74;8:45 am]

[Docket Nos. 50–496; 50–497]

NORTHEAST NUCLEAR ENERGY CO., ET AL.

Special Prehearing Conference

The Atomic Safety and Licensing Board will hold a Special Prehearing Conference on October 30, 1974, at 10 a.m. in the Sheffield Middle School Auditorium on Croker Avenue, Turners Falls, Massachusetts. Representatives of the parties will attend and members of the public may do so.

The Special Prehearing Conference is to be held in connection with the application of Northeast Nuclear Energy Company, acting for itself and on behalf of others, for issuance of a construction permit for the proposed Montague Nuclear Power Station, Units 1 and 2 for which Notice of Hearing was published on August 13, 1974, at 39 FR 29017 and will consider matters set forth in 10 CFR § 2.751a including identification of key issues, consideration of petitions to intervene and establishment of a schedule for further actions by the parties and the Board.

Evidentiary hearings, at which the parties present evidence and limited appearances are made, will be held in the future at a time to be set by the Board.

It is so ordered.

Dated at Bethesda, Maryland, this 7th day of October, 1974.

The Atomic Safety and Licensing Board.

FREDERIC J. COUFAL,
Chairman.

[FR Doc.74–23762 Filed 10–10–74;8:45 am]

[Docket Nos. 50–434, 50–435]

VIRGINIA ELECTRIC AND POWER CO.

Limited Work Authorization

Pursuant to the provisions of 10 CFR 50.10(e) of the Atomic Energy Commission's (Commission) regulations, the Commission has authorized the Virginia Electric and Power Company to conduct certain site activities in connection with the Surry Power Station Units 3 and 4 prior to a decision regarding the issuance of a construction permit.

The activities that are authorized are within the scope of those authorized by 10 CFR 50.10(e)(1), and specifically include the following:

(i) Land clearing and grubbing (stump and root removal as necessary);
(ii) Top soil relocation;
(iii) Fence relocation;
(iv) Erosion and sediment control measures;
(v) Road layout and surfacing;
(vi) Relocation and erection of support buildings; and
(vii) Excavation for containment foundations.

The authorization is subject to the following conditions for the protection of the environment:

1. Debris from land clearing will be burned in compliance with local ordinances. Nonburnable materials will be buried in nonstructural fill areas.

2. A high quality of cleanup operations will be maintained during construction. Combustible wastes will be burned onsite in compliance with local ordinances; noncombustible debris will be buried onsite. Salvageable materials will be accumulated in designated areas and disposed of throughout the construction stage.

3. Steel sheet piling will be driven to form cofferdams for the containment excavations. The excavation spoil placed onsite will be graded for storage use during construction.

4. Moderate amounts of select backfill will be required within the facility area. This material will be brought in from offsite by barge. Existing dock facilities may be modified or, if necessary, an additional bulk material unloading structure will be constructed in the vicinity of the existing cooling water intake structure.

5. When area excavations and backfill operations have advanced to the stage that will allow the installation of permanent storm drainage systems, such a system will be installed. This will be necessary to minimize erosion problems and to allow material drainage under roads.

6. Noise from construction will not exceed that allowed by Occupational Health and Safety Act standards, and it will be monitored to assure that this is the case.

7. Water will be sprayed to control dust on roads, parking areas, etc.

8. Measures will be taken to minimize erosion during the construction period. These would include control of slope angle, seeding, use of mats or straw, and paving. Final grading and landscaping will be done on completion of construction.

9. A permanent fire-protection loop will be installed as soon as excavations and backfill operations permit and will be maintained for use during the remainder of the construction program.

10. Construction activities in the Surry to Chuckatuck right-of-way will be planned so as to minimize incremental environmental impacts.

11. Surveillance will be maintained to ensure that land-clearing, spoil placement, and other activities do not encroach upon the wooded buffer zone, which is to be at least 50 feet wide along the entire northern and western boundaries of the site.

12. The condition of the trees in the buffer zone will be monitored and appropriate actions taken to counteract any causes of deterioration.

13. Before engaging in a construction activity which may result in a significant adverse environmental impact that was not evaluated or that is significantly greater than that evaluated in the Final Environmental Statement, the applicant shall provide written notification to the Director of Licensing.

14. If unexpected harmful environmental effects or evidence of unanticipated irreversible damage are detected during facility construction, the Applicant shall provide the Regulatory staff an acceptable analysis of the problem and a plan of action to eliminate or significantly reduce the harmful effects or the damage.

Any activities undertaken pursuant to this authorization are entirely at the risk of the Virginia Electric and Power Company and the grant of the authorization has no bearing on the issuance of a construction permit with respect to the requirements of the Atomic Energy Act of 1954, as amended, and rules, regulations, or orders promulgated pursuant thereto.

An initial decision on matters relating to the National Environmental Policy Act and site suitability was issued by the Atomic Safety and Licensing Board in the above captioned proceeding on Sep-

tember 18, 1974. A copy of (1) the initial decision; (2) the Applicant's Preliminary Safety Analysis Report and amendments thereto; (3) the Applicant's Environmental Report and amendments thereto; (4) the staff's Final Environmental Statement dated May 1974; and (5) the Commission's letter of authorization dated October 4, 1974, are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and the Swem Library, College of William and Mary, Williamsburg, Virginia 23185.

Dated at Bethesda, Maryland, this 4th day of October 1974.

For the Atomic Energy Commission.

GORDON K. DICKER,
Chief, Environmental Projects Branch 2, Directorate of Licensing.

[FR Doc.74-23760 Filed 10-10-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 26664; Order No. 74-10-34]

AIR PANAMA INTERNACIONAL, S.A.

Application for Foreign Air Carrier Permit

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 8th day of October, 1974.

By Order 69-10-93, served October 20, 1969, Air Panama Internacional, S.A., was issued a foreign air carrier permit authorizing it to engage in foreign air transportation with respect to persons, property and mail between a point or points in Panama and the terminal point Miami, Florida, and to engage in off-route charter flights in foreign air transportation subject to the provisions of Part 212 of the Board's Economic Regulations. The permit was amended to extend the authorized route to New York by Order 72-12-90. Although the Board found that Air Panama was substantially owned and effectively controlled by citizens of Panama, the term of the permit was limited to five years so that the Board could monitor Iberia Air Line's ownership interest and involvement in the affairs of Air Panama and take appropriate action as may be required in the public interest.[1]

On May 1, 1974, Air Panama filed an application to renew, for an indefinite period, the foreign air carrier permit issued pursuant to Order 69-10-93 as amended pursuant to Order 72-12-90, and for continuation of its authority to engage in off-route charter trips in foreign air transportation subject to the provisions of Part 212.

On August 29, 1974, the Bureau of Operating Rights filed a motion to designate Iberia as a party to this proceeding, stating in support thereof that Iberia's stock interest in Air Panama and representation on Air Panama's board of directors, coupled with financial and technical assistance, raises the possibility that the Board may wish to require a gradual phaseout of Iberia's ownership interest in Air Panama; that this can be accomplished more effectively if Iberia is made a party to this proceeding and subject to direct Board jurisdiction; and that the Board should be able to fully explore all the relevant issues in this proceeding.

Iberia filed an answer in opposition to the Bureau's motion and points out that the evidentiary record in the earlier proceeding confirms the Bureau's allegations with respect to the ownership and working relationship prevailing between Iberia and Air Panama, but nonetheless, neither the Board nor the Administrative Law Judge found that Iberia controlled Air Panama. On the contrary, Iberia points out that Air Panama was found to be substantially owned and effectively controlled by Panamanians, and that Iberia was not directed to divest its holding in Air Panama because Board policy does not require that a foreign air carrier be totally owned and controlled by nationals of the homeland.

Upon consideration of all the relevant facts, it is found and concluded that Iberia should be designated as a party to this proceeding, and the issues should be broadened to consider whether conditions or limitations should be imposed upon Iberia. Although, as Iberia contends, neither the Board nor the Administrative Law Judge found Iberia's holdings to be inconsistent with Board policy, it was concluded that Iberia's ownership and involvement in the affairs of Air Panama were such as to require that the Board be kept informed regarding any changes in these relationships and thus the duration of the permit was limited to a term of five years. It is further found and concluded that the Board implicitly intended that Iberia should participate in a renewal proceeding as a full party so that a complete record could be developed as to the ownership question and other relevant matters regarding Iberia's involvement with Air Panama. Finally, it is concluded that the designation of Iberia as a party will establish appropriate Board jurisdiction for the purpose of taking such action or imposing such conditions as may be required in the public interest.

Accordingly, *it is ordered:* 1. That Iberia Air Lines be and it hereby is designated as a party to this proceeding; and

2. That the issues in this proceeding be broadened to include the question whether restrictions or conditions should be imposed upon Iberia by amendment of its permit or otherwise with reference to its relationship and involvement in the activities of the applicant.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-23794 Filed 10-10-74;8:45 am]

[1] It was established that Iberia held a one-third ownership in Air Panama, that three members of Air Panama's board of directors were nominees of Iberia, and that Iberia had provided Air Panama with financial, technical and managerial assistance without the benefit of collateral or security. Order 69-10-93.

[Docket No. 26487]

TRANSATLANTIC, TRANSPACIFIC, AND LATIN AMERICAN MAIL RATES

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on November 19, 1974, at 10 a.m. (local time), in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Harry H. Schneider.

In order to facilitate the conduct of the conference parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Economics will circulate its material on or before October 29, 1974, and the other parties on or before November 8, 1974. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Economics, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., October 7, 1974.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.74-23795 Filed 10-10-74;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

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 Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Director, Office of Strategic Business Studies, Assistant Secretary for Domestic and International Business.

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

[FR Doc.74-23778 Filed 10-10-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Associate

Administrator for Planning, Federal Highway Administration.

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

[FR Doc.74-23777 Filed 10-10-74;8:45 am]

OFFICE OF TELECOMMUNICATIONS POLICY

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 Office of Telecommunications Policy to fill by noncareer executive assignment in the excepted service the position of Deputy Executive Director, Right of Privacy Support Group, Executive Office of the President.

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

[FR Doc.74-23776 Filed 10-10-74;8:45 am]

COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT FOR THE CONDUCT OF FOREIGN POLICY

NATIONAL SECURITY, ARMS CONTROL, INTELLIGENCE, INTERNATIONAL ECONOMIC POLICY

Public Hearings

Notice is hereby given that the Commission on the Organization of the Government for the Conduct of Foreign Policy will hold public hearings, on the subject areas noted below, in Atlanta, Georgia, on November 12, 1974, at 9:30 a.m., in the Senate Chamber of the Georgia State Capitol. The hearings are held in furtherance of the Commission's mandated, as stated in Section 603(a) of Pub. L. 92-352 (92nd Congress, H.R. 14734):

Section 603(a) The Commission shall study and investigate the organization, methods of operation, and powers of all departments, agencies, independent establishments, and instrumentalities of the United States Government participating in the formulation and implementation of United States foreign policy and shall make recommendations which the Commission considers appropriate to provide improved governmental processes and programs in the formulation and implementation of such policy, including, but not limited to, recommendations with respect to—

(1) the reorganization of the departments, agencies, independent establishments, and instrumentalities of the executive branch participating in foreign policy matters;

(2) more effective arrangements between the executive branch and Congress, which will better enable each to carry out its constitutional responsibilities;

(3) improved procedures among departments, agencies, independent establishments, and instrumentalities of the United States Government to provide improved coordination and control with respect to the conduct of foreign policy;

(4) the abolition of services, activities, and functions not necessary to the efficient conduct of foreign policy; and

(5) other measures to promote peace, economy, efficiency, and improved administration of foreign policy.

The hearing will focus upon two specific subject areas:

1. *National Security, Arms Control, and Intelligence.* The objective of the Commission in soliciting testimony from private sector witnesses on the subject of national security, arms control, and intelligence matters is to receive suggestions, comments, criticisms and recommendations aimed at improving the organization of the U.S. Government in the following specific functional areas:

National Security
Arms Control
Intelligence

Testimony should be directed at identifying problem areas and suggesting improvements in the organization, procedures, and effectiveness with which the U.S. Government formulates and implements National Security Policy, including the organization and procedures used in development of strategic doctrine so that foreign policy considerations are given adequate weight. Relevant areas also include the mechanisms for coordinating defense goals with other agencies in the national security structure, and the proper balance between defense needs and competitive domestic or economic considerations which also influence foreign policy. What obstacles stand in the way of more effective organization and procedures and what recommendations can be made toward improvement.

With respect to Arms Control, what in realistic terms are the principal obstacles in terms of organization, procedures, processes, and institutions which hinder effective arms control and disarmament planning in national security policy? How can better coordination of current arms control negotiations be achieved? What limitations impede the effectiveness of research, technical analysis, and field testing as necessary elements of arms control policy making in coordination of technical issues of arms control within the U.S. Government?

With respect to Intelligence, what is the essential role of intelligence in the conduct of foreign policy and how can this role be most efficiently pursued in a free and open society? How can congressional oversight be effective without being overly intrusive? What is the proper role, if any, of covert political actions?

Testimony need not be limited to the above issues. The only restriction is that witnesses confine themselves to organizational, structural, and procedural matters and not to substantive policy matters.

2. *International Economic Policy.* The objective of the Commission in soliciting testimony from private sector witnesses on the subject of international economic policy organization is to receive suggestions, comments and criticisms aimed at improving governmental organization in the following specific functional areas:

International Trade
International Investment and Multinational Corporations
International Finance, Monetary Policy and Taxation
Economic Assistance to Less Developed Countries
Raw Materials and Natural Resource Availability
Labor

Testimony should be directed at identifying problem areas and suggesting improvements in the organization, procedures, and personnel in the manner in which the Federal Government formulates, implements, and conducts international economic policy and maintains relations with the domestic business community. The Commission is interested in compiling a detailed perspective of the private sector's experiences in dealing with the Government in the field of international economic policy. Specifically, we hope that testimony would touch on such issues as the ability to make private sector attitudes known and understood in the Government, the ability to receive explanations of governmental policies and intentions, policy inconsistencies and shifting jurisdictional responsibilities among governmental agencies, and comparisons of organizational and procedural techniques with those of foreign governments. Testimony need not be limited to such issues; the only restriction is that witnesses confine themselves to organizational, procedural and personnel matters and not to substantive policy matters.

Interested persons are encouraged to present information and views in the course of the Commission hearing, subject to the following conditions and procedures:

(1) Any person wishing to present information and views to the Commission shall submit a request in writing, specifying the date of the hearing for which the request is made, a concise summary of the proposed presentation, and the amount of time requested for oral testimony (if any). Such request must be received at the offices of the Commission no less than 14 days prior to the proposed hearing date.

(2) The Chairman shall, within three days from receipt of any such request, notify the requesting person whether the proposed presentation is consistent with the legislative mandate of the Commission, and how much time (if any) can be allotted for oral testimony.

(3) Two typewritten copies of all material to be presented to the Commission shall be filed with the Commission no less than two business days prior to the hearing to which it relates. Any statement or material for which no time for oral presentation has been alloted or is available shall be included in the official hearing record.

(4) Any person who takes exception to any determination of the Commission may present in writing to any Commissioner the basis for such exception and thereafter the decision of the Chair-

man shall be considered by the Commission and may be overruled by a majority vote. Such person shall be notified by certified mail of the decision of the Commission, which shall be final.

Requests for further information, questions, and other communications should be addressed to the Executive Director, Commission on the Organization of the Government for the Conduct of Foreign Policy, 2025 M Street, NW., Washington, D.C. 20506, Suite 3002, Telephone 202–254–9850 or to the Southern Council on International and Public Affairs, Lenox Towers, 3400 Peachtree Road, NE., Atlanta, Georgia 30326, Telephone 440–261–5763.

By the Commission.

FRANCIS O. WILCOX,
Executive Director.

[FR Doc.74–23783 Filed 10–10–74;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1974

Notice of Proposed Deletion

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92–28; 85 Stat. 79, of the proposed deletion of the following service from Procurement List 1974, November 29, 1973 (38 FR 33038).

SERVICE

Industrial class 7399:

Microfilm Stripping
Defense Logistics Service Center
Battle Creek, Michigan

Comments and views regarding this proposed deletion may be filed with the Committee on or before November 11, 1974. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind, and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.74–23787 Filed 10–10–74;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Availability

Environmental impact statements received by the Council on Environmental Quality from September 30 through October 4, 1974. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the *minimum* period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (November 25, 1974). The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost, from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fred H. Tschirley, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331–E, Administration Building, Washington, D.C. 20250 (202) 447–3965.

FOREST SERVICE

Draft

Wilderness Suitability, Oregon Dunes National Recreation Area, Coos, Douglas, and Lane Counties, Oregon, October 2: The statement refers to a review of the Oregon Dunes National Recreation Area, and the determination that the area not be designated as wilderness within the National Wilderness Preservation System. Because of the determination, uses and activities that are incompatible with wilderness may continue to be allowed; the use of motor driven machinery for those activities that require it will not be precluded. (ELR Order No. 41512.)

Timberline Lodge Complex, Mt. Hood National Forest, Clackamas County, Oregon, October 3: Proposed is the establishment of long-term management for the Timberline Lodge Complex, in order to preserve the Lodge and make it available for public use and enjoyment. Four alternatives are presented, ranging from that of maintaining the status quo to that of maximizing development. Under the latter course of action, winter sports would be developed to the maximum capacity of the area. (ELR Order No. 41519.)

Final

Badlands Planning Unit, Custer National Forest, several counties, North Dakota, September 30: The statement refers to a proposed multiple use plan for the Badlands Planning Unit of the Custer National Forest. The Unit contains 1,232,831 acres, of which 636,379 acres are administered by the Forest Service. Major aspects of the plan include the continuance of cattle grazing, oil and gas extraction, and protection of several historical, archeological, and paleontological sites. A total of 414,033 acres are currently under oil and gas lease; it is anticipated that additional leases will be granted. There will be construction of oil pipelines, and the allowance of seismic methods of mineral exploration. Comments made by: DOI, COE, EPA, State agencies and concerned citizens. (ELR Order No. 41493.)

Draft

Portage-Twelve Mile Timber Sale, Tongass National Forest, Alaska, September 30. (ELR Order No. 41492.)

Drift Creek Unit. Siuslaw National Forest, Oregon, September 30. (ELR Order No. 41500.)

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Mr. W. Herbert Pennington, Office of Assistant General Manager, E–201, AEC, Washington, D.C. 20545 (301) 973–4241. For Regulatory Matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, P–722, AEC, Washington, D.C. 20545 (301) 973–7373.

Final

River Bend Station, Units 1 and 2, West Feliciana County, Louisiana, September 30: Proposed is the issuance of construction permits to the Gulf States Utilities Co. for the two unit Station. The identical boiling water reactors will each produce 2894 MWt, which will be used to generate 940 MWe; future levels of 3015 MWt and 980 MWe (net) are considered in the statement. Cooling will be with water drawn from and returned to the Mississippi (after flowing through a forced draft tower system); cooling water will be lost (through evaporation) at 48 cfs. Eighty percent of the 2679 acre site is forest, the remaining being pasture; 700 acres will be disturbed by construction activities. Comments made by: AEP, USDA, COE, DOC, HEW, DOI, EPA, FPC, State agencies. (ELR Order No. 41491.)

DEPARTMENT OF DEFENSE

Contact: Dr. Billy Welch, Room 4D 873, The Pentagon, Washington, D.C. 20330 (202) OX 7–9297.

AIR FORCE

Draft

Norton AFB, San Bernardino, California, October 2: Proposed is the shared use of Norton AFB with the City of San Bernardino. The City would construct a terminal facility, two taxiways, and an apron. No changes in military operations would be made. The increase in jet type aircraft traffic would be 24 percent, reaching this level in five years (41 pages). (ELR Order No. 41515.)

Final

Housing Units, Eglin AFB, Okaloosa County, Florida, October 4: The statement refers to the proposed construction of 150 family housing units for non-commissioned officers on Eglin Air Force Base. The site will include 36 acres of Air Force land. Included in the scope of the project are site preparation, the construction of paved streets and sidewalks and the installation of utilities. Some trees and other vegetation will be destroyed during construction. The area, which encompasses a unique stand of trees, is one of natural beauty. Comments made by: EPA, USDA, DOC, HUD, DOI, State agencies and concerned citizens. (ELR Order No. 41521.)

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN–PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314 (202) 693–7168.

Draft

Kent Creek Local Protection Project, Illinois, Winnebago County, October 1: Proposed is a revised general design for the local flood control project at Kent Creek, Rockford, Illinois. Project measures would include a dam and dry reservoir, as well as channel work, on the North Branch, and channel diversion and the raising of the level of the existing dam on the South Branch. Approximately 957 acres will be acquired for project development; 224 acres of vegetation and four miles of stream will be lost (Rock Island District). (ELR Order No. 41510.)

Nine-Foot Channel, Illinois Waterway, Illinois, October 3: The statement refers to the continued operation and maintenance of a nine foot channel in the Illinois Waterway from the junction of the Calumet-Sag Channel and the Chicago Sanitary and Ship Canal to the La Grange Lock and Dam. Dredge spoil disposal sites are located throughout the waterway. There is some adverse impact to water quality and aquatic biota (Chicago District). (ELR Order No. 41517.)

Shelton Creek Flood Control, Washington, Mason County, September 30: Proposed is a structural flood control project for the City of Shelton. The project consists of a pressure pipe bypass structure, an upstream debris catch basin, and an impact stilling

basin. There would be some construction disruption, and a possible reduction in anadromous fish production mitigation measures would be provided (Seattle District). (ELR Order No. 41494.)

NAVY

Contact: Mr. Peter W. McDavitt, Special Assistant to the Assistant Secretary of the Navy (Installations and Logistics), Washington, D.C. 20350 (202) 697-0892.

Draft

Navy Family Housing Charleston, South Carolina, September 30: Proposed is the construction of 526 units of Navy family housing at the Naval Weapons Station, Charleston, South Carolina. The project would include recreational and play areas, sidewalk, streets, storm drainage, landscaping and uitilities. Eighty acres of wildlife habitat and timber land will be committed to the project. (ELR Order No. 41495.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630 Waterside Mall, Washington, D.C. 20460 (202) 755-0940.

Final

Valley Forge Waste Treatment Facility, Chester County, Pennsylvania, September 30: The statement refers to the proposed granting of Federal financial assistance for the construction of wastewater treatment facilities to serve the municipalities of Schuylkill, Charlestown, East Pikeland, Tredyffrim, Easttown, East Whiteland, Willistown, and Malvera. Facilities will include an eight MGD treatment plan and interceptor sewers, and will be operated by the Valley Forge Sewer Authority. Discharge will be to the Schuylkill River. Adverse impact will include increased noise levels, traffic disruption, wildlife habitat disruption, and the temporary impacts from construction activities. Comments made by: USDA, HUD, DOC, DRBC, DOI, State and local agencies and concerned citizens. (ELR Order No. 41498.)

North Lake Tahoe-Truckee River Basin, Nevada, California, September 30: The statement evaluates several atlernate proposals for local or regional wastewater treatment and disposal systems which are designed to eliminate water quality degradation of Lake Tahoe and the Truckee River. Plan H, which is recommended by EPA, would provide for the collection and transportation of allwastes to a treatment plant at the confluence of the Truckee River and Martis Creek. Included would be an interceptor system, a tertiary treatment plant (4.5 MGD capacity), and a land disposal system consisting of subsurface percolation trenches. There will be some construction disruption with all proposals; under Plan H, the groundwater in the upper aquifers will be degraded to some extent. Comments made by: DOI, COE, USDA, regional and local agencies and concerned citizens. (ELR Order No. 41499.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405 (202) 343-4161.

Draft

Federal Office Building, Pittsfield, Massachusetts, September 30: Proposed is the construction of a 27,000 square foot Federal Office Building in Pittsfield. The building will be constructed on an urban renewal site of 47,500 sq. ft. There will be temporary construction disruption as a result of the action. (ELR Order No. 41502.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Acting Director, Office of Community and Environmental Standards, Room 7206, 451 7th Street SW., Washington, D.C. 20410 (202) 755-5980.

Draft

San Patricio Defense Housing, San Juan, Puerto Rico, October 2: Proposed is the conveyance to the Commonwealth of Puerto Rico of the San Patricio Defense Housing Area in San Juan. The Commonwealth would erect 2,200 units of low and moderate income housing on 51.81 acres of the site. There will be construction disruption from the action. (ELR Order No. 41514.)

Final

Demolition of Pruitt-Igoe Public Housing, St. Louis, Missouri, September 30: The statement refers to the proposed demolition of 30 eleven story buildings of the Pruitt-Igoe Housing Complex, and the removal of rubble from the site. The housing is considered to be uninhabitable, vandalized, vermin-infested, and otherwise dangerous. Adverse impact of the action will include the cost of removal; disruption of traffic; increased air and noise pollution levels; and the decline in the use of existing services, such as schools and health facilities. Comments made by: AHP, COE, HEW, DOI, DOT, EPA, OEO, State, local, and regional agencies and concerned citizens. (ELR Order No. 41490.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 7th Street SW., Washington, D.C. 20590 (202) 426-4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Sikeston Memorial Airport, Scott County, Missouri, September 30: Proposed is the resurfacing of runway 2/20, the extension and paving of Runway 13/31, the installation of lighting and the acquisition of airspace easements. The statement mentions only slight increases in air and noise pollution as project impacts. (ELR Order No. 41503.)

Raleigh County Airport, Raleigh County, West Virginia, October 1: Proposed is the construction of a new asphalt runway (6,700' x 150'), a connector taxiway, aprons, vehicle parking, a rescue building, and related facilities at the Raleigh County Airport, Beckley, West Virginia. Adverse impact will include the cleaning of 375 acres of wildlife habitat. An increase in the local noise level will place 15 dwellings and one church within the 100 CNR zone. (ELR Order No. 41511.)

Final

Johnston County Airport, Johnston County, North Carolina, September 2: The statement refers to the construction of a new general aviation airport to serve Johnston County. The initial project consists of construction of a runway, apron, and parallel taxiway, installation of lighting, wind cone, segmented circle, and fencing, construction of a parking area and a non-directional radio beacon. The airport will increase the levels of air and noise pollution. Comments made by: EPA, USDA, DOI. (ELR Order No. 41513.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

Freeway 520, Webster and Hamilton Counties, Iowa, September 30: Proposed is the construction of approximately twenty miles of Freeway 520 in Webster and Hamilton Counties, Iowa. The project will begin west of US 169, proceed easterly across the Des Moines River, and end just west of Iowa 17. A total of 760 acres, 76% of which is agricultural land, will be acquired for right-of-way. Twenty-three individuals will be displaced by the project. (ELR order No. 41504).

Gage Boulevard, Topeka, Kansas, Shawnee County, Kansas, September 1: Proposed is the reconstruction of 4,700 feet of Gage Boulevard, from Drury Lane to Ninth Street in Topeka. Additional land will be acquired for right-of-way; some shade trees will be taken; a 4(f) statement is required for the taking of a small section of Gage Park. (ELR order No. 41506).

U.S. 212, Carver and Hennepin Counties, Minn., September 3: The statement refers to the proposed relocation and upgrading of approximately 17 miles of U.S. 212. The highway would extend from the Cologne Bypass to the I-494/Minnesota Route 5 interchange in Eden Prairie. The road would pass through Chaska, Chanhassen, and Eden Prairie. Approximately 775 acres of land will be acquired for right-of-way; between 23 and 27 homes would be displaced by the project. (ELR order No. 41518).

State Route 95, Loudon, Blount Counties, Tenn., September 30: Proposed is the construction of 8 miles of State Route 95, a four lane facility in Blount and Loudon Counties. Approximately 250 acres of land would be committed to project right-of-way; one family would be displaced. (ELR order No. 41501).

Final

County Highway 30 and Ala. Route 229, Macon and Elmore Counties, Alabama, September 30: Proposed is the continuation of Macon County Highway 30 to Milstead and the reconstruction of Alabama Route 229 from Milstead to Tallassee. Total length of the project is approximately 9.47 miles. Approximately 195 acres of agricultural land will be committed to the project; one tenant family will be displaced. Comments made by: USDA, EPA, DOI, DOC, HUD, and HEW. (ELR order No. 41496).

Range Line Road, Mobile County, Alabama, September 1: Proposed is the construction of 7.5 miles of new highway, from Alabama Highway 163 at Fowl River to Island Road. Adverse impact will include the displacement of 20 families and 4 businesses. (ELR order No. 41508).

DeBarr Road, Boniface Parkway, Alaska, September 1: The proposed project is the reconstruction of three miles of DeBarr Road and 1.2 miles of Boniface Parkway; a total length of 4.2 miles. A section 4(f) review has been filed to take a strip of land for grading easement that will be needed through the Russian Jack Spring Park. Other adverse effects will include increases in noise pollution. (94 pages). Comments made by: EPA, DOI, DOC, HUD, state, and local agencies. (ELR order No. 41509).

FAS Route 1385(2), Cobb County, Georgia, September 1: The statement refers to the proposed construction of a four-lane major collector route along FAS Route 1385(2). The project will extend from the Lee Industrial Boulevard to Oakdale Road, a distance of 2.07 miles. A bridge will be constructed across Nickajack Creek. Thirty-seven acres of land will be acquired for right-of-way. Comments made by: HUD, DOI, USDA, EPA, HEW, COE, and DOC. (ELR order No. 41507.)

U.S. 65, Bondurant to Jasper County Road F-18, Polk and Jasper Counties, Iowa, September 1: The proposed project is the construction of 11.6 miles of two new lanes on the southeast side of the existing U.S. 65 alignment from southeast of Bondurant to the junction of Jasper County Road F-18. The project will cross Indian Creek with two bridges and relocate the alignment of Iowa 117 at the interchange with US 65. Five resi-

dences and two farmsteads will be displaced; noise and exhaust emissions in the corridor will increase. Approximately 250 acres will be acquired for right-of-way. (50 pages). Comments made by: DOI, USDA, HEW, COE, EPA, state, and local agencies and concerned citizens. (ELR order No. 41505.)

I-90, Eastgate Vicinity (SR 90), King County, Washington, September 3: The proposed project is the improvement of SR 90 for 2.25 miles. The facility will consist of 8-lanes with fully controlled limited access. The project will displace 9 dwellings, 54 trailers and 20 businesses; 51 parcels of land will be acquired for right-of-way. Adverse impacts are: loss of wildlife habitat, and increased air, noise and water pollution. Comments made by: EPA, DOI, HUD, USDA, OEO, DOT, state, and local agencies. (ELR order No. 41516.)

Randall Road Interchange, Thurston County, Washington, September 3: The statement proposes the replacement of a grade intersection with a new one on SR 101, a principal highway linking Puget Sound with points west and the Olympic Peninsula. The interchange will consist of 4 ramps, providing traffic movements in all directions, crossroads, with bridge structure, and a frontage road. Adverse impacts include the acquisition of 3 acres for right-of-way, displacement of 1 business, and Perry Creek and Mud Bay will receive increased run off because of the improvement. (63 pages). Comments made by: EPA, DOT, HUD, DOI, USDA, state, and local agencies. (ELR order No. 41520).

GARY L. WIDMAN,
General Counsel.

[FR Doc.74-23796 Filed 10-10-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 277-4]

AMERICAN CYANAMID CO.

Establishment of Temporary Tolerances

American Cyanamid Co., Post Office Box 400, Princeton, NJ 08540, submitted a petition (PP 4G1461) requesting establishment of temporary tolerances for residues of the plant regulator (2-chloroethyl) trimethylammonium chloride in or on sugarcane at 1 part per million and in milk and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.05 part per million.

It has been determined that these temporary tolerances will protect the public health. They are therefore established on condition that the plant regulator be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the American Cyanamid Co. name. (For a related document, see this issue of the FEDERAL REGISTER, page 36583.

These temporary tolerances expire October 4, 1975.

Residues remaining in or on the above commodities after expiration of these tolerances will not be considered actionable if the pesticide is legally applied during the term and in accordance with provisions of the temporary permit/tolerances.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805).

Dated: October 4, 1974.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-23719 Filed 10-10-74;8:45 am]

[FRL 278-4; OPP-180004B]

DEPARTMENT OF THE ARMY

Amendment to Specific Exemption To Use 2,4-D in St. John's River, Florida

On May 2, 1974, the Environmental Protection Agency (EPA) granted a specific exemption to the Corps of Engineers, U.S. Department of the Army, to use the dimethylamine salt of 2,4-D to treat 3,000 acres of the St. John's River, Florida, in a water hyacinth control program. Notice of the issuance of this exemption was published in the FEDERAL REGISTER on May 30, 1974 39 FR 18806.

On July 26, 1974, the Corps of Engineers (hereafter referred to as the "Applicant") requested permission to substitute three other formulations under the existing exemption in order to complete the control program. The Applicant stated that, due to limitations in the supply of petro chemicals, the dimethylamine salt of 2,4-D is no longer readily available. The new formulations requested are the alkanolamine salt of 2,4-D, the isooctyl ester of 2,4-D, and diquat. All three formulations requested by the Applicant are registered by the State of Florida to control water hyacinth. However, the EPA has registered Only the isooctyl ester of 2,4-D and diquat for water hyacinth control. The alkanolamine sale of 2,4-D is registered by EPA only in aquatic areas such as ditchbanks.

Subject to the conditions below, as well as those previously stated in the original control program approved on May 2, 1974, the Applicant is granted permission to utilize the three desired formulations to treat water hyacinth in the St. John's River, Florida, during 1974.

1. The use of the three formulations will be based upon the availability of stock and will include the following order of priority for use: the isoctyl ester of 2,4-D, the alkanolamine salt of 2,4-D, and diquat.

2. Diquat will be restricted to those areas where significant injury to 2,4-D sensitive agronomic and/or horticultural plants are likely to occur when following label directions and proper application procedures of the 2.4-D. Further use of diquat will only occur if all stocks of 2,4-D are exhausted.

3. The Corps of Engineers must continue to conduct research on alternative means for controlling water hyacinth.

Dated: October 7, 1974.

CHARLES L. ELKINS,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74-23709 Filed 10-10-74;8:45 am]

[FRL 277-2]

PENNWALT CORP.

Establishment of a Temporary Tolerance

Pennwalt Corp., P.O. Box 1297, Tacoma, WA 98401, submitted a petition (PP 4G1510) requesting establishment of a temporary tolerance for residues of the plant regulator endothall (7-oxabicyclo (2.2.1) heptane-2,3-dicarboxylic acid) in or on the raw agricultural commodity sugarcane at 0.2 part per million.

It has been determined that a temporary tolerance for residues of the plant regulator in or on sugarcane at 0.2 part per million will protect the public health. It is therefore established as requested on condition that the plant regulator be used in accordance with the temporary permit being issued concurrently under the Pennwalt Corp. name.

This temporary tolerance expires October 4, 1975. Residues remaining in or on the sugarcane after expiration of this tolerance will not be considered actionable if the pesticide is legally applied during the term and in accordance with provisions of the temporary permit/tolerance.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805).

Dated: October 4, 1974.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-23711 Filed 10-10-74;8:45 am]

[FRL 275-5; OPP-32000/122]

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 December 10, 1974, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH–569), Office of Pesticide Programs, 401 M Streets, 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 December 10, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 30948–RA. Bionomical Chemicals and Services, Inc., 1003 Pineville Rd., Chattanooga TN 37405. MC–2D OUTDOOR FOGGING INSECTICIDE. Active Ingredients: Aromatic Petroleum Solvent 96.94%; Technical Chlordane 2.00%; Malathion 1.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34773–E. Chemtec, Inc., 3033 Glenfield St., Dallas TX 75233. TOWERCIDE. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylenedichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 28003–A. D. H. & R. Co., Inc., P.O. Box 333, Laporte IN 46350. EASY GREEN WEED & FEED. Active Ingredients: Butoxy Propyl Ester of 2,4-Dichlorophenoxyacetic acid 0.88%; Butoxy Ester of Silvex 2-(2,4,5-Trichlorophenoxy Propionic Acid 0.41%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11694–LE. Dymon, Inc., 3401 Kansas Ave., Kansas City KS 66106. SWH WASP & HORNET. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropanyl) cyclopropane-carboxylate 0.250%; Related compounds 0.034%; Aromatic petroleum hydrocarbons 0.331%; Petroleum distillate 26.375%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 779–OL. Faesy & Besthoff, Inc., 43 River Rd., Edgewater NJ 07020. F & B PE PRE-EMERGENCE TYPE WATER SOLUBLE DINITRO WEED KILLER. Active Ingredients: Triethanolamine salt of dinoseb (2-sec-butyl-4, 6-dinitrophenol) 51%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33354–O. Fresh Mark Chemical Corp., 663 Jackson Ave., Winter Park FL 32789. FRESH WAX 42AF—II ARPLE WAX. Active Ingredients: Sodium o-Phenylphenate 0.201%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33354–RN. Fresh Mark Chemical Corp., 663 Jackson Ave., Winter Park, FL 32789. FRESH WAX 42AF—I ARPLE WAX. Active Ingredients: Sodium o-Phenylphenate 0.200%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 869–RLN. Green Light Co., PO Box 16192, San Antonio TX 78246. GREEN LIGHT 45% CHLORDANE SPRAY. Active Ingredients: Technical Chlordane 45.3%; Kerosene 49.7%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1251–RG. Hadco Corp., 146 Progress Parkway, Maryland Heights MO 63043. LUXURY BATHROOM CLEANER. Active Ingredients: Phosphoric Acid 10.-16%; n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chlorides 1.25%; Essential oil 0.42%; Ethanol 0.31%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 962–GOE. Los Angeles Chemical Co., 4545 Ardine St., South Gate, CA 90280. LACCO STERIZOL 10. Active Ingredients: n-alkyl (C14, C12, C16) dimethyl benzyl ammonium chlorides 10.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 962–GOR. Los Angeles Chemical Co., 4545 Ardine St., South Gate CA 90280. LACCO STERIZOL 50. Active Ingredients: n-alkyl (C14, C12, C16) dimethyl benzyl ammonium chlorides 50%. Method of Support: Application proceeds under 2(c) of interim policy..

EPA File Symbol 8123–AR. Frank Miller & Sons, Inc., 13831 South Emerald Ave., Chicago IL 60627. CROP SPRAY CONCENTRATE. Active Ingredients: Pyrethrins 6.00%; Piperonyl Butoxide, Technical 60.00%; Petroleum Distillates 14.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8123–LA. Frank Miller & Sons, Inc., 13831 South Emerald Ave., Chicago IL 60627. AMINE SELECTIVE WEED CONTROL. Active Ingredients: Dimethylamine salt of 2,4-Dichlorophenoxyacetic acid 13.2%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 5967–37. Moyer Chemical Co., PO Box 945, 1310 Bayshore Highway, San Jose CA 95112. MOYER OXYCOP. Active Ingredients: Total Copper Expressed as Metallic Copper. Copper present as Copper Oxychloride Hydroxy Sulfate 50.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 9586–1. Park Chemical Co., Inc., 40 Bohannon Rd., Fairburn GA 30213. "4%–LCF" (LIQUID COPPER FUNGICIDE). Active Ingredients: Copper salts of rosin and fatty acids 48%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6487–0. The Reliance Chemical Co., 3301 Lakeside Ave., Cleveland OH 44114. RELIASAN. Active Ingredients: Didecyl dimethyl ammonium chloride 45%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate 1.0%; Sodium metasilicate, anhydrous 0.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4000–AN. Southern Chemical Products Co., PO Box 205, Macon GA 31202. LEMON HOSPITAL DISINFECTANT. Active Ingredients: Isopropanol 67.50%; Essential Oils 0.45%; Ortho-Phenylphenol (N-alkyl (C14 1%, C16 25%, C18 8%, C10 66%)) 0.15%; N-ethyl morpholinium ethylsulfate 0.03%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11656–EI. Western Farm Service, Inc., 2401 Crow Canyon Rd., San Ramon CA 94583. THIODAN 3 EMULSIVE INSECTICIDE. Active Ingredients: Endosulfan (Hexachlorohexahydromethano-2,4,3-benzodioxathiein oxide) 33.70%; Xylene base aromatic petroleum solvent 6.50%. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: October 3, 1974.

JOHN B. RITCH, Jr.,
Registration Division.

[FR Doc.74–23592 Filed 10–10–74;8:45 am]

[FRL 277–3]

ROHM AND HAAS CO.

Establishment of Temporary Tolerances; 2,4-Dichlorophenyl p-Nitrophenyl Ether

Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105, submitted a petition (PP 3G1381) requesting establishment of temporary tolerances for combined negligible residues of the herbicide 2,4-dichlorophenyl *p*-nitrophenyl ether and its metabolites containing the diphenyl ether linkage in or on the raw agricultural commodities wheat grain and straw at 0.1 part per million.

It has been determined that these temporary tolerances will protect the public health. They are therefore established on the condition that the herbicide be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the Rohm and Haas Co. name.

These temporary tolerances expire October 4, 1975. Residues remaining in or on the above raw agricultural commodities after expiration of these tolerances will not be considered actionable if the pesticide is legally applied during the term and in accordance with the temporary permit/tolerances.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805).

Dated: October 4, 1974.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74–23710 Filed 10–10–74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP72-110 PGA 75-1]

ALGONQUIN GAS TRANSMISSION CO.

Gas Cost Adjustment Provision; Rate Change

OCTOBER 4, 1974.

Take notice that Algonquin Gas Transmission Company (Algonquin) on September 25, 1974, tendered for filing Twelfth Revised Sheet No. 3-A to its FPC Gas Tariff, Original Volume No. 1.

Algonquin states that this sheet is being filed pursuant to Algonquin's purchased gas cost adjustment provision set forth in section 22 of the general terms and conditions of its FPC Gas Tariff, Original Volume No. 1 and that the rate change is being filed to reflect an increase in purchased gas costs above the presently effective rates to be paid by Algonquin Gas to its supplier, Texas Eastern Transmission Corporation ("Texas Eastern"), scheduled to be effective November 1, 1974.

Finally, Algonquin states that the proposed effective date of the revised tariff sheet is November 1, 1974, the same date as the proposed effective date of the related rate change of Texas Eastern.

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, 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 October 21, 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. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-23743 Filed 10-10-74;8:45 am]

[Docket No. E-8755]

CENTRAL KANSAS POWER CO.

Fuel Adjustment

OCTOBER 3, 1974.

On April 30, 1974, Central Kansas Power Company, Inc. (CKP) tendered for filing, inter alia, a proposed initial rate schedule [1] for service to its existing wholesale customer Sunflower Electric Cooperative, Inc. (Sunflower). This schedule included a proposed fuel adjustment clause.

By order issued July 2, 1974, the Commission, inter alia, permitted Rate Schedule SEC-1-EXCESS to become effective on July 3, 1974, but ordered an investigation under section 206 of the Federal Power Act concerning the lawfulness of the rates and charges contained in said schedule. The proposed fuel adjustment clause contained in said schedule was rejected for noncompliance with § 35.14 of the Commission's regulations. This rejection, however, was without prejudice to CKP's right to file a fuel clause conforming with said Section of the Regulations. We also noted that the clause imputed CKP's cost of fuel from its own generation to purchases and net interchange energy contrary to Opinion No. 633.

On September 3, 1974, CKP tendered for filing a revised fuel clause for application to Rate Schedule SEC-1-EXCESS. In addition, CKP requested waiver of the Commission's regulations [2] to permit the revised fuel clause to become effective as of July 3, 1974, the effective date for the SEC-1-EXCESS rate schedule.

CKP's revised fuel clause filing was noticed, with comments due on or before September 17, 1974. On September 17, 1974, Sunflower filed a pleading protesting CKP's revised fuel clause and opposing CKP's request that the clause be permitted to go into effect as of July 3, 1974. Sunflower alleges that the revised fuel clause is unreasonable and that a proper analysis of the effect of the fuel clause cannot be made without more data than CKP has provided. Further, Sunflower contends that the revised clause will result in charges that will be substantially higher than those charges proposed under the fuel clause initially filed. Accordingly, Sunflower prays that the revised clause be suspended for five months and that its lawfulness be determined at the hearing previously set in this proceeding by the Order of July 2, 1974.

On September 27, 1974, CKP submitted a reply to Sunflower's protest of September 17, 1974. CKP reiterated its request for a July 3, 1974, effective date for the revised fuel clause, stating that such clause is an "essential adjunct" of the SEC-1-EXCESS rate that became effective on that date. With respect to Sunflower's contention that the revised clause will result in higher charges, CKP states that (1) these "charges" are only estimated revenues for the year ended May 31, 1975, and (2) any revenue increase reflected in the revised fuel clause is based on estimated increases in the costs of fuel associated with purchased energy, which costs have been supplied to CKP by its wholesale supplier of such energy. Finally, CKP contends that any increased revenues received under the revised fuel clause will not result in any increase in return to CKP, but will serve solely to compensate CKP for actual fuel cost changes over which it has no control.

Our review of CKP's revised fuel clause indicates that it now complies with § 35.14 of the Commission's regulations. We also note that the clause does not impute the fuel cost variations from its revised own generation to purchased power and net interchange energy and thus is in compliance with the holding in New England Power Company, Opinion No. 633. Accordingly, we shall accept the revised fuel clause to become effective October 4, 1974, 30 days after filing. However, the comments submitted by Sunflower indicate that certain issues are raised with respect to the application of the principles set forth in Opinion No. 633 to CKP's fuel clause which may require development in an evidentiary proceeding. Accordingly, we shall institute an investigation under section 206 of the Federal Power Act to determine the appropriateness of applying the principles of Opinion No. 633 to CKP's revised fuel clause. For purposes of hearing and decision, this investigation will be consolidated with the hearing previously set in our Order of June 2, 1974, which instituted a section 206 investigation into the lawfulness of the rates and charges of rate schedule SEC-1-EXCESS.

The Commission finds. (1) Good cause exists to accept CKP's revised fuel clause to become effective October 4, 1974, 30 days after filing.

(2) It is necessary and appropriate in the public interest and to aid in the enforcement of the Federal Power Act that an investigation under section 206 of the Federal Power Act be instituted to determine the appropriateness of applying the principles of Opinion No. 633 to CKP's revised fuel clause, and that this proceeding be consolidated for purposes of hearing and decision with the section 206 investigation instituted into the lawfulness of CKP's Rate Schedule SEC-1-EXCESS.

The Commission orders. (A) CKP's revised fuel clause filed on September 3, 1974, is accepted for filing to become effective October 4, 1974, 30 days after filing.

(B) Pursuant to the authority of the Federal Power Act, particularly section 206 thereof, an investigation is hereby instituted into the appropriateness of applying the principles of Opinion No. 633 to CKP's revised fuel clause and this investigation is consolidated, for purposes of hearing and decision, with the section 206 investigation into the lawfulness of CKP's Rate Schedule SEC-1-EXCESS instituted by order dated July 2, 1974, in Docket No. E-8755.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-23735 Filed 10-10-74;8:45 am]

[Docket Nos. RP72-157 and RP75-5]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes in FPC Gas Tariff

OCTOBER 4, 1974.

Take notice that Consolidated Gas Supply Corporation (Consolidated), on September 25, 1974, tendered for filing proposed changes in its FPC Gas Tariff First Revised Volume No. 1, pursuant to its PGA clause for rates to be effective November 1, 1974. Consolidated states that the proposed rate increase would generate $3.3 million annually in additional jurisdictional revenues. Consolidated further states that the instant filing is a revision to its September 16, 1974 filing in which Consolidated pro-

[1] Rate Schedule SEC-1-EXCESS.

[2] Sections 1.7(b), 35.13(b)(4), and 35.13(b)(5).

posed to change its surcharge to recoup its accumulated balance in the unrecovered purchase gas cost account and an initial filing of the R&D cost adjustment. Consolidated states that it is necessary to revise its rates proposed to be effective November 1, 1974, in order to include the effect of an increase from Texas Eastern Transmission Corporation to be effective November 1, 1974, which Consolidated was unaware of at the time the September 16, 1974 filing was made. Additionally, Consolidated has included the effect of an increase from Transcontinental Gas Pipe Line Corporation to be effective October 1, 1974 which has not previously been reflected in its jurisdictional rates. According to Consolidated the calculation of the surcharge for the unrecovered purchased gas cost account and the R&D cost adjustment, unmodified from the September 16, 1974 filing, are also included in the instant filing.

Consolidated is requesting a waiver of the 45-day notice requirement contained in its PGA clause since it did not receive the supplier's revised rates in sufficient time to make a timely filing and asks for a waiver of any other of the Commission's rules and regulations in order to permit the proposed rates to go into effect on November 1, 1974. Further, Consolidated requests if for any reason the proposed rates in the instant filing are not made effective, the rates contained in its September 16, 1974 filing be made effective.

Copies of this filing were served upon Consolidated's jurisdictional customers, as well as interested state commissions.

Any person desiring to be heard or to protest said 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 October 18, 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.74-23744 Filed 10-10-74;8:45 am]

[Docket No. E-9032]

EL PASO ELECTRIC CO.

Notice of Application

OCTOBER 4, 1974.

Take notice that on September 23, 1974, El Paso Electric Company (Applicant), filed an application with the Federal Power Commission seeking authority pursuant to section 204 of the Federal Power Act to issue unsecured promissory notes not to exceed $50,000,000 face value at any one time outstanding.

The Applicant is incorporated under the laws of the State of Texas with its principal business office at El Paso, Texas, and is engaged in the electric utility business in the States of Texas and New Mexico in an area in the Rio Grande Valley extending approximately 110 miles northwesterly from El Paso to the Caballo Dam in New Mexico and approximately 120 miles southeasterly from El Paso to Van Horn, Texas, with a population of approximately 475,000 of whom 360,000 reside in the metropolitan area of El Paso.

The notes, including bank notes and commercial paper, are to have maturities not exceeding twelve months from the dates of issuance, with final maturity dates not later than December 31, 1976.

The interest rate on the notes to be issued to commerical banks not for resale to the public will be at the prime rate in effect from time to time, plus in some instances, provision for compensating balances of 20%. The interest rate for commercial paper will be the prevailing rate in effect at the time of its issuance for paper of comparative quality and term.

The proceeds from the sale of the notes will be used, pending permanent financing, to reimburse the Applicant for construction expenditures and to finance a portion of the Applicant's construction program. Applicant's construction program for the years 1974 through 1977 has an estimated costs of $181,767,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 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 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-23740 Filed 10-10-74;8:45 am]

[Docket No. E-7477]

KANSAS CITY POWER & LIGHT CO.

Application

OCTOBER 4, 1974.

Take notice that on September 24, 1974, Kansas City Power & Light Co. (Applicant) filed a fourth supplemental application seeking authority pursuant to section 204 of the Federal Power Act to issue up to $75,000,000 principal amount of short-term unsecured promissory notes authorized to be issued under the Commission's order of June 13, 1969, its supplemental order of June 1, 1971, its supplemental order of November 24, 1972, and its supplemental order of December 10, 1973, in Docket No. E-7477, of which aggregate amount of a maximum of $36,000,000 may be in the form of commercial paper, by authorizing the Applicant to issue said notes not later than December 31, 1975, and extending the maturity date of said notes to not later than December 31, 1976. By prior supplemental order issued December 10, 1973, the Commission authorized Applicant to issue up to $75,000,000 short-term promissory notes, of which aggregate amount up to $36,000,000 could be in the form of commercial paper, with final maturities not later than December 31, 1975.

Applicant is incorporated under the laws of the State of Missouri with its principal business office at Kansas City, Missouri, and authorized to do business in the State of Kansas.

The interest rate applicable to the promissory notes will be, in the case of demand notes issued to commercial banks, the prime rate in effect at the time of issuance; in the case of notes issued to commercial paper dealers, the market rate (or discount rate) at the date of issuance for commercial paper of comparable quality and of the particular maturity sold to commercial paper dealers; and in the case of commercial paper placed directly with regular purchasers of such commercial paper for their own accounts, the market rate (or discount rate) at the date of issuance for commercial paper of comparable quality and of the particular maturity placed directly by the issuer thereof. The Applicant contemplates the issuance of promissory notes, including the "rollover" of commercial paper promissory notes, without further application to this Commission, at any time and from time to time prior to December 31, 1975, each of such notes to have maturity date of not later than December 31, 1976.

The proceeds will be used to finance in part Applicant's construction program to December 31, 1976. The continuation of the authorization to issue up to $75,000,000 and the authorization of the Applicant to issue said notes not later than December 31, 1975, and extending the maturity of said notes to not later than December 31, 1976, will allow the Applicant more freedom in selecting the appropriate times under market conditions to fund its short-term debt.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 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 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-23741 Filed 10-10-74;8:45 am]

[Docket No. E-8172]

KENTUCKY UTILITIES CO.

Filing of Rate Schedules

OCTOBER 3, 1974.

Take notice that on September 27, 1974, Kentucky Utilities Company (KU) tendered for filing certain revised rate schedules for service to Old Dominion Power Company (ODP) and the City of Paris, Kentucky (Paris). KU states that this filing is in compliance with the Commission's order issued September 4, 1974, in this docket. The proposed effective date of these schedules is September 1, 1973.

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 October 15, 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.74-23732 Filed 10-10-74;8:45 am]

[Docket Nos. G-18314, CP66-121, CP70-25]

MIDWESTERN GAS TRANSMISSION CO.

Petition to Amend Orders

OCTOBER 4, 1974.

Take notice that on October 1, 1974, Midwestern Gas Transmission Co. (Midwestern) petitioned the Federal Power Commission to amend its three import authorizations under section 3 of the Natural Gas Act issued in the above-entitled proceedings to authorize the continued importation of natural gas at the rate of $1.00 per Mcf effective January 1, 1975, as such rate may be set forth in an amendment to TransCanada Pipe Lines Limited's (TransCanada) export licenses for its sales to Midwestern to be issued by the Canadian National Energy Board pursuant to an order of the Canadian government. Midwestern's petition recites that on September 20, 1974 the Canadian Minister of Energy, Mines and Resources issued a statement that the Canadian government had instructed the Canadian National Energy Board to amend existing export licenses to establish a border price not less than nor greater than $1.00 per Mcf, to be effective on January 1, 1975 for the export licenses pertaining to TransCanada's sales to Midwestern. Midwestern presently purchases gas from TransCanada at rates not less than 105 percent of TransCanada's regulated rate per Mcf for gas sold by TransCanada in its Manitoba Rate Zone for similar sales computed at 100 percent load factor. Midwestern states that the present 100 percent load factor price for TransCanada's Manitoba CD-75 Rate Schedule is 36.89¢ per Mcf in Canadian funds and there is now pending a requested rate increase proposed to become effective November 1, 1974 that would cause the 100 percent load factor price to Midwestern to increase to 62.284¢ per Mcf. The petition also states that if Midwestern's import authorizations are not amended prior to January 1, 1975 Midwestern will be faced with termination of imports of gas from TransCanada.

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 October 18, 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.74-23738 Filed 10-10-74;8:45 am]

[Docket Nos. G-16380, etc.]

MISSISSIPPI RIVER TRANSMISSION CORP.

Proposal To Release Refunds

OCTOBER 3, 1974.

Take notice that on September 4, 1974, Mississippi River Transmission Corporation (MRT) tendered for filing a letter requesting the Commission to issue an order directing a release of refunds from United Gas Pipe Line Company (United) and Natural Gas Pipe Line Company of America (Natural). MRT also requested approval of its plan to distribute these refunds to its resale customers.

The filing of September 4, 1974, states that MRT is entitled to receive two separate refunds from United. MRT claims that it is entitled to refunds totaling $442,364 received by United from Superior Oil Company relating to gas purchased by United for the period August, 1959, through March 31, 1966 (Docket Nos. G-16380 and G-16382). MRT further states that it is entitled to receive as a result of a Commission order approving an offer of settlement and termination of a reserved consolidated tax issue in United's Docket Nos. RP61-18, RP63-1 and RP65-1 in which MRT was determined to be entitled to receive from United on June 30, 1969, a refund of $226,566 (representing principal and interest calculated through June 30, 1974) from United for the period February 1, 1965 through December 31, 1968.

MRT also states that in accordance with a Commission approval of a settlement agreement in two Natural rate proceedings (Docket Nos. RP68-17 and RP 67-21) MRT received on February 17, 1969, separate refunds from Natural of $224,250 and $22,180 on July 19, 1968 respectively. Furthermore, MRT states that Natural has advised MRT that Natural is holding $10,974 relating to the same period pending further Commission order.

With respect to MRT's plan to distribute these refund monies, MRT first states that under the term of a settlement approved by the Commission on August 7, 1964, in Docket Nos. CP63-12, et al., MRT believes it is under no obligation to distribute to its customers the refund monies discussed above. However, MRT states that in order to dispose of the long outstanding refunds, it proposes the following refund plan for Commission approval.

MRT proposes to refund to its resale customers the jurisdictional portion of the Superior Oil refund (approximately $100,000 inclusive of interest) which relates to the period October 1, 1964 through January 31, 1965. MRT states that it will also refund fifty percent (50%) of the sum of the following: (a) The jurisdictional portion of the Superior Oil refund which relates to the period February 1, 1965 through March 31, 1966; (b) the refund from United as a result of the settlement in Docket Nos. RP61-18, RP63-1 and RP65-1; and (c) the refunds from Natural.

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 October 25, 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.74-23734 Filed 10-10-74;8:45 am]

[Docket No. E-9024]

SOUTHERN CALIFORNIA EDISON CO.

Application and Cancellation

OCTOBER 4, 1974.

Take notice that on September 19, 1974, Southern California Edison Co. (Applicant) tendered for filing pursuant to section 205 of the Federal Power Act and Part 35 of the regulations issued thereunder, a January 10, 1974 Transmis-

sion Service Agreement with the City of Los Angeles (City), wherein the event of an outage in City's Eldorado-McCullough Interconnection or on City's transmission line from McCullough substation to Los Angeles, Applicant accepts and delivers City's scheduled Mojave Generating Station energy to Los Angeles, less two percent for transmission losses. Applicant charges City 1.1 mills per kwh for providing emergency routing for Mojave generation until the in-service date of the Victorville-Lugo Intertie, which affords City an alternate route for Mojave power.

Service was initiated on September 25, 1973 and terminated ten days thereafter on October 5, 1973, the in-service date of the Victorville-Lugo Intertie. The 32,089,000 kwh transmitted by Applicant for the City over the ten day period of service produced revenue of $34,297.90. Applicant requests that the filing be made effective as of September 25, 1973, and additionally submits a Notice of Cancellation thereof at this time.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 25, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-23739 Filed 10-10-74;8:45 am]

[Docket No. RP4-76]

SOUTHERN NATURAL GAS CO.

Revised Tariff Sheets

OCTOBER 3, 1974.

Take notice that Southern Natural Gas Company (Southern) on August 22, 1974, tendered for filing Substitute Original Sheet Nos. 45F, 45G, and 45H of Southern's FPC Gas Tariff, Sixth Revised Volume No. 1 to replace Original Sheet Nos. 45F, 45G, and 45H, as filed on March 22, 1974.

Southern states that these substitute tariff sheets reflect revisions in the sheets filed on March 22, 1974, in Southern's proposed Research and Development Expenditure Adjustment Clause.

Southern states that copies of this filing were mailed to purchasers and interested state commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 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.23733 Filed 10-10-74;8:45 am]

[Docket No. RP75-22]

UNITED GAS PIPE LINE CO.

National Rate Surcharge and Convening of Conference

OCTOBER 4, 1974.

Take notice that on October 2, 1974, United Gas Pipe Line Co. (United) tendered for filing certain revised tariff sheets, Eighteenth Revised Sheet No. 4 and Fourth Revised Sheet No. 4a to its FPC Gas Tariff, First Revised Volume No. 1. These tariff sheets propose to establish a temporary National Rate Surcharge designed to recoup the jurisdictional portion of increased gas costs resulting from Opinion No. 699, and subsequent orders on rehearing, during the period from June 21, 1974 through December 31, 1974. The proposed tariff sheets and supporting information were filed 30 days before the requested effective days of November 2, 1974.

United states that copies of the revised tariff sheets and supporting data are being mailed to its jurisdictional customer and interested state commissions.

United has requested that a conference be convened among United, its customers and interested state commissions to discuss the necessity for, and the operation of, the proposed National Rate Surcharge. Pursuant to United's request a conference will be held in a conference room in the offices of the Federal Power Commission in Washington, D.C., commencing at 10 a.m. on Tuesday, October 15, 1974.

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 §§ 1.18 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 October 21, 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.74-23742 Filed 10-10-74;8:45 am]

[Docket No. CP75-73; Docket No. CP75-78]

WASHINGTON GAS LIGHT CO. AND TRANSCONTINENTAL GAS PIPE LINE CORP.

Emergency Sale of Natural Gas

OCTOBER 4, 1974.

On September 3, 1974, Washington Gas Light Company (Washington Gas) filed in Docket No. CP75-73 a petition pursuant to § 1.7(c) of the Commission's rules of practice and procedure (18 CFR 1.7(c)) for a declaratory order disclaiming jurisdiction over Washington Gas' proposed emergency sale of natural gas to North Carolina Natural Gas Corporation (North Carolina Gas) or, in the alternative, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity and for a temporary certificate pursuant to § 157.17 of the Commission's regulations (18 CFR 157.17) authorizing the sale of up to 30,000 Mcf per day of natural gas to North Carolina Gas for a period terminating October 31, 1974. On September 6, 1974, Transcontinental Gas Pipe Line Corporation (Transco) filed in Docket No. CP75-78 an application pursuant to section 7(c) of the Act for a certificate of public convenience and necessity authorizing the utilization, on a temporary basis, of Transco's presently authorized delivery points to North Carolina Gas as additional delivery points to Washington Gas. The proposed sale and delivery, as detailed in the instant order, are more fully set forth in the applications in this proceeding.

By the instant filing Washington Gas proposes to sell at a rate of $1.10 per Mcf, on a best efforts basis, up to 30,000 Mcf of natural gas per day to North Carolina Gas for a period not to exceed 60 days terminating on October 31, 1974. Deliveries of the gas would be made by Transco, supplier of natural gas to both parties, and would be accomplished by reduction of deliveries to Washington Gas in its service area[1] and the contemporaneous deliveries of equivalent volumes of gas to North Carolina Gas. Transco has filed a certificate application in Docket No. CP75-78 for authorization to deliver natural gas to Washington Gas in North Carolina. The sale will be made by Washington Gas to North Carolina Gas. No facilities will be constructed in order to make this sale and delivery to North Carolina Gas, which is a major distributor of natural gas within the State of North Carolina and is stated to be exempt from Commission jurisdiction pursuant to section 1(c) of the Natural Gas Act.

Washington Gas requests in Docket No. CP75-73 that the Commission dis-

[1] Washington Gas' service area comprises the District of Columbia; Charles, Montgomery and Prince Georges Counties in Maryland; Arlington, Fairfax, Loudoun, and Prince William Counties in Virginia; and all cities now or hereafter existing in Maryland or Virginia within this area, except for Laurel Election District No. 10 of Prince Georges County, Maryland, and Dumfries and Quantico Marine Base in Prince William County, Virginia.

claim jurisdiction over the proposed sale through a "reasonably liberal interpretation" of § 2.68 of the Commission's general policy and interpretations (18 CFR 2.68) or § 157.22 of the regulations under the Natural Gas Act (18 CFR 157.22). Washington Gas argues that but for the fact that its operations cross state lines it could make an emergency sale of gas to North Carolina Gas pursuant to § 2.68 and were North Carolina Gas a pipeline company such sale could be made under § 157.22.[2] In any event, Washington Gas asserts that both regulations have as their purpose a means to meet the kind of emergency situation that now faces North Carolina Gas.

Section 2.68 of the general policy and interpretations contemplates the sale or exchange of natural gas in interstate commerce by non jurisdictional companies for limited periods under stated emergency conditions without jeopardizing their otherwise exempt status. As such, Washington Gas, the seller, must be exempt from the provisions of the Natural Gas Act pursuant to subsection (b) or (c) of section 1 of the Natural Gas Act to fall within the scope of § 2.68. Washington Gas, is however, subject to Commission jurisdiction as a "natural-gas company" since its exempt status under section 7(f) of the Natural Gas Act is limited to its operations within the geographic area heretofore determied as its service area.[3] Determination of exemption under section 7(f) is a limited waiver of the certificate requirements of subsections 7(c) through (e) of the Natural Gas Act. The proposed sale involving North Carolina is a sale for resale, which would occur outside Washington Gas' geographic service area and would be for purposes other than that "of supplying increased market demands in such service area" and would, therefore, require further authorization.

Section 157.22 of the Commission's regulations applies only to transactions between jurisdictional pipelines as stated by the Commission in its order of February 22, 1974, in Docket No. CP74–212, Distrigas Corporation, et al. (51 FPC —), rehearing denied April 22, 1974 (51 FPC —). The regulation was designed for the purpose of permitting jurisdictional pipelines to arrange for their own supply of gas on an emergency basis. While Washington Gas speculates as to the appropriateness of the subject sale under this section if North Carolina Gas were a jurisdictional pipeline, in fact, North Carolina is not such a pipeline, and therefore, the relief provided by § 157.22 is not available here.[4]

For the above stated reasons the Commission denies Washington Gas' request for disclaimer of jurisdiction. Washington Gas files in the alternative, an application pursuant to section 7 of the Natural Gas Act for certificate authorization for the proposed sale. (Additionally, Washington Gas requests that it be granted a temporary certificate for such sale pursuant to §§ 157.17 of the regulations under the Natural Gas Act (18 CFR 157.17)).

Washington Gas' filing for certicate authorization is appropriate in this case and such action conforms with previous Commission directions in similar cases where the relief provided by §§ 2.68 and 157.22 was declared unavailable.

North Carolina Gas is presently being curtailed at a level of approximately 40,000 Mcf per day by Transco, its sole supplier. As a result of such curtailment of supplies North Carolina Gas states it will be unable to maintain adequate service to its customers and that said customers will, therefore, be unable to increase their supplies of alternate fuels in order to meet their requirements during the forthcoming winter. In such an event, industrial services within the State of North Carolina will be jeopardized to the economic detriment of the industries involved, their employees, and the communities in which such industries are located.

Washington Gas states it has acquired sufficient volumes of gas to fill its gas storage facilities in preparation for the coming winter season and therefore expects to have available up to 30,000 Mcf per day, on a best-efforts basis, for sale and delivery to North Carolina Gas until October 31, 1974.[5] Since Transco supplies natural gas to both North Carolina Gas and Washington Gas and inasmuch as such deliveries will be made upstream of the presently existing delivery points to Washington Gas no appreciable effects on the flow characteristics of Transco's system are anticipated.

After due notice by publication in the FEDERAL REGISTER of the applications in Docket No. CP75–73 and CP75–78 on September 17, 1974 (39 FR 33405) and (39 FR 33407), respectively, petitions to intervene in Docket No. CP75–73 were filed by North Carolina Gas and Mobil Oil Corporation (Mobil). North Carolina Gas states that deliveries from Transco have been disrupted because of Hurricane Carmen and North Carolina Gas is presently being curtailed at 60 percent of contract entitlement. As a result of this further curtailment of supplies, North Carolina Gas indicates that all of its interruptible customers and some firm customers are receiving no natural gas.

Mobile states that due to its worldwide involvement in the exploration, development, processing, sale, and consumption of petroleum, natural gas and liquid hydrocarbons, Mobil has immediate, direct interests in any Commission action determining certification, jurisdiction, policy, precedent, rules, regulations, orders or criteria affecting the granting of applications for authorizations or disclaimers of jurisdiction under the Natural Gas Act. Mobil states it does not, at this time, oppose the granting of this application nor does it request, the matter be set for formal hearing and that on the basis of the whole record may support the granting of said application. No notices of intervention, protests to the granting of the application, or further petitions to intervene have been filed.

The Commission finds. (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

(2) The sale and delivery of natural gas hereinbefore described, as more fully described in the application in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission and such sale and delivery are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The subject applications may involve common questions of law or fact, which should be heard in a consolidated record.

(4) Participation by North Carolina Gas and Mobil in Docket Nos. CP75–73 and CP75–78 may be in the public interest.

The Commission orders. (A) The applications for certificates of public convenience and necessity filed in Docket Nos. CP75–73 and CP75–78 are hereby set for hearing.

(B) North Carolina Gas and Mobil are permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene: *And provided, further,* That admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved because of

[2] Washington Gas notes that in light of the Commission's interpretation of Section 157.22 in its order issued April 4, 1974, in Docket No. CP74–142, Cascade Natural Gas Corporation, as clarified by order issued July 22, 1974, the sale of natural gas by a natural gas company to an exempt company for an emergency 60-day period cannot be made under § 157.22.

[3] The Commission by order issued October 31, 1962, in Docket CP62–205 (28 FPC 753), as amended by order issued February 11, 1966 (35 FPC 229), determined a service area for Washington Gas pursuant to section 7(f) of the Natural Gas Act to permit Washington Gas, without further authorization, to enlarge and extend its facilities for the purposes of supplying increased market demands, other than sales for resale, within said geographic area.

[4] See, e.g., Cascade Natural Gas Corporation, Docket No. CP74–142, order issued July 22, 1974; El Paso Natural Gas Company, Docket No. CP74–47, order issued June 21, 1974; Northern Natural Gas Company, Docket No. CP74–294, order issued July 3, 1974; Northern Natural Gas Company, Docket No. CP67–344, order issued July 15, 1974; Texas Eastern Transmission Corporation et al., Docket No. CP74–224, order issued July 22, 1974, Natural Gas Pipeline Company of America, et al., Docket No. CP73–289, et al. order issued August 23, 1974.

[5] The proposed sale will be made pursuant to an agreement dated August 29, 1974, which provides for a rate of $1.10 per Mcf. The rate approximates the interruptible rate Washington Gas expects to charge its own interruptible customers during the period of the proposed sale.

any order of the Commission entered in this proceeding.

(C) Pursuant to the provisions of the Natural Gas Act, particularly sections 4, 5, 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held on October 9, 1974, 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, concerning the issue of whether certificates of public convenience and necessity should be granted as requested by the applicants, and the issue of the justness and reasonableness of the rate to be charged.

(D) The proceedings on these applications shall be consolidated for hearing.

(E) At the hearings herein written and oral testimony and exhibits shall be presented by applicants and any supporting intervener. Such evidence in support of the proposed application shall include, inter alia:

(1) A cost justification of the price to be charged by Washington Gas Light Company,

(2) The ability of Washington Gas Light Company to supply the proposed gas supplies to North Carolina Gas, and the impact upon Washington Gas Light Company's customers, firm and interruptible, if a certificate is granted and

(3) The need of North Carolina Gas for the proposed gas supplies, and the end usage to which it will be put.

(F) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See delegation of authority, 18 CFR 3.5(d)—shall preside at, and control, this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-23731 Filed 10-10-74;8:45 am]

[Docket Nos. CI75-119 and RI75-5]

WILLIAM A. JENKINS, ET AL.

Order Consolidates Proceedings and Setting Date for Hearing

OCTOBER 3, 1974.

On August 23, 1974, William A. Jenkins (Operator), et al. (Jenkins) filed an application under Docket No. CI75-119, pursuant to sections 4 and 7 of the Natural Gas Act,[1] and § 2.75[2] of the Commission's general policy and interpretations (hereinafter § 2.75) for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce from three wells to be drilled in the Hugoton-Anadarko Area. The three subject wells are located on tracts described as (1) the Northwest Quarter of Section 3, Township 22 North, Range 5 West; (2) the Northwest Quarter of Section 10, Township 22 North, Range 5 West; and (3) the Southeast Quarter of Section 34, Township 23 North, Range 5 West, all in Garfield County, Oklahoma.

Jenkins seeks a price of 55.27 cents per Mcf for sales from the three subject wells and avers that said wells will produce 45,000 Mcf of natural gas per month for the first 12 months of production. Jenkins previously included these three wells for consideration under an application for special relief filed on July 11, 1974, pursuant to § 2.76 of the Commission's General policy and interpretations[3] (hereinafter § 2.76) in Docket No. RI75-5. The Commission order under that Docket dismissed the application with respect to the three subject wells without prejudice to being refiled under the optional procedure of § 2.75.[4]

The gas to be produced from the three subject wells is to be sold to the Champlin Petroleum Company (Champlin), operator of the Enid Gasoline Plant, in the Northeast Enid Field (Breckenridge Pool), Garfield County, Oklahoma, who in turn will sell the residue gas to Cities Service Gas Company (Cities). Gas to be sold subject to Jenkins' application for Special Relief will also be subject to the same arrangement.[5]

Jenkins' application pursuant to § 2.75 in Docket No. CI75-119 was noticed September 10, 1974, and appeared in the FEDERAL REGISTER on September 17, 1974, at 39 FR 33406. Champlin and Cities filed untimely petitions to intervene in Docket No. RI75-5. Cities filed a timely petition to intervene in Docket No. CI75-119 and on September 11, 1974, filed a "certification of information required by § 2.75(h) of the Commission's general policy and interpretations" along with its direct testimony and exhibits. Jenkins filed its direct testimony and exhibits on September 6, 1974, in Docket No. RI75-5 and included testimony concerning the three subject wells in anticipation of its August 23, 1974, motion to consolidate being granted.

By motion filed September 9, 1974, Jenkins requests an immediate increase in rate to the area rate[6] of 19.5 cents per Mcf subject to refund. Because Jenkins is currently subject to a percentage sales contract with Champlin dated September 13, 1962, under its FPC Gas Rate Schedule No. 93, Jenkins lacks contractual authority to charge such a rate. A unilateral rate filing inconsistent with contractual obligations is invalid.[7] Jenkins' motion must therefore be denied.

In Order No. 455, Statement of Policy Relating To Optional Procedure For Certificating New Producer Sales Of Natural Gas, 48 FPC 218 (18 CFR § 2.75) issued August 3, 1972, we stated (id. 229):

> We believe that each contract filed under the alternative procedure must be considered on the merits of the terms and provisions within each contract. There certainly must be some evidentiary basis proffered by the seller-applicant upon which we can judge whether the contract rate is just and reasonable. We will, absent a showing of special circumstance, accept as conclusive the cost findings embodied in our area rate decisions, as such may be supplemented from time to time, by appropriate Commission order.

Cost evidence relating to the particular application offered can clearly provide the basis for "just and reasonable" rate findings. City of Detroit v. F.P.C., 230 F. 2d 810, 818 (1955), cert. denied, 352 U.S. 329 (1956). It follows then, that the seller-applicant may introduce relevant evidence of the cost of the particular project for which certification is sought. Such evidence shall be deemed to constitute the "special circumstance" to be considered together with all other material evidence which would support a finding of a just and reasonable rate in excess of the applicable area or national rate.

For the applicant to carry its burden of proof as to the justness and reasonableness of the proposed rate for the three subject wells, if applicant proceeds on a project cost basis, applicant must establish by credible and relevant evidence, (1) the direct and indirect costs, including the cost of capital funds to be invested, reasonably anticipated in connection with the drilling program on the leases dedicated herein; (2) the reserves reasonably anticipated as recoverable; and (3) the deliverability reasonably anticipated.

However, in our determination of the justness and reasonableness of a proposed rate we are required "to give continuing attention to values that may be reflected only imperfectly by producers' costs; a regulatory method that excluded as immaterial all but current or projected costs could not properly serve the consumer interests placed under the Commission's protection." Permian Basin Area Rate Cases, 390 U.S. 747, 815 (1968); quoted in Mobil Oil Corp v. FPC, 42 USLW 4842, 4849, (U.S. June 10, 1974). Therefore, in addition to the introduction of project cost evidence or if applicant chooses not to introduce project cost evidence but instead chooses to adopt the cost findings in our most recent national rate decision and justify his claim to a rate in excess of that rate on the basis of additional economic evidence, the applicant in this proceeding may submit, if he so desires, evidence relating to economic factors such as: (1) The relation-

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[1] 15 U.S.C. 717, et seq. (1970).

[2] Statement Of Policy Relating To Optional Procedure Certificating New Producer Sales Of Natural Gas, Order No. 455, Docket No. R-441, 48 F.P.C. 218 (issued August 3, 1972), 18 CFR 2.75. See John E. Moss, et al. v. F.P.C., No. 72-1837 (D.C. Cir. August 15, 1974)

[3] Order Promulgating Policy With Respect To Sales Where Reduced Pressures, Need For Reconditioning, Deeper Drilling, Or Other Factors Make Further Production Uneconomical At Existing Prices, Order No. 481, Docket No. R-458, 49 F.P.C. 992 (issued April 12, 1973), 18 CFR 2.76.

[4] Order Denying Petition For Special Relief In Part And Providing For Hearing, Docket No. RI 75-5 (issued August 12, 1974).

[5] Jenkins' current sales to Champlin are made pursuant to § 154.91(e) of the Commission's regulations.

[6] Opinion No. 586, Area Rate Proceeding et al. (Hugoton-Anadarko Area), Docket No. AR64-1, et al., 44 FPC 761 (1970).

[7] United Gas Pipe Line Co. v. Mobil Gas Service Corp., 350 U.S. 332, 343-44 (1955).

ship of the proposed rate to the prevailing intrastate rate in the area of the sale and to other certificated interstate rates in that same area; (2) price of alternate supplies of natural gas in the volumes and under the delivery schedules of the proposed project; (3) the price of alternate fuels to the purchaser's customers; (4) the supply-price-demand relationship for natural gas; (5) the impact of the proposed rate upon the applicant's need for internally generated funds to finance expanded exploration and development activities; (6) the impact of a Commission order granting or denying the application upon the purchaser's customers including, but not limited to, increased alternate fuel costs, increased pipeline transportation costs and increased curtailment; (7) whether the proposed rate will help protect the financial integrity of the applicant while protecting the purchaser's consumers against excessive and unreasonable rates; and (8) such other relevant evidence as may be material to the determination of a just and reasonable rate. The evidence proffered on the foregoing factors should be related to the proposed sale and not of a generalized nature. Section 2.75 was promulgated in an effort to deal with individual situations and not with industry-wide problems, and the evidence in this proceeding should reflect that constraint.

Thus, in recognition of the fact that the Commission must weigh the sometimes conflicting interests of both producer and consumer before it can say that a particular rate is "just and reasonable", City of Chicago v. F.P.C., 458 F. 2d 731, 75 (D.C. Cir. 1971), cert. denied 405 US 1074 (1972), the applicant must offer material evidence to demonstrate (a) that the proposed project will commit to the interstate market additional supplies of natural gas at the lowest reasonable price in comparison to alternate sources consistent with providing adequate service to consumers, and (b) the impact of this project on the needs of the applicant and the needs of the customers who will purchase the gas from the interstate pipeline.

The applications under §§ 2.75 and 2.76 involved herein do not, in and by themselves, provide sufficient basis to determine the propriety of the relief requested. It is therefore in the public interest to hold a hearing concerning the justness and reasonableness of the rate that Jenkins has proposed under each of its applications.

The Commission finds. (1) It is in the public interest and convenience that Docket Nos. CI75–119 and RI75–5 be consolidated and set for hearing.

(2) Good cause exists to allow the intervention of Champlin and Cities in the above-docketed proceedings.

(3) Jenkins' motion for an immediate rate increase subject to refund must be denied.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14, and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), Docket Nos. CI75–119 and RI75–5 are consolidated and are set for the purpose of hearing and disposition.

(B) A public hearing on the issues presented by the application herein shall be held commencing on November 5, 1974, 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(C) A Presiding Law Judge to be designated by the Chief Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(D) Any intervenor supporting Jenkins' applications under § 2.75 or 2.76 shall file their direct testimony and evidence on or before October 2, 1974. All testimony and evidence shall be served upon the Presiding Judge, the Commission Staff, and all other parties to this proceeding.

(E) The Commission Staff, and any intervenor opposing the applications under § 2.75 or 2.76, shall file their direct testimony and evidence on or before October 2, 1974. Any supplemental testimony or evidence by Jenkins or Cities shall also be filed by October 2, 1974. All testimony and evidence shall be served upon the Presiding Judge, and all other parties to this proceeding.

(F) All rebuttal testimony and evidence shall be served on or before October 29, 1974. All parties submitting rebuttal testimony and evidence shall serve such testimony upon the Presiding Judge, the Commission Staff, and all other parties to the proceeding.

(G) The above-named petitioners are permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interest as specifically set forth in said petitions for leave to intervene: *And provided, further,* That the admission of such interests shall not be construed as recognition by the Commission that they might be aggrieved because of any orders or orders of the Commission entered in this proceeding.

(H) Jenkins' motion for an immediate rate increase subject to refund is denied.

By the Commission. Commissioner Smith, joined by Commissioner Springer, concurring.[3]

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–23736 Filed 10–10–74;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Temporary Regulation D–47, Supplement 1]

FEDERAL PROPERTY MANAGEMENT REGULATIONS

Federal Employee Parking

1. *Purpose.* This supplement extends the expiration date of FPMR Temporary Regulation D–47.

2. *Effective date.* This regulation is effective upon publication in the FEDERAL REGISTER.

3. *Expiration date.* This regulation will expire on March 31, 1975.

4. *Background.* FPMR Temporary Regulation D–47, dated May 22, 1974, provided revised policies and reporting procedures for assignment of Federal employee parking spaces.

5. *Change of expiration date.* This extension will permit GSA to incorporate in the permanent regulations additional comments concerning FPMR Temporary Regulation D–47 from other agencies, employee groups, and others concerned.

6. *Implementation.* It should be noted that implementation of the provisions of this regulation may require consultation, as appropriate, with recognized labor organizations.

Dated: October 2, 1974.

ARTHUR F. SAMPSON, *Administrator of General Services.*

[FR Doc.74–23757 Filed 10–10–74;8:45 am]

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Notice of Meeting

OCTOBER 3, 1974.

Pursuant to Pub. L. 92–463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, October 23, 1974, from 9 a.m. to 4 p.m. Room 1033, Regional Headquarters Building, GSA Center, Auburn, Washington. This meeting will be for the purpose of reviewing the design concepts for the proposed new Federal Building and Parking Facility in Anchorage, Alaska. The meeting will be closed to the public in accordance with the provisions set forth in section 10(d) of Pub. L. 92–463, and the April 4, 1974, Findings and Determination of the Administrator of General Services Administration.

ROBERT D. GREEN, *Acting Regional Administrator.*

[FR Doc.74–23756 Filed 10–10–74;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (74–65)]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL

Notice of Meeting

The NASA Research and Technology Advisory Council will meet on November 7–8, 1974, in Room 625 of Federal Office Building 10B at NASA Headquarters, 600 Independence Avenue, SW., Washington, DC 20546. The meeting will be open to the public on a first-come, first-served basis up to the seating capacity of the room, which is about 40 persons.

The NASA Research and Technology Advisory Council was established to advise NASA's senior management in the area of aeronautics and space research and technology. The Council studies issues, pinpoints critical problems, deter-

[3] Filed as part of the original document.

mines gaps in needed technology, points out desirable goals and objectives, summarizes the state of the art, assesses ongoing work, and makes recommendations to help NASA plan and carry out a program of greatest benefit to the nation. The Chairman is Dr. Ronald Smelt. There are 15 members on the Council itself and additional members on five committees and four panels which report to the Council.

The following list sets forth the approved agenda and schedule for the meeting. For further information, please contact the Executive Secretary, Mr. C. Robert Nysmith, Area Code 202, 755–3236.

NOVEMBER 7, 1974

Time	*Topic*
8:30 a.m.	Research and Technology Advisory Council (RTAC) Procedures (Purpose: To describe new procedures for increasing the effectiveness of RTAC and afford an opportunity for Council discussion of this topic.)
9:00 a.m.	NASA's Relations with Industry and Government (Purpose: To provide the Council with information regarding NASA's relations with industry and other Government agencies and to discuss the Government's role in supporting aeronautical research and development.)
9:45 a.m.	Long-Range Space and Aeronautical Planning Activities (Purpose: To brief the Council on NASA's "Outlook for Space" and "Outlook for Aeronautics" studies, and to discuss RTAC's participation in these studies.)
11:00 a.m.	Committee and Panel Reports (Purpose: Committee and Panel Chairman will discuss the issues and report the recommendations from their last Committee or Panel meeting. NASA personnel will provide background briefings on the identified issues, and the Council will discuss the issues, evaluate the recommendations and identify those which should be brought to the attention of NASA's senior management.)

NOVEMBER 8, 1974

8:00 a.m.	Continuation of Committee and Panel Reports
1:00 p.m.	Preparation of Council Report (Purpose: The Council will document recommendations and observations to be reported to NASA's senior management.)
2:00 p.m.	Council Informal Report to NASA (Purpose: The Council will report recommendations to senior NASA officials, and other highlights of the meeting will be discussed.)
3:30 p.m.	Adjournment

BOYD C. MYERS, II,
Assistant Associate Administrator for Organization and Management, National Aeronautics and Space Administration.

OCTOBER 4, 1974.

[FR Doc.74-23729 Filed 10-10-74;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 October 8, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF AGRICULTURE

Forest Service: Regulations—National Forest Surface Use under U.S. Mining Laws, Form----, Occasional, Sheftel (395–3878), Prospectors and miners regardless of business size.

DEPARTMENT OF COMMERCE

Bureau of the Census: Survey of Scientific and Technical Personnel in Industry, Form ----, Single time, Johnston (395–3840), Establishments in selected economic areas.

Food Stamp Recipiency Supplement—December 1974 CPS, Form CPS–1, Single time, Strasser (395–3880), Households.

DEPARTMENT OF LABOR

Bureau of Labor Statistics: Retail Prices—Shelter—Residential Property Taxes, Form BLS 2921.42, Annual, Sunderhauf (395–4911), Local tax jurisdictions in 85 PSU's.

U.S. CIVIL SERVICE COMMISSION

Social Worker Supplemental Qualifications Statement, Form CSC 1197, Occasional, Caywood (395–3443), Individuals.

REVISIONS

DEPARTMENT OF COMMERCE

Bureau of the Census: Application for Search of Census Records (Age Search), Form BC 600, BC 649, BC 658, Occasional, Lowry (395–3772), Individuals requesting age certification.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service: Report for Vocational Rehabilitation, Form SRS RSA 2, Annual, Caywood (395–3443), 80 State agencies.

EXTENSIONS

None.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-23934 Filed 10-10-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

BBI, INC.

Suspension of Trading

OCTOBER 4, 1974.

The common stock of BBI, Inc., being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the 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 October 6, 1974 through October 15, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-23723 Filed 10-10-74;8:45 am]

[File No. 500–1]

CANADIAN JAVELIN, LTD.

Suspension of Trading

OCTOBER 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 October 5, 1974 through October 14, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-23724 Filed 10-10-74;8:45 am]

[812–3687]

COMPASS GROWTH FUND, INC. AND COMPASS INCOME FUND, INC.

Application for an Order of Exemption

Notice is hereby given that Compass Growth Fund, Inc. ("Growth") and

Compass Income Fund, Inc. ("Income") (collectively referred to as "Applicants"), 20 Exchange Place, New York, New York 10005, openend, diversified, management investment companies registered under the Investment Company Act of 1940 (the "Act"), have filed an application pursuant to section 17(b) of the Act for an order of the Commission exempting from the provisions of section 17(a) of the Act the proposed sale by Income of substantially all of its assets to Growth in exchange for shares of common stock of Growth and pursuant to section 6(c) of the Act for an order of the Commission exempting from the provisions of Rule 22c–1 promulgated under the Act the determination of net asset values, for purposes of the exchange, at the close of business on the business day immediately preceding the closing date of the proposed transaction. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The investment objective of Growth is capital appreciation with current income a secondary objective. The investment objective of Income is current income with opportunities for capital appreciation. Growth and Income each employ Wood, Struthers & Winthrop, Inc., a registered broker-dealer, as their investment adviser. The Board of Directors and officers of each Applicant, with the exception of one individual, are identical. Accordingly, each of the Applicants may be deemed to be under common control, and, therefore, Applicants may be deemed to be affiliated persons of each other within the meaning of section 2(a)(3) of the Act.

Growth and Income have entered into an Agreement and Plan of Reorganization (the "Agreement") providing for (1) the sale and transfer by Income of substantially all of its assets to Growth in exchange for shares of common stock of Growth and (2) the subsequent dissolution of Income. The agreement has been approved by the Boards of Directors of Growth and Income and must be further approved by the vote of at least a majority of the outstanding voting securities of Income.

Prior to the closing date of the Agreement ("closing date"), Growth and Income will distribute to their respective shareholders dividends consisting of substantially all of their respective net investment income and realized capital gains. On the closing date, Growth will issue to Income shares of common stock of Growth having an aggregate net asset value equal to the aggregate net asset value of the assets of Income being transferred to Growth. The net asset value per share of Growth and the aggregate net asset value of the assets of Income, for purposes of the exchange, will be determined as of the close of business on the business day immediately preceding the Closing Date. Immediately following the closing date, Income will distribute the shares of Growth received to its shareholders in proportion to their respective interests in Income.

As of June 30, 1974, Growth and Income had, respectively, net assets of $3,691,149 and $909,197, and net unrealized losses of $623,234 and $211,867. As of March 31, 1974, Growth had a tax loss carry forward of $930,434 which will be available to offset a like amount of future taxable capital gains through September 30, 1978. No adjustments in the aggregate net asset values of Applicants will be made to compensate shareholders for any potential Federal income tax impact which may result from the differences between the Applicants in the percentage of each Applicant's realized or unrealized capital losses to its net asset value and in the amount of each Applicant's tax loss carry forward. Applicants assert that the terms of the Agreement without such adjustments, are equitable in view of the uncertain value of the Growth tax loss carry forward and their anticipation that the amount of realized or unrealized capital losses will be substantially proportionate at the closing date.

Section 17(a). Section 17(a) of the Act, in pertinent part, provides that it shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal, knowingly to sell to or purchase from such registered company any security or other property. Section 17(b) of the Act provides that the Commission, upon application, may exempt a proposed transaction from the provisions of section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Applicants assert that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned. The shares of Growth will be issued to Income on the basis of the respective net asset values of each of the Applicants determined at the same point in time. Applicants believe that the consummation of the proposed transaction will eliminate the current duplication of certain expenses, such as accountant's fees and legal fees. Substantially all of the expenses of the Applicants in connection with this transaction will be reimbursed by their investment adviser pursuant to the terms of their Advisory Agreements. Applicants anticipate that their unreimbursed expenses with respect to this transaction will not exceed $2,000.

Applicants submit that the proposed transaction is consistent with the policies of both Growth and Income and the general purposes of the Act. Applicants state that their investment objectives may be more readily accomplished with the larger investment pool which would result from the proposed transaction. Prior to the closing date, Growth will designate those securities then held in the Income portfolio which are incompatible with the investment objective of Growth or, if delivered to Growth on the closing date, would be immediately resold by Growth and such securities will be sold by Income.

Rule 22c–1. Rule 22c–1 promulgated under section 22(c) of the Act provides, in pertinent part, that no registered investment company issuing any redeemable security, no person designated in such issuer's prospectus as authorized to consummate transactions in any such security, and no principle underwriter of, or dealer in, any such security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Applicants state that the literal requirements of Rule 22c–1 may not be met by the proposed transaction if such rule is deemed to apply to transactions involving the exchange of stock for assets because the net asset values of Growth and Income for purposes of the exchange are to be determined as of the close of business on the business day immediately preceding the closing date.

Applicants state that the function of Rule 22c–1 is to prescribe the time for pricing redeemable securities on typical daily purchase and redemption transactions by investment companies and is not designed to cover the type of transaction contemplated by the Agreement.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 29, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following October 29, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who re-

quest a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulations, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-23728 Filed 10-10-74;8:45 am]

[File No. 24NY-7424]

ECOLOGICAL MANUFACTURING CORP.

Temporary Suspension

SEPTEMBER 18, 1974.

I. Ecological Manufacturing Corp. ("Ecological" or "Issuer") is a New York corporation located at 49-65 Van Dam Street, Long Island City, New York. It was organized on March 23, 1971 to engage in the manufacture, packaging, and sale of an insecticide and pesticide called M-T-X, a non-toxic chemical replacement for DDT.

On August 27, 1971 it filed a notification pursuant to Regulation A in connection with a proposed offering of 100,000 shares of its $.01 par value common stock at $5.00 per share. The offering was to be conducted by Carlton-Cambridge & Co., Inc. as underwriter on a "best efforts 30,000 shares-or-none" basis. On December 14, 1971 the terms of the offering were amended to provide that 200,000 shares would be offered at $2.50 per share. The offering was to be on a "best efforts 60,000 shares-or-none" basis. The offering commenced on February 11, 1972. On May 1, 1972 a post-effective amendment was filed substituting Horizon Securities Inc. for Carlton-Cambridge & Co., Inc. as underwriter. The offering resumed on May 25, 1972.

Pursuant to Rule 260 a Form 2-A report was filed on January 12, 1973. This report stated that 200,000 shares were sold for $500,000 and that no additional shares would be offered.

II. The Commission, on the basis of information reported to it by its staff, has reasonable cause to believe that:

A. The notification, offering circular, and sales literature filed by the issuer contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading, in the following respects:

1. The failure to accurately disclose the identity of the finder;

2. The failure to accurately state the terms of the offering;

3. The failure to disclose that a material portion of the proceeds of the offering would be utilized for payments to various individuals to insure the success of the offering, and for a loan to the underwriter;

4. The failure to accurately state the academic and professional background of the issuer's president and vice president;

5. The failure to accurately state the then existing stage of development of the company and its product; and

6. The failure to disclose an agreement by the issuer to employ the underwriter's counsel in the future.

B. The terms and conditions of Regulation A have not been met in the following respects:

1. The offering circular failed to accurately state the terms of the offering;

2. The issuer failed to file sales material with the Commission; and

3. The Form 2-A report failed to accurately set forth the utilization of the proceeds.

C. The offering was made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended,

It is ordered, Pursuant to Rule 261(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and hereby is, temporarily suspended;

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within thirty days of the entry thereof;

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for a hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for the said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-23722 Filed 10-10-74;8:45 am]

[File No. 500-1]

NICOA CORP.

Suspension of Trading

OCTOBER 4, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Nicoa Corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from October 6, 1974 through October 15, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-23725 Filed 10-10-74;8:45 am]

[File No. 500-1]

ROYAL PROPERTIES INC.

Suspension of Trading

OCTOBER 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 October 5, 1974 through October 14, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-23726 Filed 10-10-74;8:45 am]

[File No. 500-1]

WINNER INDUSTRIES, INC.

Suspension of Trading

OCTOBER 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 October 5, 1974 through October 14, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-23727 Filed 10-10-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 04/04-5114]

ALLIED INVESTMENT DEVELOPERS, INC.

Issuance of License to Operate as a Small Business Investment Company

On August 2, 1974, a notice was published in the FEDERAL REGISTER (39 FR 27946) stating that Allied Investment

Developers, Incorporated, located at 1200 Biscayne Boulevard, Miami, Florida 33132, had filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1974) for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958 (the Act), as amended.

The period for comment ended August 19, 1974.

Notice is hereby given that, having considered the application and other pertinent information, SBA has issued License No. 04/04–5114 to Allied Investment Developers, Incorporated.

Dated: October 3, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.74–23811 Filed 10–10–74;8:45 am]

[Declaration of Disaster Loan Area 1096]

COLORADO

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of August, because of the effects of a certain disaster, damage resulted to property located in the State of Colorado;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the City of Durango, Colorado, suffered damage or destruction resulting from a fire which occurred August 24, 1974.

Office: Small Business Administration, District Office, 721 19th Street, Room 426A, Denver, Colorado 80202.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to December 5, 1974. EIDL applications will not be accepted subsequent to July 7, 1975.

Dated: October 4, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74–23812 Filed 10–10–74;8:45 am]

[Declaration of Disaster Loan Area 1095]

PENNSYLVANIA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of September, because of the effects of a certain disaster, damage resulted to property located in the State of Pennsylvania;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Indiana County, Pennsylvania, and adjacent affected areas, suffered damage or destruction resulting from severe rains and flooding which occurred September 13, 1974. Adjacent areas include only counties within the state for which the declaration is made and do not extend beyond state lines.

Office: Small Business Administration, District Office, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to December 5, 1974. EIDL applications will not be accepted subsequent to July 7, 1975.

Dated: October 4, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74–23813 Filed 10–10–74;8:45 am]

TARIFF COMMISSION

[TEA–W–249]

RCA CORP., NEW JERSEY

Workers' Petition for Determination; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers and former workers of the Harrison, New Jersey, plant of the RCA Corp., New York, New York, the United States Tariff Commission, on October 7, 1974, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with electronic receiving tubes and components thereof known as mounts (of the types provided for in item 687.60 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before October 21, 1974.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: October 8, 1974.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74–23782 Filed 10–10–74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V–74–51]

ARCO CHEMICAL CO.

Application for Variance and Interim Order; Grant of Interim Order

I. *Notice of Application.* Notice is hereby given that ARCO Chemical Company, Division Atlantic Richfield Company, P.O. Box 328, Ft. Madison, Iowa 52627 has 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, and for an interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1910.21(a)(4), 1910.23(a)(3), (c), (e) and 1910.27(d)(2) concerning landing platforms, railings, and protection from falls through open hatchways.

The addresses of the places of employment that will be affected by the application are as follows:

ARCO Farm Center
Hwy. 175, R.R. #2
Eldora, Iowa 50627

ARCO Farm Center
P.O. Box 37
Bradford, Iowa 50041

ARCO Farm Center
P.O. Box 226
Beaver, Iowa 50031

ARCO Farm Center
P.O. Box 97
Ringsted, Iowa 50578

ARCO Farm Center
P.O. Box 92
Rodman, Iowa 50580

ARCO Farm Center
P.O. Box 553
Allison, Iowa 50602

ARCO Farm Center
P.O. Box 136
Hubbard, Iowa 50122

ARCO Farm Center
P.O. Box 144
McCallsburg, Iowa 50154

ARCO Farm Center
P.O. Box 165
Luverne, Iowa 50560

ARCO Farm Center
P.O. Box 131
Woden, Iowa 50484

ARCO Farm Center
P.O. Box 287
Stout, Iowa 50604

ARCO Farm Center
P.O. Box 302
Collins, Iowa 50055

ARCO Farm Center
P.O. Box 8
Granger, Iowa 50109

ARCO Farm Center
P.O. Box 226
Ledyard, Iowa 50556

ARCO Farm Center
P.O. Box 117
Amboy, Minn. 56010

ARCO Farm Center
P.O. Box 156
Alden, Minn. 56009

ARCO Farm Center
P.O. Box 36
Matawan, Minn. 56066

ARCO Farm Center
R.R. #1
Bradford, Ill. 61421

ARCO Farm Center
R.R. #1
Ohio, Ill. 61349

ARCO Farm Center
P.O. Box 127
Lee, Ill. 60530

ARCO Farm Center
P.O. Box 112
Mason City, Ill. 62664

ARCO Farm Center
P.O. Box 169
Chenoa, Ill. 61726

ARCO Farm Center
P.O. Box 24
Metamora, Ill. 61548

ARCO Farm Center
R.R. #1
Herscher, Ill. 60941

ARCO Farm Center
P.O. Box 115A
Sac City, Iowa 50583

ARCO Farm Center
Farm Center Manager
Fonda, Iowa 50540

ARCO Farm Center
P.O. Box 488
Woodhull, Ill. 61490

ARCO Farm Center
P.O. Box 546
Frost, Minn. 56033

ARCO Farm Center
R.R. #2
Morrison, Ill. 61270

ARCO Farm Center
P.O. Box 1
Bradford, Ill. 61421

ARCO Farm Center
R.R. #1
Amboy, Ill. 61310

ARCO Farm Center
P.O. Box 276
Malden, Ill. 61337

ARCO Farm Center
P.O. Box 59
Mt. Pulaski, Ill. 62549

ARCO Farm Center
P.O. Box 273
Varna, Ill. 61375

ARCO Farm Center
R.R. #1
Reddick, Ill. 60961

ARCO Farm Center
R.R. #2
Chenoa, Ill. 61726

ARCO Farm Center
R.R. #1
Gowrie, Iowa 50543

ARCO Farm Center
Farm Center Manager
Clarion, Iowa 50525

ARCO Farm Center
Farm Center Manager
Duncombe, Iowa 50532

ARCO Farm Center
RFD #1
Blue Earth, Minn.

ARCO Farm Center
R.R. #4
Geneseo, Ill. 61254

ARCO Farm Center
P.O. Box 273
Rockwell City, Iowa 50579

ARCO Farm Center
R.R. #1
Leland, Ill. 60531

ARCO Farm Center
P.O. Box 248
Tonica, Ill. 61370

ARCO Farm Center
P.O. Box 42
Long Pt., Ill. 61333

ARCO Farm Center
P.O. Box 37
Secor, Ill. 61771

ARCO Farm Center
RFD 1
Blackstone, Ill. 61613

ARCO Farm Center
P.O. Box 7
Lake City, Ia. 51449

ARCO Farm Center
R.R. #1
Palmer, Iowa 50571

ARCO Farm Center
P.O. Box 257
Goodell, Iowa 50439

ARCO Farm Center
P.O. Box 98
Rutland, Ia. 50582

ARCO Farm Center
P.O. Box 322
Grafton, Ia. 50440

ARCO Farm Center
P.O. Box 108
Rockwell, Iowa 50469

ARCO Farm Center
P.O. Box 267
Lawler, Iowa 52154

ARCO Farm Center
P.O. Box 517
Morley, Iowa 52312

ARCO Farm Center
P.O. Box 514
Wilton, Iowa 52778

ARCO Farm Center
R.R. #1
Penfield, Ill. 61862

ARCO Farm Center
R.R. #2
Rossville, Ill. 60963

ARCO Farm Center
R.R. #1
Paris, Ill. 61944

ARCO Farm Center
R.R. #1
Villa Grove, Ill. 61956

ARCO Farm Center
P.O. Box 43
Leipsic, Indiana 47440

ARCO Farm Center
P.O. Box 18
Batavia, Iowa 52533

ARCO Farm Center
P.O. Box 62
West Chester, Ia. 52359

ARCO Farm Center
P.O. Box 92
Rudd, Iowa 50471

ARCO Farm Center
P.O. Box 18
Hanlontown, Ia. 50444

ARCO Farm Center
P.O. Box 6
Oran, Iowa 50664

ARCO Farm Center
P.O. Box 157
Brocton, Ill. 61917

ARCO Farm Center
P.O. Box M
Eldridge, Ia. 52748

ARCO Farm Center
P.O. Box 491
Sheldon, Ill. 60966

ARCO Farm Center
R.R. #1
Paxton, Ill. 60957

ARCO Farm Center
P.O. Box 307
Chrisman, Ill. 61924

ARCO Farm Center
R.R. #1
Strawn, Ill. 61775

ARCO Farm Center
P.O. Box 177
South English, Ia. 52335

ARCO Farm Center
P.O. Box 314
Sigourney, Iowa 52591

ARCO Farm Center
P.O. Box 77
Mt. Union, Ia. 52644

ARCO Farm Center
P.O. Box 68
McIntire, Ia. 50455

ARCO Farm Center
P.O. Box 98
Ionia, Iowa 50645

ARCO Farm Center
P.O. Box 26
Aurora, Iowa 50607

ARCO Farm Center
P.O. Box 203
Grand Mound, Ia. 52751

ARCO Farm Center
P.O. Box 415
Crescent City, Ill. 60928

ARCO Farm Center
R.R. #1
Wellington, Ill. 60973

ARCO Farm Center
P.O. Box 131
Ashmore, Ill. 61912

ARCO Farm Center
R.R.
Sidell, Ill. 61876

ARCO Farm Center
R.R. #1
Piper City, Ill. 60959

ARCO Farm Center
P.O. Box 35
Richland, Ia. 52585

ARCO Farm Center
P.O. Box 151
Rose Hill, Ia. 52586

ARCO Farm Center
P.O. Box 153
Sperry, Iowa 52650

ARCO Farm Center
P.O. Box 55
Nichols, Iowa 52766

ARCO Farm Center
P.O. Box 79
N. Henderson, Ill. 61466

ARCO Farm Center
P.O. Box 8
Cambride, Ill. 61238

ARCO Farm Center
P.O. Box 157
Williamsfield, Ill. 61489

ARCO Farm Center
P.O. Box 136
Cambride, Ill. 61238
ARCO Farm Center
P.O. Box 96
Little York, Ill. 61453
ARCO Farm Center
P.O. Box 94
Adrian, Ill. 62310
ARCO Farm Center
P.O. Box 143
Cameron, Ill. 61423
ARCO Farm Center
R.R. #3
Macomb, Ill. 61455
ARCO Farm Center
R.R. #4
Monmouth, Ill. 61462
ARCO Farm Center
P.O. Box 7
Walnut Grove, Ill. 61487
ARCO Farm Center
P.O. Box 352
Kalona, Iowa 52247
ARCO Farm Center
P.O. Box 276
Compton, Ill. 61318
ARCO Farm Center
P.O. Box 26
Beason, Ill. 62512
ARCO Farm Center
P.O. Box 207
Stanford, Ill. 61774
ARCO Farm Center
R.R. #1
Mackinaw, Ill. 61755
ARCO Farm Center
P.O. Box 19A
Joy, Ill. 61260
ARCO Farm Center
P.O. Box 72
Deer Grove, Ill. 61243
ARCO Farm Center
P.O. Box 38
East Lynn, Ill. 60932
ARCO Farm Center
P.O. Box 188
Ainsworth, Ia. 52201
ARCO Farm Center
P.O. Box 177
Saunemin, Ill. 61769
ARCO Farm Center
R.R. #3
Sumner, Iowa 50674
ARCO Farm Center
R.R. #1
Sciota, Ill. 61475
ARCO Farm Center
P.O. Box 67
Burt, Iowa 50522
ARCO Farm Center
P.O. Box 7
Minonk, Ill. 61760
ARCO Farm Center
P.O. Box 149
LaFayette, Ill. 61449
ARCO Farm Center
R.R. #3
Lime Springs, Ia. 52155
ARCO Farm Center
P.O. Box 223
Ackley, Iowa 50601
ARCO Farm Center
P.O. Box 27
Easton, Minn. 56025
ARCO Farm Center
P.O. Box Q
Clarence, Iowa 52216
ARCO Farm Center
R.R. #1
Fremont, Iowa 52561
ARCO Farm Center
P.O. Box 97
Hartsburg, Ill. 62643
ARCO Farm Center
P.O. Box 122
Eagle Grove, Iowa 50533

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a Hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by §§ 1910.21(a)(4), 1910.23(a)(3), (c), (e) and 1910.27(d)(2) which set requirements for railings around open hatchways and platforms.

The applicant states that it stores fertilizer products in dry bin fertilizer buildings which are filled by conveyor belt through roof hatches. Occasionally employees must go onto the roof to fill the bins or check inventories. Since the installation of standard railings around the roof and the hatches would interfere with the conveyor, and gated railings would not provide adequate protection to the employees, the applicant proposes to use a tether belt/life line system.

The applicant states that employees would tie off to a cable strung along the ridge of the building and supported on an A frame to prevent slippage. The device would be capable of supporting a dead weight of 5,400 lbs. as required by § 1926.104(b). Approved signs will be posted which prohibit any work on the roof without a lifeline.

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, 1726 M Street, NW., Room 210, Washington, D.C. 20210, and at the following Regional and Area Offices:

REGIONAL OFFICES

U.S. Department of Labor
Occupational Safety and Health Administration
300 S. Wacker Drive
Room 1201
Chicago, Illinois 60606

U.S. Department of Labor
Occupational Safety and Health Administration
911 Walnut Street, Room 300
Kansas City, Missouri 64106

AREA OFFICES

U.S. Department of Labor
Occupational Safety and Health Administration
110 S. Fourth St., Rm. 437
Minneapolis, Minnesota 55401

U.S. Department of Labor
Occupational Safety and Health Administration
City National Bank Building
Room 803, Harney & 16th Sts.
Omaha, Nebraska 68102

U.S. Department of Labor
Occupational Safety and Health Administration
300 S. Wacker Drive
Room 1200
Chicago, Illinois 60606

U.S. Department of Labor
Occupational Safety and Health Administration
U.S. Post Office & Courthouse
Room 423, 46 E. Ohio Street
Indianapolis, Indiana 46204

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than November 11, 1974. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than November 11, 1974, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be adressed to the Office of Compliance Programming at the above address.

II. *Interim Order.* It appears from the application for a variance and interim order that an interim order is necessary to prevent undue hardship to the applicant pending a decision on the variance. Therefore, it is ordered, pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1905.11(c) that ARCO Chemical Company be, and it is hereby, authorized to use the lifeline system as described in its application in lieu of the railings required by 29 CFR 1910.21(a)(4), 1910.23(a)(3), (c), (e) and 1910.27(d)(2).

ARCO Chemical Company shall give notice of this interim order to employees affected thereby, by the same means required to be used to inform them of the application for a variance.

Effective date. This interim order shall be effective as of October 10, 1974, and shall remain in effect until a decision is rendered on the application for variance.

Signed at Washington, D.C., this 4th day of Oct. 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-23647 Filed 10-10-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 608]

ASSIGNMENT OF HEARINGS

OCTOBER 8, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate

steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 56640 Sub 32, Delta Lines, Inc., now assigned November 4, 1974 at Carson City, Nevada, is postponed indefinitely.

MC 25399 Sub 10, A-P-A Transport Corp., continued to November 4, 1974 (2 days), in Room 306, U.S. Post Office & Courthouse, 445 Broadway, Albany, New York, November 6, 1974 (3 days), in U.S. Tax Court, 13th Floor, U.S. Custom House, No. 2 India St., Boston, Mass., November 18, 1974 (2 days), in the 5th Floor Hearing Room, Connecticut Public Utilities Commission, State Office Bldg., Capitol Ave., Hartford, Conn., and November 20, 1974 (3 days), in Court Room A-238, Court of Claims, 26 Federal Plaza, New York, New York.

MC 117119 Sub 499, Willis Shaw Frozen Express, Inc., now assigned December 2, 1974, at Washington, D.C., is postponed indefinitely.

MC-C-7996, Film Transit, Inc., Et Al-V-Cape Air Freight, Inc., now assigned November 18, 1974, at St. Louis, Mo., is postponed indefinitely.

MC 133316 Subs 7 and 9, Frank R. Givigliano, dba Givigliano Transport, now being assigned hearing November 18, 1974 (1 week), at Denver, Colo., in a hearing room to be later designated.

MC 107064 Sub 103, Steere Tank Lines, Inc., and MC 111401 Sub 395, Groendyke Transport, Inc., now assigned November 4, 1974, at Santa Fe, New Mexico, will be held in Meeting Room 4th Level, New Mexico State Corporation Commission, PERA Bldg., 411 East Manhattan Street.

MC 130219, Fred M. Wolf, dba The Merry-Go-Around, now assigned October 22, 1974, at Boise, Idaho, is cancelled and the application is dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-23828 Filed 10-10-74;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 8, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed October 29, 1974.

FSA No. 42884—*Joint Water-Rail Container Rates—Kawasaki Kisen Kaisha, Ltd.* Filed by Kawasaki Kisen Kaisha, Ltd. (No. 10), for itself and interested rail carriers. Rates on general commodities, from ports in People's Republic of China, to rail stations on the U.S. Atlantic and Gulf Seaboard. Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-23829 Filed 10-10-74; 8:45 am]

[Notice 138]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 30, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, on or before October 29, 1974. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 28060 (Sub-No. 28TA), filed September 19, 1974. Applicant: WILLERS, INC., doing business as WILLERS TRUCK SERVICE, 1400 North Cliff Avenue, Sioux Falls, S. Dak. 57101. Applicant's representative: Bruce E. Mitchell, 3379 Peachtree Road NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat by-products*, in bulk, in tank vehicles, from Sioux City, Iowa, to Sioux Falls, S. Dak., for 180 days. Supporting shipper: John Morrell & Company, 208 South LaSalle Street, Chicago, Ill. 60604, Robert L. Lee, Manager/Rates & Services. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 110525 (Sub-No. 1110TA), filed September 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granulated slag*, in bulk, in tank vehicles, from Moundsville, W. Va., to Millville, N.J., for 180 days. Supporting shipper: The Calumite Company, P.O. Box 157, Trenton, N.J. 08628. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, Room 3238, 600 Arch Street, Philadelphia, Pa. 19106.

No. MC 127104 (Sub-No. 1TA), filed September 19, 1974. Applicant: BURTON HEIGHTS MOVING & TRANSFER COMPANY, P.O. Box 1822, Grand Rapids, Mich. 49501. Applicant's representative: William D. Parsley, 1200 Bank of Lansing Bldg., Lansing, Mich. 48933. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, gypsum and gypsum products and material and supplies* used in the manufacture and distribution thereof (except commodities in bulk), between points in Michigan, on the one hand, and, on the other, ports of entry on the International Boundary line between the United States and Canada located at Detroit, Port Huron, and Saulte Ste. Marie, Mich., under contract or contracts with Georgia-Pacific Corporation, restricted to plant sites and warehouses of the Georgia-Pacific Corporation and/or subsidiaries thereof, for 180 days. Supporting shipper: Georgia-Pacific Corporation, 1062 Lancaster Avenue, Rosemont, Pa. 19010. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

NOTE.—Applicant will seek authority from appropriate Canadian authorities to permit operation beyond the United States Border to various Canadian points.

No. MC 128095 (Sub-No. 10TA), filed September 16, 1974. Applicant: PARKER TRUCK LINE, INC., Westmoreland Drive, P.O. Box 1402, Tupelo, Miss. 39205. Applicant's representative: Fred W. Johnson, Jr., 717 Deposit Guaranty Bank Bldg., P.O. Box 22628. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane and urethane products*, from points in Lee County, Miss., to points in Florida, Georgia, Alabama, Louisiana, Texas, Arkansas, Tennessee, Kentucky, Missouri, Indiana, Illinois, Iowa, Kansas, and Oklahoma, and on return, *damage or rejected shipments of such commodities*, for 180 days. Supporting shipper: Sheller-Globe Corporation, P.O. Box 1387, Tupelo, Miss. Send protests to: District Supervisor Floyd A. Johnson, Interstate Commerce Commission, Bureau of Operations, 435 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 129516 (Sub-No. 32TA), filed September 18, 1974. Applicant: PATTONS, INC., 2300 Canyon Road, Ellensburg, Wash. 98926. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Washing compounds, bleach, glass cleaner, and porcelain cleaner*, from Arvada, Colo., to Stockton, Calif., and Auburn, Wash., for 180 days. Supporting shipper: Thoro Products, Inc., P.O. Box 504, Arvada, Colo. 80002. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Opera-

tions, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 133828 (Sub-No. 3TA), filed October 4, 1974. Applicant: CASAZZA TRUCKING COMPANY, a Corporation, 1250 Glendale Avenue, Sparks, Nev. 89431. Applicant's representative: Earl Casazza (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road construction machinery and equipment* as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, M.C.C. 209 and 766; and *excavating and logging machinery and equipment*, the transportation of which because of size or weight requires the use of special equipment, between points in Nevada, for 180 days. Note: Applicant intends to tack applied for authority to its existing authority, MC 133828, at common points in Nevada. Supporting shippers: Cashman Equipment Co., 600 Glendale Road, Sparks, Nev. 89431; Grand Equipment Co., 3005 Mill Street, Reno, Nev. 89502; Nevco Machinery, Inc., 1055 Glendale, Sparks, Nev. 89431; Pioneer Equip Co. of Nevada, Inc., 525 Kietske Lane, Reno, Nev. 89502; Clarklift-West, Inc., 3781 Mill Street, Reno, Nev. 89502; and Case Power & Equipment, 2620 E. 5th Street, Reno, Nev. 89502. Send protests to: Robert G. Harrison, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 203 Federal Building, 705 North Plaza Street, Carson City, Nev. 89701.

No. MC 138676 (Sub-No. 2TA), filed September 20, 1974. Applicant: O–J TRANSPORT CO., a corporation, 2739 Sturtevant, Detroit, Mich. 48206. Applicant's representative: Robert E. McFarland, 635 Elm Street, Birmingham, Mich. 48011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobile parts*, from points in Oakland, Macomb, and Wayne Counties, Mich., to Kenosha and Milwaukee, Wis., for 180 days. Supporting shipper: American Motors Corporation, Leonard C. Kropp, Traffic Manager, Mfg. Staff, 14250 Plymouth Road, Detroit, Mich. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 140227 TA, filed September 18, 1974. Applicant: DALE ETTESVOLD, 1287 11th Avenue, Granite Falls, Minn. 56241. Applicant's representative: F. H. Kroeger, 1745 University Avenue, St. Paul, Minn. 55104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from St. Louis, Mo., to Madison, Minn., for 180 days. Supporting shipper: Madison Bottling Co., 616 8th Street, Madison, Minn. 56256. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 140229 TA, filed September 20, 1974. Applicant: LLOYD A. CANNON, doing business as LLOYD CANNON TRUCKING, 5029 S. Chestnut, Fresno, Calif. 93725. Applicant's representative: Calhoun E. Jacobson, 5820 Wilshire Blvd., Suite 605, Los Angeles, Calif. 90036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods*, NOI, other than frozen, from Oakland, Calif. plant of Sunshine Biscuits, Inc. at 851 81st St., to points in and within 25 miles radius of the city of Phoenix, Ariz.; also, Santa Fe Springs, Calif., plant of Sunshine Biscuits, Inc. at 8724 Millers Grove, Santa Fe Springs, Calif., to points and places within 25 miles radius of the city of Phoenix, Ariz., for 180 days. Supporting shipper: Sunshine Biscuits, 245 Park Avenue, New York, N.Y. 10017. Send protests to: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-23830 Filed 10-10-74;8:45 am]

[Notice 139]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 2, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, on or before October 29, 1974. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 8535 (Sub-No. 50TA), filed September 26, 1974. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, Interstate 83 at Route 439, Parkton, Md. 21120. Applicant's representative: James B. Nestor (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from the plants site and storage facilities of Evans Products Company at or near Chesapeake, Va., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Joseph D. Sharpe, Asst. to General Traffic Mgr., Building Materials Group, Evans Products Company, 201 Dexter Street, Chesapeake, Va. 23324. Send protests to: William L. Hughes, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 11207 (Sub-No. 352TA), filed September 24, 1974. Applicant: DEATON, INC., P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: Claude N. Knox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials* (except commodities in bulk, in tank vehicles), from Tuscaloosa, Ala., to points in Arkansas, Florida, Illinois, Georgia, Indiana, Kentucky, Louisiana, Missouri, and Texas; and Atlanta and Columbus, Ga., for 180 days. Supporting shipper: Tamko Asphalt Products, Inc., P.O. Box 1404, Joplin, Mo. 64801. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 18535 (Sub-No. 57TA), filed September 23, 1974. Applicant: HICKLIN MOTOR LINE, INC., P.O. Box 377, St. Matthews, S.C. 29135. Applicant's representative: Edward J. Morrison, P.O. Box 67, Lexington, S.C. 29072. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural limestone*, from Jefferson City, Tenn. (and Commercial Zone thereof), to points in South Carolina, for 180 days. Supporting shipper: Pee Dee Fuel & Fertilizer Co., Inc., P.O. Box 108, Lydia, S.C. 29079. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 302, 1400 Building, 1400 Pickens, Columbia, S.C. 29201.

No. MC 30844 (Sub-No. 519TA), filed September 24, 1974. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, P.O. Box 5000, Box zip 50704, Waterloo, Iowa 50702. Applicant's representative: Paul Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such articles as are dealt in by retail discount stores* (except foodstuffs and commodities in bulk) from New York, N.Y., to Bloomington, Indi-

anapolis, and Kokomo, Ind.; Waterloo, Iowa; Louisville and St. Matthews, Ky.; Minneapolis and Rochester, Minn.; Akron and Cincinnati, Ohio; Knoxville, Memphis, and Nashville, Tenn.; and Dallas, Houston, and San Antonio, Tex., for 180 days. Restriction: Restricted to shipments originating at or destined to the facilities of Allied Stores Corporation. Supporting shipper: Allied Stores Marketing Corporation, 1114 Avenue of the Americas, New York, N.Y. 10036. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 31600 (Sub-No. 670TA), filed September 25, 1974. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative: David F. McAllister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic granules*, in bulk, in tank vehicles, from Pittsfield, Mass., to Mt. Vernon, Ind., for 90 days. Supporting shipper: General Electric Co., Highway 69 South, Mt. Vernon, Ind. 47620. Send protests to: Darrell W. Hammons, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 150 Causeway St., 5th Floor, Boston, Mass. 02114.

No. MC 48956 (Sub-No. 10TA), filed September 24, 1974. Applicant: JAMES FLEMING TRUCKING, INC., 761 East Street, Suffield, Conn. 06078. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs and pet (animal) food*, from the plant site of Campbell Soup Company, Camden, N.J., to Springfield Sugar & Products Company, Suffield, Conn., under contract with Campbell Soup Company, Camden, N.J., for 180 days. Supporting shipper: Campbell Soup Company, 100 Market Street, Camden, N.J. 08101. Send protests to: District Supervisor David J. Kiernan, Interstate Commerce Commission, Bureau of Operations, 324 U.S. Post Office Building, 135 High Street, Hartford, Conn. 06101.

No. MC 52525 (Sub-No. 9TA), filed September 23, 1974. Applicant: K. V. YOUNG AND D. A. GOEPEL, doing business as IOWA VAN & STORAGE CO., 541 South Iowa Avenue, Ottumwa, Iowa 52501. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* in piggyback trailers having a prior or subsequent movement by rail, between Ottumwa, Iowa, on the one hand, and, on the other, points in Appanoose, Davis, Henry, Jefferson, Keokuk, Lucas, Mahaska, Marion, Monroe, Van Buren, and Wapello Counties, Iowa, for 180 days. Supporting shippers: Chicago, Burlington & Quincy RR., Ottumwa, Iowa 52501; Chicago, Milwaukee, St. Paul & Pacific RR., 516 West Jackson Blvd., Chicago, Ill. 60606; Ideal Mfg. Co., Oskaloosa, Iowa 52577; Chamberlain Manufacturing Corp., 845 Larch Avenue, Elmhurst, Ill. 60126; and American Colloid Co., P.O. Box 228, Skokie, Ill. 60076. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 107544 (Sub-No. 116TA), filed September 26, 1974. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, P.O. Box 580, Marion, Va. 24354. Applicant's representative: Daryl J. Henry (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon*, in bulk, in hopper type vehicles, from points in Augusta County, Va., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Westvaco Corporation, 299 Park Avenue, New York, N.Y. 10017. Send protests to: Danny R. Beeler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 108207 (Sub-No. 407TA), filed September 20, 1974. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, Mailing: P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adhesive material, resin impregnated broadgoods and materials*, from Ft. Worth, Tex., to points in California, for 180 days. Supporting shipper: General Dynamics /CAD/FW, P.O. Box 748, Fort Worth, Tex. 76101. Send protests to: District Supervisor Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 109026 (Sub-No. 17TA), filed September 25, 1974. Applicant: MANNING MOTOR EXPRESS, INC., P.O. Box 685, Glasgow, Ky. 42141. Applicant's representative: John M. Nader, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Printed matter, paper, advertising matter, catalogs, catalog parts or sections, books, booklets, pamphlets, circulars, magazines, periodicals, magazine and periodical parts*, between the plantsites and storage facilities of R. R. Donnelley & Son, Inc., at Gallatin, Tenn. and Glasgow, Ky., serving no intermediate points, from Gallatin over U.S. Highway 31–E, to Glasgow, and return over the same route, for 180 days. Supporting shipper: Robert T. McCann, Traffic Manager, R. R. Donnelley & Sons Co., Donnelley Drive, Glasgow, Ky. 42141. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

NOTE.—Applicant states that it does not intend to tack and/or interline with any other carrier.

No. MC 110420 (Sub-No. 725TA), filed September 19, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate, chocolate products, and chocolate coating*, in bulk, in tank vehicles, from the plantsite of L. S. Heath & Sons, Inc. in Robinson, Ill., to Belmont, Calif., for 180 days. Supporting shipper: L. S. Heath & Sons, Inc., P.O. Box 251, Robinson, Ill. 62454 (Albert D. Wernz, Distribution Manager). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 110420 (Sub-No. 726TA), filed September 23, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, in bulk, in tank vehicles, from the plantsite of Schenley Distillers Co. in Lawrenceburg, Ind., to Northwestern Chemical Co. in West Chicago, Ill., for 180 days. Supporting shipper: Tar Residuals, Inc., 565 Fifth Avenue, New York, N.Y. 10017 (James M. Barbour, Treasurer). Send protests to: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 111320 (Sub-No. 62TA), filed September 23, 1974. Applicant: KEEN TRANSPORT, INC., 2001 Barlow Road, P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: James E. Wilson, 1032 Pennsylvania Building, Pennsylvania Ave. and 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building, earthmoving, construction equipment, and cranes, attachments and accessories*, and *parts of such commodities* in driveway and truckaway service, from plant site and warehouse facilities of Grove Manufacturing Co., Division of Walter Kidde, in Horry County, S.C., to points in the United States including Alaska (but excluding Hawaii), for 180 days. Supporting shipper: Grove Manufacturing Company, P.O. Box 21, Shady Grove, Pa. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 113410 (Sub-No. 90TA), filed September 23, 1974. Applicant: DAHLEN TRANSPORT, INC., 1680 Fourth Avenue, Newport, Minn. 55055. Applicant's representative: Joseph A. Eschenbacher, Jr. (same address as applicant). Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline, fuel oil, liquified petroleum gas, and blends thereof*, in bulk, in tank vehicles, from Junction City, Wis., to Pine Bend, Minn., for 180 days. Supporting shipper: Koch Refining Company, P.O. Box 3596, St. Paul, Minn. 55165. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 113545 (Sub-No. 14TA), filed September 24, 1974. Applicant: CORMETT FORWARDING CO., INC., P.O. Box 38, Jersey City, N.J. 07308. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Radiopharmaceuticals, radioactive drugs and medical isotopes*, from Miami Airport in Miami, Fla., to points in Florida, for 180 days. Supporting shipper: Medi-Physics, Inc., 58855 Christie Avenue, Emeryville, Calif. Send protests to: District Supervisor Robert E. Johnston, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

No. MC 113678 (Sub-No. 562TA), filed September 23, 1974. Applicant: CURTIS, INC., P.O. Box 16004, Stockyards Station, Commerce City, Colo. 80022. Applicant's Representative: David L. Metzler, Executive Vice President, 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blood plasma, Human*, from Pueblo, Colo., to Berkeley and Oakland, Calif., for 180 days. Supporting shipper: Cutter Laboratories, Inc., Fourth and Parker St., Berkeley, Calif. 94710. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 113908 (Sub-No. 326TA), filed September 24, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180 Glenstone Station, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flours and ingredients mixed*, in bulk, from St. Joseph, Mo., to Arlington, Shelby County, Tenn., for 180 days. Supporting shipper: The Quaker Oats Company, Merchandise Mart Plaza, Chicago, Ill. 60654. Send protests to: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 114045 (Sub-No. 402TA), filed September 20, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* in containers, in vehicles equipped with mechanical refrigeration, from Houston, Tex., to Los Angeles, Calif.; Chicago, Ill.; and Philadelphia, Pa., for 180 days. Supporting shipper: Hycel, Inc., 7920 Westpark, Houston, Tex. 77042. Send protests to: District Supervisor Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 115092 (Sub-No. 34TA), filed September 24, 1974. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box O, Vernal, Utah 84078. Applicant's representative: Thomas M. Zarr, P.O. Box 2465, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) Applicant presently holds a Certificate of Public Convenience and Necessity authorizing it to operate as a common carrier described in Docket No. MC 115092 (Sub-No. 9), as follows: Irregular routes: *Well-servicing equipment and supplies and drilling parts and supplies* (except drilling rigs), between points in Uintah County, Utah, on the one hand, and, on the other, points in New Mexico, Colorado, Arizona, Idaho, Wyoming, Nevada, and California. Restriction: The service authorized herein is restricted to the transportation of traffic originating at or destined to points in Uintah County, Utah; and (B) Applicant also holds motor carrier authority as a common motor carrier as more fully described in its base certificate, Docket No. MC 115092, as follows: Irregular routes: (1) *Machinery, materials, supplies, and equipment* incidental to, or used in, the construction, development, operation and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, (a) between points in Moffat, Rio Blanco, Mesa and Garfield Counties, Colo., and (b) between points in Moffat, Rio Blanco, Mesa, and Garfield Counties, Colo., on the one hand, and, on the other, points in Colorado.

(2) *Machinery, equipment, materials, and supplies*, except gilsonite 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, not including the stringing or picking up of pipe in connection with the construction of dismantling of pipelines, (a) between points in Garfield, Mesa, Moffat, and Rio Blanco Counties, Colo., on the one hand, and, on the other, points in Utah and (b) between points in Utah; (3) *Crude oil*, in bulk, in tank trucks, between points in Colorado on and west of U.S. Highway 85, on the one hand, and, on the one hand, and, on the other, points *Oil-based drilling mud*, in bulk, in tank trucks, (a) between points in Colorado, on the one hand, and, on the other, points in Wyoming and (b) between points in Colorado, for 180 days. By this application, applicant seeks to remove the following restriction presently contained in its Sub 9 certificates and also seeks authority to tack the amended Sub 9 certificate with paragraphs (1) and (2) of its base certificate which is quoted above. Sub 9 restriction sought to be removed: "The service authorized herein is restricted to the transportation of traffic originating at or destined to points in Uintah County, Utah." Because the very purpose of this application embraces tacking with existing authority, applicant requests that the restrictions against tacking or joinder normally accompanying grants of temporary authority be negated. Supporting shippers: There are approximately 5 statements of support attached to the application which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof may be examined at the field office named below. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 115331 (Sub-No. 376TA), filed September 25, 1974. Applicant: TRUCK TRANSPORT, INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from the plant site of Illinois Cement Company at or near LaSalle, Ill., to points in Dane, Rock, Walworth, Grant, Green, Lafayette, Iowa and Jefferson Counties, Wis., for 180 days. Supporting shipper: Illinois Cement Company, P.O. Box 442, LaSalle, Ill. 61301. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 117119 (Sub-No. 514TA), filed September 20, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen dinners, frozen meat and fruit pies;* from Red Hook and Germantown, N.Y., to points in Minnesota and points in the United States on and west of the Mississippi River (except Alaska and Hawaii), for 180 days. Supporting shipper: Orchard Hill Farms, Inc., 68 South Broadway, Red Hook, N.Y. 12571. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 117940 (Sub-No. 149TA), filed September 23, 1974. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 W. Cen-

ter Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phonograph records and tapes, phonograph and tape players and recorders, radio and television receivers, musical instruments, wire and wooden racks* (other than used in cartons), from points in New York, New Jersey, and Pennsylvania, to warehouse sites of J. L. Marsh, Inc., at Golden Valley, Minn., restricted to traffic originating at and destined to points named above, for 180 days. Supporting shipper: J. L. Marsh, Inc., 7600 Wayzata Blvd., Minneapolis, Minn. Send protests to: A. N. Spth, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 118831 (Sub-No. 113TA), filed September 23, 1974. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 5388, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt cake*, dry, in bulk, from Front Royal, Va., to points in North Carolina, South Carolina, and Virginia, for 180 days. Supporting shipper: FMC Corporation, 1617 John F. Kennedy Blvd., Philadelphia, Pa. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 118959 (Sub-No. 120TA), filed September 20, 1974. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard boxes*, knocked down, other than corrugate, from the facilities of Georgia-Pacific Corporation at Muncie, Ind., to points in Ohio, Michigan, Kentucky, West Virginia, and Pennsylvania, for 180 days. Supporting shipper: Georgia-Pacific Corporation, 3815 North Carnation Street, Franklin Park, Ill. 60301. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 119700 (Sub-No. 23TA), filed September 24, 1974. Applicant: STEEL HAULERS, INC., 306 Ewing Avenue, Kansas City, Mo. 64125. Applicant's representative: James T. Allinder (same address as above) and Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing shingles, roofing asphalt, roofing insulation and roofing felt*, in bundles or rolls, from Wichita, Kans., to points in Arkansas, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Texas, and Wisconsin, for 180 days. Supporting Shipper: Roofers Service Supply, Inc., P.O. Box 12024, Wichita, Kans. 67212. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 911 Walnut Street, 600 Federal Building, Kansas City, Mo. 64106.

No. MC 119702 (Sub-No. 45TA), filed September 23, 1974. Applicant: STAHLY CARTAGE CO., a Corporation, P.O. Box 486, 130A Hillsboro Avenue, Edwardsville, Ill. 62025. Applicant's representative: Jeff S. Wohlford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from points in Peoria and Peoria County, Ill., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin, for 180 days. Supporting shipper: Gary B. Sornsen, Transportation Manager, Cargill, Inc., Suite 304, Peoria Board of Trade Building, Peoria, Ill. 61602. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2418, Springfield, Ill. 62705.

NOTE.—Authority, if granted, could be tacked with authority as follows: MC 119702 Sub 15 East Dubuque, Ill., to points in Kansas, South Dakota, Nebraska, and Minnesota; Sub 21 Niota, Ill., to points in Kansas, Minnesota, Nebraska, and South Dakota; Sub 25 Marseilles, Ill., to points in Minnesota; and Sub 29 Tilton, Ill., to points in Minnesota.

No. MC 119789 (Sub-No. 219 TA), filed September 20, 1974. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fluorescent lighting fixtures and parts, and fluorescent lamps*, from Americus, Ga., to points in Arizona, California, Colorado, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, and Washington and (2) *Plastic diffusers*, from points in California, to Americus, Ga., for 180 days. Supporting shipper: Metalux Corporation, P.O. Box 1207, Americus, Ga. 31709. Send protests to: Gerald T. Holland, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 120910 (Sub-No. 8TA), filed September 20, 1974. Applicant: SERVICE EXPRESS, INC., P.O. Box 1009, Tuscaloosa, Ala. 35401. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phenolic resins and compounds or products thereof* (except in bulk), in vehicles equipped with mechanical refrigeration, from facilities utilized by Reichhold Chemicals, Inc., at or near Tuscaloosa, Ala. and the commercial zone thereof, to points in Texas, Oklahoma, Kansas, Missouri, Arkansas, Louisiana, Mississippi, Tennessee, Georgia, Florida, North Carolina, South Carolina, and Mobile, Ala., for 180 days. Supporting shipper: Reichhold Chemicals, Inc., P.O. Box 1610, Tuscaloosa, Ala. 35401. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 127812 (Sub-No. 20TA), filed September 23, 1974. Applicant: TYSON TRUCK LINES, INC., 185 5th Avenue SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, frozen or unfrozen, and *paper goods*, from Fargo, N. Dak., to Alexandria, Minneapolis-St. Paul Commercial Zone (as defined by the Commission), Rochester, and Mankato, Minn., for 180 days. Supporting shipper: Pacific Gamble Robinson Co., 661 5th Avenue North, Minneapolis, Minn. 55405. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 414 Federal Building and U.S. Courthouse, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 128030 (Sub-No. 87TA), filed September 19, 1974. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177, Urbana, Ill. 61801. Applicant's representative: R. C. Stout (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages in containers*, from St. Louis, Mo., to Indianapolis, Ind., for 180 days. Supporting shipper: Mr. Willis Marlowe, General Manager, B–F Beverage Co., Inc., 1102–08 Stadium Dr., Indianapolis, Ind. 46202. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 133591 (Sub-No. 11 TA), filed September 23, 1974. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mt. Vernon, Mo. 65712. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed* (except in bulk), from Rolla, Mo., to points in Montana, for 180 days. Supporting shipper: Bow-Wow Company, Inc., P.O. Box 938, Rolla, Mo. 65401. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 133965 (Sub-No. 3TA), filed September 23, 1974. Applicant: CALZONA TRANSPORTATION, INC., P.O. Box 6558, Phoenix, Ariz. 85005. Applicant's representative: William B. O'Morrow (same address as applicant). Au-

thority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Solvents*, in bulk, in tank vehicles, from Phoenix, Ariz., to Grandview, Tex., for 180 days. Supporting shipper: Barker Chemical Company, 2441 Porter Street, Los Angeles, Calif. 90021. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, 230 N. First Avenue, Phoenix, Ariz. 85025.

No. MC 134477 (Sub-No. 77TA), filed September 23, 1974. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Thomas D. Fischbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cloth*, fabric binding, made of cotton or synthetic fibers, from Murray Hill, N.J. and Grand Rapids, Mich., to St. Cloud, Minn., for 180 days. Supporting shipper: Stearns Manufacturing Company, P.O. Box 1498, St. Cloud, Minn. 56301. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 134477 (Sub-No. 78TA), filed September 24, 1974. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Thomas D. Fischbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Blaine, Minn., to Newark, Port Newark and Elizabeth, N.J. and New York City, N.Y. Supporting shipper: Elco Export Corp., Springfield, Mass. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 136115 (Sub-No. 3TA), filed September 24, 1974. Applicant: HOPKINS TRUCKING SERVICE, INC., Route 2, Box 428–1, Blue Springs, Mo. 64015. Applicant's representative: Ray E. Hopkins (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products* in bulk, by dump truck, between points in Missouri, restricted to traffic having an immediately prior out-of-state movement by rail, as a contract for the Carey Salt Division of Interpace Corporation, for 180 days. Supporting shipper: Carey Salt, Division of Interpace Corporation, 1800 Carey Boulevard, Hutchinson, Kans., 67501. Send protests to: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo.

No. MC 136343 (Sub-No. 34TA), filed September 23, 1974. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing paper, gummed paper, paper backed with aluminum foil, gummed paper sealing tape*, from the plant site of St. Regis Paper Co., Troy, Ohio, to points in Massachusetts, Rhode Island, Maryland, Virginia, and the District of Columbia, for 180 days. Supporting shipper: St. Regis Paper Company, 150 E. 42nd Street, New York, N.Y. 10017. Send protests to: Robert P. Amerine, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 278 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 136822 (Sub-No. 1TA), filed September 25, 1974. Applicant: BROOKS ENTERPRISES OF LOUISIANA, INC., P.O. Box 569, Many, La. 71449. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and particleboard*, from the millsites and facilities of Vancouver Plywood, Inc. and Willamette Industries, Inc. at Columbia, Danville, Dodson, Fisher, Florien, Minden, Natchitoches, Oakdale, Ruston, Simsboro and Zwolle, La., to points in Arkansas, Louisiana, Mississippi, and Texas, for 180 days. Supporting shippers: Vancouver Plywood Co., Inc., P.O. Box 128, Florein, La. 71429, A. F. McCurdy, Vice President of Finance & Administration and Willamette Industries, Inc., P.O. Box 907, Albany, Oreg. 97321, James E. Senner, Traffic Manager. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-9038 U.S. Postal Service Bldg., 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 136882 (Sub-No. 5TA), filed September 25, 1974. Applicant: BTA TRUCKING CO., INC., Route #4, Box 134, Smithville, Tenn. 37166. Applicant's representative: Robert L. Baker, Suite 618 Hamilton Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum storm doors and windows*, from Woodbury, Tenn., to Eau Claire, Wis.; Rochester and St. Cloud, Minn.; Woodbridge and South Karney, N.J.; Arlington, Tex.; Warren, Ohio; Indianapolis, Ind.; Rocky Mountain and Bristol, Va.; Wilkes-Barre and Kingston, Pa.; and Springfield, Ill., for 180 days. Supporting shipper: V. E. Anderson Manufacturing Co., P.O. Box 370, Woodbury, Tenn. 37190. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803 1808 West End Building, Nashville, Tenn. 37203.

No. MC 138274 (Sub-No. 13TA), filed September 24, 1974. Applicant: SHIPPERS BEST EXPRESS, INC., P.O. Box 15533, Salt Lake City, Utah 84115. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed* (except liquid), from Ogden, Utah, to points in California, Oregon, Washington, Colorado, and Arizona, for -80 days. Supporting shipper: Kal Kan Foods, Inc., 3836 E. 44th Street, Vernon, Calif. 90058 (Thomas D. Kessler, Mgr., Phys. Dist.). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 138607 (Sub-No. 2TA), filed September 25, 1974. Applicant: P & N TRUCK SERVICE, INC., 2821 Orindale Road, Klamath Falls, Oreg. 97601. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23d Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer and wine*, from points in California, to points in Multnomah and Clackamas Counties, Oreg., for 180 days. Supporting shippers: M. C. Dist. Co., South Highway 99E, Oregon City, Oreg.; N. E. Hinton Co., Inc., 8418 SW. 22nd Avenue, Portland, Oreg.; and Columbia Dist. Co., 1500 SW. Harbor Way, Portland, Oreg. Send protests to: District Supervisor A. E. Odoms, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 139841 (Sub-No. 2TA), filed September 24, 1974. Applicant: DENVER-TRANS-CORP., 5971 N. Broadway, Denver, Colo. 80216. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, materials, equipment and supplies* used or useful in the production or marketing thereof, between points in Colorado, on the one hand, and, on the other, points in Illinois, Michigan, North Dakota, Minnesota, South Dakota, Wisconsin, and St. Louis, Mo., for 180 days. Supporting shippers: There are approximately 7 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 139902 (Sub-No. 3TA), filed September 20, 1974. Applicant: MOWRY TRUCKING, INC., P.O. Box 125, Cambridge, Nebr. 69022. Applicant's repre-

sentative: Gailyn L. Larsen, Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Haywagons, loading chutes, corrals, feeders, panels, gates and parts and accessories thereof*: From the plant site and storage facilities of Cambridge Industries, Inc., at Cambridge, Nebr. to points in Minnesota; and (b) *Spindles, hubs, bearings, wheels and related items*, from those Ports of Entry on the United States-Canada Boundary line located in Minnesota and North Dakota to the plant site of Cambridge Industries, Inc., at Cambridge, Nebr., for 180 days. Supporting shipper: Herbert C. Besler, Vice President, Cambridge Industries, Inc., Box B, Cambridge, Nebr. 69022. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 320 Federal Building & Court House, Lincoln, Nebr. 68508.

No. MC 140189 (Sub-No. 1TA), filed September 23, 1974. Applicant: DUANE E. WEST, doing business as DUANE E. WEST TRUCKING, 913 Jackson Avenue, Farragut, Iowa 51639. Applicant's representative: Duane E. West (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* (except in bulk, in tank vehicles) from Pueblo, Colo., to points in Iowa, for 180 days. Supporting shipper: Pierson Distributing Company, L. K. Pierson, Owner, Farragut, Iowa 51639. Send protests to: District Supervisor Carroll Russell, Suite 620, Union Pacific Plaza, 110 No. 14 Street, Omaha, Nebr. 68102.

No. MC 140228 TA, filed September 19, 1974. Applicant: NORMAN & SON, INC., 2520 North 69th Street, Houston, Tex. 77020. Applicant's representative: Dan Felts, 904 Lavaca, Austin, Tex. 78701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers* (except mobile homes) and *dump bodies*, from the plantsite of Travis Body and Trailer, Inc., at or near Houston, Tex., to points in the United States (excluding Alaska and Hawaii) and (2) *equipment, materials, and supplies* used in the manufacture of trailers (except mobile homes) and dump bodies, and damaged trailers (except mobile homes) and damaged dump bodies, from points in the United States (excluding Alaska and Hawaii), to the plantsite of Travis Body and Trailer, Inc., at or near Houston, Tex., under a continuing contract with Travis Body and Trailer, Inc., Houston, Tex., for 180 days. Supporting shipper: Travis Body & Trailer, Inc., 5915 Britmore Road, Houston, Tex. Send protests to: John Mensing, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 515 Rusk Avenue, Room 8610 Federal Building, Houston, Tex. 77002.

No. MC 140232TA, filed September 20, 1974. Applicant: POINT STONE COMPANY, P.O. Box 27, South Point, Ohio 45680. Applicant's representative: John M. Friedman, 2930 Putnam Ave., Hurricane, W. Va. 25526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from points in Carter County, Ky., to Coal Grove and South Point, Ohio, for 180 days. Supporting shipper: High Meadows Company, a subsidiary of Cardinal Construction Company, P.O. Box 1014, Salem, Virginia 24153, Att.: Billy F. Price, President. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, West Va. 25301.

No. MC 140233TA, filed September 23, 1974. Applicant: LOUISVILLE FREIGHT CONSOLIDATORS, INC., 1228 Highland Avenue, Louisville, Ky. 40204. Applicant's representative: W. A. Knight (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), restricted to shipments moving in semitrailers having a prior or subsequent piggyback movement via rail, and return of empty piggyback semitrailers, between Cincinnati, Ohio, points in that portion of Indiana on and south of U.S. Highway 40 and points in that portion of Kentucky on and east of U.S. Highway 41, for 180 days. Supporting shippers: There are approximately 7 statements of support attached to the application which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 140234TA, filed September 23, 1974. Applicant: JAMES HOYT ANDERSON, doing business as HOYT ANDERSON TRUCKING CO., P.O. Box 52, Murrayville, Ga. 30564. Applicant's representative: Virgil H. Smith, 1587 Phoenix Blvd., Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay or earthenware*, glazed or not glazed, and *products* used in the installation of same, from the plantsites of Summitville Tiles, Inc., at Minerva and Summitville, Ohio, to Atlanta, Ga., for 180 days. Supporting shipper: Summitville Tiles, Inc., Summitville, Ohio 43962. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street NW., Room 546, Atlanta, Ga. 30309.

No. MC 140235TA, filed September 24, 1974. Applicant: EARL HALLENBECK, doing business as HALLENBECK FEED & GRAIN, P.O. Box 58, Rural Rt. No. 1, Linwood, Kans. 66052. Applicant's representative: Clyde N. Christey, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea*, in bulk or in bags, from the plant site and storage facilities of Cooperative Farm Chemicals Association at or near Lawrence, Kans., to points in North Dakota, South Dakota, Nebraska, Colorado, Oklahoma, and Texas, for 180 days. Applicant does not intend to interline with other carriers or to tack authority here applied for to another authority held by it. Applicant has not filed a corresponding ETA. Supporting shipper: Farmland Industries, Inc., P.O. Box 7305, Kansas City, Mo. 64116. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Building, Topeka, Kans. 66603.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-23831 Filed 10-10-74;8:45 am]

[Notice 140]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 4, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, on or before October 29, 1974. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commisssion, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 31809 (Sub-No. 9TA), filed September 27, 1974. Applicant: CLAY'S TRANSFER CO., INC., P.O. Box 1131, Rocky Mount, N.C. 27801. Applicant's representative: Wiley W. Clay (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Landscape timbers and fencing*, (a)

from Plymouth and Waco, N.C., to Salisbury, Md., for stopping in transit for rot preventive treatment, thence to points in North Carolina, Virginia, Tennessee, Kentucky, Illinois, Indiana, Michigan, Ohio, West Virginia, Pennsylvania, Delaware, New Jersey, New York, Rhode Island, Connecticut, Massachusetts, Vermont, New Hampshire, Maine, Maryland, and the District of Columbia, and (b) from Plymouth and Waco, N.C., to Pageland, S.C., for stopping in transit for rot preventive treatment, thence to points in the United States in and east of Michigan, Illinois, Kentucky, Tennessee, Mississippi, and Louisiana, for 180 days. Supporting shipper: Weyerhaeuser Company, P.O. Box 787, Plymouth, N.C. 27893. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 59223 (Sub-No. 7TA), filed September 30, 1974. Applicant: NEW DEAL DELIVERY SERVICE, INC., 206 West 37th Street, New York, N.Y. 10018. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and accessories*, upon hangers and in cartons, in mixed shipments of garments on hangers and in cartons, between points in that part of the New York, N.Y. Commercial Zone as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of Section 203(b)(8) of the Interstate Commerce Act (the exempt zone), on the one hand, and, on the other, the warehouses, stores, and other facilities of R. H. Macy & Co., Inc., in the Commercial Zones of Albany, N.Y., and New Haven, Conn., for 180 days. Supporting shipper: R. H. Macy & Co., Inc., Herald Square, New York, N.Y. 10001. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 107403 (Sub-No. 919TA), filed September 30, 1974. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from the plantsite of DuPont at Wurtland, Ky., to Petrolia, Pa., for 180 days. Supporting shipper: J. P. Young, Coordinator—Bulk Transportation, E. I. du Pont de Nemours & Co., Inc., 1007 Market Street, Wilmington, Del. 19898. Send protests to: District Supervisor Ross A. Davis, Interstate Commerce Commission, Bureau of Operations, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 107496 (Sub-No. 971TA), filed September 26, 1974. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, P.O. Box 1855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, from Peoria and points in Peoria County, Ill., to points in Iowa, Indiana, Missouri, Wisconsin, Ohio, Michigan, and Kentucky, for 180 days. Supporting shipper(s): Cargill, Inc., 304 Peoria Board of Trade Building, Peoria, Ill. 61602. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 108169 (Sub-No. 19TA), filed September 30, 1974. Applicant: K & W BOAT TRANSPORT, INC., P.O. Box 116A, Drumore, Pa. 17518. Applicant's representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boats and parts and equipment thereof*, from Lancaster, Pa., to points in Alabama, Florida, Georgia, Louisiana, Maine, Massachusetts, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and Wisconsin; (2) *Boats*, from Lancaster, Pa., to points in Arkansas, Indiana, Iowa, Kentucky, Minnesota, Mississippi, Missouri, New Hampshire, Oklahoma, Texas, and Vermont; (3) *Boats* from Lancaster, Pa., to points in Delaware, West Virginia, and the District of Columbia; (4) *Boats and parts and equipment thereof*, from Dundalk, Md., to points in New Jersey; and (5) *Boats*, from Dundalk, Md., to points in Delaware, New Jersey, West Virginia, and the District of Columbia, for 180 days.

NOTE.—The applicant states that the sole purpose of the temporary authority here sought is to enable continued service by K & W from Lancaster, Pa. and Dundalk, Md., to points where service has been rendered via gateways. This application results from the fact that K&W was not aware of the Commission's regulations adopted through Ex Parte No. 55 (Sub-No. 8), and the effects thereof as of June 4, 1974. Applicant also states that he will interline at Lancaster, Pa. and Dundalk, Md.

Supporting shipper: Trojan Yacht, Division Whittaker Corp., Greenfield Road, P.O. Box 1571, Lancaster, Pa. 17604. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 113325 (Sub-No. 138TA), filed September 26, 1974. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South 7th Street, St. Louis, Mo. 63104. Applicant's representative: T. M. Tahan, 2001 South 7th Street, St. Louis, Mo. 63104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from St. Peters, Mo., to Tuscola, Ill., for 180 days. Supporting shipper(s): Monsanto Company, 800 North Lindbergh, St. Louis, Mo. 63166. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 113666 (Sub-No. 88TA), filed September 26, 1974. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. 16229. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products, materials, and supplies* used in the production and installation of refractory products (except liquid commodities in bulk, in tank vehicles), and *brick*, from Pascagoula, Miss., and Bessemer, Riverside, Birmingham, and Pell City, Ala., to ports of entry on the International Boundary line between the United States and Canada located in Minnesota, New York, and Michigan, restricted to transportation of the commodities in foreign commerce, for 180 days. Supporting shipper: The Steel Company of Canada, Ltd., Stelco Tower, 100 King Street West, Hamilton, Ontario, Canada L8N 3T1. Send protests to: District Supervisor John J. England, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 115669 (Sub-No. 145TA), filed September 26, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral mixtures, dry animal and poultry feed ingredients*, and *dry fertilizer and fertilizer ingredients*, from the plant sites of Micro-Lite, Inc., located at or near Chanute and Buffalo, Kans., to points in Arkansas, Illinois, Indiana, Iowa, Minnesota, Missouri, New Mexico, North Dakota, Ohio, South Dakota, Texas, Wisconsin, and Wyoming, for 180 days. Supporting shipper: Chase C. Wilson, President, Super Supplement, Inc., 301 West 11th Street, Kansas City, Mo. 64105. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Court House, Lincoln, Nebr. 68508.

No. MC 116073 (Sub-No. 307TA), filed September 26, 1974. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete or in sections, from the plant site of Chardon Buildings System, Inc., at Phoenix, Ariz., to points in Nevada, for 180 days. Supporting shipper: Cardon Buildings Systems, Inc., 2502 W. Durango, Phoenix, Ariz. 85009. Send pro-

tests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 117993 (Sub-No. 2TA), filed September 26, 1974. Applicant: FRUIT-BELT PRODUCE TRUCKING, Limited, 12 Smith Street, St. Catharines, Ontario, Canada L20 3H9. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsites and facilities utilized by Kitchens of Sara Lee located at or near New Hampton, Iowa, to points in Michigan on the International Border between the United States and Canada, restricted to traffic moving in foreign commerce, for 180 days. Supporting shipper(s): Kitchens of Sara Lee Corporation, 500 Waukegan Road, Deerfield, Ill. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 612 Federal Building, 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 118831 (Sub-No. 114TA), filed September 30, 1974. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 5388, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Natural liquid latex*, in bulk, from Baltimore, Md., to Birmingham, Ala., for 180 days. Supporting shipper: Firestone Synthetic Rubber & Latex Co., a Division of The Firestone Tire and Rubber Co., 1200 Firestone Parkway, Akron, Ohio 44317. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 123872 (Sub-No. 37TA), filed September 30, 1974. Applicant: W&L MOTOR LINES, INC., P.O. Drawer 2607, Hickory, N.C. 28601. Applicant's representative: Theodore Polydoroff, 1260 Connecticut Ave. NW., Suite 600, Washington, D.C. 20036. 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 *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, restricted to traffic originating at and destined to named points, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., P.O. Box 515, Dakota City, Nebr. 68731. Send protests to: Terrell Price, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Road, Room CC516, Charlotte, N.C. 28205.

No. MC 124027 (Sub-No. 10TA), filed September 25, 1974. Applicant. MIDWEST BULK, INCORPORATED, 901 Lyndale Avenue, P.O. Box 726, Neenah, Wis. 54956. Applicant's representative: C. A. Schultz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from plant sites and storage facilities of Hometown, Inc., in Milwaukee, Wis., to plant sites of Grede Foundries, Inc., Iron Mountain Division, Iron Mountain, Mich., for 180 days. Supporting shipper: Hometown, Inc., 1518 E. North Avenue, Milwaukee, Wis. 53201 (Don R. Swade, Marketing Manager). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 124947 (Sub-No. 29TA) (Correction), filed August 26, 1974, published in the FEDERAL REGISTER issue of September 16, 1974, and republished as corrected this issue. Applicant: MACHINERY TRANSPORT, INC., P.O. Box 417, Stroud, Okla. 74079. Applicant's representative: Max G. Morgan, 600 Leinenger Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Used automobile transmission plant machinery and equipment* and (2) *related plant equipment, materials, parts, accessories and supplies* moving in connection with the items in (1) above, restricted to (1) and (2) when moving for export, from points in Wayne, Oakland, and Macon Counties, Mich., to Laredo, Tex., for 180 days. Supporting shipper: Pyramid Riggers, Inc., Detroit, Mich. Send protests to: District Supervisor Clifford L. Phillips, Interstate Commerce Commission, Bureau of Operations, 240 Old U.S. Post Office and Courthouse, 215 N.W. 3rd Street, Oklahoma City, Okla. 73102.

NOTE.—The purpose of this republication is to describe the plant machinery to be transported rather than automobile parts as previously published in error.

No. MC 124964 (Sub-No. 18TA), filed September 30, 1974. Applicant: JOSEPH M. BOOTH, doing business as J. M. BOOTH TRUCKING, P.O. Box 907, Eustic, Fla. 32726. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cider, apple juice* (except in bulk), in mechanical refrigerated equipment and (2) *Cider, apple juice* (except in bulk), when moving in the same vehicle with commodities exempt from Interstate Commerce Commission regulation, in mechanical refrigerated equipment, from points in Orange, Ulster, Greene, Albany, Schenectady and Saratoga Counties and all counties East thereof in New York, to Miami and Ocala, Fla., under contract with United Apple Sales, Inc., for 180 days. Supporting shipper: United Apple Sales, Inc., P.O. Box 245, Milton, N.Y. 12547. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 W. Bay Street, Jacksonville, Fla. 32202.

No. MC 133139 (Sub-No. 2TA), filed September 26, 1974. Applicant: MADISON RIVER TERMINAL, INC., 140 Vaughn Drive, P.O. Box 253, Madison, Ind. 47250. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, From, points in Jackson, Rockcastle, Lee, Owsley, Leslie, Laurel, Knox, and Breathitt Counties, Kentucky. To: River terminals located at or near Madison, Ind., for 180 days. Supporting shippers: American Mining Properties, Inc., Suite 8, 692 New Circle Road, N.E., Lexington, Ky. 40505. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Bldg., 36 S. Penn. Street, Indianapolis, Ind. 46204.

No. MC 133566 (Sub-No. 43TA), filed September 30, 1974. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: William Slover, 1224 Seventeenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery* (except commodities in bulk), from the plantsite and storage facilities of Peter Paul, Inc., at or near Frankfort, Ind., to Dallas, Tex.; Des Moines and Davenport, Iowa; Kansas City, Mo.; and Omaha, Nebr., restricted to traffic originating at the above named facilities and destined to named destinations, for 180 days. Supporting shipper: Peter Paul, Inc., Naugatuck, Conn. 06770. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne, Room 204, Ft. Wayne, Ind. 46802.

No. MC 136275 (Sub-No. 16TA), filed September 30, 1974. Applicant: WHITFIELD ASSOCIATED TRANSPORT, Inc., P.O. Box 1330, Las Cruces, N. Mex. 88001. Applicant's representative: H. B. Dudley, 28 San Marco Dr., El Paso, Tex. 79922. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in pneumatic-type vehicles, from Douro, Tex., to the Atomic Energy Commission Test Facility at or near Mercury, Nev., for 180 days. Supporting shipper(s): Southwestern Portland Cement Co. P.O. Box 392, El Paso, Tex. 79943. Send protests to: John H. Kirkemo, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1106 Federal Office Building, 517 Gold Avenue, S.W., Albuquerque, N. Mex. 87101.

No. MC 138770 (Sub-No. 2TA), filed September 23, 1974. Applicant: BOYD TRUCKING COMPANY, INC., P.O. Box 901, Dalton, Ga. 30720. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Road, NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Carpet, carpeting, rugs, tufted textile products, yarn, jute, and burlap,* between points in Bartow, Whitfield, Murray, Catoosa, and Gordon Counties, Ga., on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, for 180 days. Supporting shippers: There are approximately 10 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations 1252 W. Peachtree St., NW., Room 546, Atlanta, Ga. 30309.

NOTE.—Applicant states that it does intend to tack and/or interline with any other carrier.

No. MC 139495 (Sub-No. 5TA) (Amendment), filed July 25, 1974, published in the FEDERAL REGISTER issue of August 9, 1974, and republished as amended this issue. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street (P.O. Box 1358), Liberal, Kans. 67901. Applicant's representative: Frederick J. Coffman, 521 South 14th Street (P.O. Box 81849), Lincoln, Nebr. 68501.

NOTE.—The purpose of this republication is to add the state of Minnesota as a destination point, which was omitted in previous publication. The rest of the application will remain the same.

No. MC 140237TA, filed September 23, 1974. Applicant: AIRFREIGHT SERVICES CO., INC., 6120 NE. 57th Avenue, Portland, Oreg. 97218. Applicant's representative: Nick I. Goyak, 404 Oregon National Building, 610 SW. Alder, Portland, Oreg. 92705. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* having a prior or subsequent movement by air, between Portland, Oreg., on the one hand, and, on the other, Eugene, Springfield, Albany, Corvallis, Salem, Dallas, Canby, Wilsonville, McMinnville, Newberg, and Lebanon, Oreg., for 180 days. Supporting shipper: There are approximately 10 statements of support attached to the application which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, 555 SW. Yamhill Street, Portland, Oreg. 97204.

No. MC 140239 (Sub-No. 1TA), filed September 27, 1974. Applicant: ROBERT FENNELL TRUCKING CO., 305 Fairfax Drive, Blacksburg, Va. 24060. Applicant's representative: Frank B. Hand, Jr., P.O. Box 446, Winchester, Va. 22601. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Precast manholes,* from the plant site of Salem Concrete Products, Inc., in Salem, Va., to points in Boone, Fayette, Greenbrier, Jackson, Kanawha, Lincoln, Logan, McDowell, Mercer, Mingo, Monroe, Pleasants, Putnam, Raleigh, Tyler, Wetzel, Wood, and Wyoming Counties, W. Va., for 180 days. Supporting shipper: Salem Concrete Products, Inc., P.O. Box 548, Salem, Va. 24153. Send protests to: District Supervisor Danny R. Beeler, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue, SW., Roanoke, Va. 24011.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-23832 Filed 10-10-74;8:45 am]