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- Food Stamp Program; equitable implementation of work registration requirements; comments by 9-20-74........ 30151; 8-21-74

**Rural Electrification Administration**

- REA specifications for rural telephone facilities; REA specification for buried plant houses; comments by 9-16-74........ 29600; 8-16-74

**NEXT WEEK’S HEARINGS**

- Foreign-Trade Zones Board—Omaha, Nebraska; establishment of a foreign-trade zone; to be held in Omaha, Nebraska, 9-18-74........ 28191; 8-5-74

**HEALTH, EDUCATION, AND WELFARE DEPARTMENT**

- Office of Education
  - Private non-profit schools; loans; to be held in Washington, D.C., on 9-17-74........ 26749; 7-23-74
  - State Vocational Education Program; to be held in Washington, D.C., 9-20-74........ 27056; 7-24-74
REMINDERS—Continued

Marine Fisheries Advisory Committee; to be held at Woods Hole, Mass. (open) 9-18 thru 9-20-74. 32169; 9-5-74

SESA
Census Advisory Committee of the American Statistical Association; to be held at Suitland, Maryland (limited seating) 9-19 and 9-20-74. 31554; 8-26-74
Census Advisory Committee on Privacy and Confidentiality; to be held in Suitland, Maryland, (limited seating, contact program planning office) 9-16-74.... 30533; 8-23-74

DEPARTMENT OF DEFENSE
Air Force Department
USAF Scientific Advisory Board; to be held at Wright-Patterson Air Force Base, Ohio (closed) 9-19-74. 32159; 9-5-74
USAF Scientific Advisory Board ad hoc Committee on Electro-Optics Technology; to be held in Washington, D.C. (closed) 9-23 and 9-24-74. 32337; 9-6-74
USAF Scientific Advisory Board Committee on B-1 Aerodynamics; to be held in Los Angeles, California (closed) 10-8 and 10-9-74. 32337; 9-6-74

TRANSPORTATION DEPARTMENT
Coast Guard
Boating Safety Advisory B Council; to be held in Washington, D.C. (open), 9-19 and 9-20-74......... 31650; 8-30-74
Subcommittee of the Boating Safety Advisory Council; to be held in Washington, D.C. (open), 9-18-74. 31631; 8-30-74

DEFENSE COMMUNICATIONS AGENCY—
DCB Scientific Advisory Group; to be held at Arlington, Virginia (closed) 9-19 and 9-20-74........ 30358; 8-27-74

NHTSA
National Motor Vehicle Safety Advisory Council; to be held at Washington, D.C. (open) 9-18 and 9-19-74........ 30375; 8-22-74

ENVIRONMENTAL PROTECTION AGENCY
Effluent Standards and Water Quality Information Advisory Committee; to be held in Denver, Colorado (open) 10-8-74.......... 32352; 8-6-74
Hazardous Materials Advisory Committee; to be held in Arlington, Virginia (open) 9-17-74.... 30539; 8-23-74

FEDERAL COMMUNICATIONS COMMISSION
Cable Television Technical Advisory Committee Panel Chairmen & Executive Committee; to be held at Washington, D.C. (open) 9-15-74. 32056; 9-4-74
Cable Television Technical Advisory Committee (CTAC) Panel 4 (Class II Non-Broadcast) Cable Television Channels; to be held at Washington D.C. (open) 9-17-74............. 31362; 8-28-74

Cable Television Technical Advisory Committee (CTAC) Panel 6 (Technical Operations); to be held at Washington, D.C. (open) 9-17-74............. 31362; 8-23-74

FEDERAL MEDIATION AND CONCILIATION SERVICE
Arbitration Services Advisory Committee; to be held at Washington, D.C. (open) 9-19-74............. 31362; 8-23-74

FEDERAL PREVAILING RATE ADVISORY COMMITTEE
Pay systems for Federal prevailing rate employees; to be held in Washington, D.C. (closed) 9-19-74............. 29439; 8-15-74

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
Clinical Pharmacology Research Review Committee; to be held at Rockville, Maryland (open with restrictions) 9-16 and 9-17-74. 30372; 8-22-74
Experimental Psychology Research Review Committee; to be held at Washington, D.C. (open with restrictions) 9-19 and 9-20-74. 30372; 8-22-74
National Advisory Mental Health Council; to be held at Rockville, Maryland (open) 9-16 and 9-17-74.. 30372; 8-22-74
Personality and Cognition Research Research Review Committee; to be held at Rockville, Maryland (open with restrictions) 9-21 and 9-22-74. 30372; 8-22-74
Alcohol, Drug Abuse and Mental Health Administration
Alcohol Training Review Committee; to be held at Rockville, Maryland (open) 9-23 and 9-24-74....... 30374; 8-22-74

CDC
Safety and Occupational Health Study Section; to be held at Rockville, Maryland (open with restrictions) 9-19 and 9-20-74........ 30561; 8-27-74

FDA
Six advisory committee meetings to be held the week of 9-16 thru 9-20-74; (open) to be held in Rockville, Md........ 30521; 8-23-74

HRA
Cooperative Health Statistics Advisory Committee; to be held at Arlington, Virginia (open) 9-16 thru 9-19-74. 29016; 8-13-74

NIH
National Heart and Lung Advisory Council; to be held at NIH, Building 31. (Open) 9-19 and 9-20-74.... 27339; 7-28-74
REMINDERS—Continued

NASA

Research and Technology Advisory Committee on Materials and Structures; to be held at Renton, Wash. (open with restrictions) 9-19 and 9-20-74.................. 32069; 9-4-74

NATIONAL COMMISSION FOR THE REVIEW OF FEDERAL AND STATE LAWS RELATING TO WIRETAPPING AND ELECTRONIC SURVEILLANCE

To be held at Washington, D.C. (open) 9-16 and 9-17-74.................. 32194; 9-5-74

NATIONAL ENDOWMENT FOR THE HUMANITIES

Advisory Committee Planning Panel; to be held at Washington, D.C. (closed) 9-19 and 9-20-74.................. 30974; 8-27-74

Summer Seminar Panel; to be held in Washington, D.C. (closed) 9-21, 23, 27, 30, 9-74.................. 32622; 8-16-74

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

National Endowment for the Arts—Artists-in Schools Advisory Panel; to be held at Notre Dame, Indiana (closed) 9-22 through 9-24-74.................. 30387; 8-22-74

SMALL BUSINESS ADMINISTRATION

Marshall District Advisory Council; to be held at Nacogdoches, Texas 9-17-74.................. 30388; 8-22-74

Minneapolis District Advisory Council; to be held in St. Cloud, Minnesota, 9-25-74.................. 32364; 9-6-74

Salt Lake City District Advisory Council; to be held in Ogden, Utah 9-20-74.................. 32364; 9-6-74

STATE DEPARTMENT

Federal Employees Pay Council; closed 9-18-74.................. 29618; 9-16-74

Law of the Sea Advisory Committee; to be held in Washington, D.C. (closed) 9-19-74 and 9-20-74; (open) 9-21-74.................. 31924; 9-3-74

National Review Board for the Center for Cultural and Technical Interchange Between East and West; to be held in Washington, D.C. (open with restrictions) 9-30-74.................. 32336; 9-6-74

Study Group 1 of the U.S. National Committee for the International Telegraph and Telephone Consultative Committee (CCITT); to be held in Washington, D.C. (open with restrictions) 9-17-74.................. 29391; 8-15-74

U.S. Advisory Committee on International Educational and Cultural Affairs; to be held in Washington, D.C. (open with restrictions) 9-24-74.................. 32336; 9-6-74

AGRICULTURE DEPARTMENT

Forest Service—

Conover Advisory Committee; to be held in Pasadena, California (open) 10-2-74.................. 32339; 9-6-74

Modoc National Forest Grazing Advisory Board; to be held in Alturas, California (open) 10-8-74.................. 32339; 9-6-74

Pacific Crest National Scenic Trail Advisory Council; to be held at Medford, Oregon (open) 9-20-74.................. 32168; 9-5-74

Weekly List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statutes citation. Copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 2.................. Pub. Law 93-406

Employee Retirement Income Security Act of 1974

(Sept. 1, 1974; 88 Stat. 829)

H.R. 3650.................. Pub. Law 93-402


H.R. 6485.................. Pub. Law 93-411

Tobacco marketing quota provisions, amendment (Sept. 3, 1974; 88 Stat. 1089)

H.R. 11864.................. Pub. Law 93-409


H.R. 13999.................. Pub. Law 93-413


H.R. 14402.................. Pub. Law 93-397

Air Force officers, increases in pay, amendment (Aug. 29, 1974; 88 Stat. 795)

H.R. 14920.................. Pub. Law 93-410


H.R. 15205.................. Pub. Law 93-403

Natural Gas Pipeline Safety Act Amendments (Aug. 30, 1974; 88 Stat. 802)

H.R. 15851.................. Pub. Law 93-405

District of Columbia Appropriation Act, 1975


District of Columbia, firemen, teachers, increase in pay, amendment (Sept. 3, 1974; 88 Stat. 1036)

H.R. 16027.................. Pub. Law 93-404


S. 1871.................. Pub. Law 93-408

Youth Conservation Corps Act of 1972, amendment (Sept. 3, 1974; 88 Stat. 1066)

S. 2510.................. Pub. Law 93-400


S. 3703.................. Pub. Law 93-412

District of Columbia Criminal Justice Act (Sept. 3, 1974; 88 Stat. 1069)

S. J. Res. 220.................. Pub. Law 93-399

Dr. William A. M. Burden, appointment as citizen regent of the Smithsonian Institution Board of Regents (Aug. 30, 1974; 88 Stat. 795)

S. J. Res. 221.................. Pub. Law 93-399

Dr. Caryl F. Haskins, appointment as citizen regent of the Smithsonian Institution Board of Regents (Aug. 30, 1974; 88 Stat. 795)

S. J. Res. 222.................. Pub. Law 93-401

Dr. Murray Bell-Gill, appointment as citizen regent of the Smithsonian Institution Board of Regents (Aug. 30, 1974; 88 Stat. 800)
To protect against possible errors in estimation, the Committee included a seven percent adjustment in its recommendation, and thus the proposal to establish a salable percentage of 75 percent and a reserve percentage of 25 percent for the 1974-75 crop year. Information received by the Department since publication of the notice indicates that adverse weather conditions during July affected California's 1974 prune production so that the production will apparently not exceed 155,000 tons, and could be less. Thus, a seven percent adjustment to protect against error in estimation included in the proposal published in the notice, and the salable and reserve percentages established for the 1974-75 crop year are 72 percent and 22 percent, respectively.

The percentages apply to all prunes, excluding undersized prunes, received by handlers from producers and dehydrationists during that crop year. Each handler's reserve obligation will reflect the average marketable content of his receipts, consistent with field pricing size categories, and the obligation will be the weighted average count per pound of all lots within each such category, as computed from inspection analysis. The notice also contained a proposal to establish an undersized prune regulation for the 1974-75 crop year pursuant to § 953.49(c).

Under this regulation, French variety prunes of a diameter of 25/32 inch or less, and non-French prunes of a diameter of 25/32 inch or less, are understated prunes. Undersized prunes cannot be marketed by handlers for human consumption, but can be utilized important provisions in the order consistent with a good objective appraisal of conditions facing the orderly marketing of the 1974 crop. As indicated above, the seven percent adjustment for possible errors in estimation should not be made.

Ten comments opposed the proposals in whole or in part. All ten expressed opposition to the establishment of a volume regulation. One comment also expressed opposition to the establishment of an undersized regulation, but failed to give any reason for this opposition. Three commentators either favored the undersized regulation proposed in the notice or a regulation in which small or olive grade prunes could not be placed in the receive or small prunes excluded from human consumption outlets.

The comments in opposition to the percentages proposed in the notice stated that the salable percentages would be a hardship on small growers; weather conditions adversely affected the quality of California's 1974 prunes; the reserve should be made up of the least valuable portion of the crop; there is an oversupply of French prunes; there is an oversupply of feeds competitive with prunes; the reserve does not create orderly marketing; the reserve eliminates cash outlay for the crop; the reserve causes growers to pay to maintain part of the crop in handlers.

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storage; the reserve procedures established by the Committee enable handlers to trade old crop undesirable prunes for more desirable new crop prunes; and establishment of a reserve eliminates price bargaining between growers and handlers on that tonnage.

The influence of intermittent weather upon California's 1974 prune production has been recognized by removal of the seven percent adjustment for possible errors in estimations. However, the estimated production of 1974-75 crop prunes and establishment of a reserve eliminates price bargaining between growers and handlers on that tonnage.

The undersized prune regulation for the 1973-74 crop year established a reserve obligation for the 1974-75 crop year after the carryout exceeds 54,000 tons. The undersize regulation for the 1973-74 crop year is prescribed in § 993.401 of that subpart. The undersize regulation shall be comprised of natural condition prunes by variety and standard and substandard grade, and shall be consistent with the regulation of the undersized prune categories: Provided, That a handler's reserve obligation with respect to all prunes received from producers and dehydrators be the weighted average size count of prunes exclusive of undersized prunes in all such lots within each such category, as computed from inspection analysis.

(c) Field pricing size categories. The field pricing size categories for variety and grade expressed in minimum and maximum numbers of prunes per pound for each are as follows:

Standard French prunes—70 or less, 71,101, and 102 or more;
Substandard French prunes—70 or less, 25,29, 30,33, 34,40; and
Substandard non-French prunes—70 or larger, 71,101, and 102 or more.

The undersized prune regulation for the 1974-75 crop year shall be as follows:

1. Salable and reserve percentages and the required composition for each handler's reserve obligation for the 1973-74 crop year, as hereinafter set forth, will tend to create the desired policy of the act.

2. The undersized prune regulation for the 1974-75 crop year shall be as follows:

(a) Percentages. The salable and reserve percentages for prunes and handler reserve obligation for the 1974-75 crop year shall be as follows:

§ 993.210 Salable and reserve percentages for prunes and handler reserve obligation for the 1974-75 crop year.

(a) Percentages. The salable and reserve percentages for prunes and handler reserve obligation for the 1974-75 crop year shall be as follows:

(b) Reserve obligation. The reserve obligation of each handler shall, in accordance with § 993.56, be a weight of natural condition prunes equal to the sum of the results of applying the reserve percentages to the natural condition weight of each lot of prunes received by him from producers and dehydrators, excluding the quantity of undersized prunes determined pursuant to § 993.49 (c). The reserve obligation shall be comprised of natural condition prunes by variety and standard and substandard grade, and shall be consistent with the regulation of the undersized prune categories: Provided, That a handler's reserve obligation with respect to all prunes received from producers and dehydrators shall be the weighted average size count of prunes exclusive of undersized prunes in all such lots within each such category, as computed from inspection analysis.

(c) Field pricing size categories. The field pricing size categories for variety and grade expressed in minimum and maximum numbers of prunes per pound for each are as follows:

Standard French prunes—33 or less, 48,50, 51,60, 61,70, 71,81, 82,101, 102/121, 122,135, and 136 or more;
Substandard French prunes—70 or less, 71,101, and 102 or more;
Standard non-French prunes—24 or less, 25,29, 30,33, 34,40; and
Substandard non-French prunes—70 or larger, 71,101, and 102 or more.

2. A new subpart, Subpart—Undersized Prune Regulation, to Part 9 CFR Part 993, includes a § 993.401 in that subpart as follows:

Subpart—Undersized Prune Regulation
§ 993.401 Undersized prune regulation for the 1974-75 crop year.

Pursuant to § 993.49 (e), an undersized prune regulation for the 1974-75 crop year is hereby established. Undersized prunes are prunes which pass freely through a round opening as follows: For French prunes, 23,23/32 in diameter; for non-French prunes, 28,32/32 in diameter.

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 (6 U.S.C. 553) in that: (1) The relevant provisions of said amended marketing agreement and this part require that salable and reserve percentages established for a particular crop year shall be applicable to all prunes received during the crop year by handlers from producers and dehydrators, excluding the quantity of undersized prunes determined pursuant to § 993.49 (e); (2) the provisions of the amended marketing agreement and this part also require that an undersized regulation established for a particular crop year shall be applicable to all prunes received during the crop year by handlers from producers and dehydrators; (3) the current crop year began on August 1, 1974, and the percentages and undersized regulation established herein will apply to all prunes received during the crop year; and (4) handlers are beginning to receive prunes in volume and no useful purpose would be served by delaying the effective time of this action.

This amendment becomes effective September 10, 1974.

[Secs. 913(a), 601, 603, Federal Aviation Act of 1958; Sec. 6(e), Department of Transportation Act]

Issued in East Point, Georgia on August 28, 1974.

P. M. Swartz
Director, Southern Region.

Airspace Report No. 74-01-20]

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

Designation of Transition Area

On Page 26754 of the Federal Register dated July 23, 1974, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend Section 11.161 of Part 71 of the Federal Aviation Regulations so as to
designate a transition area at Winchester, Indiana.

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, subject to the following change:

The citation heading should be redrafted as follows: "In Section 71.181 (39 FR 440), the following transition area is added:"

This amendment shall be effective 0901 G.M.T., November 7, 1974.

(see 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(e), Department of Transportation Act (49 U.S.C. 1658(e)))


B. O. Ziegler, Acting Director, Great Lakes Region.

In § 71.171 (39 FR 554), the following control zone is added:

WINCHESTER, IND.

That airspace extending upward from 700 feet above Mean Ocean Water to a 5 mile radius of the National Guard Base Airport located at 40°10'15" N., longitude 84°55'16" W.; within 2.5 miles either side of the 1111' bearing extending from the 5 mile radius to southeast of the airport.

[FR Doc.74-2097 Filed 9-10-74; 8:45 am]

THE 21ST FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

MODIFIED COTTONSEED PRODUCTS

A notice was published in the Federal Register of August 17, 1973 (38 FR 22241), proposing that § 121.1019 (21 CFR 121.1019) be amended by changing the name of the modified cottonseed product designated as "extracted, de-gloved cottonseed flour" to "defatted cottonseed flour" and by further defining the product in the regulation as containing less than 1 percent fat. The simplified name adequately describes the additive which is a dry, finely ground product with virtually all fat removed in the processing. This amendment was proposed in accordance with a petition (FAP 3A39212) submitted by Grain Processing Corp., P.O. Box 341, Muscatine, IA 52761.

In response to the proposal, one comment was received. It suggested that the terminology "cottonseed flour" may be more appropriate than "defatted cottonseed flour". It was stated that the product is generally analogous in its composition and nutritional contribution to soybean flour. To permit the designation "soybean flour" while requiring that of "defatted cottonseed flour" implies a difference that does not exist.

The Commissioner of Food and Drugs concludes that the name "defatted cottonseed flour" is appropriate and should be adopted. The conventionally produced soybean flour, whether it is full fat, low fat, or defatted, is regarded as food. On the other hand, cottonseed contains gossypol, a naturally occurring polyphenol known to be toxic. Consequently, there is the necessity of modifying cottonseed to remove or reduce gossypol (to safe levels not in excess of 450 ppm) by removal or destruction using heat or mechanical means. The gossypol is in the pigment glands. The subject process removes gossypol intact by a cyclone process while removing the fat by a solvent extraction procedure.

Section 121.1019 was established to prescribe safe conditions of use for modified cottonseed products. The Commissioner concludes that § 121.1019 should be amended as proposed.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1707; 21 U.S.C. 348(d)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1019 is amended by revising paragraphs (a) (2) and (c) to read as follows:

§ 121.1019 Modified cottonseed products intended for human consumption.

(a) * * * *

(2) Defatted, ground cottonseed kernels, in a process that utilizes n-hexane as an extracting solvent in such a way that no more than 60 parts per million of n-hexane residues and less than 1 percent fat by weight remain in the finished product.

(b) To assure safe use of the additive, the label of the food additive container shall bear, in addition to other information required by the act, the name of the additive as follows:

(1) The additive identified in paragraph (a) (1) of this section as "partially defatted, cooked cottonseed flour." (2) The additive identified in paragraph (a) (2) of this section as "defatted cottonseed flour.

Any person who will be adversely affected by the foregoing order may at any time on or before October 11, 1974 file a written objection with the Hearing Clerk, Food and Drug Administration, 733 South 13th Street, Rockville, MD 20852, written objections there-to. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed and cumulative analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order will become effective September 11, 1974.


SAM D. FERRIS, Associate Commissioner for Compliance.

[FR Doc.74-20326 Filed 9-10-74; 8:45 am]

SUBCHAPTER C—DRUGS

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

Prednisolone Acetate-Neomycin Sulfate Sterile Suspension

The Commissioner of Food and Drugs has evaluated a new animal drug application (31-92497) filed by The Upjohn Co., Kalamazoo, MI 49001, proposing the safe and effective use of prednisolone acetate-neomycin sulfate sterile suspension for the treatment of the eyes and ears of dogs and cats. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 519(d), 52 Stat. 2597; 21 U.S.C. 360b (1) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135a is amended by adding the following new section:

§ 135a-48 Prednisolone acetate-neomycin sulfate sterile suspension.

(a) Specifications. Prednisolone acetate-neomycin sulfate sterile suspension contains 2.5 milligrams of prednisolone acetate and 5 milligrams of neomycin sulfate (equivalent to 3.5 milligrams of neomycin base) in each milliliter of sterile suspension.

(b) Sponsor. See code No. 037 in §133.501(c) of this chapter.

(c) Conditions of use. (1) The drug is indicated for treating infections, allergic and traumatic keratitis and conjunctivitis, acute otitis externa, and chronic otitis externa in dogs and cats.

(2) For beginning treatment of acute otitis externa, 1 or 2 drops may be placed in the conjunctival sac 2 to 4 times daily. In otitis externa, 2 to 6 drops may be placed in the external ear canal 2 to 3 times daily.

(3) All topical ophthalmic preparations could be contaminated with or without an anti-microbial agent. Therefore, preservatives are added to prevent microbial growth in the bottle

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corneal ulcers. They should not be used until infection is under control and corneal regeneration is well underway.

(4) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective September 11, 1974.

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


C. D. Van Houweling, Director, Bureau of Veterinary Medicine.

SUBCHAPTER D—DRUGS FOR USE IN ANIMAL FEEDS

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

Centaminic Sulfate, Betamethasone Valerate Otic Solution

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (Seq. 821V) by Schering Corp., 86 Orange St., Bloomfield, NJ 07003, proposing an additional indication for use for gentamicin sulfate, betamethasone valerate otic solution in dogs and cats. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(1), 21 Stat. 347; 21 U.S.C. 360b(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135a (21 CFR Part 135a) is amended in §135a.22 by revising paragraph (c)(1), by revising the present paragraph (c)(2) and by redesignating it as paragraphs (c)(2)(1), (c)(2)(2), and by adding a new paragraph (c)(2)(3) as follows:

§135a.22 Gentamicin sulfate, betamethasone valerate otic solution.

(c) Conditions of use. (1) The drug is used or indicated for use in the treatment of acute and chronic otitis externa caused by bacteria sensitive to gentamicin; the drug is also used or indicated for use in dogs and cats in the treatment of superficial infected lesions caused by bacteria sensitive to gentamicin.

(2) (i) For the treatment of acute and chronic otitis externa caused by bacteria sensitive to gentamicin, the drug is administered by instillation of 3 to 8 drops of solution into the ear canal twice daily for 7 to 14 days. Duration of treatment will depend upon the severity of the condition and the response obtained.

(ii) For the treatment of canine or feline superficial infected lesions caused by bacteria sensitive to gentamicin, the lesion and adjacent area should be properly cleaned before treatment. Excessive hair should be removed. A sufficient amount of the drug should be applied to cover the treatment area. The drug should be administered twice daily for 7 to 14 days.

Effective date. This order shall be effective September 11, 1974.

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


C. D. Van Houweling, Director, Bureau of Veterinary Medicine.

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

PyranTel Tartrate

The Commissioner of Food and Drugs has evaluated a new animal drug application (97-2387V) by Ralston Purina Co., St. Louis, MO 63118, proposing safe and effective use of pyrantel tartrate as an anthelmintic in swine feed. The application is approved. Accordingly 21 CFR 135e.64 is being amended to indicate the following:

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

PyranTEL Tartrate

The Commissioner of Food and Drugs has evaluated a new animal drug application (97-2387V) by Ralston Purina Co., St. Louis, MO 63118, proposing safe and effective use of pyrantel tartrate as an anthelmintic in swine feed. The application is approved. Accordingly 21 CFR 135e.64 is being amended to indicate the following:

§135e.64 Pyrantel tartrate.

(a) Approvals. Premix level of 10.6 percent (48 grams per pound) granted to code Nos. 030 and 047 in §331.29 of this chapter.

Effective date. This order shall be effective September 11, 1974.

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


C. D. Van Houweling, Director, Bureau of Veterinary Medicine.

SUBCHAPTER E—DRUGS FOR HUMAN USE

PART 331—ANTACID PRODUCTS FOR OVER-THE-COUNTER (OTC) HUMAN USE

Final Order for Antacid and Antiflatulent Products Generally Recognized as Safe and Effective and Not Misbranded; Revisions

In FR Doc. 74-20931 appearing at page 19874 in the center column, the first full sentence is corrected to read "Products which do not meet both of these requirements shall be subject to the requirements for Category II products."

2. On page 19874 in the center column at the end of paragraph No. 3 under "El. Labeling," the following paragraph is inserted:

All correspondence relating to these conditions should be submitted to the Assistant Director for Implementation, OTC Drug Products Evaluation Staff, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

3. On page 19876 in the center column, §331.29 is corrected by changing the second sentence to read as follows:

§331.29 Test modifications.

Any proposed modification and the data to support it shall be submitted to the Assistant Director for Implementation, OTC Drug Products Evaluation Staff, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852, for approval prior to use.

Dated: September 6, 1974.

SAM D. FURC, Associate Commissioner for Compliance.

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Copies of comments submitted will be available during business hours at the above address for examination by interested persons.

Chapter IV of Title 24 is amended as follows:

1. A new Subchapter B is added to Chapter IV as follows:

Subpart G—Rent Schedules and Rent Systems

§ 410.71 Applicability of procedures.

Subject to the provisions of the United States Housing Act of 1937, as amended, the procedures set forth in §§ 410.71 through 410.74 shall be applicable to all requests submitted by an LHA to HUD for approval of a change in a rent schedule which may result in rent increases for occupancy of dwelling units-assisted under said Act. These procedures shall not apply to rent increases for individual families based upon the circumstances of the family, such as family income or composition.

§ 410.72 Notice to tenants.

Thirty (30) days before requesting HUD to approve a change in a rent schedule which may result in rent increases, an LHA shall post in not less than three (3) conspicuous places within each multifamily structure or building (i.e., containing more than four dwelling units) for which such a change is sought or in the project office and community facilities, if any, in the case of other dwellings, a Notice to the tenants of the intention to request approval for such a change. The LHA shall take reasonable steps to assure that the posted notices remain available during normal business hours at the address given below. These comments will be transmitted to HUD with our request for approval of the change in rent schedule. When HUD advises us in writing of its decision on our request, you will be notified at least 30 days in advance of the change in the rent schedule. You may also request copies of your comments directly to HUD at the following address:

U.S. Department of Housing and Urban Development (Address of local HUD field office with jurisdiction over changes in rent schedule for the project).

Attention: Director, Housing Management Branch.

Res: Project No. ____________________

[Names of Buildings and Projects]

HUD may approve all, some, or none of the proposed changes in the existing rent schedule. When HUD advises us in writing of its decision on our request, you will be notified at least 30 days in advance of the change in the rent schedule.

[Address of local Housing Authority]

The LHA shall take reasonable steps to assure that the posted notices remain available during normal business hours at the address given below.

§ 410.73 Request for approval of revisions to rent schedule.

(a) After the expiration of the period of thirty (30) days following the posting of the Notice as provided in § 410.72, the LHA may submit a request for approval of a change in a rent schedule to the appropriate local HUD office. To be acceptable for processing, such request will include, among other documents, the following:

(1) A copy of the written Notice to tenants;

(2) A Certification by the LHA following the requirements specified in paragraph (b) of this section;

(3) A written statement of the reasons for the request;

(4) Copies of all written comments submitted by the tenants to the LHA;

(b) The Certification of the LHA as required by paragraph (a) of this section shall attest to the following:

(1) That the Notice required by § 410.72 was posted in accordance with the requirements of that section;

(2) That the Notice was posted for at least thirty (30) consecutive days prior to the submission of the request for approval of a change in a rent schedule to HUD; and in particular, was posted from the date to [date] to [date];

(3) That the LHA has taken reasonable steps to assure that the posted Notice remained intact and legible for the period of thirty (30) days from the date of posting;

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<th>Date of Posting</th>
<th>Date to Date</th>
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<td>12-11-74</td>
<td>12-11-74</td>
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</tbody>
</table>

(4) That the materials to be submitted in support of the proposed change in rent schedule were located in a place reasonably accessible to tenants affected by the proposed change. |
RULES AND REGULATIONS

by the proposed change and that requests by tenants to inspect such materials as provided for in the Notice, were honored; and
(2) That copies of all comments received from the tenants were considered and transmitted to HUD.
(c) The Certification of the LHA shall be made subject to generally under 18 U.S.C. 1001, which provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any
shall take reasonable steps to assure that
and transmitted to
(c)

§ 410.74 Notification of action on LHA request.

After HUD has considered the request for a revised rent schedule which meets the requirements of § 410.73, and has made a decision, the HUD field office will furnish the LHA with a written statement of the reasons for its determination. The LHA shall post a copy of the statement from HUD in all the places in which the notice of intention to request HUD approval of the proposed change in rent schedule were posted, and shall take reasonable steps to assure that the posted copies remain intact and legible for a period of thirty (30) days from the date the copies are posted.

2. A new Subchapter A is added to Chapter IV as follows:

Subpart A—Procedures for Requesting Increases in Maximum Permissible Rents for Certain Subsidized Projects

401.1 Applicability of procedures.
401.2 Notice to tenants.
401.3 Request for increase.
401.4 Notification of action on application for increase.


Subpart A—Procedures for Requesting Increases in Maximum Permissible Rents for Certain Subsidized Projects

§ 401.1 Applicability of procedures.

The procedures set forth in §§ 401.2 through 401.4 shall be applicable to all requests for increases in maximum permissible rents by the mortgagors of multifamily projects (with the exception of cooperative housing mortgagor corporations or associations) which receive the benefit of subsidy in the form of below-market interest rates pursuant to section 221(d) (3) and (5) or interest reduction payments pursuant to section 223 of the National Housing Act or rental supplement payments under section 101 of the Housing and Urban Development Act of 1965.

§ 401.2 Notice to tenants.

Thirty (30) days before filing an application to HUD for an increase in the maximum permissible rents, the mortgagor shall serve a copy of the notice of intention to request an increase on the tenants of the project for which such an increase is sought.

All materials that we intend to submit to HUD in support of our application will be made available during normal business hours at [address] for a period of 30 days from the date of posting of this notice for inspection and copying by the residents of [name of apartment complex]. Resident's of [name of apartment complex] may submit comments in written form, or against the rental increase to us at [address]. These will be transmitted to HUD with our application for an increase. You may also send a copy of your comments directly to HUD at the following address:

U.S. Department of Housing and Urban Development [address of local HUD field office with jurisdiction over rent increases for the project].

Attention: Director, Housing Management Branch.

Res: FHA Project No.

(Name of Apartment Complex)

HUD may approve all, some, or none of the proposed increases. In addition, in projects where we are allowed to offer more than one rent level, it is possible that not all residents may benefit from the proposed increase.

Sincerely,

(name of mortgagor or managing agent)

The mortgagor shall comply with all representations made in the Notice.

§ 401.3 Request for increase.

(a) At the expiration of the period of thirty (30) days following the posting of the Notice, as provided for in this section, the mortgagor may submit an application for an increase in the maximum permissible rents to the appropriate local HUD office. To be acceptable for processing, such applications will include, among other documents, the following:

1. A copy of the written Notice to tenants;
2. A Certification by the mortgagor following the requirements specified in paragraph (b) of this Section;
3. The annual Statement of Receipts and Disbursements (cash flow statement).

§ 401.4 Notification of action on application for increase.

This is to advise you that 30 days from the date of posting noted above, we plan to file an application for approval of an increase in the maximum permissible rents for [name of apartment complex] to the United States Department of Housing and Urban Development (HUD). The proposed increase is needed for the following reasons:

1. _______________
2. _______________
3. _______________

The rent increases for which we plan to apply are:

<table>
<thead>
<tr>
<th>Bedrooms</th>
<th>Present Rent 1</th>
<th>Proposed Increase 3</th>
<th>Proposed Rent 3</th>
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1 Separate columns for base and market rent should be used only for projects assisted under Section 202 of the National Housing Act. In addition, projects with more than one type of apartment having the same number of bedrooms but different rents, each type should be listed separately.

   P.L. 87-186, § 401.2 Notice to tenants.
   P.L. 87-186, § 401.1 Applicability of procedures.
   P.L. 87-186, § 401.3 Request for increase.

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determination to approve or disapprove the application, the local HUD office will furnish the mortgagor with a written statement of the reasons for approval or disapproval. The mortgagor shall post a copy of the statement from HUD in not less than three conspicuous places within each structure or building of the project for which the increase is sought and shall take reasonable steps to assure that the posted copies remain intact and legible for a period of thirty (30) days from the date the copies are posted.

Effective date. These amendments are effective as of October 14, 1974.

H. R. Crawford,
Assistant Secretary for Housing Management.

Title 45—Public Welfare

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

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Withholding of Federal Payments Under Medicaid With Respect to Certain Health Care Facilities

Correction

In FR Doc. 74–20086 appearing on page 31529 of the issue for Thursday, August 30, 1974, in the second line of § 250.220(b)(4), “Administrator will not notify” should read “Administrator will notify.”

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

PART 401—GREAT LAKES PILOTAGE REGULATIONS

Subpart D—Basic Rates, Charges, and Conditions for U.S. Pilotage Services

Correction

In FR Doc. 74–20073 appearing at page 31529 in the issue for Thursday, August 29, 1974, the following corrections are made as set forth below:

1. In the 8th line of paragraph 2 of the 2nd column on page 31529, “carrier” should read “carried.”

2. In the third line of § 401.405(b)(1) on page 31530, “status” should read “statute.”

Title 49—Transportation

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

[Doc No. 74–12; Notice?]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Brake Fluids; Correction

In FR Doc. 74–19335 appearing at page 30355, in the issue of Tuesday, August 22, 1974, make the following corrections:

1. In §S.1.5.2, on page 30354, change lines 3, 4, 5, and 6 to read as follows: “According to §S.5.4, the change in temperature of the reducing fluid mixture shall not exceed 3.0° C (5.4° F) plus 0.05° C (0.09° F) for each degree that the”.

2. In §S.3.2.2.2(g) change the fraction in line 3 to “5/8”.

3. Correct item 27 on page 30355 to read: “In §S.10.2, (t) is removed”, (Sec. 103, 112, 119, Pub. L. 89–500, 83 Stat. 178 (15 USC 1392, 1401, 1407); delegation of authority to 49 CFR 1.51)

Issued on September 6, 1974.

James B. Gregory,
Administrator.

[FR Doc. 74–20337 Filed 9–10–74; 8:45 am]

Title 50—Wildlife and Fisheries

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

PART 32—HUNTING

Erie National Wildlife Refuge, Pa.

The following special regulation is issued and is effective during the period September 14, 1974 through March 15, 1975.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Pennsylvania

Erie National Wildlife Refuge

Public hunting of migratory game birds on the Erie National Wildlife Refuge is permitted in accordance with all applicable State and Federal regulations. Such hunting is permitted only on the designated areas, as delineated on maps available at refuge headquarters, Guys Mills, Pennsylvania, or from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02199.

The provisions of this special regulation supplement the regulations governing hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through March 15, 1975.

Rosemary H. Shields,
Acting Regional Director,
U.S. Fish and Wildlife Service.

August 30, 1974.

[FR Doc. 74–20338 Filed 9–10–74; 8:45 am]

PART 32—HUNTING


The following special regulation is issued and is effective during the period

September 14, 1974 through March 15, 1975 subject to the following special conditions:

(1) That portion of the refuge situated between Pennsylvania Routes 27 and 173 is closed to hunting with firearms from September 14, 1974 through November 25, 1975.

The provisions of this special regulation supplement the regulations governing hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through March 15, 1975.

Rosemary H. Shields,
Acting Regional Director,
U.S. Fish and Wildlife Service.

August 30, 1974.

§ 32.12 Special regulation: migratory game birds; for individual wildlife refuge areas.

MASSACHUSETTS

PARKER RIVER NATIONAL WILDLIFE REFUGE

Public hunting of waterfowl and coots on the Parker River National Wildlife Refuge, Massachusetts, is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 1,900 acres, and known as the Pine Island Hunting Area, Parker River Hunting Area, Nelson's Island Hunting Area, and the Youth Hunting Area, are delineated on maps available at refuge headquarters, Newburyport, Massachusetts or from the Regional Director, Fish and Wildlife Service, U.S. Post Office and Courthouse, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable Federal and State regulations covering the hunting of migratory game birds, subject to the following special conditions:

1. The number of hunters on the Pine Island Area will be limited to 100 each day, Parker River Area to 90 each day, and the Nelson's Island Area to 50 each day. Participation will be on a first-come, first-served basis from Monday through Friday, excluding holidays and opening day. Participation on opening day, Saturdays, and holidays will be by advance permit secured via mail. Hunters on all three areas are limited to 25 shotshells per day.

2. The Youth Hunting Area will be open during the regular deer hunting season for Young Waterfowl trainees on selected days except Sundays under the provisions of this special program. Literature describing this program is available at the refuge headquarters.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1974.

ROBERT H. SHIELDS, Acting Regional Director, Fish and Wildlife Service.
August 30, 1974.

[FR Doc.74-20885 Filed 9-10-74; 8:45 am]

PART 32—HUNTING

Montezuma National Wildlife Refuge, N.Y.

The following special regulation is issued and effective during the period October 16, 1974 through December 31, 1974.

§ 32.12 Special regulation: migratory game birds; for individual wildlife refuge areas.

NEW YORK

MONTEZUMA NATIONAL WILDLIFE REFUGE

The public hunting of migratory waterfowl on the Montezuma National Wildlife Refuge, New York, is permitted on the areas designated by the signs as open to waterfowl hunting. The waterfowl hunting area known as the Sachaque Pool comprises 1,340 acres and is delineated on maps available at refuge headquarters, Seneca Falls, New York, and from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office Building, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of migratory waterfowl subject to the following special conditions:

1. Hunting is permitted on Tuesdays, Thursdays, and Saturdays.

2. On designated days, migratory waterfowl will be hunted with 12-gauge shotguns using steel shot available at the refuge at a charge of not less than $1.00 per round.

3. Applications for blind reservations received no later than September 28 will be accepted. Reservations for blinds, for hunting from October 16 through November 30, will be selected by public drawing. Successful applicants must appear in person at the refuge waterfowl check station prior to 1 hour before legal shooting time on the date reserved. Unreserved and forfeited blinds will be awarded by a drawing on the morning of the hunt to hunters without reservations.

4. The first two Saturdays (and Sundays if necessary) of the season will be reserved for the Young Waterfowler's Training Program hunt. A brochure describing this program is also available.

5. No more than three persons are permitted in each blind.

6. Loaded guns are not permitted outside the blind except when in pursuit of a crippled bird.

7. Hunters must provide a minimum of six duck decoys and will be limited to fifteen shells each, with shot size no larger than No. 2.

8. All hunting ends each hunting day at 12 noon local time, and all hunters must check out at the waterfowl check station no later than 1 p.m. local time.

9. A user fee of $2 per blind will be charged.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1974.

ROBERT H. SHIELDS, Acting Regional Director, U.S. Fish and Wildlife Service.
August 30, 1974.

[FR Doc.74-20887 Filed 9-10-74; 8:45 am]

PART 32—HUNTING

Missisquoi National Wildlife Refuge, Vt.

The following special regulation is issued and effective during the period September 28, 1974 through December 31, 1974.

§ 32.22 Special regulation: upland game; for individual wildlife refuge areas.

VERMONT

MISSESQUITO NATIONAL WILDLIFE REFUGE

The public hunting of upland game on the Missisquoi National Wildlife Refuge, Vermont is permitted only on the areas delineated on maps available at refuge headquarters, RD 2, Swanton, Vermont 05488, and from the Regional Director, Fish and Wildlife Service, U.S. Post Office and Courthouse, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable Federal and State regulations covering the hunting of migratory game birds subject to the following special conditions:

1. Hunting is permitted on Tuesdays, Thursdays, and Saturdays.

2. On designated days, migratory waterfowl will be hunted with 12-gauge shotguns using steel shot available at the refuge at a charge of not less than 16¢ per round.

3. Applications for blind reservations received no later than September 28 will be accepted. Reservations for blinds, for hunting from October 16 through November 30, will be selected by public drawing. Successful applicants must appear in person at the refuge waterfowl check station prior to 1 hour before legal shooting time on the date reserved. Unreserved and forfeited blinds will be awarded by a drawing on the morning of the hunt to hunters without reservations.

4. The first two Saturdays (and Sundays if necessary) of the season will be reserved for the Young Waterfowler's Training Program hunt. A brochure describing this program is also available.

5. No more than three persons are permitted in each blind.

6. Loaded guns are not permitted outside the blind except when in pursuit of a crippled bird.

7. Hunters must provide a minimum of six duck decoys and will be limited to fifteen shells each, with shot size no larger than No. 2.

8. All hunting ends each hunting day at 12 noon local time, and all hunters must check out at the waterfowl check station no later than 1 p.m. local time.

9. A user fee of $2 per blind will be charged.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1974.

ROBERT H. SHIELDS, Acting Regional Director, Fish and Wildlife Service.
August 30, 1974.

[FR Doc.74-20888 Filed 9-10-74; 8:45 am]
PART 32—HUNTING

Prime Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective during the period September 14, 1974 through April 30, 1975.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

DELAWARE

Prime Hook National Wildlife Refuge

Public hunting of upland game on Prime Hook National Wildlife Refuge, Delaware, is permitted on Hunting Areas A and B within the regularly established 1974-75 hunting seasons of the State of Delaware. This open upland game hunting area, comprising approximately 6,100 acres, is delineated on maps available at refuge headquarters, Rural Delivery No. 1, Box 196, Milton, Delaware 19968, and from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of upland game.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through April 30, 1975.

ROBERT H. SHIELDS,
Acting Regional Director,
U.S. Fish and Wildlife Service.

August 30, 1974.

[FR Doc. 74-20881 Filed 9-10-74; 8:45 am]

PART 32—HUNTING

Prime Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective during the period September 14, 1974 through January 31, 1975.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

DELAWARE

Prime Hook National Wildlife Refuge

Public hunting of deer on Prime Hook National Wildlife Refuge, Delaware, is permitted within the regularly established 1974-75 hunting season of the State of Delaware. This open deer hunting area, comprising approximately 6,100 acres, is delineated on a map available at the refuge headquarters, Rural Delivery No. 1, Box 196, Milton, Delaware 19968, and from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) Archery hunters must show proof of completion of a weapons qualification test. This test will consist of placing 2 out of 5 arrows in the 8½ inch square area of a standard-size deer target at 25 yards.

(2) Primitive weapons hunters must show proof of completion of a weapons qualification test. This test will consist of placing three consecutive rounds in a 12 inch circle at 50 yards, firing from the offhand position. The type of weapon used for the qualification test must be the same type that is to be used for the hunt—percussion or flintlock.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1975.

ROBERT H. SHIELDS,
Acting Regional Director,
Fish and Wildlife Service.

August 30, 1974.

[FR Doc. 74-20880 Filed 9-10-74; 8:45 am]
RULES AND REGULATIONS

posters, choice of dress, and length of hair, so long as the symbolic expression
does not unreasonably and in fact dis-
rupt the educational process or endanger
the health and safety of the student or
others.

(f) The right to freedom of the press,
except where material in student publi-
cations is libelous, slanderous, or obscene.

(g) The right to peaceably assembly
and to petition the redress of grievances.

(h) The right to freedom from dis-

(i) The right to due process. Every
student is entitled to due process in every
instance of disciplinary action for alleged
violation of school regulations for which
the student may be subjected to penalties
of suspension, expulsion, or transfer.

§ 35.4 Due process

Due process shall include:

(a) Written notice of charges within
a reasonable time prior to a hearing. No-
tice of the charges shall include reference
to the regulation allegedly violated, the
facts alleged to constitute the violation,
and notice of access to all statements of
persons relating to the charge and to those
parts of the student's school rec-
ord which will be considered in rendering
disciplinary action.

(b) A fair and impartial hearing prior
to the imposition of disciplinary action
absent the actual existence of an emer-
gency situation seriously and immedi-
ately endangering the health or safety of
the student or others. In an emergency
situation the official may impose disci-
plinary action not to exceed a temporary
suspension, but shall immediately there-
after report in writing the facts (not
conclusions) giving rise to the emergency
and shall afford the student a hearing
which fully comports with due process,
as set forth herein, as soon as practicable
thereafter.

(c) The right to have present at the
hearing the student's parent(s) or guard-
ian(s) (or their designee) and to be
represented by lay or legal counsel of
the student's choice. Private attorney's
fees are to be borne by the student.

(d) The right to produce, and have
produced, witnesses on the student's be-
half and to confront and examine all
witnesses.

(e) The right to a record of hearings
disciplinary actions, including writ-
ten findings of fact and conclusions in
all cases of disciplinary action.

(f) The right to administrative re-
view and appeal.

(g) The student shall not be com-
pelled to testify against himself.

(h) The right to have allegations
of misconduct and information pertaining
thereto expunged from the student's
school record in the event the student
is found not guilty of the charges.

§ 35.5 Application to schools under Bu-
reau contract.

Non-Bureau of Indian Affairs schools
which are funded under contract with
the Bureau of Indian Affairs must also
recognize these student rights.

[FR Doc.74-20991 Filed 9-10-74;8:45 am]
DEPARTMENT OF AGRICULTURE
Agricultural Marketing Service

[7 CFR Part 53]

CARCASS BEEF, SLAUGHTER CATTLE
Standards for Grades

Notice is hereby given, in accordance with the administrative procedure provisions of 5 U.S.C. 553, that pursuant to authority conferred by the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622 et seq.), it is proposed to amend (1) the standards for grades of carcass beef (7 CFR 53.100-53.105), and (2) the standards for grades of slaughter cattle (7 CFR 53.201-53.206).

Statement of Considerations. Under the Agricultural Marketing Act of 1946, as amended, the Department of Agriculture is responsible for providing meaningful and useful grade standards to facilitate the marketing of livestock and meat. The Act directs the Secretary of Agriculture to develop and improve standards for quality, condition, quantity, and grade, and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practice, 7 U.S.C. 1622(c). The Act also directs the Secretary to inspect, certify, and identify the class, quality, and condition of agricultural products so that they may be marketed to the best advantage, that trading may be facilitated, and that consumers may be able to obtain the quality products they desire, but no person is required to use the service, 7 U.S.C. 1622(h).

In the grade standards for beef as originally promulgated in 1958, separate standards were provided for beef from steers, heifers, and cows. In these standards, marbling was recognized as a major factor in evaluating quality of the lean. The first major revision of these grades in 1969 combined the standards for steer, heifer, and cow beef and also established maturity as an important additional factor in evaluating quality. These two considerations—marbling and maturity—have been continued as the principal factors referenced in the standards to evaluate differences in lean quality and reflect the premises (1) that increases in marbling have a beneficial effect on palatability and (2) that advancing maturity has a deleterious effect on palatability. Since these factors have opposite effects on quality, in the specifications for each of the grades, increased marbling has been required as maturity increases. And, in the revision of the standards in 1965, these relationships were shown in the graphic form. Eight grades are currently used to identify these quality differences—Prime, Choice, Good, Standard, Commercial, Utility, Canner, and Other.

In 1965, after more than ten years of extensive studies, a new dimension was added to beef grading—yield grades. Five numerical grades, 1 through 5, identify carcasses and individual cuts for their relative yields of retail cuts or "cutability." Quality and yield grades, which have been available for use separately or jointly, identify beef for the two most important factors that affect its acceptability and value, namely (1) eating quality—tenderness, juiciness, and flavor—and (2) yields of salable meat.

The Department has specifically recommended changes for developments in the beef grade standards from groups representing several major segments of the cattle and beef industry. One of the recommendations—suggested by a recent conference on the standards—was that conventional conformation be eliminated as a factor in determining the quality grade. The Department proposed this change in 1965 but it failed to receive sufficient support to justify its adoption at that time. However, as was the case in 1965, there is still no information which indicates that variations in conformation are related to differences in beef's palatability. Therefore, one of the important changes included in this proposal would be to eliminate considerations of conformation as a factor in determining the quality grade. Under the present standards, because of the manner in which variations in conformation affect the quality grade, beef included in each of these grades can be quite variable in quality. For example, the Good grade can include beef with Prime, Choice, Good, and Standard grade quality. Under the proposed standards, this variation would be eliminated—each quality grade would include only beef of that quality. This increased uniformity of quality within each grade would make the grades more useful and reliable guides to aid consumers in purchasing the kind of beef they prefer.

The Department acknowledges, however, that variations in conformation which reflect differences in muscling do affect yields of lean—and carcass value. At the same time, through, the Department's research work, the contribution is more accurately measured and reflected by the yield grades than by subjective evaluations of conformation. Therefore, when carcasses are federally graded, it is recommended that such an evaluation reflect the contribution of conformation and other factors affecting cut-out value, it is proposed that the official grade identify both the quality grade and the yield grade. This change in the standards was very strongly recommended by some producer organizations. The quality and yield grades identify the major factors that affect beef's value and acceptance but which are not otherwise readily identifiable by the marketing system. Therefore, these producer spokesmen have pointed out that requiring officially graded carcasses to be identified for both quality and yield would increase the effectiveness of the grades as a tool for reflecting consumer preferences back through marketing channels to producers. The Department concurs with that view and also maintains that, if the market for beef and cattle reflected the full retail sales value differences as-
this proposal would eliminate the require-
ments in the Prime, Choice, Good, 
and Standard grades that an increase in 
marbling be required for an increase in 
maturity within this maturity group. 
However, for the more mature beef in 
each of these grades, the marbling 
requirements would increase with increas-
ing maturity but the marbling levels 
would be reduced to coordinate them 
with the marbling requirements pro-
pessed for the younger beef. These pro-
posed requirements—and changes from 
the present standards—are shown 
graphically in Figure A. For example, in 
the Choice grade, this Figure shows that 
posed requirements—and changes from 
posed for the younger beef. These pro-
formance would increase with increas-
ing maturity within this maturity group. 
However, for the more mature beef In 
this proposal would ‘eliminate the re-
fexibility of beef in each grade more 
these grades and also make the palata-
bility—indicating character-
istics of the lean herein referred to as 
uleness” when carcasses would be 
minimal since relatively few animals are 
marketed which have carcasses in this 
very restricted range of maturity. Other 
than the elimination of conformation as 
factoring in determining the quality grade, 
no other changes are being proposed for 
the Commercial, Utility, Cutter, and 
Canner grades. Also, no changes are 
being proposed in the yield grades at 
this time. The research supporting these changes 
is not as definitive as would be desirable. 
In connection, however, the Depart-
ment will continue to encourage and 
otherwise support research to evaluate 
the effects of marbling and maturity on 
beef palatability and to determine if 
there are other factors that could be used 
in grading to better identify these dif-
frences.

In summary, the significant changes 
involved in this proposed revision of the 
standards for grades of beef would pro-
ve to be: (1) reducing the minimum 
level of marbling—a minimum 
“small” amount. This also is the same 
amount of marbling now permitted in 
Choice for the youngest carcasses 
classified as beef. The same is true for the 
Prime and Standard grades. However, 
for the Good grade, the minimum 
marbling requirement is increased so that its 
“width”—with respect to marbling—is 
1 degree of coverage instead of 1 1/2 
degrees as at present. It also should be 
noted that the highest maturity for 
beef in the Good and Standard grades 
has been decreased to coincide with that 
permitted for Prime and Choice. These 
proposed changes would make the “new” 
Good grade very uniform and restrictive 
and one that could become very useful to 
retailers and others whose trade prefers 
beef with less internal and external fat 
than currently associated with Choice 
grade beef. These changes should reduce 
the general fakiness of beef in each of 
these grades and also make the palatab-
ility of beef in each grade more uni-
form—factors which are particularly im-
portant to consumer acceptability.

PROPOSED CHANGES IN THE RELATIONSHIP BETWEEN MARBLING, MATURITY, AND QUALITY GRADE

<table>
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<td>PRIME</td>
</tr>
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</table>

**Areas which would be included in the next higher grade.**

**Areas which would be changed from Good to Standard.**

Figure A

Reducing the maximum maturity limits for Good and Standard would make a corresponding slight decrease in the minimum maturity limit for the youngest beef included in Commercial. This change would cause some carcasses now graded Good or Standard to be graded Commercial or Utility. However, some other carcasses would be minimal since relatively few animals are marketed which have carcasses in this very restricted range of maturity. Other than the elimination of conformation as a factor in determining the quality grade, no other changes are being proposed for the Commercial, Utility, Cutter, and Canner grades. Also, no changes are being proposed in the yield grades at this time. The research supporting these changes is not as definitive as would be desirable. In connection, however, the Department will continue to encourage and otherwise support research to evaluate the effects of marbling and maturity on beef palatability and to determine if there are other factors that could be used in grading to better identify these differences.

In summary, the significant changes involved in this proposed revision of the standards for grades of beef would prove to be: (1) reducing the minimum level of marbling—a minimum “small” amount. This also is the same amount of marbling now permitted in Choice for the youngest carcasses classified as beef. The same is true for the Prime and Standard grades. However, for the Good grade, the minimum marbling requirement is increased so that its “width”—with respect to marbling—is 1 degree of coverage instead of 1 1/2 degrees as at present. It also should be noted that the highest maturity for beef in the Good and Standard grades has been decreased to coincide with that permitted for Prime and Choice. These proposed changes would make the “new” Good grade very uniform and restrictive and one that could become very useful to retailers and others whose trade prefers beef with less internal and external fat than currently associated with Choice grade beef. These changes should reduce the general fakiness of beef in each of these grades and also make the palatability of beef in each grade more uniform—factors which are particularly important to consumer acceptability.

**PROPOSED RULES**

(a) The grade of a steer, heifer, cow, or bullock carcass consists of separate evaluations of two general considerations: (1) The indicated percent of trimmed, boneless, major retail cuts to be derived from the carcass, herein referred to as the “yield grade,” and (2) the palatability—indicating characteristics of the lean herein referred to as the “quality grade.” When grading a steer, heifer, cow, or bullock carcass will consist of both the quality grade and the yield grade. The grade of a bull carcass consists of the yield grade only.

(b) The carcass beef grade standards are written so that the quality grade and yield grade standards are contained in separate sections. The quality grade section is divided further into two separate sections applicable to carcasses from (1) steers, heifers, and cows, and (2) bullocks. Eight quality grade designations—Prime, Choice, Good, Standard, Commercial, Utility, Cutter, and Canner—are applicable to steer and heifer carcasses. Except for Prime, the same designations apply to cow carcasses. The quality grade designations for bullock carcasses are Prime, Choice, Good, Standard, and Utility. There are five yield grades applicable to all classes of carcasses. They are designated yield grades of steer, heifer, and cow beef will not be so identified. The designated grades of bullock beef are not necessarily comparable in quality or cutability with a similarly designated grade of beef from steers, heifers, or cows. Neither is the cutability of a designated yield grade of bullock beef necessarily comparable with a similarly designated yield grade of steer, heifer, cow, or bullock beef.

(d) The Department uses photographs and other objective aids in the correct interpretation and application of the standards.

(e) To determine the grade of a car-
cass, it must be split down the back into 
two sides and one or both sides must be 
partly separated into major sections, 
and forequarter and hindquarter by cutting it with a saw 
and knife insofar as practicable, as 
follows: A saw cut perpendicular to both 
the long axis and split surface of the vertebral column, about the level of the 
thoracic vertebra at a point which leaves 
not more than one-half of this vertebra 
on the hindquarters. The knife cut across 
the ribeye muscle starts—or termi-
nates—opposite the above-described 
saw cut. From that point it extends 
across the ribeye muscle perpendicular 
to the outside skin surface of the carcass 
at an angle forward that is nearly hori-
zontal or slightly greater (more nearly 
horizontal) than the angle made by the 13th rib with the vertebral column of the 
hindquarter posterior to that point. As 
a result of this cut, the outer end of the 
cut surface of the ribeye muscle is closer 
to the 13th rib than to the end next to the 
chine bone. Beyond the ribeye, the knife 
cut shall continue between the 12th and 
13th ribs to a point which will ade-
quately expose the distribution of fat 
and lean in this area. The knife cut may 
be made prior to or following the saw cut.
but must be smooth and even, such as would result from a single stroke of a very sharp knife.

(f) Other methods of ribbing may prevent an accurate evaluation of the grade-determining characteristics. Therefore, carcasses, ribbed by other methods will be eligible for grading only if an accurate grade determination can be made by the official grader under the standards.

(g) Beveling of the fat over the ribeye, application of pressure, or any other influences which alter the characteristics of the ribeye or the other parts of the ribeye may prevent an accurate grade determination. Therefore, carcasses subjected to such influences may not be eligible for a grade determination. Also, carcasses with more than minor amounts of lean removed from the major sections of the round, loin, rib, or chuck will not be eligible for a grade determination.

(h) When both sides of a carcass have been ribbed prior to presentation for grading and the characteristics of the two ribeyes (area, marbling, color, texture, and firmness) would justify different quality grades, the grade of the carcass shall reflect the "highest" of each of these grades as determined from either side.

(i) The quality grade and yield grade determine the price of beef in terms of best carcasses. However, they also apply to the grading of hindquarters, forequarters, and certain individual primal cuts—loins, short loins, and ribs. A portion of these or other parts of fat over as well as plates, flanks, shanks, and briskets likewise can be graded if attached by their natural attachments to a rib, loin, or short loin. Since bull carcasses are eligible for yield grade only, they may be graded only as carcasses, sides, or hindquarters. This is because yield grades for forequarters and trimmed hindquarter cuts include consideration of standard percentages of kidney, pelvic, and heart fat based on the quality grade. Other special major cuts or offal carcass cut off the bone between the 13th and 13th ribs may be approved for grading by the Agricultural Marketing Service provided such deviations are necessary to meet either the demand of export trade or changing trade practices. In such cases, grading shall be based on the requirements specified in these standards and shall be consistent with the normal development of grade characteristics in various parts of a carcass of the quality level involved.

(j) Carcasses qualifying for any particular grade may vary with respect to their proportion of bone, muscle, and fat. In general, the head, rib, loin, and short loin grades are determined solely by ossification of the lumbar vertebrae but neither is this ignored. All of the maturity-indicating factors are considered. In making any composite evaluation of two or more factors, it must be remembered that they are seldom developed to the same degree. Because it is impractical to describe the whole carcass, the carcass is divided into various parts and the ossification standards for each quality grade and yield grade describe only beef which has attained a uniform degree of development of the various factors affecting its quality and yield. Also, the quality grade and yield grade standards each describe beef which is representative of the lower limits of each quality grade and yield grade.

(k) For steer, heifer, and cow beef, quality of the lean is evaluated by considering its marbling and firmness in relation to carcasse evidences of maturity. The maturity of the carcass is determined by evaluating the size, shape, and ossification of the vertebrae—especially the split chine bones—and the color and texture of the lean flesh. In the split chine bones, ossification changes occur at an earlier stage of maturity in the posterior portion of the vertebral column (sacral vertebrae) and at progressively later stages of maturity in the lumbar and thoracic vertebrae. The ossification changes that occur in the cartilages on the ends of the split chine bones are especially useful in evaluating maturity and these vertebrae are referred to frequently in the standards. Unless otherwise specified in the standards, whenever reference is made to the ossification of cartilages on the thoracic vertebrae, this shall be construed to refer to the cartilages attached to the thoracic vertebrae at the posterior end of the forequarter. The size and shape of the rib bones also are important considerations in evaluating differences in maturity. In the very youngest carcasses considered as "beef," the cartilages on the ends of the chine bones show no ossification, cartilage is evident on all of the vertebrae of the spinal column, and the sacral vertebrae show the separation. In addition, the split vertebrae usually are soft and porous and very red in color. In such carcasses, the rib bones have only a slight tendency to flatten. In progressively more mature carcasses, ossification changes become evident first in the bones and cartilages of the sacral vertebrae, then in the lumbar vertebrae, and will later in the thoracic vertebrae. In beef which is very advanced in maturity, all the split vertebrae will be devoid of red color, very hard and flinty, and the cartilages on the ends of all the vertebrae will be entirely ossified. Likewise, with advancing maturity, the cartilage will become progressively wider and flatter until in very mature beef the ribs will be very wide and flat.

(l) In steer, heifer, and cow beef, the color and texture of the lean flesh also undergo progressive changes with advancing maturity. In the very youngest carcasses considered as "beef," the lean flesh will be very lean, very hard, and grayish red in color. In progressively more mature carcasses, the texture of the lean will become progressively coarser and the color of the lean will become progressively drier and less red in the very mature beef, the lean flesh will be very coarse in texture and very dark red in color. Since color of lean also is affected by variations in quality, references to color of lean in the standards for a given degree of maturity vary slightly with different levels of quality. In determining the maturity of a carcass in which the skeletal evidences of maturity are different from those indicated by the color and texture of the lean, slightly more emphasis is placed on the characteristics of the bones and cartilages than on the characteristics of the lean. In no case can the overall maturity of the carcass be considered more than one full maturity group different from that indicated by the color and texture of the lean flesh.

(m) The preceding two paragraphs also are applicable to the determination of quality in bullocks: beef except for carcasses containing dairying cattle. These standards are applicable to carcasses considered as "beef," the color and texture of the lean flesh also undergo progressive changes with advancing maturity. In the very youngest carcasses considered as "beef," the lean flesh is very lean, very hard, and grayish red in color. In progressively more mature carcasses, the texture of the lean will become progressively coarser and the color of the lean will become progressively drier and less red in color. Since color of lean also is affected by variations in quality, references to color of lean in the standards for a given degree of maturity vary slightly with different levels of quality. In determining the maturity of a carcass in which the skeletal evidences of maturity are different from those indicated by the color and texture of the lean, slightly more emphasis is placed on the characteristics of the bones and cartilages than on the characteristics of the lean. In no case can the overall maturity of the carcass be considered more than one full maturity group different from that indicated by the color and texture of the lean flesh.
the standards for steer, heifer, and cow carcasses. Except for the youngest maturity group, within any specified grade, the requirements for marbling increase progressively with evidences of advancing maturity. For each grade, the firmness requirements are different for each maturity group, but, within each maturity group, the firmness requirements do not increase progressively with evidence of advancing maturity. Also, regardless of the extent to which marbling may exceed the minimum of a grade, a carcass must meet the minimum firmness requirements for its maturity to qualify for that grade. To facilitate the application of these principles, the standards recognize five different maturity groups and seven different degrees of marbling. The five maturity groups are identified in Figure 1 as A, B, C, D, and E in order of increasing maturity. The limits of these five maturity groups are specified in the grade descriptions for steer, heifer, and cow carcasses. The A maturity portion of the figure is the only portion applicable to bullock carcasses.

The degree of marbling referenced in the specifications, in order of descending quantity are: Slightly abundant, moderate, modest, small, slight, traces, and practically devoid. However, for carcass evaluation programs and other purposes, in grade determination, three higher degrees are recognized—moderately abundant, abundant, and very abundant. Illustrations of the lower limits of nine of these ten degrees of marbling are available from the Department of Agriculture.

RELATIONSHIP BETWEEN MARBLING, MATURITY, AND CARCASS QUALITY GRADE

<table>
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*Assumes that firmness of lean is comparably developed with the degree of marbling and that the carcass is not a "dark cutter."

**Maturity increases from left to right (A through E).

***The A maturity portion of the figure is the only portion applicable to bullock carcasses.

(p) The relationship between marbling, maturity, and quality grade is shown in Figure 1. This figure assumes that the firmness of lean is comparable developed with evidences of marbling and that the carcass is not a "dark cutter." From this figure it can be seen, for instance, that the minimum marbling requirement for Choice varies from a minimum small amount for carcasses throughout the youngest maturity group to a maximum small amount for carcasses having the maximum maturity permitted in Choice. Likewise, in the Commercial grade the minimum marbling requirement varies from a minimum small amount in beef with the minimum maturity permitted to a maximum moderate amount in beef from very mature animals. The marbling and other lean flesh characteristics specified for the various grades are based on their appearance in the ribeye muscle of properly chilled carcasses that are ribbed between the 12th and 13th ribs. For carcass evaluation programs and other purposes, in the Prime and Commercial grades, each additional degree of marbling (up to three) greater than specified as minimum for each of these grades is equal to one-third of a grade of higher quality.

(g) References to color of lean in the standards for steer, heifer, and cow beef involve only colors associated with changes in maturity. They are not intended to refer to such colors as lean associated with so-called "dark cutting beef." Dark-cutting beef is believed to be the result of a reduced sugar content of the lean at the time of slaughter. As a result, this condition does not have the same significance in grading as do the darker shades of red associated with advancing maturity. The dark color of the lean associated with "dark-cutting beef" is present in varying degrees from that which is merely evident to so-called "black cutters" in which the lean is actually nearly black in color and usually has a "gummy" texture. Although there is little or no evidence which indicates that the "dark cutting" condition has any adverse effect on palatability, it is considered in grading because of its effect on acceptability and value. Depending on the degree to which this characteristic is developed, the final grade of carcasses which otherwise would qualify for the Prime, Choice, or Good grades may be reduced as much as one full grade. In beef otherwise eligible for the Standard or Commercial grade, the final grade may be reduced as much as one-half of a grade. In the Utility, Cutter, and Canner grades, this condition is not considered.

(q) The yield grade of a beef carcass is determined by considering four characteristics: (1) The amount of external fat, (2) the amount of kidney, pelvic, and heart fat, (3) the area of the ribeye muscle, measured perpendicular to the outside surface at a point three-fourths of the length of the ribeye from its chine bone end. This measurement may be adjusted, as necessary, to reflect unusual amounts of fat on other parts of the carcass. In determining the amount of this adjustment, if any, particular attention is given to the amount of fat in such areas as the brisket, plate, flank, cod or udder, inside round, round tip, in relation to the actual thickness of fat over the ribeye. Thus, in a carcass which is fatter over other areas than is indicated by the fat measurement over the ribeye, the measurement is adjusted upward. Conversely, in a carcass which has less fat over the other areas than is indicated by the fat measurement over the ribeye, the measurement is adjusted downward. In many carcasses no such adjustment is necessary; however, an adjustment in the thickness of fat measurement of one-tenth or two-tenths of an inch is not uncommon. In some cases a greater adjustment may be necessary. As the amount of external fat increases, the percent of retail cuts decreases—each one-tenth inch change in adjusted fat thickness over the ribeye changes the yield grade by 25 percent of a yield grade.

(b) The amount of kidney, pelvic, and heart fat considered in determining the yield grade includes the kidney knob (kidney and surrounding fat), the lumbar and pelvic fat in the loin and round, and the heart fat in the chuck and brisket area which is trimmed off before the carcass is closely trimmed and retail cuts are made. The amount of these fats is evaluated subjectively and expressed as a percent of the carcass weight. As the amount of kidney, pelvic, and heart fat increases, the percent of retail cuts decreases—a change of 1 percent of the carcass weight in these fats changes the yield grade by 20 percent of a yield grade.

(q) The area of the ribeye is determined where this muscle is exposed by ribbing. This area usually is estimated subjectively; however, it may be measured. Areas of ribeye measurements may be obtained by means of a gold leaf or incising in tenths of a square inch or by other devices designated by the Agricultural Marketing Service of the U.S. Department of Agriculture. An increase in the area of ribeye increases the percent of retail cuts—a change of 1 square inch in area of ribeye changes the yield grade by approximately 30 percent of a yield grade.

1Information concerning such devices may be obtained from the Agricultural Marketing Service, Livestock Division.
(v) Hot carcass weight (or chilled carcass weight x 102 percent) is used in determining the yield grade. As carcass weight increases, the percent of retail cuts decreases—a change of 100 pounds in hot carcass weight changes the yield grade by approximately 40 percent of a yield grade.

(vi) The standards include a mathematical equation for determining yield grade. This grade is based on the number; any fractional part of a designation is always dropped. For example, if the computation results in a designation of 3.3, the final grade is 3—it is not rounded to 4.

(x) The yield grade standards for each of the first four yield grades list characteristics of two carcasses of two different weights together with descriptions of the usual fat deposition pattern on various areas of the carcass. These descriptions are not specific requirements—they are included only as illustrations of carcasses which are near the boundaries between groups. For example, the characteristics listed for Yield Grade 1 represent carcasses which are near the borderline of Yield Grades 1 and 2.

These descriptions facilitate the subjective determination of the yield grade without making detailed measurements and computations. The yield grade for most beef carcasses can be determined accurately on the basis of a visual appraisal.

§ 53.104 Specifications for Official United States Standards for Grades of Carcasses, Beef (Quality—Steer, Heifer, Cow).

(a) Prime. (1) Depending on their degree of maturity, beef carcasses possessing the minimum requirements for the Prime grade vary in their other indications of quality as evidenced in the ribeye muscle. Minimum quality characteristics are described for two maturity groups which cover the entire range of maturity permitted in the Prime grade.

(b) Choice. (1) Depending on their degree of maturity, beef carcasses possessing the minimum requirements for the Choice grade vary in their other indications of quality as evidenced in the ribeye muscle. Minimum quality characteristics are described for two maturity groups which cover the entire range of maturity permitted in the Choice grade.

(c) Good. (1) Depending on their degree of maturity, beef carcasses possessing the minimum requirements for the Good grade vary in their other indications of quality as evidenced in the ribeye muscle. Minimum quality characteristics are described for two maturity groups which cover the entire range of maturity permitted in the Good grade.

(d) Standard. (1) Depending on their degree of maturity, beef carcasses possessing the minimum requirements for the Standard grade vary in their other indications of quality as evidenced in the ribeye muscle. Minimum quality characteristics are described for two maturity groups which cover the entire range of maturity permitted in the Standard grade.

(e) Commercial. (1) Depending on their degree of maturity, beef carcasses possessing the minimum requirements for the Commercial grade vary in their other indications of quality as evidenced in the ribeye muscle. Minimum quality characteristics are described for two maturity groups which cover the entire range of maturity permitted in the Commercial grade.

(f) Commercial Grade Y. (1) Depending on their degree of maturity, beef carcasses possessing the minimum requirements for the Commercial Grade Y. grade vary in their other indications of quality as evidenced in the ribeye muscle. Minimum quality characteristics are described for two maturity groups which cover the entire range of maturity permitted in the Commercial Grade Y. grade.

(2) Carcasses in the younger group range from those described above as representative of the juncture of the two groups to those at the maximum maturity permitted in the Standard grade. Minimum quality characteristics are described for two maturity groups which cover the entire range of maturity permitted in the Commercial Grade Y. grade.

(3) Carcasses in the older group range from those described above as representative of the juncture of the two groups to those at the maximum maturity permitted in the Commercial Grade Y. grade. Minimum quality characteristics are described for two maturity groups which cover the entire range of maturity permitted in the Commercial Grade Y. grade.

(4) Beef produced from cows is not eligible for the Prime grade.

(b) Choice. (1) Depending on their degree of maturity, beef carcasses possessing the minimum requirements for the Choice grade vary in their other indications of quality as evidenced in the ribeye muscle. Minimum quality characteristics are described for two maturity groups which cover the entire range of maturity permitted in the Choice grade.

(c) Good. (1) Depending on their degree of maturity, beef carcasses possessing the minimum requirements for the Good grade vary in their other indications of quality as evidenced in the ribeye muscle. Minimum quality characteristics are described for two maturity groups which cover the entire range of maturity permitted in the Good grade.

(d) Standard. (1) Depending on their degree of maturity, beef carcasses possessing the minimum requirements for the Standard grade vary in their other indications of quality as evidenced in the ribeye muscle. Minimum quality characteristics are described for two maturity groups which cover the entire range of maturity permitted in the Standard grade.

(2) Carcasses in the younger group range from those described above as representative of the juncture of the two groups to those at the maximum maturity permitted in the Standard grade. Minimum quality characteristics are described for two maturity groups which cover the entire range of maturity permitted in the Commercial Grade Y. grade.

(3) Carcasses in the older group range from those described above as representative of the juncture of the two groups to those at the maximum maturity permitted in the Commercial Grade Y. grade. Minimum quality characteristics are described for two maturity groups which cover the entire range of maturity permitted in the Commercial Grade Y. grade.

(4) Beef produced from cows is not eligible for the Prime grade.

(b) Choice. (1) Depending on their degree of maturity, beef carcasses possessing the minimum requirements for the Choice grade vary in their other indications of quality as evidenced in the ribeye muscle. Minimum quality characteristics are described for two maturity groups which cover the entire range of maturity permitted in the Choice grade.

(c) Good. (1) Depending on their degree of maturity, beef carcasses possessing the minimum requirements for the Good grade vary in their other indications of quality as evidenced in the ribeye muscle. Minimum quality characteristics are described for two maturity groups which cover the entire range of maturity permitted in the Good grade.

(d) Standard. (1) Depending on their degree of maturity, beef carcasses possessing the minimum requirements for the Standard grade vary in their other indications of quality as evidenced in the ribeye muscle. Minimum quality characteristics are described for two maturity groups which cover the entire range of maturity permitted in the Standard grade.

(2) Carcasses in the younger group range from those described above as representative of the juncture of the two groups to those at the maximum maturity permitted in the Standard grade. Minimum quality characteristics are described for two maturity groups which cover the entire range of maturity permitted in the Commercial Grade Y. grade.

(3) Carcasses in the older group range from those described above as representative of the juncture of the two groups to those at the maximum maturity permitted in the Commercial Grade Y. grade. Minimum quality characteristics are described for two maturity groups which cover the entire range of maturity permitted in the Commercial Grade Y. grade.

(4) Beef produced from cows is not eligible for the Prime grade.

(b) Choice. (1) Depending on their degree of maturity, beef carcasses possessing the minimum requirements for the Choice grade vary in their other indications of quality as evidenced in the ribeye muscle. Minimum quality characteristics are described for two maturity groups which cover the entire range of maturity permitted in the Choice grade.
Commercial. (1) Commercial grade beef carcasses and wholesale cuts are restricted to those with evidences of more advanced maturity than permitted in the Standard grade. Depending on their degree of maturity, beef carcasses possessing the minimum requirements for the Commercial grade vary in their other indications of quality as evidenced in the ribeye muscle. Minimum quality characteristics are described for the youngest and the most mature of these groups. The requirements for the intermediate group are determined by interpolation between the requirements indicated for the two groups described.

(2) Carcasses in the youngest group permitted in the Commercial grade range from those with indications of maturity barely more advanced than described as maximum for the Standard grade to those with moderately hard, rather white chine bones and with cartilages on the ends of the thoracic vertebrae that show considerable ossification but the outlines of the cartilages are still plainly visible. In addition, the rib bones are moderately wide and flat and the ribeye muscle is moderately dark red and slightly coarse in texture. The minimum degree of marbling required increases with advancing maturity throughout this group from minimum practically devoid to maximum practical amount (see Figure 1) and the ribeye muscle is slightly firm.

(3) Carcasses in the intermediate group range from those with indications of maturity barely more advanced than described as maximum for the Standard grade to those with moderately hard, rather white chine bones and with cartilages on the ends of the thoracic vertebrae that show considerable ossification but the outlines of the cartilages are still plainly visible. In addition, the rib bones are moderately wide and flat and the ribeye muscle may be moderately soft.

(4) Carcasses in the fifth or oldest maturity group have hard white chine bones and the outlines of the cartilages on the ends of the thoracic vertebrae are barely visible, the rib bones are wide and flat, and the ribeye muscle is very dark red in color and slightly coarse in texture. The range in maturity in this group extends to include carcasses from the oldest animals produced. The minimum degree of marbling required increases with advancing maturity throughout this group from minimum practically devoid to maximum practical amount (see Figure 1) and the ribeye muscle is slightly firm.
maturity for this class, the ribeye is slightly dark red in color.

(e) Utility. The Utility grade includes only those carcasses that do not meet the minimum requirements specified for the Standard grade.

§ 53.203 Application of Standards for Grades of Slaughter Cattle.

(a) General. Grades of slaughter cattle are intended to be directly related to the grades of the carcasses they produce. To accomplish this, these slaughter cattle grades are based on factors which are related to the grades of beef carcasses. The quality and yield grade standards are contained in separate sections of the standards. The quality grade standards are further divided into two sections applicable to (1) steers, heifers, and cows and (2) bullocks. Eight quality designations—Prime, Choice, Good, Standard, Commercial, Utility, Cutter, and Canner—are applicable to steers and heifers. Except for Prime, the same designations also apply to cows. The quality designations for bullocks are Prime, Choice, Good, Standard, and Commercial.

There are five yield grades, which are applicable to all classes of slaughter cattle and are designated by numbers 1 through 5, with Yield Grade 1 representing the highest degree of cutability. The grades of slaughter cattle shall be a combination of both their quality and yield grades, except that slaughter bulls are yield grade only.

(b) Quality Grades. Slaughter cattle quality grades are based on an evaluation of factors related to the palatability of the lean, herein referred to as "quality." Quality in slaughter cattle is evaluated primarily by the amount and distribution of finish, the firmness of muscling, and the physical characteristics of the animal associated with maturity. Progressive changes in maturity past 30 months of age and in the amount and distribution of finish and firmness of muscling have opposite effects on quality. Therefore, for cattle over 30 months of age in each grade, the standards require a progressively greater development of the other quality-indicating factors. In cattle under about 30 months of age, a progressively greater development of the other quality-indicating characteristics is not required.

(2) Since carcass indices of quality are not directly evident in slaughter cattle, some other factors in which differences can be noted must be used to evaluate their quality. Therefore, the amount of external finish is included as a major grade factor herein, even though cattle with a specific degree of fatness may have widely varying degrees of quality. Identification of differences in quality among cattle with the same degree of fatness is based on distribution of finish and firmness of muscling. Descriptions of these factors are included in the specifications. For example, cattle which have more fullness of the brisket, flank, twist, and cod orudder and which have firmer muscling than that indicated by any particular degree of fatness are considered to have higher quality than indicated by that degree of fatness.

(3) The approximate maximum age at which the Prime, Choice, Good, and Standard grades of steers, heifers, and cows is 42 months. The Commercial grade for steers, heifers, and cows includes only cattle over approximately 32 months. There are yield grade limitations for the Utility, Cutter, and Canner grades of steers, heifers, and cows. The maximum age limitation for all grades of bullocks is approximately 24 months.

(c) Yield Grades. (1) The yield grades for slaughter cattle are based on the same factors as used in the official yield grade standards for beef carcasses. These factors and the change in each which is required to make a full yield grade change are as follows:

<table>
<thead>
<tr>
<th>Factor</th>
<th>Effect of Factors on Yield Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thickness of fat</td>
<td>Over 10%</td>
</tr>
<tr>
<td>Per cent of body</td>
<td>6.9 - 7.9</td>
</tr>
<tr>
<td>Carcass weight</td>
<td>800 - 900</td>
</tr>
<tr>
<td>Area of ribeye</td>
<td>86 - 95</td>
</tr>
</tbody>
</table>

(1) The yield grades can be determined by using the change in a specified factor in one meat cut to determine the full yield grade change. On the other hand, the full yield grade change can be determined by using the equation contained in the official standards for the specific factor most closely related to the yield grade. Any yield grade above Per cent of body 6.9, Carcass weight 800, or Area of Ribeye 86 is assigned a yield grade of 5. The yield grade less than these factors is assigned a yield grade of 1.

(2) When evaluating slaughter cattle for yield grade, each of these factors can be estimated and the yield grade determined therefrom by using the equation contained in the official standards for the specific factor most closely related to the yield grade. Any yield grade above Per cent of body 6.9, Carcass weight 800, or Area of Ribeye 86 is assigned a yield grade of 5. The yield grade less than these factors is assigned a yield grade of 1.

(d) In determining yield grade, variations in fatness are much more important than variations in muscling.

(e) Other considerations. (1) Other factors, such as breed and management, also may affect the development of the grade-determining characteristics in slaughter cattle. Although these factors do not lend themselves to description in the standards, the use of factual information of this nature is justifiable in determining the grade of slaughter cattle.

(2) Slaughter cattle qualifying for any particular grade may vary with respect to the relative development of the individual grade factors. In fact, some will
quality for a particular grade although they have some characteristics more nearly typical of cattle of another grade. Because it is impractical to describe the nearly infinite number of recognizable combinations of muscle characteristics, quality and yield grade standards describe only cattle which have a relatively similar development of the various quality and yield grade determining factors and which are near the lower limits of those grades. The requirements are given for two maturity groups in the quality grade standards for steers, heifers, and cows—but for only one maturity group for bullocks. In the yield grade standards, cattle with two levels of muscling are described and specific examples in terms of carcass characteristics also are included.

§ 3.204 Specifications for Official United States Standards—Slaughter Steers, Heifers, and Cows (Quality).

(a) Prime. (1) Slaughter steers and heifers 30 to 42 months of age possessing the minimum qualifications for Prime have a fat covering over the back, ribs, loin, and rump that tends to be thick. The brisket, flanks, and cod or udder appear full and distended and the muscling is especially noticeable in the brisket, flanks, twist, and cod or udder show a marked fullness and the muscling is firm. (2) Cattle qualifying for the minimum of the Choice grade will differ considerably in cutability because of varying combinations of muscling and degree of fatness. Cattle of higher cutability than normal for this grade are thickly muscled and have a lower degree of fatness than described for the Choice grade. Cattle with higher cutability than normal for this grade are thickly muscled and have a lower degree of fatness than described for the Choice grade. Such cattle are less uniform in width over the back and loin and the width over the back is much greater than through the rounds and shoulders.

(b) Choice. (1) Slaughter steers, heifers, and cows 30 to 42 months of age possessing the minimum qualifications for Choice have a fat covering over the rounds and shoulders. Slaughter cattle possessing the minimum qualifications for Choice have a fat covering over the back, back, loin, and rump and considerably patchy fat covering over the top. The brisket, flanks, and cod or udder appear moderately full and the muscling is moderately firm.

(2) Cattle qualifying for the minimum of the Choice grade will differ considerably in cutability because of varying combinations of muscling and degree of fatness. Cattle of higher cutability than normal for this grade are thickly muscled and have a lower degree of fatness than described for the Choice grade. Such cattle are less uniform in width over the back and loin and the width over the back is much greater than through the rounds and shoulders.

(c) Cows are not eligible for the Prime grade.

(d) Standard. (1) Slaughter steers, heifers, and cows 30 to 42 months of age possessing the minimum qualifications for Standard have a fat covering primarily over the back, loin, and rib which tends to be very thin. Cattle under 30 months of age have a very thin covering of fat which is largely restricted to the back, loin, and upper ribs.

(2) Cattle qualifying for the minimum of this grade vary relatively little in cutability due to the wide range in cutability among cattle that qualify for this grade is somewhat less than in the higher grades. Most of the variations among cattle qualifying for this grade occur in the range in muscling. Cattle with higher cutability than normal for this grade may have a slightly lower degree of fatness than described but will have thick, well-rounded backs, wide loins, and prominent, thickly muscled shoulders. The width through the rounds will be greater than over the back. Cattle with lower cutability than normal for this grade may have slightly more finish than described and will be upstanding and narrow. The loin, rump, and rounds will appear slightly sunken.

(e) Commercial. (1) The Commercial grade is limited to steers, heifers, and cows over approximately 42 months of age. Slaughter cattle possessing the minimum qualifications for Commercial and which slightly exceed the minimum maturity for the Commercial grade have a slightly thick fat covering over the back, ribs, loin, and rump and the muscling is moderately firm. Very mature cattle usually have at least a moderately thick fat covering over the back, ribs, loin, and rump and considerable patchiness is evident about the tailhead. The brisket, flanks, and cod or udder appear to be moderately full and the muscling is firm.

(2) Cattle qualifying for the minimum of the Commercial grade will differ considerably in cutability because of widely varying combinations of muscling and degree of fatness. Cattle with higher cutability than normal for this grade are thickly muscled and have a lower degree of fatness than described for the Commercial grade. The thick, full muscling through the middle part of the rounds gives the back and loin a well-rounded appearance. The thickness through the middle part of the rounds is greater than over the top and the thick muscling through the shoulders causes them to be slightly prominent.

Evidence of more fatness than described is especially noticeable in the brisket, flanks, twist, and cod or udder and the muscling is firmer than described. Conversely, cattle with lower cutability than normal for this grade have a lower degree of fatness and have a higher degree of fatness than described for the Good grade. The distribution of fat is not typical, for it is thicker over the crops, back, loin, and rump than described while the brisket, flanks, twist, and cod or udder indicate less fatness. Such cattle are nearly flat over the back and loin and the width over the back is greater than through the rounds and shoulders.
fat over the back and loin than described as typical, evident of morc fatness than described is especially noticeable in the brisket, flanks, twist, and cod or udder and the muscling is firm in thinnest described. Conversely, cattle with lower cutability than normal for this grade are thinly muscled and have a higher degree of fatness than described for the Commercial grade. The distribution of fat is not typical, being thicker over the crops, back, loin, and rump than described while the brisket, flanks, twist, and cod or udder indicate less fatness. The back and loin break sharply into the sides and the width over the back is much greater than through the rounds and shoulders.

(1) Utility. (1) The minimum degree of finish required for slaughter steers, heifers, and cows to qualify for the Utility grade varies throughout the range of maturity permitted in this grade from a very thin covering of fat for cattle under 30 months of age to a slightly thick fat covering, generally restricted to the back, loin, and rump for the very mature cattle in this grade. In such mature cattle, the crops are not thickly muscled and have a thinner covering of fat than described, and cod and udder indicate very slight fullness.

(2) Bullocks qualifying for the minimum of the Utility grade are very somber looking cattle especially among older animals. Those under 42 months of age are required to have very little fatness to qualify for the minimum of the grade; thus most of the variations in the cutability of such cattle is due to differences in muscling. Cattle over 42 months of age will vary in their degree of fatness as well as muscling. Thus, cattle with thicker muscling than normal and less external fat than described for this grade will have higher cutability than cattle with thinner muscling and more fatness.

(2) Cattle qualifying for the minimum of the Utility grade are very somber looking cattle especially among older animals. Those under 42 months of age are required to have very little fatness to qualify for the minimum of the grade; thus most of the variations in the cutability of such cattle is due to differences in muscling. Cattle over 42 months of age will vary in their degree of fatness as well as muscling. Thus, cattle with thicker muscling than normal and less external fat than described for this grade will have higher cutability than cattle with thinner muscling and more fatness.

(1) Utility. (1) The minimum degree of finish required for slaughter steers, heifers, and cows to qualify for the Utility grade varies throughout the range of maturity permitted in this grade from a very thin covering of fat for cattle under 30 months of age to a slightly thick fat covering, generally restricted to the back, loin, and rump for the very mature cattle in this grade. In such mature cattle, the crops are not thickly muscled and have a thinner covering of fat than described, and cod and udder indicate very slight fullness.

(2) Bullocks qualifying for the minimum of the Utility grade are very somber looking cattle especially among older animals. Those under 42 months of age are required to have very little fatness to qualify for the minimum of the grade; thus most of the variations in the cutability of such cattle is due to differences in muscling. Cattle over 42 months of age will vary in their degree of fatness as well as muscling. Thus, cattle with thicker muscling than normal and less external fat than described for this grade will have higher cutability than cattle with thinner muscling and more fatness.

(2) Cattle qualifying for the minimum of the Utility grade are very somber looking cattle especially among older animals. Those under 42 months of age are required to have very little fatness to qualify for the minimum of the grade; thus most of the variations in the cutability of such cattle is due to differences in muscling. Cattle over 42 months of age will vary in their degree of fatness as well as muscling. Thus, cattle with thicker muscling than normal and less external fat than described for this grade will have higher cutability than cattle with thinner muscling and more fatness.

(1) Utility. (1) The minimum degree of finish required for slaughter steers, heifers, and cows to qualify for the Utility grade varies throughout the range of maturity permitted in this grade from a very thin covering of fat for cattle under 30 months of age to a slightly thick fat covering, generally restricted to the back, loin, and rump for the very mature cattle in this grade. In such mature cattle, the crops are not thickly muscled and have a thinner covering of fat than described, and cod and udder indicate very slight fullness.

(2) Bullocks qualifying for the minimum of the Utility grade are very somber looking cattle especially among older animals. Those under 42 months of age are required to have very little fatness to qualify for the minimum of the grade; thus most of the variations in the cutability of such cattle is due to differences in muscling. Cattle over 42 months of age will vary in their degree of fatness as well as muscling. Thus, cattle with thicker muscling than normal and less external fat than described for this grade will have higher cutability than cattle with thinner muscling and more fatness.

(2) Cattle qualifying for the minimum of the Utility grade are very somber looking cattle especially among older animals. Those under 42 months of age are required to have very little fatness to qualify for the minimum of the grade; thus most of the variations in the cutability of such cattle is due to differences in muscling. Cattle over 42 months of age will vary in their degree of fatness as well as muscling. Thus, cattle with thicker muscling than normal and less external fat than described for this grade will have higher cutability than cattle with thinner muscling and more fatness.

(1) Utility. (1) The minimum degree of finish required for slaughter steers, heifers, and cows to qualify for the Utility grade varies throughout the range of maturity permitted in this grade from a very thin covering of fat for cattle under 30 months of age to a slightly thick fat covering, generally restricted to the back, loin, and rump for the very mature cattle in this grade. In such mature cattle, the crops are not thickly muscled and have a thinner covering of fat than described, and cod and udder indicate very slight fullness.

(2) Bullocks qualifying for the minimum of the Utility grade are very somber looking cattle especially among older animals. Those under 42 months of age are required to have very little fatness to qualify for the minimum of the grade; thus most of the variations in the cutability of such cattle is due to differences in muscling. Cattle over 42 months of age will vary in their degree of fatness as well as muscling. Thus, cattle with thicker muscling than normal and less external fat than described for this grade will have higher cutability than cattle with thinner muscling and more fatness.

(2) Cattle qualifying for the minimum of the Utility grade are very somber looking cattle especially among older animals. Those under 42 months of age are required to have very little fatness to qualify for the minimum of the grade; thus most of the variations in the cutability of such cattle is due to differences in muscling. Cattle over 42 months of age will vary in their degree of fatness as well as muscling. Thus, cattle with thicker muscling than normal and less external fat than described for this grade will have higher cutability than cattle with thinner muscling and more fatness.

(1) Utility. (1) The minimum degree of finish required for slaughter steers, heifers, and cows to qualify for the Utility grade varies throughout the range of maturity permitted in this grade from a very thin covering of fat for cattle under 30 months of age to a slightly thick fat covering, generally restricted to the back, loin, and rump for the very mature cattle in this grade. In such mature cattle, the crops are not thickly muscled and have a thinner covering of fat than described, and cod and udder indicate very slight fullness.
have slightly greater width through the shoulders and rump than through the back. The top is well-rounded with little evidence of the back and loin are thick and full. The rounds are thick, full, and deep and the thickness through the middle part of the rounds is greater than that over the top. The shoulders are slightly prominent and the forearms are thick and full. The forearms are thick and full. There is a slightly thick covering of fat over the back and rump and the flanks are slightly deep. The shoulders and rounds are thick. Slaughter cattle of this description producing 600-pound carcasses usually have about 0.9 of an inch of fat over the ribeye and about 12.5 square inches of ribeye area.

(3) Thinly muscled cattle typical of the minimum of this grade have a relatively low proportion of lean to bone. The shoulders are only slightly thick. The cattle have a moderately thick covering of fat over the back and rump and the back breaks sharply into the sides. The rounds are deep and full and the brisket and cod or udder are full. Slaughter cattle of this description producing 600-pound carcasses usually have about 0.3 of an inch of fat over the ribeye and about 9.5 square inches of ribeye area.

(4) Cattle qualifying for the minimum of Yield Grade 3 will differ greatly in quality grade as a result of variations in distribution of finish and firmness of muscling. For example, young cattle which have considerable firmness of muscling and typical or greater deposits of fat in the brisket, flanks, twist, and cod or udder than described for Yield Grade 2 ordinarily will qualify for the Good grade.

(5) Yield Grade 4. (1) Yield Grade 4 cattle produce carcasses with moderately low yields of boneless retail cuts. Cattle with characteristics qualifying them for the lower limits of Yield Grade 4 will differ somewhat from those producing 600-pound carcasses with less deposits of fat in the brisket, flanks, twist, and cod or udder than described for Yield Grade 3 and will normally qualify for the Prime or Choice grade. Conversely, cattle with lower quality than normal for the minimum of this grade will have less deposits of fat in the brisket, flanks, twist, and cod or udder than described herein, and may only qualify for the Good grade.

(6) Yield Grade 5. (1) Yield Grade 5 cattle produce carcasses with low yields of boneless retail cuts. Cattle of this grade consist of those not meeting the minimum requirements for Yield Grade 4 because of either more fat or less muscle or a combination of these characteristics.

(2) Because of the high degree of finish required for cattle of this grade, the range in quality grades will be somewhat small. Practically all cattle of this grade will qualify for either the Prime or Choice grade.

Any person who desires to submit written data, views, or arguments concerning the proposals set forth above may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250 by December 10, 1974.

Pursuant to 7 CFR 1.27(b), all written submissions made pursuant to this notice will be made available for public inspection during normal business hours at the Office of the Hearing Clerk, Room 113, Administration Building, United States Department of Agriculture, Washington, D.C. 20250.

Dried Prunes Produced in California

Proposed Expenses and Rate of Assessment for Crop Year 1974-75

Notice is hereby given of a proposal regarding expenses of the Prune Administrative Committee for the 1974-75 crop year and rate of assessment for that crop year, pursuant to §§ 893.30 and 893.31 of the marketing agreement, as amended, and Order No. 55, as amended (7 CFR Part 700), regulating the handling of dried prunes produced in Cali-
fornia. 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 Prune Administrative Committee has recommended for the crop year beginning August 1, 1974, a budget of expenses in the total amount of $136,710 and an assessment rate of $1.20 per ton of assessed prunes. Expenses in that amount and the assessment rate are specified in the proposal hereinafter set forth. The assessable tonnage is estimated by the Committee at 113,925 natural condition tons.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, F.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, no later than September 30, 1974. All written submissions made pursuant to this notice should be in quadruplicate. All written submissions made pursuant to this notice should be in quadruplicate. All written submissions made pursuant to this notice should be in quadruplicate. All written submissions made pursuant to this notice should be in quadruplicate. All written submissions made pursuant to this notice should be in quadruplicate. All written submissions made pursuant to this notice should be in quadruplicate. All written submissions made pursuant to this notice should be in quadruplicate. All written submissions made pursuant to this notice should be in quadruplicate. All written submissions made pursuant to this notice should be in quadruplicate. All written submissions made pursuant to this notice should be in quadruplicate. All written submissions made pursuant to this notice should be in quadruplicate. All written submissions made pursuant to this notice should be in quadruplicate. All written submissions made pursuant to this notice should be in quadruplicate. All written submissions made pursuant to this notice should be in quadruplicate. All written submissions made pursuant to this notice should be in quadruplicate. All written submissions made pursuant to this notice should be in quadruplicate. All written submissions made pursuant to this notice should be in quadruplicate. All written submissions made pursuant to this notice should be in quadruplicate. All written submissions made pursuant to this notice should be in quadruplicate. All written submissions made pursuant to this notice should be in quadruplicate. All written submissions made pursuant to this notice should be in quadruplicate. All written submissions made pursuant to this notice should be in quadruplicate. All written submissions made pursuant to this notice should be in quadruplicate. All written submissions made pursuant to this notice should be in quadruplicate. All written submissions made pursuant to this notice should be in quadruplicate. All written submissions made pursuant to this notice should be in quadruplicate. All written submissions made pursuant to this notice should be in quadruplicate. All written submissions made pursuant to this notice should be in quadruplicate. All written submissions made pursuant to this notice should be in quadruplicate. All written submissions made pursuant to this notice should be in quadruplicate. All written submissions made pursuant to this notice should be in quadruple...
2. In § 17.2 by adding paragraph (e), as follows:

§ 17.2 Enriched bread and enriched rolls or enriched buns; identity; label statement of optional ingredients.

(e) When the enriched food contains not less than 4.1 parts per hundred whole egg solids derived from one or more of the appropriate optional ingredients listed in § 17.1(a)(4) for each 100 parts by weight of flour used (including any bromated or salted flour used) and when the food contains no spice, spice oil, or spice extract that simulates the color of eggs, the name of the food is "enriched bread," "enriched egg bread," "enriched challah" (including any generally accepted variant spelling), "enriched challah rolls," "enriched buns," "enriched egg bread rolls," "enriched challah rolls," as appropriate, or words of similar import.

PROCISION FOR "EGG BREAD"

B. The Commissioner of Food and Drugs is aware that there is confusion among consumers as to the identity of "egg bread" and that it would be in the interest of consumers to appropriately amend the standard of identity for bakery products to provide for "egg bread." In consideration of the problem, the Food and Drug Administration (FDA) arranged following two surveys to be conducted:

1. The survey covering manufacturers of "egg bread," "egg rolls," or "egg buns" was carried out by FDA personnel to determine how much whole egg solids is actually being used in these items labeled with the word "eggs" in the name of the food (a copy of the results of this survey is on file in the office of the Hearing Clerk). It was found that the number of eggs—or the equivalent in whole egg solids—in 21 such foods varied from less than one-tenth of an egg to about one and one-half eggs per 1-pound loaf of bread or 1 pound of rolls or buns, with an average of slightly less than half an egg.

2. The survey, "A Study of Consumer Concepts and Expectations Concerning Four Selected Bread Products and Their Associated Label Declarations," was conducted under a contract granted by FDA to study consumer concepts and expectations (a copy of this study is on public display in the office of the Hearing Clerk). This was a consumer survey on a national basis to determine how much egg the average consumer expects to be present in "egg bread" and how much he thinks really should be present. Almost 24 percent of the consumers expected one egg per 1-pound loaf; nearly 20 percent expected two eggs; and 14 percent expected three eggs. The frequency continued to diminish with the increasing number of eggs. There was no significant difference between these amounts and those that consumers thought really should be present.

The difference between the amount of egg that consumers expect to be present in a 1-pound loaf of "egg bread" and the amount that actually is present shows that consumers are not adequately informed by the label of the product as to the amount of egg in "egg bread." In the following section, the relationships between number of eggs and amount of whole egg solids are based on these values: (a) the edible portion of the food containing medium-sized eggs weighs 1.56 ounces and that of a large egg 1.78 ounces; (b) the corresponding weights for whole egg solids (moisture-free basis) are, respectively, 0.61 ounce and 0.47 ounce; (c) 2% cups of flour weigh 10 ounces; and (d) 10 ounces of flour yield 1 pound of bread. The sources of these data are: U.S. Department of Agriculture, "Composition of Food," Agriculture Handbook No. 8 and "Eight Commonly Marketed Agricultural Handbook No. 75, U.S. Department of Agriculture, Washington, DC 20250.

At public hearings in 1941, 1943, and 1948, FDA proposed that egg bread contain at least 5 parts of whole egg solids for each 100 parts of whole egg solids used, equivalent to approximately one and one-fifth medium-sized eggs per pound of bread. The American Bakers Association at that time proposed two parts of whole egg solids. Two parts of whole egg solids per 100 parts by weight of flour used would be equivalent to approximately one-half of a medium-sized egg per 1-pound loaf of bread. The fundamental issue is the minimum amount of whole egg solids that should be present in bread for it to be qualified for the name "egg bread." In addition, it seems essential to find a way of informing the consumer how much egg solids is actually present in egg bread.

The Findings of Fact (published in the Federal Register of May 15, 1952 (17 FR 4453)) emanating from the hearings in 1941 revealed that, based on evidence presented, a bread containing 2 parts of whole egg solids by weight of flour used could not be distinguished by the ordinary consumer from the product commonly known as bread or white bread. This viewpoint prevailed throughout the hearings in 1943 and 1948. As a result, a standard for egg bread containing that quantity of egg solids was promulgated.

The price differential between "egg bread" and bread containing no egg indicates that consumers are willing to pay a premium price for a bread that is represented as containing a special ingredient even when that ingredient is not readily detected. The Commissioner believes that a bread so represented should contain a significant amount of the special ingredient. The results of the surveys indicate that this condition is not being met by many of the breads that are marketed as "egg bread." A revision of the standard of identity for bread containing a food called "egg bread" would assure the consumer of at least a specified minimum amount of whole egg solids in the food.

In addition to the surveys of consumer concepts and expectations, FDA summarized 24 recipes taken from representative cookbooks and magazines published in the United States (a copy of this summary is on public display in the office of the Hearing Clerk). All recipes were expressed in household units of measure such as cups of flour and number of eggs. When the previously described weight and volume relationships for flour and bread were applied to the recipes, the number of eggs per pound of bread varied from 0.50 to 1.83 with an average of 0.91.

According to a fair percentage of the individuals who bake bread in accordance with cookbook recipes the large eggs, the recipe average would represent 0.91 of a large egg per 1-pound loaf of bread, which is equivalent to slightly more than one medium-sized egg. The Commissioner of the opinion that the "egg bread" provided for in the standard of Identity should be equivalent to at least one medium-sized egg per pound of bread. That amount would be equivalent to 2.56 percent by weight of flour used. Accordingly, the Commissioner considers that the amount of whole egg solids proposed by the petition is appropriate. It should be noted that all figures in this preamble and in the proposed regulations relating to amounts of whole egg solids refer to the edible contents of eggs expressed on a moisture-free basis and exclusive of any nonegg solids which may be present in standardized and other commercial egg products.

To inform the consumer how much egg is present in the bread, the Commissioner is proposing that the name of the food, as it appears on the label, include a statement of the amount of egg present. The question is what method of declaration would be the most informative and the easiest to comprehend. In the trade, the amount of egg solids is usually expressed as parts of whole egg solids per 100 parts by weight of flour used. This method would obviously be rather meaningless to the consumer who is accustomed to thinking in terms of whole eggs, cups of flour, and leaves of bread. Another possible method of declaration would be as percent of whole egg solids in the bread. This approach goes only part of the way toward reciting the matter because the average consumer is not aware of the amount of egg solids in an egg. It appears that the most meaningful declaration would be defining using one medium-sized egg as a common denominator and declaring the quantity of egg present in "egg bread" on that basis.

The fact that the commissioner survey referred to previously was reported in terms of number of eggs in a 1-pound loaf of bread lends support to this approach. The commissioner would bear a statement of the egg content in terms of the number of medium-sized eggs per pound of bread. The Commissioner would
welcome comments on the merits of this or any other suggested methods of declaration.

In the proposal based on the industry petition, the word "challah" (including any generally accepted variant spelling), "challah rolls," "challah buns," "enriched challah," etc., were listed as alternative names for the food containing specified solids. Since the word "challah" has limited usage and is not known to many people who enter the marketplace, the Commissioner also desires comments on this issue. It should be pointed out that in permitting the use of an alternative name which is not a common or usual name it has been the practice to require that the name set forth in the standard immediately precede or follow the fanciful or alternative name so that all consumers will be informed as to the identity of the food.

For bread, regardless of whether or not it is labeled "egg bread," etc., not to appear to contain more egg than it does, the Commissioner is proposing that except for the use of butter which may have added color for butter, the food contain no added color as such or as a component of another ingredient. The restriction would apply, among other matters, to egg products, butter that has had extracts that would impart a color to the common names for the food containing the specified solids. The only criteria for use of other ingredients above are the same as those in the present identity standard for bread. Other ingredients specifically provided for have no limitations placed on their use, except for limitations on vitamins and minerals in enriched bread, aside from the standard levels. The maximum levels allowed in this proposal for the ingredients above are the same as those in the present identity standard for bread.

With regard to enriched bread, the Commissioner calls attention to the recent orders rendered in the Federal Trade Commission v. Eastman Co., No. 2288 (D. Conn. May 24, 1974), which reversed the circuit court's judgment and remanded the case to that court for further consideration. The orders rendered in this case are based on allegations that Eastman violated the provisions of Section 5 of the Federal Trade Commission Act (15 U.S.C. § 45) by making false and misleading statements in advertising its products, and that the statements were material in that they were likely to mislead reasonable consumers. The orders also provide for the payment of a fine of $25,000 for each violation, and for costs of court. In addition, the orders require Eastman to cease and desist from making false and misleading statements in advertising its products.

The Commissioner believes that the orders rendered in this case are consistent with the purposes of the Federal Trade Commission Act, and that they will serve to protect consumers from false and misleading advertising.

In the proposal based on the industry petition, the word "challah" (including any generally accepted variant spelling), "challah rolls," "challah buns," "enriched challah," etc., were listed as alternative names for the food containing specified solids. Since the word "challah" has limited usage and is not known to many people who enter the marketplace, the Commissioner also desires comments on this issue. It should be pointed out that in permitting the use of an alternative name which is not a common or usual name it has been the practice to require that the name set forth in the standard immediately precede or follow the fanciful or alternative name so that all consumers will be informed as to the identity of the food.

For bread, regardless of whether or not it is labeled "egg bread," etc., not to appear to contain more egg than it does, the Commissioner is proposing that except for the use of butter which may have added color for butter, the food contain no added color as such or as a component of another ingredient. The restriction would apply, among other matters, to egg products, butter that has had extracts that would impart a color to the common names for the food containing the specified solids. The only criteria for use of other ingredients above are the same as those in the present identity standard for bread. Other ingredients specifically provided for have no limitations placed on their use, except for limitations on vitamins and minerals in enriched bread, aside from the standard levels. The maximum levels allowed in this proposal for the ingredients above are the same as those in the present identity standard for bread.

With regard to enriched bread, the Commissioner calls attention to the recent orders rendered in the Federal Trade Commission v. Eastman Co., No. 2288 (D. Conn. May 24, 1974), which reversed the circuit court's judgment and remanded the case to that court for further consideration. The orders rendered in this case are based on allegations that Eastman violated the provisions of Section 5 of the Federal Trade Commission Act (15 U.S.C. § 45) by making false and misleading statements in advertising its products, and that the statements were material in that they were likely to mislead reasonable consumers. The orders also provide for the payment of a fine of $25,000 for each violation, and for costs of court. In addition, the orders require Eastman to cease and desist from making false and misleading statements in advertising its products.

The Commissioner believes that the orders rendered in this case are consistent with the purposes of the Federal Trade Commission Act, and that they will serve to protect consumers from false and misleading advertising.
§ 17.10 Bread, white bread, and rolls, white rolls, or buns, white buns; identity; label statement of optional ingredients.

(a) Each of the foods bread, white bread, rolls, white rolls, buns, and white buns is prepared by baking a mixed yeast-leavened dough made by moistening flour with water or with one or more of the optional liquid ingredients specified in this section or with any mixture of water and one or more of such ingredients. All ingredients from which the food is fabricated shall be safe and suitable. The term "flour," unqualified, as used in this section, includes flour, bromated flour, and phosphated flour. The potassium bromate and the monocalcium phosphate in any bromated flour used shall be deemed to be optional ingredients in the bread or rolls. Each such food may contain additional optional ingredients as provided for in paragraph (b) of this section. Each of the foods contains not less than 62 percent total solids as determined by the method prescribed in paragraph (c) of this section.

(b) The following optional ingredients may be used:

(1) Salt.

(2) Shortening, in which or in conjunction with which may be used one or any combination of two or more of the following:

(i) Lecithin, hydroxylated lecithin complying with the provisions of § 171-1097 of this chapter (either of which may include related phosphatides derived from the corn oil or soybean oil from which such ingredients were obtained).

(ii) Mono- and diglycerides of fat-forming fatty acids, diacetyl tartaric acid esters of mono- and diglycerides of fat-forming fatty acids, propylene glycol mono- and diesters of fat-forming fatty acids complying with the provisions of § 121.1113 of this chapter, or a combination of two or more of these. The total weight of these ingredients used does not exceed 20 percent by weight of the combination of such ingredients and the shortening, and the total amount of monoglyceride, diacetyl tartaric acid ester of monoglyceride, and propylene glycol mono- and diesters of fat-forming fatty acids alone is used, the amount does not exceed 10 percent by weight of the combination.

(iii) Milk and milk products in such quantity and composition as not to meet the requirements for milk products prescribed for milk bread by § 17.30. Whenever milk solids not fat in any form are used, carrageenan or salts of carrageenan may be used in any quantity not more than 0.5 percent total solids as determined by the method prescribed in "Approved Methods of the American Association of Cereal Chemists," Method 38 titled "Vital Wheat Gluten" (December 1962).†

(iv) Enzyme active preparations.

(v) Yeast-leavened dough made with any combination of two or more of the following:

(A) Inactive dried yeast, singly or in combination, or Saccharomyces cerevisiae, Saccharomyces fragilis, or Candida (Torula) if the total quantity is not more than 2 parts for each 100 parts by weight of the flour used.

(B) Lactic-acid-producing bacteria.

(vi) Nonwheat flours, nonwheat meals, nonwheat starches, any of which may be wholly or in part dextrinized, dextrinized wheat flour, or any combination of two or more of these, if the total quantity is not more than 3 parts for each 100 parts by weight of flour used.

(vii) Ground dehulled soybeans, which may be heat-treated and from which oil may be removed, but which retain enzymatic activity, if the quantity is not more than 0.5 part for each 100 parts by weight of flour used.

(viii) Yeast nutrients and calcium salts, if the total quantity of such ingredients, with the exception of monocalcium phosphate, is not more than 0.25 part for each 100 parts by weight of flour used. The quantity of monocalcium phosphate, including any quantity in the flour used, is not more than 0.75 part for each 100 parts by weight of flour used.

(ix) Ascorbic acid, if the total quantity, including any quantity in the flour used, is not more than 0.048 part for each 100 parts by weight of flour used.

(x) Ascorbic acid, if the total quantity, including any quantity in the flour used, is not more than 0.02 parts for each 100 parts by weight of flour used.

(xi) Other dough conditioners, not specifically listed in this paragraph, if the total quantities of such ingredients or combination is not more than 0.5 part for each 100 parts by weight of flour used.

(xii) Reducing agents.

(xiii) Vital wheat gluten in such quantity that for bread not more than 2 parts by weight of flour used and for rolls and buns not more than 4 parts are used for each 100 parts by weight of flour used.

(xiv) Spices, spice oil, and spice extract which do not impart a color simulating that of egg to the food.

(xv) Natural or artificial colors may not be added as such or as part of another ingredient except that which may be present in butter. If the intensity of the butter color does not exceed "medium brown" when viewed under diffused light (7400 Kelvin) against the Munsell Butter Color Comparator. The Munsell designation corresponds to the Munsell re-notation of 5.Y-6/10.Y-5/2.

(xvi) Other ingredients that do not adversely affect the physical and nutritional characteristics of the bread or make its appearance to be better or of greater value than it is.

(c) Total solids are determined by the method prescribed in "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th Ed. 1970, sec. 14.083(a), except that if the final unit weighs 1 pound or more, one entire unit is used for the determination; if the baked unit weighs less than 1 pound, a part of one unit to weight 1 pound or more are used.

(d) The name of the food is "bread," "white bread," "rolls," "white rolls," "buns," "white buns," as applicable. When the food contains not less than 2.56 percent by weight of whole egg solids, the name of the food may be "egg bread," "egg rolls," or "egg buns," as applicable, if the name includes the statement "Contains whole medium-sized egg(s) per package" in the manner prescribed by Part 102 of this chapter, the blank to be filled in with the number which represents the whole egg content of the food expressed to the nearest one-fifth egg but not greater than the amount actually present. For the purpose of this regulation, whole egg solids are the edible contents of eggs calculated on a moisture-free basis and exclusive of any non-egg solids which may be present in standardized and other commercial egg products. The one medium-sized whole egg solids is equivalent to one medium-sized egg.

(e) All optional ingredients used in the food shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

§ 17.20 Enriched bread and enriched rolls or buns; identity; label statement of optional ingredients.

(a) Each of the foods enriched bread, enriched rolls, and enriched buns conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for bread and rolls or buns by § 17.10, except that:

(1) Each such food contains in each pound 1.8 milligrams of thiamin, 1.1 milligrams of riboflavin, 15 milligrams of niacin, and 25 milligrams of iron.

† Copies may be obtained from: American Association of Cereal Chemists, Inc., 3340 Pilot Knob Rd., St. Paul, MN 55121.

‡ Copies may be obtained from: Association of Official Analytical Chemists, 1743 Prince St., Alexandria, Virginia 22314, 1800 Chain Bridge Rd., P.O. Box 540, Washington, D.C. 20004.

FEDERAL REGISTER, VOL. 39, NO. 177—WEDNESDAY, SEPTEMBER 11, 1974
PROPOSED RULES

Section 17.40 Raisin bread and raisin rolls or raisin buns, identity; statement of optional ingredients.

(a) Each of the foods raisin bread, raisin rolls, and raisin buns conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for bread and rolls or buns by §17.10, except that:

(1) The dough is made from whole wheat flour, bromated whole wheat flour, or a combination of these. No flour, bromated flour, or gluten ingredient is used.

(2) The limitation prescribed by §17.10(b)(3) on the quantity and composition of milk and milk products does not apply.

(b) The name of the food is "whole wheat bread", "graham bread", "entire wheat bread", "whole wheat rolls", "graham rolls", "entire wheat rolls", "whole wheat buns", "graham buns", or "entire wheat buns", as applicable.

Interest persons are invited to submit their views in writing (preferably in quintuplicate) regarding the petition and proposals on or before December 10, 1974. Such views and comments should be addressed to the Hearing Clerk, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852, and may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the office above during working hours, Mondays through Fridays.

Date: September 3, 1974.

SALT D. FRYE, Associate Commissioner for Compliance.

[FR Doc. 74-2757 Filed 9-10-74; 8:45 am]

Social Security Administration

[F. D. R. I. 1972, P. 18278]

FEDERAL REGISTER, VOL. 39, NO. 177—WEDNESDAY, SEPTEMBER 11, 1974

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE; SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Substantial Gainful Activity

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the amendments to the Disability Insurance regulations and proposed Supplemental Security Income for the Aged, Blind, and Disabled regulations set forth below in tentative form are proposed by the Commissioner of Social

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Notes:

- The text refers to the Federal Register for specific regulations and notices.
- The regulations pertain to the definition and standard of identity for various food products, including milk bread and raisin buns.
- There are references to the Administrative Procedure Act and the Disability Insurance regulations.
- The proposed rules are subject to public comment and are available for review in the Federal Register.

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PROPOSED RULES

SECTION 17.40

Raisin bread and raisin rolls or raisin buns, identity; statement of optional ingredients.

(a) Each of the foods raisin bread, raisin rolls, and raisin buns conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for bread and rolls or buns by §17.10, except that:

(1) The dough is made from whole wheat flour, bromated whole wheat flour, or a combination of these. No flour, bromated flour, or gluten ingredient is used.

(2) The limitation prescribed by §17.10(b)(3) on the quantity and composition of milk and milk products does not apply.

(b) The name of the food is "whole wheat bread", "graham bread", "entire wheat bread", "whole wheat rolls", "graham rolls", "entire wheat rolls", "whole wheat buns", "graham buns", or "entire wheat buns", as applicable.

Interest persons are invited to submit their views in writing (preferably in quintuplicate) regarding the petition and proposals on or before December 10, 1974. Such views and comments should be addressed to the Hearing Clerk, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852, and may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the office above during working hours, Mondays through Fridays.

Date: September 3, 1974.

SALT D. FRYE, Associate Commissioner for Compliance.

[FR Doc. 74-2757 Filed 9-10-74; 8:45 am]
PROPOSED RULES

Securities, with the approval of the Secretary of Health, Education, and Welfare.

The proposed amendments provide:

1. Earnings averaging more than $200 (rather than $140) per month would be deemed to demonstrate an individual's ability to engage in substantial gainful activity, in the absence of evidence to the contrary.

2. Other corresponding changes in the earnings guidelines in regard to earnings at a rate of $130 to $200 a month and earnings at a monthly rate of less than $130.

The rules set forth in the proposed amendments revise Subpart I of Regulations No. 16 pertaining to the Supplemental Security Income program and will be applied by the Social Security Administration during the period of January 1, 1974, when the new program became effective, until final regulations are adopted. Since the disability insurance regulations and the Supplemental Security Income regulations implement identical statutory provisions pertaining to substantial gainful activity these amendments will be also applied in the disability insurance program until these regulations are published in final form.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, comments, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, North and Independence Avenue SW., Washington, D.C. 20201, on or before October 11, 1974.

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

The proposed amendments are to be issued under the authority contained in sections 205, 223, 1102, 1614, and 1631, 53 Stat. 1398, as amended, 70 Stat. 815, as amended, 49 Stat. 647, as amended, 56 Stat. 1471, 1475 as amended; 42 U.S.C. 405, 422, 1302, 1382a and 1383.

(Catalog of Federal Domestic Assistance Program No. 18.002, Disability Insurance; Catalog of Federal Domestic Assistance Program No. 18.807, Supplemental Security Income Program.)

Dated: August 9, 1974.

J. B. CARLUCCI,
Commissioner of Social Security.

Approved: August 30, 1974.

FEDERAL REGISTER, VOL. 39, NO. 177—WEDNESDAY, SEPTEMBER 11, 1974

§ 404.1554 Evaluation of earnings from work.

(b) Earnings at a monthly rate in excess of $200. An individual's earnings from work activities averaging in excess of $200 a month shall be deemed to demonstrate his ability to engage in substantial gainful activity unless there is affirmative evidence that such work activities themselves establish that the individual does not have the ability to engage in substantial gainful activity under the criteria in §§ 404.1532 and 404.1533 and paragraph (a) of this section.

(c) Earnings at a rate of $130 to $200 a month. Where an individual's earnings from work activities average between $130 and $200 a month, consideration of the amount of his earnings together with the other circumstances relating to his work activities (see § 416.932 and § 416.933), the medical evidence relating to his impairment or impairments, and other factors (see § 416.902) shall determine whether such individual is able to engage in substantial gainful activity. However, in the case of an individual working in a sheltered workshop (such as a workshop especially organized for disabled individuals) or comparable facility, whose activities are limited by his impairment so that his earnings average $200 a month or less, such activities and such earnings ordinarily would not establish the ability to engage in substantial gainful activity.

(d) Earnings at a monthly rate of less than $130. Earnings from work activities as an employee which average less than $130 a month do not show that the individual is able to engage in substantial gainful activity. However, an evaluation of the work performed (see § 416.932) may establish that the individual is able to engage in substantial gainful activity, regardless of the amount of his average monthly earnings.

[FR Doc.74-20958 Filed 9-10-74; 9:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration
[44 CFR Part 71]

[Airspace Docket No. 74-EM-14]

VOR AIRWAY

Proposed Extension

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation regulations that would extend V-269 from Spruce Mountain Intersection, Nev., to Wells, Nev., via 145°T (138°M) radials.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Rocky Mountain Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, P.O. Box 7243, Denver, Colo. 80207. All communications received on or before October 11, 1974 will be considered before action is taken on the proposed amendment. The proposed contained in this notice may be changed in the light of comments received.

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

The proposed extension would extend V-269 from the Spruce Mountain Intersection (Ely, Nev., 007°T (360°M) and Bonniveille, Utah, 272°T (265°M) radials), to Wells, Nev., via Wells, Nev., 145°T (138°M) radials.

The extension of V-269 will provide an alternate airway to V-293 and a more direct route between Ely, Nev., and Twin Falls, Idaho.
This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

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

[FR Doc.74-20950 Filed 9-10-74; 8:45 am]

PROPOSED RULES

**RESTRICTED AREA**

**Proposed Alteration**

The Federal Aviation Administration (FAA) is considering an amendment to Part 73 of the Federal Aviation regulations that would extend the southern boundary of Restricted Area R-2602 Fort Carson, Colo., to include a firing point for the Chapparel missile.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Rocky Mountain Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, P.O. Box 7213, Denver, Colo. 80207. All communications received on or before October 11, 1974, will be considered before action is taken on the proposed amendment. The proposed in this notice may be changed in the light of comments received.

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

The proposed amendment would expand the size of R-2602 by redefining its southern boundary to contain a relatively small portion of additional airspace in the southeast corner. The altered restricted area would be described as follows:

R-2602 Fort Carson, Colo.

Boundaries. Beginning at Lat. 38°39'19"N., Long. 104°62'00"W.; thence to Lat. 38°
38°25'N., Long. 104°52'00"W.; to Lat. 38°
38°58'W., Long. 104°49'18"W.; to Lat. 38°
38°08'N., Long. 104°45'00"W.; to Lat. 38°
38°25'N., Long. 104°45'00"W.; to Lat. 38°
38°58'W., Long. 104°49'00"W.; to Lat. 38°
38°19'N., Long. 104°49'00"W.; to Lat. 38°
38°19'N., Long. 104°49'00"W.; to Lat. 38°
38°19'N., Long. 104°49'00"W.; thence northwest along Colorado Highway Number 116 to point of beginning.

Designated Altitudes. Surface to and including 35,000 feet MSL; 35,000 feet MSL to and including 60,000 feet MSL, by NOTAM issued 24 hours in advance.


Minor alteration of R-2602 as proposed would allow the using agency to establish a Chapparel missile firing point within the restricted area east of the Fort Carson, Colo., military reservation. Other operations approved for R-2602 would remain unchanged. The Chapparel firing activities would therefore enhance the Fort Carson training capability and the overall utilization of the restricted area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).

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

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

[FR Doc.74-20950 Filed 9-10-74; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Alabama Compliance Schedules

On November 29, 1973 (38 FR 33020), the Administrator proposed the approval of a number of individual compliance schedules submitted by the State of Alabama pursuant to 49 CFR 51.6. These schedules, which are in effect plan revisions, had been adopted by the Alabama Air Pollution Control Commission after notice and public hearing before being submitted to the Agency for its approval on February 15, 1973. The State subsequently extended the deadline by which certain of the sources involved were to achieve final compliance. These revised schedules are here proposed for approval, together with a number of schedules not previously announced.

Each proposed revision establishes a new date by which an individual air pollution source must attain compliance with an emission limitation of the State implementation plan. This date is indicated in the succeeding table under the heading "Final Compliance Date." In many cases the schedule includes incremental steps toward compliance, with interim dates for achieving these steps. While the table below does not list these interim dates, the actual compliance schedules do. All of the compliance schedules listed here are available for public inspection at the following locations:

Air Programs Office, Environmental Protection Agency, Region IV, 1421 Peachtree Street NE, Atlanta, Georgia 30309.

Division of Air Pollution Control, State of Alabama Department of Public Health, 645 S. McDonough Street, Montgomery, Alabama 36104.

All interested parties are encouraged to submit written comments on the proposed plan revisions. These comments will be weighed carefully by EPA before the agency decides to approve or disapprove these changes in the Alabama plan.

Comments will be accepted on or before October 11, 1974. These should be addressed to the Acting Director, Air Programs Office, Environmental Protection Agency, Region IV, 1421 Peachtree Street NE, Atlanta, Georgia 30309, Attention: Mr. Strickland.

(D. 104(c), Clean Air Act, as amended (42 U.S.C. 12776(c)(g)))


Jack E. RAY, Regional Administrator, Region IV.

It is proposed to amend Part 52 of Chapter 1, Title 40, Code of Federal Regulations as follows:

Subpart B—Alabama

A new § 52.55 is added as follows:

§ 52.55 Compliance schedules.

(a) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.6 of this chapter. All regulations cited are air pollution control regulations of the State.
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**JEFFERSON COUNTY**

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**FEDERAL REGISTER, VOL. 39, NO. 177—WEDNESDAY, SEPTEMBER 11, 1974**
### PROPOSED RULES

**ALABAMA—Continued**

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FEDERAL POWER COMMISSION

[18 CFR Parts 1, 3, 4, 5, 16]

APPLICATION PROCEDURES

Notice of Proposed Rulemaking

September 5, 1974.

Pursuant to 5 U.S.C. 553, sections 308 and 309 of the Federal Power Act (FPA) (49 Stat. 885, 886; 16 U.S.C. §§ 825c, 825d) the Commission gives notice that it proposes to amend specific sections of the rules and regulations in order to provide for the setting of hearings in regard to many applications filed under Part I of the FPA.

The proposed amendments are intended to facilitate the Commission's statutory function of licensing jurisdictional hydroelectric projects by providing a hearing and its resulting formal record for certain applications filed with the Commission.

It is proposed herein to provide a hearing on applications for license authorizing construction of major projects, for license for constructed major projects, for renewal of licenses for major projects, and for substantial alteration to licenses for major projects.

While many hearings before an administrative law judge are ordered by the Commission, in its discretion, either upon its own motion or upon the motion of any party in interest, the Commission often decides the issues raised by applications without the aid of a formal hearing record. In such cases, the record relied on can consist of all filings or submittals in the matter or proceeding.

Under the FPA, comments in all cases of application for license and in cases of amendment of license substantially affecting project facilities or project operations are requested of interested government agencies, officials and interested parties under section 4(a) and under the Fish and Wildlife Coordination Act, 16 U.S.C. section 661 et seq. Similar requests for comments are made under National Environmental Policy Act procedure, 42 U.S.C. section 4321 et seq., when applicable. The applicant's response to these comments is also requested. Public notice is published under the FPA in the Federal Register and in local newspapers, which generates comments or petitions for leave to intervene on the merits of the proposed action. These are available for Commission consideration. All the foregoing materials, when available in the Commission's public file, are the record upon which the Commission has determined what orders it will issue in none-contested proceedings.

Although such a record can be legally sufficient to serve as the basis for a valid decision, the provision for a hearing as to certain applications would appear to be more in the public interest.

Under this proposed rulemaking, the Commission's decision can be based on the pleadings, submittals and evidence, pursuant to § 1.32(b) of the Commission's rules. The Commission, of course, may provide for a hearing before an administrative law judge.

The effect of the proposed amendments is intended to apply to those applications filed after the effective date of these amendments.

The proposed amendments to the Commission's rules and regulations under the Federal Power Act would be issued under the authority granted the Federal Power Commission by the Federal Power Act, as amended, particularly sections 32(c) and 32(d) (49 Stat. 885, 886; 16 U.S.C. §§ 825g, 825n).

1. It is proposed to amend § 1.32 of Part I, Subchapter A, Chapter I of Title 18 of the Code of Federal Regulations in part as follows:

   § 1.32 Shortened procedures.

   * * * * *

   (b) Noncontested proceedings. In any proceeding required by statute or the Commission's rules and regulations to be set for hearing, the Commission when it appears to be in the public interest and to the interest of the parties to grant the relief or authority requested in the initial pleading, and to omit the intermediate decision procedure, may after a hearing during which no opposition or contest develops, forthwith dispose of the proceedings upon consideration of the pleadings, submittals and other evidence filed and incorporated in the record, as follows:

   Provided, (1) the applicant or initial pleader requests that the intermediate decision procedure be omitted and waives oral arguments and opportunity for filing exceptions to the decision of the Commission; and (2) no issue of substance is raised by any requests to be heard, protest or petition filed subsequent to publication in the Federal Register of the notice of the filing of an initial pleading and notice or order fixing date of hearing which notice or order shall state that the Commission considers the proceeding a proper one for disposition under the provisions of this section and shall otherwise conform with the requirements of § 1.19. Requests for the procedure provided by this section may be contained in the initial pleading or subsequent request in writing to the Commission. The decision of the Commission in such proceeding after noncontested hearing, will be final, subject to reconsideration by the Commission upon application for rehearing as provided by statute.

2. It is proposed to amend § 3.114 of Part 3, Subchapter A, Chapter I of Title 18 of the Code of Federal Regulations in part as follows:

   § 3.114 Licenses.

   * * * * *

   (b) Applications under the Federal Power Act for license authorizing construction of major projects; for license for constructed major projects; and for renewal of licenses for major projects are proceeded with in the manner stated in § 3.113, except that these for substantial alteration or surrender of licenses pursuant to section 6 of the Act may be acted on by the Commission after thirty (30) days' public notice by publication once in local newspapers and in the Federal Register, and except that a hearing will be held on applications for license authorizing construction of major projects; for license for constructed major projects; and for substantial alteration to licenses for major projects.

   * * * * *
PROPOSED RULES

(c) Except for the notice requirements, all other applications under this Act are processed similarly to the manner stated in § 3.113. In certain cases, Special Use Permits may be issued by the U.S. Forest Service covering projects of less than 2,000 horsepower.

3. It is proposed to amend § 4.32 of Part 4, Subchapter B, Chapter I of Title 18 of the Code of Federal Regulations to read as follows:

§ 4.32 Hearing on application.

(a) A hearing upon an application may be ordered by the Commission, in its discretion, either upon its own motion or upon the motion of any party in interest, except that in regard to those applications so designated in § 3.114(b) of this chapter, the Commission will schedule each application for hearing at the earliest possible date giving due consideration of statutory requirements and other matters pending, with notice thereof as provided by § 1.19(b) of this chapter.

(b) When it appears to be in the public interest and to the interest of the parties to grant the relief or authority requested in the application and to omit briefing and the intermediate decision, the Commission may in accordance with the provisions of § 1.32(b) of this chapter dispose of the proceeding upon consideration of the pleadings, submittals and other evidence filed and incorporated in the record, provided that no issue of substance is raised by any request to be heard, protest or petition.

(c) In the event of interventions raising an issue of substance, an order providing a hearing will be issued in accordance with the Commission's rules and regulations. However, if the formal parties including staff counsel can agree on a statement of facts, such factual statement shall be submitted together with other necessary exhibits for incorporation into the record and the parties shall proceed with the briefing schedule.

4. It is proposed to amend § 5.1 of Part 5, Subchapter B, Chapter I of Title 18 of the Code of Federal Regulations to read as follows:

§ 5.1 Amendment of license.

Where a licensee desires to make a change in the physical features of the project or its boundary, and/or make an addition or betterment and/or abandonment or conversion, of such character as to constitute an alteration of the license, application for an amendment of the license shall be filed with the Commission, fully describing the changes licensee desires to make. Furthermore, the provisions of § 2.31(a) of this chapter shall apply to all applications for amendment of license as defined therein. If it is determined that approval of the application would represent a substantial alteration to a major project under § 3.114, a hearing will be held and the provisions and requirements of § 4.32 of this chapter shall apply. The application for amendment of license shall be verified, shall conform to § 131.30 of this chapter and shall be filed in accordance with § 4.31 of this chapter.

5. It is proposed to amend § 16.6 of Part 16, Subchapter B, Chapter I of Title 18 of the Code of Federal Regulations in part as follows:

§ 16.6 Applications for new license for projects subject to Sections 14 and 15 of the Federal Power Act and all other major projects.

(c) As concerns each application for a new major license hereunder, a hearing will be held and the provisions and requirements of § 4.32 of this chapter shall apply. Each such hearing need not be limited to the issues raised by the application.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than Oct. 21, 1974, data, views, comments or suggestions in writing concerning all or part of the amendments proposed herein. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, 825 North Capitol Street, Washington, D.C. 20426 during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies shall be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name, title, and mailing address of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed amendments. The staff, in its discretion, may grant or deny requests for conferences.

The Secretary shall cause prompt publication of this notice to be made in the Federal Register.

By Direction of the Commission.

Kenneth F. Pluhar,
Secretary.

[F.R. Doc. 74-20975 Filed 8-10-74; 9:46 am]

[18 CFR Part 35]

[F.R. Doc. 74-20976 Filed 8-10-74; 9:46 am]

WHOLESALE RATE SCHEDULES

Fuel Adjustment Clause; Correction

September 3, 1974.

In the notice of proposed rulemaking, issued August 6, 1974, and published in the Federal Register on August 12, 1974, 39 FR 28910, footnote 2 is incorrect. It should be changed to read 18 CFR Part 101, Definitions 5B.

Kenneth F. Pluhar,
Secretary.

[F.R. Doc. 74-20967 Filed 8-10-74; 9:46 am]
By authority of the Secretary of the Army.


FRED R. ZELLERMAN,
Lt. Colonel, U.S. Army,
Chief, Plans Office, TAGO.

[FR Doc. 74-22078 Filed 9-10-74; 8:45 am]
Office of the Secretary
DEFENSE SCIENCE BOARD TASK FORCE ON "TRAINING TECHNOLOGY"
Notice of Meeting


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

The Task Force will provide an evaluation of the current effectiveness of DoD programs and management in the R&D area of Training Technology to serve as the basis for DoD policy decisions to reduce costs and increase effectiveness and efficiency of DoD Training.

In accordance with Public Law 92-463, section 10, Paragraph (A), it has been determined that Defense Science Board meetings concern matters listed in section 552(b) of Title 5 of the United States Code, particularly Subparagraph (1) thereof, and that the public interest requires such meetings to be closed insofar as the requirements of subsections (a)(1) and (a)(3) of Section 10, Public Law 92-463 are concerned.

Maurice W. Roche, Director,
Correspondence and Directives,
OASD (Comptroller).

September 6, 1974.

[FR Doc. 74-22058 Filed 9-10-74; 8:45 am]
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
[Serial Number AB 035825]

ARIZONA
Termination of Proposed Withdrawal and Reservation of Lands

Notice of application AB 035825, filed by the Bureau of Land Management, Department of the Interior, for withdrawal and reservation of the El-SW\1/4, sec. 19, Township 8 South, Range 17 East, Gila and Salt River Meridian, Arizona, to establish an addition to the existing Town of Mammoth for residential and recreational use and development was published as Federal Register Document No. 64-2530 on pages 3760 and 3761 of the issue for April 30, 1974. The applicant agency has cancelled its application involving the lands described in the Federal Register publication referred to above. Therefore, pursuant to the regulations contained in 43 CFR, Part 20912-5, such lands, upon publication of this notice in the Federal Register, will be relieved of the regulatory effect of the above mentioned application.

This Termination is in furtherance of the right of the State of Arizona to file a school land indemnity selection application for the lands pursuant to sections 2275 and 2276, U.S. Revised Statutes, as amended, 43 U.S.C. 531, 532 (1970). Accordingly, the lands described in this notice are hereby classified, pursuant to section 7 of the Act of June 22, 1924, 40 Stat. 1272, as amended, 43 U.S.C. 316F (1970), as suitable for such selection. The lands, therefore, will not be subject to other use or disposition under the public land laws in the absence of a modification or revocation of such classification (33 CFR 2440.4).

Dated: September 6, 1974.

JOE T. FALLEN,
State Director.

[FR Doc. 74-22203 Filed 8-10-74; 8:45 am]
[NM 02231, 02232, 02233, 02234, 02238, 02216]

NEW MEXICO
Notice of Applications

August 30, 1974.

Notice is hereby given that, pursuant to section 23 of the Mineral Leasing Act of 1920 (30 U.S.C. 193), as amended by the Act of November 16, 1973 (87 Stat. 570), El Paso Natural Gas Company has applied for three 2½ inch and three 4½ inch natural gas pipelines right-of-way across the following lands:

NEW MEXICO PUBLIC LANDS, NEW MEXICO

T. 32 N., R. 8 W.
Secs. 36, 37, W\1/2SW\1/4 and SW\1/4SW\1/4
Secs. 33, 34, 35, 36, W\1/2SW\1/4
Secs. 37, 38, 39, 40, E\1/2SW\1/4

These pipelines will convey natural gas across 54 miles of national resource.
lands in San Juan County, New Mexico. The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their views to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, Albuquerque, NM 87107.

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

[FR Doc.74-20968 Filed 9-10-74;8:45 am]

NEW MEXICO Notice of Application AUGUST 30, 1974. Notice is hereby given that, pursuant to Section 30 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a 4 1/2 inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO

Principal Meridian, New Mexico T. 22 S., R. 28 E.

Sec. 34, NE1/4 SW1/4, W1/4 NW1/4 SE1/4 and W1/4 NW1/4 SE1/4.

This pipeline will convey natural gas across 233 mile of national resource lands in Eddy County, New Mexico. The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, Albuquerque, NM 87107.

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

[FR Doc.74-20968 Filed 9-10-74;8:45 am]

CALIFORNIA Notice of Classification of National Resource Lands for Disposal CORRECTION In FR Doc. 74-19565 appearing at page 30525 of the issue for Friday, August 23, 1974, the following changes should be made:

1. Under "Bureau Motion Classification," the second line under "T. 7S, R. 4E," now reading "section 28, All", should read "section 28, All."

2. The first section number under "T. 8 S, R. 5 E," now reading "section 2," should read "section 4."
(b) Corporation. Whenever in this Act the Secretary or Acting Secretary of Agriculture, or any officer or employee of the Secretary or Acting Secretary of Agriculture, or the American Sheep Producers Council, Inc., or any person, firm, corporation, association, or other group, organization, or body, is referred to with respect to any payments made under such program, such term shall be deemed to mean the United States Department of Agriculture, the Secretary, the Assistant Secretary for Marketing and Sales, or the American Sheep Producers Council, Inc.

(c) Corporation. The corporation organized under the laws of the State of Illinois (hereinafter referred to as "Corporation") shall develop and conduct an advertising and sales promotion program for wool and lambs and the products thereof, and the marketing of such programs by deduction or payment to wool producers. This agreement provides for continuing such advertising and sales promotion programs and for the development of a program to develop and disseminate information on product quality, production management, and marketing improvement as it may plan to undertake. Each producer shall be paid pro rata deductions made under this Agreement for the years commencing January 1, 1974, and ending December 31, 1977.

WHEREAS, the United States Department of Agriculture, pursuant to the National Wool Act of 1954, as amended, 7 U.S.C. 1751-1757 (hereinafter referred to as the "Act"), has announced an incentive payment program for wool marketed during 1974;

WHEREAS, it is anticipated that similar programs will be continued in subsequent marketing years under the Act;

WHEREAS, any payments under such programs will be made by the Corporation to producers of wool as soon as practicable after the end of the year in which the wool is marketed;

WHEREAS, the Act authorizes the Secretary to enter into agreements with marketing cooperatives, trade associations or other organizations engaged in the handling of wool, sheep, or the products thereof, for the purpose of developing and disseminating information on product quality, production management, and marketing improvement for wool and sheep and the products thereof;

WHEREAS, such advertising and sales promotion programs for wool, sheep, and the products thereof have been conducted since 1955 in accordance with agreements between the Secretary and the Council whereby deductions were made under the Act from incentive payments on wool; and

WHEREAS, it is desirable that there be continued an advertising and sales promotion program conducted on a national basis, and that the Council be given the funds for the development and dissemination of information on product quality, production management, and marketing improvement for wool, sheep, and products thereof, to be financed by pro rata deductions from incentive payments to producers.

NOW, therefore, the parties hereto agree as follows:

1. Whenever incentive payments are made to producers under the Act, the Administrator, Agricultural Stabilization and Conservation Service, will make a pro rata deduction from such payments on the net value of advertising and sales promotion programs for wool and lambs and the products thereof, and the marketing of such programs by deduction or payment to wool producers. This agreement provides for continuing such advertising and sales promotion programs and for the development of a program to develop and disseminate information on product quality, production management, and marketing improvement as it may plan to undertake. Each producer shall be paid pro rata deductions made under this Agreement for the years commencing January 1, 1974, and ending December 31, 1977.

2. For each fiscal year beginning July 1, 1974, until all activities are completed under this Agreement, the Council shall submit to the Administrator for approval a proposal advertising and sales promotion program for wool and lambs and the products thereof and, in such amendment thereto as may be needed. The Council shall include in the budget each fiscal year such programs to develop and disseminate information on product quality, production management, and marketing improvement as it may plan to undertake. Each submission shall describe the annual plan of operation, commodities to be covered by such program, the proposed media and other methods which the Council intends to use in carrying out such programs, and the benefits expected to be derived by producers on a national basis. After the proposed programs and budgets, including amendments thereto, have been approved by the Administrator, the Council will enter into such agreements with marketing cooperatives, trade associations or other organizations, and employ such personnel, and take such other action as the Council deems appropriate or necessary to effectuate such programs.

3. The Corporation shall render an annual report of its activities and a copy of an audit, prepared by a certified public accountant, during each fiscal year.

4. Either party may terminate this Agreement with respect to the continuation of all programs heretofore by delivering, or causing to be delivered, by registered mail, a written notice of such termination effective on the date to be specified therein, but not less than 30 days after giving of such notice. After any such termination, the activities of the Council shall be terminated and no deductions from payments to producers shall thereafter be made to defray expenses incurred in the conduct of such deductions from payments made in connection with a prior marketing year as the Administrator of Agriculture may deem desirable to effectuate such liquidation. If on or after January 1, 1973, the Administrator determines upon petition or referendum of the wool producers or otherwise that this agreement is no longer favored by the requisite number of producers, he shall so declare. After such declaration, that no deductions from payments to producers shall thereafter be made to defray expenses incurred in the conduct of such deductions from payments made in connection with a prior marketing year.

5. Pursuant to the provisions of the Wool Act of 1954, as amended, deductions shall be made at such rates as the Administrator and Council may agree upon, but in no event shall be in excess of the rates specified for 1974.

6. Pursuant to the provisions of the Wool Act of 1954, as amended, and the regulations promulgated thereunder by the Secretary, the Corporation shall develop and conduct advertising programs and information development and dissemination programs established pursuant to this agreement.
NOTICES

6. Upon termination of all programs under this agreement, if all the funds of the Council were derived from deductions from wool payments (including interest earned thereon), all such funds remaining unobligated in the hands of the Council shall be returned to the Administrator, together with a statement explaining how the amount was calculated and into what portion thereof the same was returned to the Administrator. If the Council, pursuant to this agreement, shall return to the Administrator the same proportions of the unobligated funds as the funds contributed by the members of the Council, and all funds received by the Council. A statement of the assets and liabilities of the Council shall be furnished to the Administrator within 60 days after such termination becomes effective. The provision with respect to the return of unobligated funds shall also apply in case of dissolution or liquidation of the affairs of the Council.

7. Any amendments or additions to the charter or bylaws of the Council shall be subject to the approval of the Administrator.

8. The authority reserved to the Administrator under this agreement may be exercised by an official or officials of the Department of Agriculture designated by him for such purpose.

9. During the performance of this agreement, it is further agreed that:

1. The Council will not discriminate against applicants for employment because of race, color, religion, sex, or national origin. The Council will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to such race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, suspension, discharge, layoff, or furlough; selection, training, and other forms of compensation; and selection for training, including apprenticeship.

2. During the performance of this agreement, it is further agreed that:

3. Agencies conducting referendum. The Administrator, Agricultural Stabilization and Conservation Service, shall be in charge of conducting this referendum. Each ASC State Committee shall be in charge of conducting the referendum in its State, and each ASC County Committee shall be in charge of conducting the referendum in its county.

4. Period of referendum. ASCS county offices will have ballot boxes available from November 4, 1974, through November 15, 1974. Any completed ballot received by an ASCS county office before November 4, 1974, will be placed in the ballot box. Ballots reaching an ASCS county office after close of business November 15, 1974, cannot be counted.

5. Notice of referendum. Full and accurate notice shall be given of the ballot, the referendum, and the rules governing the eligibility to vote. The ballot will be provided by the ASCS State and county offices by means of newspapers, radio, or any other method they deem desirable, without incurring advertising expense.

6. Voting. (a) Mailing of ballots to eligible voters. Each ASCS county office will have a ballot box for each county in which the committee has knowledge, having ranch or farm headquarters located in such county. The mailing of a ballot is not a determination of eligibility to vote, and if a producer has not received a ballot, he can obtain one in the ASCS State or county office upon request. The Program Operations Division, Agricultural Stabilization and Conservation Service, will mail ballots to all cooperative associations which qualify to vote on behalf of their members and others in accordance with paragraph (c) hereof.

(b) Place and manner of voting by individuals. The ASCS county office serving the county in which the producer's farm or ranch headquarters is located shall receive a poll blank on Form CCC-1160 either by personal delivery, or by mailing the form so that it will reach, the polling place on or before the close of business November 15, 1974.

(c) Place and manner of voting by cooperative associations. A cooperative association shall cast only one ballot. The ballot shall be cast for all eligible voters who on the date the ballot is cast are members of, stockholders in, or under contract to sell their wool or lambs through, the association in the 1974 marketing year. A cooperative association must qualify for voting by filing with the Director of the Program Operations Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250, not later than October 11, 1974, each of the following: (1) A certified copy of the articles of incorporation and bylaws of the association, and (2) a certified copy of the resolution adopted by the association's board of directors authorizing such vote. The Program Operations Division will send a list of cooperative associations which establishes eligibility to vote. The cooperative association shall return the marked ballot to the Director, Program Operations Division, so that it will reach that office not later than November 15, 1974. Each ballot cast by a cooperative association shall be accompanied by the original and two copies of a listing showing the names and addresses of all producers, otherwise eligible to vote, who on the date the vote is cast are members of, stockholders in, or under contract to sell their wool or lambs through, the association in the 1974 marketing year. The producers' names and addresses shall be arranged alphabetically, on a separate sheet for each county. The listing for each county shall be headed by the name and address of the cooperative association and show whether voting "Yes" or "No" in the referendum. In preparing the listings, the cooperative association shall show for each producer the number of sheep and lambs 6 months of age or older which he owned continuously in the United States during a single period of at least 20 days during 1973. After checking the ballots and lists received from cooperative associations for completeness, the list of producers for whom cooperative associations have voted will be forwarded by the Program Operations Division to the ASCS State offices concerned for distribution to the respective ASCS county offices.

7. Determining volume of production represented. The volume of production represented by each producer voting or for whom a cooperative association has voted will be determined by the number of sheep, 6 months of age or older, which he owned continuously in the United States during a single period, selected by the producer, of at least 20 days during 1973.

8. Challenge of ballots. A ballot may be challenged on the basis of the knowledge of any ASCS State, county, or community committee, employee of an
ASCS State or county office, or any other person. Before a challenged ballot is either counted or declared invalid, a determination shall be made by the ASCS county committee in connection with such challenged ballot. The determination shall cover all questions as to the eligibility of the individual voter or any producer for whom a cooperative association has cast a ballot and the accuracy of the number of sheep represented. If two or more cooperative associations cast ballots for the same producer, and the ballots take the same position with reference to the agreement which is the subject of the referendum, the producer's vote will be counted only once. If they take different positions, his vote will not be counted.

9. Canvas of ballots. The ASCS county committees will make a count of the eligible voting producers, determining (a) the number of eligible voting producers favoring the agreement and the number of sheep represented by them, (b) the number of eligible voting producers disapproving the agreement and the number of sheep represented by them, and (c) the number of voting producers found to be ineligible. All ballots shall be treated as confidential and the contents of the ballots shall not be divulged, except as provided in this notice or as the Administrator may direct.

10. Reporting results of referendum. Each ASCS county office will transmit a written summary of the results of the referendum in its county to its ASCS State office. Each ASCS State office will transmit a written summary of the referendum results received from the ASCS county offices within its State to the Director of the Program Operations Division, ASCS, Washington, D.C. 20250, and maintain one copy of the summary in the ASCS State office which it shall be available for public inspection for a period of 5 years following the end of the referendum period. The Director of the Program Operations Division, Agricultural Stabilization and Conservation Service, shall prepare and submit to the Administrator a report as to the results of the referendum.

11. Additional instructions and forms. The Administrator, Agricultural Stabilization and Conservation Service, is hereby authorized to prescribe additional instructions and forms not inconsistent with the provisions of this notice to govern the procedure to be followed in the conduct of this referendum.

Signed at Washington, D.C., on September 5, 1974.

John C. Blum
Associate Administrator, Agricultural Marketing Service.

[FR Doc. 74–21003 Filed 9–10–74; 8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[File No. 23(73)–51]

JOSE RESNCIOV AND COMERCIAL SONORAMA

Order Denying Export Privileges for an Indefinite Period

In the matter of Jose Resncioy and Comercial Sonorama S. de R. L., Avenue Revolution 921–4, Tijuana, B.C., Mexico, Respondents. File No. 23(73)–2.

The Director, Compliance Division, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce, has applied for an order depriving to the above named respondents all export privileges for an indefinite period because the respondents failed to furnish answers to interrogatories, without good cause being shown. This application was made pursuant to § 388.5 of the Export Administration Regulations.

The application for an indefinite denial order was referred to the Hearing Commissioner, Bureau of East-West Trade, who, after considering the evidence has recommended that the application be granted. The report of the Hearing Commissioner and the evidence supporting the application have been considered.

The evidence presented shows that the respondent Jose Resncioy, a citizen of Mexico, is and has been engaged in the business of importing, exporting and otherwise dealing in electronic equipment. Resncioy and other relatives appear to be the owners and operators of Comercial Sonorama S. de R. L., a retail store in Tijuana, Mexico which sells radios, phonographs, amplifiers, electronic parts, musical instruments, music and accessories.

The evidence developed by the Compliance Division in its investigation into the disposition of Resncioy and Sonorama of certain U.S.-origin electronic equipment of a strategic nature which they had obtained from various firms in the United States, was exported from San Ysidro, California on behalf of Sonorama without the benefit of required U.S. validated export licenses and were thereafter transshipped to countries for which valid export licenses would not have been issued.

Relevant and material interrogatories and a request to furnish documents relating to the transactions in question were served on respondents pursuant to § 388.6 of the Export Administration regulations. Said respondents have declined to answer said interrogatories and furnish the relevant documents. It is hereby determined that the respondents have not shown good cause for their failure to answer said interrogatories. I therefore find that an order denying all U.S. export privileges to said respondents for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Act and regulations.

I, therefore find that an order denying all outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of East-West Trade for cancellation.

II. The respondents, their successors or assigns, partners, representatives, agents, and employees, hereby are denied all privileges of participation directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or part or to be exported, or which are otherwise subject to the export regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the U.S. or abroad shall include participation, directly or indirectly, in any manner or capacity: (a) as a party or as a representative of a party to any validated export license application, (b) in the preparation or filing or any export license application or reexportation authorization, or any document to be submitted therefor, (c) in the obtaining or using of any validated or general export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States, and (e) financing, forwarding, transporting, or other servicing or such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor, and to any person, firm, corporation, or business organization with which they or either of them now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct or export trade or services connected therewith.

IV. This order shall remain in effect until the respondents provide responsive answers, written information, and documents, in response to the interrogatories hereinbefore served upon them, or give adequate reasons for not doing so, except insofar as this order may be amended or modified hereafter in accordance with the export regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without specific authorization from the Bureau of East-West Trade, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect to...
therto, in any manner or capacity, on behalf of or in any association with the respondents, or any related party, or whereby the respondents or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondents.

VII. In accordance with the provisions of § 388.15 of the export regulations, the respondents may move at any time to vacate or modify this indefinite denial order by filing with the Hearing Commissioner, Bureau of East-West Trade, U.S. Department of Commerce, Washington, D.C. 20220 an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which if requested shall be held before the Hearing Commissioner, at Washington, D.C. at the earliest convenient date.

This order shall become effective on September 5, 1974.


RAVEN H. MUXTER,
Director, Office of Export Administration.

[FR Doc. 74-20994 Filed 9-10-74; 8:45 am]

TELECOMMUNICATIONS EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

The Telecommunications Equipment Technical Advisory Committee of the U.S. Department of Commerce will meet 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.

Members advise the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may effect the level of export controls applicable to telecommunications equipment, including technical data related thereto, and including those whose exports are subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
6. Executive Session: Update on Conclusions and Recommendations.

The public will be permitted to attend, obtain, present oral statements to the committee, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

Further information may be obtained from Charles C. Swanson, Director, Office of Export Administration, Room 1630, U.S. Department of Commerce, Washington, D.C. 20220 (A/C 202-933-4106).


RAVEN H. MUXTER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc. 74-20994 Filed 9-10-74; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

ADVISORY COMMITTEES

Notice of Meetings

The Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, announces the following dates and other required information for the National Advisory bodies scheduled to assemble the month of October 1974:

Committee name Date, time, place Type of meeting and/or contact person

Social Problems Research and Development Committee October 3 and 4, 9 a.m., Room No. 10-53, Holiday Hotel, Washington, D.C. Open—Oct. 3, 9 to 9:30 a.m., Closed—Other.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and recommends to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 9:30 a.m., October 3, the meeting will be open for discussion of administrative announcements and program developments. In accordance with the provisions set forth in section 552(b)(4), Title 5, U.S. Code and section 10(d) of P.L. 92-463, the remainder of the meeting will be closed to the public 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.

Committee name Date, time, place Type of meeting and/or contact person

Social Science Research and Development Committee October 25 to 26, 9:30 a.m., Holiday Inn, Conference Room 16-06, National Institutes of Health, Bethesda, Md. Open—Oct. 25, 9:30 to 10 a.m., Closed—Otherwise.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 9:30 a.m., October 3, the meeting will be open for discussion of administrative announcements and program developments. In accordance with the provisions set forth in section 552(b)(4), Title 5, U.S. Code and section 10(d) of P.L. 92-463, the remainder of the meeting will be closed to the public 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.
NOTICES

Purpose. The Board provides expert advice to the Director, NIMH, on the mental health intramural research program through periodic visits to the laboratories for assessment of the research in progress and evaluation of productivity and performance of staff scientists.

Agenda. From 9:30 to 10 a.m., October 26, the meeting will be open for a report by the Director and Deputy Director of Intramural Research, NIMH, on recent administrative developments. In accordance with the provisions set forth in section 352(b)(6), Title 5, U.S. Code and section 10(d) of P.L. 92-463, the remainder of the meeting will be closed to the public for the review, discussion, and evaluation of individual programs and projects conducted by the National Institute of Mental Health, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Subcommittee information may be obtained from the contact persons listed above.

The NIMH Information Officer who will furnish the summaries of the meetings and rosters of the members is Mr. Edwin M. Long, Deputy Director, Division of Scientific and Technical Information, National Institute of Mental Health, Room 15-105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, Telephone No. 443-3600.


ROBERT L. DUFOUR, Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.74-20597 Filed 9-19-74; 8:45 am]

Food and Drug Administration

[FAp MF3587]

MITSUBISHI INTERNATIONAL CORP.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(2)(B)), 72 Stat. 1706; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAp MF3587) has been filed by Mitsubishi International Corp., Suite 4010, 875 North Michigan Ave., Chicago, Ill. 60611, proposing issuance of a food additive regulation (21 CFR Part 121) to provide for safe use of isobutyliodiene diurea as a nonprotein nitrogen source for beef cattle. It is recommended as a protein supplement for range cattle or under confined feeding conditions where supplemental nitrogen is needed to meet protein requirements of weanling calves, yearling cattle, or male, cows and bulls.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysts report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 195-42 or the office of the Director, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.


R. D. FINE, Associate Commissioner for Compliance.

[FR Doc.74-20593 Filed 9-10-74; 8:45 am]

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[NADA 35-3G4]

BIO-NEERING INTERNATIONAL, INC.

Ironyel-100; Notice of Withdrawal of Approval of New Animal Drug Application

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 426-329 (21 CFR 203.3) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 135.28(d)) No. 35-3G4 of NADA (new animal drug application) No. 35-3G4V for colloidal ferric oxide injectable, used in the treatment of anemia in swine, on the grounds that the drug is no longer marketed. Therefore, notice is given that approval of NADA 35-3G4V, including all amendments and supplements thereto, is hereby withdrawn effective September 11, 1974.


SAM D. FINE, Associate Commissioner for Compliance.

[FR Doc.74-20554 Filed 9-10-74; 8:45 am]

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[DES 6762; Docket No. FDC-D-625; NADA No. 7-625 etc.]

CERTAIN TOPICAL PREPARATIONS FOR OPHTHALMIC OR OCUL USE

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 discussed below and submitted to the Commissioner of Food and Drugs its reports finding the drugs to be either less-than-effective for all claims or in one instance (Clotenon for relief of certain ocular symptoms), to be ineffective for all claims or in one instance (Clotenon for relief of certain ocular symptoms), effective with the qualifying statement that "The company needs to document that this combination is more effective than the steroid alone in these conditions. * * *" Copies of these 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 September 11, 1974 (FR 49-7671) that the drugs are possibly effective for their claimed indications:

<table>
<thead>
<tr>
<th>NDA</th>
<th>Drug</th>
<th>NDA Holder</th>
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<tbody>
<tr>
<td>7-172</td>
<td>Ophthalmic prep.</td>
<td>E. I. du Pont de Nemours &amp; Co., Wilmington, Del.</td>
</tr>
<tr>
<td>10-48</td>
<td>Ophthalmic prep.</td>
<td>Hardman &amp; Co., Ltd.</td>
</tr>
<tr>
<td>10-37</td>
<td>Ophthalmic prep.</td>
<td>Alcon Laboratories, Inc.</td>
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Allergan submitted results of a study comparing the combination product, Clotenon 0.12 percentage solution with Prednisolone minus phenylglycine. The study fails to meet the requirements of 21 CFR 3.33 as its face, since it does not explore the combination to effectiveness of the antipyrine component. In the study, patients with allergic conjunctivitis were treated in one eye with Prednisolone and in the other with Prednisolone minus phenylglycine. The study was double-blinded and the drug given to each eye was determined through randomization. Evaluation of results indicated no difference in symptoms or overall improvement between the two groups after 1, 2, 3, 4, or 5 days. There was, however, a reported statistically significant difference in the degree of erythema seen 15 minutes and 1 hour after drug use with the difference favoring Prednisolone. This advantage was quite small with approximately 75 percent of all eyes improving as much or more on Prednisolone minus phenylglycine.

It was the opinion of the FDA-ICRC Panel which reviewed this product that "although phenylglycine may ‘whiten’ inflamed eyes by vasodilatation, the therapeutic value of this is debatable. Constriction should not be an acceptable criterion for product ingredients." Even granting the acceptability of results, however, the combination product, apart from the total absence of evidence of a role for antipyrine, fails to meet the requirements of the Combination Policy (21 CFR 2.3). In addition to requiring that each component "make a contribution to the claimed effects," the Policy requires that "the dosage of each component (amount, frequency, duration) must be such, that the combination is safe and effective for a significant patient population requiring such concurrent therapy." It is clear that the

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duration of action of the prednisolone and phenylephrine components are dis-
similar. Therefore, the combination product is "requi-
red" to be included in the labeling. It is not clear that its use throughout the course of treat-
ment represents administration of a clearly ineffective component with regard to frequency and
duration is such that the combination cannot be considered effective.

Schering has reported results of studies comparing Netrexon Ophthalmic Suspension with prednisolone. These
studies, according to Schering, did not demonstrate in a statistically significant manner that Netrexon was more effec-
tive than the control drug. The studies also were not adequately controlled within the meaning of 21 CFR 3.86 in that there was no comparison of the combination product with a control containing the component chlorphenir-
amine maleate as the only active ingre-
dient. Thus, the studies do not constitute substantial evidence of effectiveness, and the combination product has not been shown to meet the fixed-combination drug requirements of 21 CFR 3.86.

No data were submitted concerning the other drugs listed above.

Also included in the notice of September 17, 1970 was NDA 11-530, Op-Fredrin Ophthalmic Solution containing pred-
nisolone and phenylephrine hydrochloro-
ide; Brennamel Pharmaceuticals, 1255 Sutter Street, San Francisco, CA 94109.

This drug is no longer marketed, and ap-
proval has been withdrawn for failure to submit required reports (36 FR 14364, August 4, 1971). The conclusion con-
cerning the effectiveness of this drug had not been reached at the time that the notice was published.

On the basis of the data and information available to him, the Direc-
tor of the Bureau of Drugs is unaware of any adequate and well-controlled clini-
cal investigation conducted by experts qualified by scientific training and ex-
perience 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 3.86, demonstr-
at ing the effectiveness of any of the drugs mentioned above.

Therefore, notice is given to the holder(s) of the new drug applica-
tion(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 requiring submission of data and information thereon that the new information before him with respect to the drug product(s), evaluated together
with the evidence available to him at the time of this action, shows there is a lack of substantial evidence that the drug product(s) will have the effect it purports or is repre-
dented to have under the conditions of use prescribed, recommended, or sug-
gested in the labeling.

In addition to the holder(s) of the new drug application(s) specifically
notified in this notice, an opportunity for hearing is available to all persons who manufacture or distribute a drug prod-
uct which is identical, related, or similar to a drug product named above, or who are responsible for the administra-
tion of every drug manufacturer or distributor (or similar to a drug product named above) by reviewing the Food and Drug Administration, Bureau of Drugs, 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, rel-
ed, or similar drug products as def-
dined 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 21 CFR 310.7(c).

In accordance with the provisions of section 505 of the act (21 U.S.C. 355)
and the regulations promulgated there-
under (21 CFR 310.31, 314), the appli-
cant(s) and all other persons subject to
this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hear-
ing to show why approval of the new
drug application(s) should not be with-
drawn and an opportunity to raise, for
administrative determination, all issues relating to the legal status of a drug product named above and of all identi-
cal, related, or similar drug products.

If an applicant or any other person subject to this notice pursues to 21 CFR 310.6 elects to avail himself of the oppor-
tunity for a hearing, he shall file (1) on or before October 11, 1974, a written
notice of appearance and request for
hearing, (2) on or before November 17, 1974, the data, information, and anal-
yses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also
request a hearing. Notice of appearance and request for hearing, a submission of data, informa-
tion, and analyses to justify a denial of
other comments, and a grant or denial of hearing, are contained in 21 CFR 310.14
and in the Federal Register of March 13, 1974 (39 FR 7160). The

The application of any other person subject to this notice pur-
sueing to 21 CFR 310.6 to the holding
of the new drug application(s) described above, this notice of opportunity for 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 new drug product may not then 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
approved 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 con-
clusively 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
(f) who requests the hearing, making
findings and conclusions, denying a hear-
ing.

All submissions pursuant to this notice shall be filed in quadruplicate with the
Hearing Clerk, Food and Drug Adminis-
tration (HFC-20), Room 6-86, 5600 Fish-
ers Lane, Rockville, MD 20852.

All submissions pursuant to this notice, except for data and information prohib-
ited from public disclosure pursuant to 21
U.S.C. 1905, may be reviewed by the
Commissioner during regular business hours, Monday through Friday.

This notice is issued pursuant to pro-
visions of the Federal Food, Drug, and
Cosmetic Act (secs. 505, 32 Stat. 1232-53,
as amended; 21 U.S.C. 355), and under
authority delegated to the Director of the
Bureau of Drugs (21 CFR 2.121).

Dated: August 30, 1974.

J. Richard Crow, Director, Bureau of Drugs.

[FR Doc.74-19093 Filed 9-10-74; 8:46 am]
Cancer Treatment Advisory Committee, National Cancer Institute, October 1-2, 1974, 9 a.m. to 5 p.m., National Institutes of Health, Building 31, Conference Room 10.

This meeting will be open to the public on October 1-2, 1974, from 9 a.m. to 5 p.m. to discuss the Report on the Steering Subcommittee, NCI Programs in Cancer Treatment, and Discussion and Recommendations of the Committee. Attendance by the public will be limited to space available.

Dr. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A-16, National Institutes of Health, Bethesda, Maryland 20014, (301-486-5708) will furnish summaries of the open meeting and roster of subcommittee members.

Dr. Seymour Perry, Executive Secretary, Building 31, Room 3A-16, National Institutes of Health, Bethesda, Maryland 20014 (301-486-4291) will furnish substantive program information.

(Dental Caries Program Advisory Committee)

Dental Caries Program Advisory Committee
Notice of Meeting Puruant to Public Law 92-463, notice is hereby given of the meeting of the Dental Caries Program Advisory Committee, National Institute of Dental Research, October 7-8, 1974, National Institutes of Health, Buildings 31-C, Conference Room 7, Bethesda, Maryland.

The entire meeting will be open to the public from 9 a.m. to 5 p.m. on October 7, and from 9 a.m. to 12:30 p.m. on October 8, to discuss research progress and plans of the Dental Caries Program for FY 1975. Attendance by the public will be limited to space available. Dr. James P. Carlos, Associate Director, National Caries Program, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 528, Bethesda, Maryland 20014, (phone number 301-486-7239) will provide summaries of the meeting, roster of the committee members, and substantive program information.

(Dental Caries Program Advisory Committee)

PERIODONTAL DISEASES ADVISORY COMMITTEE

Notice of Meeting Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Periodontal Diseases Advisory Committee, National Institute of Dental Research, October 9-10, 1974, National Institutes of Health, Building 31-C, Conference Room 8, Bethesda, Maryland.

The entire meeting will be open to the public from 9 a.m. to 5 p.m. on October 9, and from 9 a.m. to 12:30 p.m. on October 10, for continuing discussions of manpower needs for future periodontal disease research. The Committee will also consider the results of a recent workshop to assess research progress on the role of dentobacterial plaque in oral disease and will hold special discussions on the various aspects of plaque formation in old staff in planning programs consistent with an appropriate distribution of research funds. Attendance by the public will be limited to space available. Dr. Anthony A. Rice, Scientific Administrator, Extramural Programs, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 521, Bethesda, Maryland 20014, (phone number 301-486-7784), will provide summaries of the meeting and rosters of the committee members. Dr. Anthony A. Rice, Scientific Administrator, Extramural Programs, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 521, Bethesda, Maryland 20014 (phone number 301-486-7784), will provide summaries of the meeting and rosters of the committee members.

(Dental Caries Program Advisory Committee)

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32773

This meeting shall be open to the public. The proposed agenda for the meeting is:
1. Discussion of the position paper on illustration of the committee.
2. Discussion of the rules and regulations pursuant to 29 CFR 1910.149, and the role of the committee in the preparation of said rule.
3. Other relevant matters which the Advisory Committee deems germane to the issue shall also be discussed.

Records shall be kept of all proceedings, and shall be available for public inspection at Room 3230, Regional Office Building 3, 7th and D Streets SW., Washington, D.C. 20202.

Signed at Washington, D.C., on September 5, 1974.

JOHN C. MILLER, Director, Division of Periodontal Diseases Advisory Committee.

DEPARTMENT OF TRANSPORTATION

Notice Circular Checklist and Status Correction

Federal Aviation Administration

FR Doc. 74-22332 Filed 9-10-74; 8:45 am

SPECIAL PERMITS ISSUED

Pursuant to Directive No. H-11, Rulemaking procedures of the Hazardous Materials Regulations Board. Issued May 23, 1973 (33 FR 3279) 19 CFR 170, following is a list of new DOT Special Permits upon which Board action was completed during August 1974.

FEDERAL REGISTER, VOL. 39, NO. 177—WEDNESDAY, SEPTEMBER 11, 1974
NOTICES

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Petition for Temporary Exemption From Motor Vehicle Safety Standards

CARROZZERIA ZAGATO

This notice grants the petition of Carrozzeria Zagato for a temporary exemption of its electrically-powered Elcar for 1 year from certain safety standards.

On July 15, 1974 (39 FR 25969) the NHTSA published notice of a petition by Carrozzeria Zagato for a 1-year exemption of its Elcar from portions of four safety standards on grounds that exemption would facilitate the development and field evaluation of a low-emission motor vehicle. The company cited the unavailability of suitable electric de-frosting systems in its request for relief from Standard No. 103 (49 CFR 571.103).

It requested relief from Standard No. 114 (49 CFR 571.114), as the design of its key insertion area will not allow additional electric circuits capable of accommodating an alarm system. It does not believe that the hinge load requirements specified by Standard No. 206 (49 CFR 571.206) are appropriate for low-weight vehicles, and it plans to use door hinges with steel reinforcements embedded in the fiberglass body structure. Seat belt assemblies required by Standard No. 208 (49 CFR 571.208) will have to be redesigned to incorporate warning systems, but passenger restraint systems are provided.

No comments were received in response to the notice. The NHTSA has determined that, by allowing production and sale of an electric vehicle, the exemption would facilitate the development and field evaluation of a low-emission vehicle. The impact of the exemption on motor vehicle safety should be minimal due to the limited nature of the exemption in scope and duration, and the low production of the Elcar. The exemption will also allow the public the choice of transportation independent of available supplies of gasoline. For these reasons the NHTSA has also determined that the exemption is consistent with the public interest and the objectives of the National Traffic and Motor Vehicle Safety Act (49 U.S.C. 103, 1410; delegation of authority at 49 CFR 1.51).

In consideration of the foregoing, Carrozzeria Zagato is granted NHTSA Exemption No. 74-2, exempting its Elcar model manufactured for 1 year from the date of publication of this notice from Federal Motor Vehicle Safety Standards Nos. 103, 114, 206, and 208 (49 CFR 571-103, 571.114, 571.206, 571.208).

Issued on September 6, 1974.

JAMES B. GREGORY, Administrator.

FEDERAL REGISTER, VOL. 39, NO. 177—WEDNESDAY, SEPTEMBER 11, 1974
ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Notice of Meeting

September 5, 1974.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2029, 2032 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on St. Lucie Nuclear Generating Station, Unit 1, will hold a meeting on October 3, 1974, in Room 1046 at 1717 H Street NW, Washington, D.C. The purpose of this meeting will be to develop information for consideration by the ACRS in its review of the proposed license application for St. Lucie Nuclear Generating Station, Unit 1, located in St. Lucie County, Florida, about halfway between Fort Pierce and Stuart on the East Coast.

The Chairman of the Subcommittee, who is empowered to apportion the time available among those selected by him to make oral statements.

The Chairman of the Subcommittee will conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

Practical considerations may dictate alterations in the above agenda or schedule.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make an oral statement 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.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled shall be available on a first-come, first-served basis.

(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, Public Document Room, 1717 H Street NW., Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after October 1, 1974, at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545.

(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 1, 1975. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN, Management Officer.

[Filed 74-20918 Filed 9–10–74; 45 am]

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NOTICES

The use of such equipment will not, however, be allowed while the meeting is in session.

(b) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street NW., Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after October 10, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 and within approximately nine days at the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida 32940. 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 202-547-6252) upon payment of appropriate charges.

(ii) 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 6, 1975. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN, Advisory Committee Management Officer.

[FB Doc.74-2019 Filed 8-10-74; 8:48 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

NOTICES OF MEETING

SEPTEMBER 5, 1974.

In accordance with the purposes of sections 29 and 323 d. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on St. Lucie Nuclear Generating Station, Unit 2, will hold a meeting on October 9, 1974, in Room 1046 at 1717 H Street NW., Washington, D.C. The purpose of this meeting will be to develop information for consideration by the ACRS in its review of the application for a permit to construct the St. Lucie Nuclear Generating Station, Unit 2, to be located in St. Lucie County, Florida, about halfway between Fort Pierce and Stuart on the East Coast.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Wednesday, October 9, 1974, 9:30 a.m. until the conclusion of business. The Subcommittee will hear presentations by representatives of the Regulatory Staff and Florida Power and Light Company and will hold discussions with these groups pertinent to its review of matters related to the construction of the St. Lucie Nuclear Generating Station, Unit 2.

In connection with the above agenda items, the Subcommittee will hold Executive Sessions, not open to the public, at approximately 8:30 a.m. on October 9, and at the end of the day to consider matters related to the above review. These sessions will include exchange of opinions and discussion of preliminary views and recommendations of Subcommittee Members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Subcommittee may hold one or more closed sessions with representatives of the Regulatory Staff and Florida Power and Light Company for the purpose of discussing privileged information relating to the matters under review, if necessary.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the above-noted Executive Sessions will consist of an exchange of opinions and deliberations on the formulation of recommendations with the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that closed sessions may be held, if necessary, to discuss certain documents and information. These sessions, however, will be open to the public.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepayment telephone call on October 8, 1974, to the Office of the Executive Secretary (telephone 202-379-5651) between 9:30 a.m. and 5:15 p.m., Eastern Daylight Time.

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.

A copy of the transcript of the open portion of the meeting will be available for inspection on or after October 10, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 and within approximately nine days at the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida 32940. 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 202-547-6252) upon payment of appropriate charges.

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.

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.

A copy of the transcript of the open portion of the meeting will be available for inspection on or after October 10, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and within approximately nine days at the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida 32940. 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 202-547-6252) upon payment of appropriate charges.

In addition to the Executive Sessions, the Subcommittee may hold one or more closed sessions with representatives of the Regulatory Staff and Florida Power and Light Company for the purpose of discussing privileged information relating to the matters under review, if necessary.

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 1, 1974 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 and at the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida 32940.

(b) Persons submitting a written statement shall accompany the written statement and shall set forth reasons for calling 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 not exceeding 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3:30 p.m. on October 9.

(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.

(b) 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.

A copy of the transcript of the open portion of the meeting will be available for inspection on or after October 10, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 and within approximately nine days at the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida 32940. 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 202-547-6252) upon payment of appropriate charges.
JOHN C. RYAN, 
Advisory Committee Management Officer.
[FR Doc.74-20920 Filed 9-10-74;8:45 am]

[DOCKET No. 50255]

CONSUMERS POWER CO.
Amendment to Provisional Operating License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 9 to Provisional Operating License No. DPR-20 issued to Consumers Power Company which revised Technical Specifications for operation of the Palisades Plant, located in Covert Township, Van Buren County, Michigan. The amendment is effective as of its date of issuance.

The amendment permits a change in the Technical Specifications which requires that a surveillance program be initiated to monitor the reactor internals vibration to provide a limitation on the maximum motion amplitude permitted for continued operation.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated July 30, 1974, (2) Amendment No. 9 to License No. DPR-20, with any attachments, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Kalamazoo Public Library, 313 South Rose Street, Kalamazoo, Michigan 49006.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545. Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 30th day of August, 1974.

For the Atomic Energy Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch
No. I, Directorate of Licensing.

[FR Doc.74-20931 Filed 9-10-74;8:45 am]

CIVIL AERONAUTICS BOARD
[DOCKET No. 26494]

GLOBUS TOURIST OFFICE, MANTEGAZZA & ALBES, LTD—FOREIGN INDIRECT AIR CARRIER PERMIT (SWISS)

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on September 27, 1974, at 10 a.m. (local time) in Room 503, Universal Building, 250 Connecticut Avenue NW, Washington, D.C., before the undersigned.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the various documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., September 6, 1974.

[SEAL]

GREEN M. MURPHY,
Administrative Law Judge.

[FR Doc.74-20939 Filed 9-10-74;8:45 am]

INTERNATIONAL AIR TRANSPORT ASSOCIATION
Order Regarding North and Mid Atlantic Passenger Fares

Issued under delegated authority; September 5, 1974.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 and Part 281 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Trailie Conferences of the International Air Transport Association (IATA). The agreement, which would establish the North and Mid Atlantic fare structure from November 1, 1974 through March 31, 1975, was adopted at the Montreux North and Mid Atlantic Traffic Conference in August 1974.

Generally speaking the agreement would increase all current fares by amounts ranging from 3.6 percent for the shoulder season normal economy fare to over 19 percent for the winter affinity group fare. The 14/21-day and 22/45-day excursion fares would be increased on the order of 7.5 percent and 18.0 percent, respectively.

The agreement also proposes a new, Advance Purchase excursion fare (APEX) fare at level (cost plus what above the present 29/45-day excursion fare. Reservations and full payment (subject to a 25 percent charge for cancellations prior to departure) would be required two calendar months before departure; a minimum maximum stay of 29/45 days would apply; no stopovers would be permitted; and sales would be limited to 20 percent of each carrier's weekly economy class capacity at key points.

The agreement includes, as a recommended practice, rather than a binding agreement, the minimum charter rate structure tentatively agreed to at the Ft. Lauderdale meeting of North Atlantic passenger charter operators this June, and expected to be finalized at a meeting scheduled for September 7/9, 1974. For U.S.-originating charters, the minimums (net price to carrier) range from 2.8 cents to 4.1 cents per seat-mile depending on the season and particular aircraft's configuration (see appendix). The public selling price would be based on a 5.26 percent markup in the case of affinity/own use/incentive type charters, and a 25 percent markup in the case of ABC/BCG charters over U.S. aircraft having less than 250 seats.

Certain amendments in conditions applicable to various fares are also proposed. The minimum group size for the all-year 14/21-day group inclusive tour (GIT) fare would be reduced from 15 to 10 persons, and the minimum tour price increased from $100 to $120 for the first 14 days, and from $7 to $10 per day thereafter. Youth fares from Canada to Europe would be retained, but a new residence requirement would exclude holders of U.S. passports from use of these fares during the peak summer season. The agreement of those who present either an official Canadian Immigrant Visa or Student Visa, or documentary evidence of at least six months' residence in Canada.

Finally, the agreement includes a new 4/9-day incentive fare to Israel at New York/Boston-Tel Aviv rates of $461 winter, and $517 shoulder, applicable for groups of at least 50 passengers.

With respect to Mid Atlantic fares, the agreement proposes a general increase of five percent effective November 1. Fares between the Western Hemisphere and Traffic Conference 3 (Asia/Australia/Pacific) via Europe, Africa or the Middle East are proposed to be increased seven percent.

The purpose of this order is to establish procedural dates for the receipt of justification, comments and replies in support of, or in opposition to, the agreement. All U.S. carrier members of IATA operating passenger services over the North and Mid Atlantic are directed to submit complete and detailed justification in support of the agreement. The data presented in their justifications should include but not be limited to financial forecasts, including traffic and capacity projections, for the year ending December 31, 1975, with and without the proposed increases, and the revenue gain anticipated from implementing the instant agreement. The same data for the most recent available 12-month period should also be included.

Accordingly, it is ordered, that:

1. All United States air carrier members of the International Air Transport Association operating passenger services...
over the North and Mid Atlantic shall file within fourteen calendar days after the date of service of this order, full documentation and economic justification (as described above) in support of the subject agreement;

2. Comments and/or objections from interested persons shall be submitted within fourteen calendar days after the date of service of this order;

3. Replies to justifications and comments submitted in response to ordering paragraphs 1 and 2 above, respectively, shall be submitted within twenty-four calendar days after the date of service of this order; and

4. Tariffs implementing the subject agreement shall not be filed in advance of this order; and

This order will be published in the Federal Register.

[ESAL] EDWIN Z. HOLLAND, Secretary.

[FR Doc.74-20998 Filed 9-10-74;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

INVESTIGATIONS OF AEROSOL SPRAY PRODUCTS

Notice of Meeting

The Consumer Product Safety Commission gives notice that Lumis Johnson and Alan Ehrlich of the Office of Standards Coordination and Appraisal will meet with Roger Quan of Standun, Inc., Los Angeles, to discuss the status of the Commission’s investigations on aerosol spray products. The meeting will be held Friday, September 13, 1974, at 9:30 a.m. in room 810, Westwood Towers Building, 5401 Westward Avenue, Bethesda, Maryland. The Commission held public hearings in February on alleged hazards of aerosol spray products in response to a petition from the Center for Science in the Public Interest.

For further information on the meeting, contact Harvey Tuker, Office of Standards Coordination, (301) 496-7197.


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

[FR Doc.74-20992 Filed 9-10-74;8:45 am]

BICYCLE REFLECTORS

Notice of Meeting

The Consumer Product Safety Commission gives notice that Kenneth W. Edinger of the Bureau of Engineering Sciences and Alan E. Hailey of the MICRO-FLEX Company, Wichita, Kansas, to discuss the company’s reflective products as they pertain to use on bicycles. The Commission promulgated bicycle safety standards July 10, 1974 (39 FR 26100) to become effective January 1, 1978. The meeting will be held on September 19, 1974, at 9:00 a.m. in room 400, Westwood Towers Building, 5401 Westward Avenue, Bethesda, Maryland.

NOTICES

For further information, or to arrange for attendance at this meeting, interested parties may contact Mr. Edinger, Bureau of Engineering Sciences, telephone (301) 496-7571.


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

[FR Doc.74-20992 Filed 9-10-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 361-5; OPP-32000/109] 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 31882) 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-33, East Tower, 401 M Street, S.W., Washington, D.C. 20460.

On or before November 11, 1974, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for submission of data to the Administrator and the applicant named in the notice in the Federal Register of his claim by certified mail. Notification to the Administrator which should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, S.W., 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 the period has expired.

Applicant will be available for examination at the Environmental Protection Agency, Room EB-33, East Tower, 401 M Street, S.W., 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 the period has expired.

Applicant will be available for examination at the Environmental Protection Agency, Room EB-33, East Tower, 401 M Street, S.W., Washington, D.C. 20460.

Every such claimant must include, at a minimum, the information listed in the Interim policy of November 19, 1973.

Applicants receiving under 2(c) of the interim policy.

EPA Reg. No. 1297-32, Terminix/Division of Cook Industries, Inc., CT PO Box 1636, Memphis, Tennessee 38101. CAPTAN MAX CONCENTRATE Active Ingredients: Malathion 56.6%; Xylene 32.2%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1241-NUA, Deltet Bush Chemical Corp., 4181 Peachtree Rd. NE, Atlanta GA 30319. LETHANE-MAHATHION POGGING SPRAY Active Ingredients: Malathion 1.5%; Perylene. Cottony into ethyl 6.5%; Petroleum Distillates 62.5%. Xylene 17.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 15-A. The Enmuco Corp., 301 Biltmore St., Buffalo NY 14293. "ECO" INSECTICIDE FRESHENER Active Ingredients: Pyrethrins 0.15%; Perylene Butoxide Technical 1.0%; Petroleum Distillates 83.75%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 15-T. The Enmuco Corp., 301 Biltmore St, Buffalo NY 14293. "ECO" INSECTICIDE PRESSURIZED Active Ingredients: Pyrethrins 0.15%; Perylene Butoxide Technical 1.0%; Petroleum Distillates 83.75%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 168-310, Entrada Industries, Inc., Wusatch Chemical Div., PO Box 6219, Salt Lake City UT 84106. XOXERO LIQUID VEGETABLE KILLS ALL VEGETATION Active Ingredients: 2- methoxy-4,6-bis (propylisopropyl) a-triazine 2.0%; Benthiophenol 1.0%; Other Chlorinated Phenols 0.15%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 25681-0, Hercules Products Corp., PO Box N, Dunedin FL 33783. STAR PAID EVANSVILLE MIRACLE MILDW REMOVER Active Ingredients: Luminum hypochlorite 4.1%. Method of Support: Application proceeds under 2(c) of interim policy.


EPA File Symbol 34688-H, Interlab Chemicals Inc., FIGHTER NAPHTHATANE 60%. Activo Ingredients: Copper Naphthenate 60%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7001-ENZ, Occidental Chemical Co., A Div. of Occidental Petroleum Corp., PO Box 198, Lathrop CA 95330. LAWN & GARDEN DISEASE CONTROL Active Ingredients: Chlorothalonil (tetra- chlorothalonil) 75%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7002-ENZ, Occidental Chemical Co., A Div. of Occidental Petroleum Corp., PO Box 198, Lathrop CA 95330. CRAGGROSE PREVENTER & B LAWN FOOD Active Ingredients: S-(O-(diisopropyl phosphorodithioato)(2-mercaptobenzyl) benzensulfonamide 3.6%. Method of Support: Application proceeds under 2(c) of interim policy.

FEDERAL POWER COMMISSION

ALGOQUIN GAS TRANSMISSIO CO.
Further Extension of Procedural Dates

On August 19, 1974, Staff Counsel filed a motion to extend the procedural dates in the above-captioned matter beyond those set by the order issued August 1, 1974. The motion states that Algoquin Gas Transmission Company has no objection. Notice is hereby given that the procedural dates are modified as follows:

Service of Evidence: By Staff, September 27, 1974.
Service of Evidence by Intervention, October 18, 1974.
Service of Rebuttal Evidence, November 9, 1974.

October 24, 1974 (10 a.m., c.d.)
Hearing, November 24, 1974 (10 a.m., c.d.)

By direction of the Commission.

KENNETH F. PAUL, Secretary.

[DET 9-7-74 Filed 9-10-74; 9:45 am]

[DOCKET No. E-6231]

CAROLINA POWER & LIGHT CO.
Extension of Time and Postponement of Hearing

August 23, 1974.

In the Notice of Extension of Time and Postponement of Hearing issued August 23, 1974 and published in the Federal Register on August 30, 1974, 39 Fed. Reg. 31768, places change the procedural dates in the above notice as follows:

Staff and Intervention Service Date, August 24, 1974.
Hearing, September 16, 1974 (10 a.m., c.d.).

KENNETH F. PAUL, Secretary.

[DET 9-7-74 Filed 9-10-74; 9:45 am]

[DOCKET No. EP74-53]

CASCADE NATURAL GAS CORP.

Extension of Time

September 5, 1974.

On August 23, 1974, Staff Counsel filed a motion to extend the procedural dates in the above-captioned matter beyond those set by the order issued August 1, 1974. The motion states that Cascade Natural Gas Corporation and the interveners have consented.

Upon consideration, the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, September 25, 1974.
Service of Intervener’s Testimony, October 2, 1974.
Company’s Rebuttal, October 21, 1974.
Hearing, (Undetermined), October 24, 1974 (10 a.m. c.d.).

KENNETH F. PAUL, Secretary.

[DET 9-7-74 Filed 9-10-74; 9:45 am]

[DOCKET No. E-6231]

CENTRAL ILLINOIS LIGHT CO.

Termination of Wholesale Electric Service

September 5, 1974.

Take notice that Central Illinois Light Company (CILCO) on August 25, 1974, tendered for filing a notice of cancellation of its POC Electric Rate Schedule No. 3 effective August 1, 1974, applicable to wholesale electric service rendered to Commonwealth Edison Company, which was terminated by mutual agreement.

CILCO states that on August 1, 1974, it began serving the electric consumers in the Lincoln, Illinois area at retail, and...
that the wholesale electric service was no longer required.

Notice of the cancellation has been served upon Commonwealth Edison Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 285 North Capitol Street NE, Washington, D.C. 20426. In accordance with §§1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10), all such petitions or protests should be filed on or before September 19, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestant 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 available for public inspection.

KENNETH F. PLUMS, Secretary.

[FRR Doc:74-20959 Filed 9-10-74;8:45 am]

[Cabinet No. R-8060]

CENTRAL TELEPHONE & UTILITIES CORP.

Addendum to Contract

September 5, 1974.


The addendum was executed by duly authorized officers of both parties and reads:

With interest, the jurisdictional portion of the payment in the amount of $6,843,097.15 which Cities made to Western Natural on December 18, 1972. The payment was in final satisfaction of a final and nonappealable order entered by the District Court, Oklahoma County, Oklahoma, in Case No. 175,435 (affirmed Cities Service Gas Company vs. Western Natural Gas Company, Docket No. 57-Bad 2326 (1972), appeal dismissed and cert. denied, 409 U.S. 1092 (1972)).

The January 2, 1973, filing stated that the proposed increased was filed pursuant to section 3 of Article X of the Stipulation and Agreement approved by a Commission order issued March 1, 1972 in Docket No. RP71-106. The filing further stated that upon recoupment of the jurisdictional amount plus simple interest at 7 percent, 0.59% per month during which such rate increase was in effect and 0.59% per Mcf the amounts collected under the temporary increase. Cities Service was to recover on the difference between the total revenues collected from the jurisdictional customers the difference between the total revenues collected from the jurisdictional customers under the 0.59% per Mcf temporary increase and the difference between the total revenues collected from the jurisdictional customers under the 0.59% per Mcf temporary increase and the jurisdictional sales and the total revenues collected under the temporary increase during the previous month.

After the filing of evidence, settlement negotiations commenced. As a result of these negotiations, a Stipulation and Agreement was filed with the Commission on April 24, 1974. The settlement agreement was noticed on April 30, 1974, with comments due on or before May 7, 1974. On May 6, 1974, Staff filed comments supporting the proposed settlement agreement. The principal provisions of the settlement agreement may be summarized as follows:

(1) Article I, section 2 states that the temporary rate increase of 0.59% per Mcf filed on January 2, 1973, and which became effective on March 23, 1973, will continue in effect without refund obligations until Cities Service has collected $3,175,000 thereunder. The section further provides the amount of $3,175,000 is in full settlement of any and all claims between Cities Service and its jurisdictional customers.

(2) Article I, section 2 states upon collecting $3,175,000 from its jurisdictional customers, Cities Service shall file a revised Tariff Sheet PGA-1 to reduce its rates by 0.59% per Mcf from the then effective Tariff Sheet PGA-1 to become effective on the first day of the billing month subsequent to the billing month during which Cities Service's recovery reaches $3,175,000. Section 3 provides that Cities Service shall maintain a special fund computed by multiplying the total revenues collected from the jurisdictional customers under the 0.59% per Mcf temporary increase. Cities Service will file monthly with the Commission and each party to this proceeding a report showing the total volumes of jurisdictional sales and the total revenues collected under the temporary increase during the previous month.

(3) Article II, section 1 provides Cities Service shall maintain a special memorandum account reflecting any different amounts collected under the 0.59% per Mcf temporary increase. Cities Service will file monthly with the Commission and each party to this proceeding.

(4) Article III provides the Stipulation will only become effective and binding after a final and nonappealable, without modification, order of the Commission approving the Stipulation shall constitute termination of the 1973 Phase of Docket No. RP71-106.

(5) Article IV, section 1, contains a general reservation disclaiming reliance on any principle underlying or for which the settlement is negotiated. Article IV, section 2 provides the provisions of the Stipulation relate only to the specific matters referred to in the settlement.

FEDERAL REGISTER, VOL. 39, NO. 177—WEDNESDAY, SEPTEMBER 11, 1974
Our review of the proposed stipulation and agreement indicates that the settlement fully resolves complex and difficult litigable issues of fact and law in a reasonable manner consistent with the public interest. We will approve the settlement without modification.

The Commission finds: The disposition of the proposed settlement filed on April 30, 1974, is reasonable and proper and in the public interest in carrying out the provisions of the Natural Gas Act, and such agreement should be approved as hereinafter ordered.

The Commission orders: (A) The proposed settlement agreement, filed April 24, 1974, is incorporated by reference and made a part hereof, and is approved and adopted, without modification.

(B) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, Cities Service, or any other person or party affected.

The Secretary shall cause prompt publication of this order in the Federal Register.

By the Commission.

[SEAL]

Kenneth F. Plumb,
Secretary.

[FED Doc.74-20966 Filed 9-10-74;8:45 am]

[DOCKET NO. E-8988]

CONSOLIDATED GAS SUPPLY CORP.
Proposed Changes in FPC Gas Tariff

September 4, 1974.

Take notice that Consolidated Gas Supply Corporation (Consolidated), on August 22, 1974, tendered for filing a proposal to change its FPC gas tariff.

Any person desiring to become a party must file a petition to intervene or a protest in accordance with the Commission's rules and regulations in the Federal Register.

[DOCKET NO. E-8994]

DUKE POWER CO.
Supplement to Contract

September 4, 1974.


The supplement is in the form of two documents, both dated June 13, 1974. Document No. 1 provides for a decrease in demand of 9,000 kw to 7,000 kw for delivery on May 26, 1974.

Document No. 2 provides for 2,200 kw to Delivery Point No. 5, which is a new point of delivery.

To provide service to Delivery Point No. 5, Duke will build approximately 600 feet of 44 kv tap line and construct a 44/124 kv 4 substation at the requested point of delivery. Both changes were made at the request of the customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or a protest in accordance with the Commission's rules and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FED Doc.74-20161 Filed 9-10-74;8:45 am]
to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE, Washington, D.C. 20426, in accordance with §§1.3 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.3, 1.10). All such petitions or protests should be filed on or before September 13, 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. PLUMI, Secretary.**

**Notices**

**Duke Power Co.**

Notice of Supplement

SEPTEMBER 5, 1974.

Take notice that on August 19, 1974, Duke Power Company (DPC) tendered for filing a supplement to DPC's electric power contract with Crescent Electric Membership Corporation (CEMC). The effective date of this contract supplement is September 18, 1974.

The supplement is in the form of two documents, both dated June 23, 1974. Document No. 1 provides for an increase in demand from 1400 kw to 5500 kw for Delivery Point No. 9. Document No. 2 provides for an increase in demand from 2800 kw to 3800 kw for Delivery Point No. 13. Service will be provided by increasing the metering capacity for Delivery Point No. 9 and increasing the transformer capacity for Delivery Point No. 13.

Copies of this filing have been sent to CEMC.

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 §§1.3 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.3, 1.10). All such petitions or protests should be filed on or before September 13, 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. PLUMI, Secretary.**

**KANSAS CITY POWER AND LIGHT CO.**

Settlement Agreement, Revised Schedules Conditionally Filed; Interventions and Terminating Proceedings

SEPTEMBER 4, 1974.

On April 26, 1974, Kansas City Power and Light (KCPL) filed with the Commission a document entitled, "Motion To Accept Settlement Agreement And For Order Accepting And Filing Into Effect Revised Schedules Conditionally Filed And Terminating These Proceedings" (hereinafter referred to as Motion). Attached as Exhibit I to the Motion is the Settlement Agreement (Settlement) and accompanying appendices. If approved, the Settlement would resolve all issues in the above-captioned proceeding and would reduce the amount of increase originally proposed from $743,333 to $530,819 based on 1973 test year period sales.

This proceeding involves a general rate increase application filed by KCPL on August 17, 1973. The proposed changes reflected an increase of $743,773 for demand and energy charges and a related pricing of the base "fuel cost" adjustment clause at 30¢ per million Btu. In its August 17, 1973, filing, KCPL requested an effective date for the proposed changes of October 17, 1973, as to all of its jurisdictional customers except Missouri Public Service Company (MPSC) and Missouri Power and Light Company (MPLC). The proposed effective date as to the changes for MPSC and MPLC were April 16, 1974, and June 1, 1974, respectively, when the contracts between KCPL and the two customers expire by their own terms.

Public notice of the August 17, 1973, filing was issued August 23, 1973, with comments, protests and petitions to intervene due on or before September 16, 1973. Timely petitions to intervene were filed by Coffey County Rural Electric Cooperative Association, Inc., and the City of Pomona, Franklin County, Kansas. On October 16, 1973, the Commission issued an order accepting for filing and suspending the proposed tariff changes. The rate schedule supplements as to KCPL's jurisdictional customers filed August 17, 1973, with the exception MPSC and MPLC were suspended and the use thereof deferred until March 18, 1974. The October 16, 1973, order stated that the rate increase application as to MPSC and MPLC should be effective, subject to refund upon the contractually specified dates and proper notice of such increase being filed with the Commission. The October 17, 1974, order also permitted the interventions of the above-named petitioners.

As a result of settlement conferences commencing on February 21, 1974, a settlement was reached, dated April 22, 1974, between MCPL and the Cooperative. As stated previously, KCPL filed a
Motion and settlement with the Commission on April 26, 1974. The Motion states that the Revised Schedules result in an increase in annual revenue to KCPL based on sales to the wholesale customers during the 12-month test period ended December 31, 1972 and is designed to increase KCPL's rate of return to 7.75 percent (based on a 12 percent return on common equity) on its wholesale Firm Power Service to the wholesale customers on the basis of such test year. The major cost or provision of the settlement may be summarized as follows:

(1) Sections 1 and 2 contain a general reservation declaring reliance on any principle underlying or supposed to underlie the settlement as negotiated and that no party is bound by the settlement until approved, without modification, by a final and non-appealable Commission order.

(2) Section 3 states that upon execution of the settlement, KCPL will file a motion with the Commission to accept the settlement, accept and put into effect the proposed schedules attached to the settlement as Appendix A and terminate these proceedings.

(3) Section 4 provides that within 30 days of final and non-appealable Commission order, KCPL shall submit its Wholesale Customers the difference between (a) the amounts received under the proposed rates and (b) the amounts which would have been received had the proposed rates been in effect with interest at a rate of 10 percent per annum.

Public notice of the motion and settlement, filed April 26, 1974, was issued on May 1, 1974, with comments and protests due on or before May 15, 1974. In response to the notice of the filing of the motion and settlement, the City of Higginsville, Missouri (Higginsville) filed on May 15, 1974, a document entitled "Higginsville's Petition To Intervene, Protest And Objection To Motion To Accept Settlement Agreement." (Petition) In its Petition, Higginsville alleges (a) that there is no just cause for the minimum 70 percent demand ratchet included in the applicable Revised Schedule; (b) that the settlement rates are discriminatory on the face since the demand charged for the two cooperatives would be $2.30 while the demand charge for Higginsville is $3.46 per kW; (c) that the effective date of March 18, 1974, for the application of the Revised Schedule to Higginsville is discriminatory because April 15, 1975 is the effective date for the MPSC Revised Schedule; and (d) that the Municipal Wholesale Customers do not have the authority to serve Higginsville.

As to Higginsville's comments and protests, we do not find them persuasive. As previously noted, Higginsville alleges that the settlement rates are discriminatory because there is a differential between the demand charges for certain customer classes. With respect to the demand charges, the Petition states that the Municipal Wholesale Customers have a high degree of coincidence with the demand charge differential because of Higginsville's maximum annual system demand while, on the other hand, the Cooperatives have a much lower coincidence with the system. We do not believe these reasons justify a demand charge differential as to certain classes of KCPL's customers and therefore, the settlement rates are not discriminatory.

Higginsville further states that its contract with KCPL requires it to purchase its full requirements from KCPL which prevents Higginsville from utilizing its own generation facilities and from purchasing from alternative area suppliers.

Finally, Higginsville requests that this Commission order KCPL to establish a non-discriminatory rate to serve the public interest. We believe this request to be without merit as this request would be ineffective because as this Commission has stated in several orders (see Southern California Edison Company, Docket No. E-8176, orders issued September 21, 1973, and November 2, 1973; Pacific Gas and Electric Company, Docket No. E-7777, order issued May 15, 1974; and Sierra Pacific and Mobile, Inc., order wheeling (CF: Otter Tail Power Company v. U.S., 410 U.S. 266 (1973))).
NOTICES

Therefore, an order requiring KCPL to develop a separate transmission rate would serve no purpose and hence, we will deny such a request.

Based upon review of the settlement, the entire record relating thereto and the comments of the parties, we find the settlement represents a reasonable resolution and termination of the issues in this proceeding in the public interest, and that accordingly it should be approved and adopted. Therefore, we will grant KCPL's motion to accept the settlement, accept for filing and put into effect the Revised Schedules contained in Appendix A of the settlement and terminate the proceedings.

The Commission finds: (1) Good cause exists to grant KCPL's Motion To Accept settlement.

(2) Good cause exists to grant KCPL's Motion to accept and put into effect the Revised Schedules contained in Appendix A of the settlement.

(3) Good cause exists to grant Higginsville's petition to intervene.

(4) The settlement of this proceeding as filed with the Commission on April 26, 1974, is reasonable and proper and in the public interest in carrying out the provisions of the Federal Power Act, and such agreement should be approved without modification.

The Commission orders: (A) The Settlement Agreement filed with this Commission on April 26, 1974, is reasonable and proper and in the public interest, and is hereby approved.

(B) KCPL's Motion to accept and settle the above-designated matter. The motion states that Staff Counsel and Counsel for the City of DeQueen have no objection.

(C) KCPL's Motion to accept and put into effect the Revised Schedules as contained in Appendix A is hereby granted.

(D) Higginsville's petition to intervene is hereby granted.

(E) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, KCPL or by any other party or person affected by this order in any proceedings now pending or hereafter instituted by or against KCPL or any other person or party.

(F) KCPL's Motion to terminate these proceedings is hereby granted.

(G) The Secretary shall cause prompt publication of this order.

By the Commission.

[Seal] KENNETH F. PLUM, Secretary.

[FED Doc. 74-20386 Filed 9-10-74; 8:45 am]

[Docket No. E-3892]

METROPOLITAN EDISON CO.


On August 19, 1974, the Borough of Middletown filed a motion to extend the procedural dates fixed by order issued June 6, 1974, and modified by notice issued July 24, 1974, in the above-designated matter. Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows: Service of Intervenor's Testimony and Exhibits, October 4, 1974.

KCPL's Motion to terminate the above-designated matter. The motion states that Staff Counsel and Counsel for the City of DeQueen have no objection.

Notice is hereby given that the hearing date in the above-designated matter is rescheduled for November 12, 1974, at 10 a.m. (a.d.t.). By direction of the Commission.

KENNETH F. PLUM, Secretary.

[FR Doc. 74-20386 Filed 9-10-74; 8:45 am]

[Doilet No. E-3892]

MINNESOTA POWER & LIGHT CO.


On August 23, 1974, the Municipal Interchangers in the above-designated matter filed a motion to extend the procedural dates fixed by order issued February 15, 1974, and most recently modified by notice issued July 31, 1974. The motion states that the Company and Staff Counsel were notified and had no objections. Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows: Service of testimony by Intervenors, October 21, 1974. Service of rebuttal evidence by Minnesota Power & Light Company, November 26, 1974. Prehearing conference and hearing, December 17, 1974 (10 a.m. o.d.t.).

KENNETH F. PLUM, Secretary.

[FED Doc. 74-20377 Filed 9-10-74; 8:45 am]

[Doilet No. E-3892]

FEDERAL REGISTER, VOL. 39, NO. 177—WEDNESDAY, SEPTEMBER 11, 1974
NOTICE


This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMID, Secretary.

[FR Doc.74-20902 Filed 9-10-74;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON CONSERVATION OF ENERGY

Notice of Meeting and Agenda


1. Meeting called to order by FPC Coordinating Representative.
2. Objectives and purposes of meeting.
   B. Plans for presentation at October meetings.
   C. Other business.
   D. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMID, Secretary.

[FR Doc.74-20904 Filed 9-10-74;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON FINANCE

Order Denying Request for Waiver

September 4, 1974.

"On August 5, 1974, Nevada Power Company (NPC) tendered for filing a revised Fuel Adjustment Clause pursuant to a letter from the Commission dated July 31, 1974. Nevada Power's rate filing of April 9, 1974, (of which this revised fuel adjustment clause is a part) was accepted by the Commission and suspended until November 1, 1974, by order dated May 31, 1974.

Nevada Power states that copies of the revised fuel adjustment clause have been mailed to California-Pacific Utilities Company 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, 250 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 13, 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. PLUMID, Secretary.

[FR Doc.74-20904 Filed 9-10-74;9:45 am]

Nevada Power Company (NPC), tendered for filing a proposed rate increase for electric service to California-Pacific Utilities Company (Cal-Pac) at Henderson, Nevada, and Needles, California. NPC contends that the proposed increase results in an estimated increase of $600,073 for the year ending September 30, 1975, and a realized rate of return of 15.13 percent. The proposed effective date is "as soon as legally possible."

On April 5, 1974, NPC filed a prior increase in energy charges to apply to Cal-Pac at Henderson and Needles which was suspended until November 1, 1974, by order dated May 31, 1974, in Docket No. E-8721. NPC requests special permission under § 35.17(b) of the regulations to file the present increase during the suspension period of the rate filing in Docket No. E-8721.

In support of its request NPC stated that the proposed change in rates is necessary because of very substantial and unprecedented increases in cost of service which has occurred since the preparation was initiated of the rates filed on April 8, 1974. NPC's cost of service study shows a realized rate of return of 15.13 percent on a 23.3 percent return on equity. The necessity for such rate of return was a primary reason provided in the testimony cited to support the showing of good cause required for permission to file under § 35.17(b) of the regulations.

Our review of NPC's request for permission to file a rate increase in this docket pursuant to § 35.17(b) of the regulations indicates that good cause has not been shown to grant such relief. Accordingly, we shall reject NPC's filing in Docket No. E-8721 without prejudice to NPC's right to file its proposed rate increase after November 1, 1974, the date the suspension period in Docket No. E-8721 ends, with an updated test period in conformance with the Commission's regulations under the Federal Power Act.

The Commission finds: Good cause does not exist to grant NPC permission to file the proposed rate increase in Docket No. E-8721 during the suspension period of their prior filing in Docket No. E-8721.

The Commission orders: (A) NPC is not granted permission to file the proposed rate increase in Docket No. E-8721 during the suspension period of their prior filing in Docket No. E-8721.

(B) Denial of permission to file at this time is without prejudice to NPC's re-filing at the end of the suspension period in Docket No. E-8721, with an updated test period in conformance with the Commission's regulations under the Federal Power Act.

The Secretary shall cause prompt publication of this order in the Federal Register.

By the Commission.

K. PLUMID, Secretary.

[FR Doc.74-20904 Filed 9-10-74;9:45 am]

Nevada Power Company

Extension of Procedural Dates

September 5, 1974.

On August 23, 1974, Staff Counsel filed a motion for an extension of the procedural dates fixed by order issued May 31, 1974, in the above-designated case. The motion states that the interested parties have been contacted, and no opposition was noted.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, October 4, 1974.
Service of Intervenor's Testimony, October 23, 1974.
Service of Company's Rebuttal, November 11, 1974.
Hearing, November 21, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMID, Secretary.
NOTICES

NEW YORK STATE ELECTRIC & GAS CORP.
Notice of Cancellation

SEPTEMBER 5, 1974.

Take notice that New York State Electric and Gas Corporation (NYSEGC) on August 19, 1974 tendered for filing a notice of cancellation of their Rate Schedule FPC No. 42 which rate schedule became effective October 9, 1965. The subject rate schedule is an agreement dated July 17, 1965 providing for the borderline distribution sale of electric energy by NYSEG to Consolidated Edison Company of New York, Inc. (CEC). The effective date of this cancellation is August 8, 1974.

NYSEGC states that notice of the proposed cancellation has been served upon CEC.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission’s rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 16, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protests presented 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. PLYM, Secretary.

[FR Doc.74-20969 Filed 9-10-74;8:45 am]

NEW YORK STATE ELECTRIC & GAS CORP.
Notice of Cancellation

SEPTEMBER 5, 1974.

Take notice that New York State Electric and Gas Corporation (NYSEGC) on August 19, 1974 tendered for filing a notice of cancellation of their Rate Schedule FPC No. 42 which rate schedule became effective October 9, 1965. The subject rate schedule is an agreement dated July 17, 1965 providing for the borderline distribution sale of electric energy by NYSEG to Consolidated Edison Company of New York, Inc. (CEC). The effective date of this cancellation is August 8, 1974.

NYSEGC states that notice of the proposed cancellation has been served upon CEC.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission’s rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 16, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protests presented 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. PLYM, Secretary.

[FR Doc.74-20969 Filed 9-10-74;8:45 am]

NORTHERN NATURAL GAS CO.
Order Requiring Payment of Refunds
SEPTEMBER 4, 1974.

Northern Natural Gas Company (Northern) is currently retaining, pursuant to Commission orders, refund due to Kansas-Nebraska Natural Gas Company (Kansas-Nebraska), because of uncertainties concerning Kansas-Nebraska’s disposition of such refunds.

On May 7, 1974, Kansas-Nebraska filed motions that the Commission order Northern to refund these amounts plus accumulated interest which Kansas-Nebraska states are due pursuant to these orders. Notice of these motions was issued on May 20, 1974, with protests or petitions to intervene due on or before June 7, 1974. No protests or petitions to intervene were received.

Kansas-Nebraska states in its motions that it will refund to its jurisdictional customer the sums it receives from Northern by crediting such amounts to its Unrecovered Purchased Gas Cost Account. Kansas-Nebraska states that this procedure would be in accordance with the terms and conditions of its FPC Gas Tariff, Second Revised Volume No. 1.

Our review of Kansas-Nebraska’s proposals to credit these amounts to its Unrecovered Purchased Gas Cost Account satisfied the conditions in the orders involved for these refunds. Accordingly, we shall direct Northern to refund to Kansas-Nebraska the amounts due, plus accumulated interest in direct Kansas-Nebraska states are due pursuant to these orders. Notice of these motions was issued on May 20, 1974, with protests or petitions to intervene due on or before June 7, 1974. No protests or petitions to intervene were received.

Kansas-Nebraska states in its motions that it will refund to its jurisdictional customer the sums it receives from Northern by crediting such amounts to its Unrecovered Purchased Gas Cost Account. Kansas-Nebraska states that this procedure would be in accordance with the terms and conditions of its FPC Gas Tariff, Second Revised Volume No. 1.

Our review of Kansas-Nebraska’s proposals to credit these amounts to its Unrecovered Purchased Gas Cost Account satisfied the conditions in the orders involved for these refunds. Accordingly, we shall direct Northern to refund to Kansas-Nebraska the amounts due, plus accumulated interest in direct Kansas-Nebraska states are due pursuant to these orders. Notice of these motions was issued on May 20, 1974, with protests or petitions to intervene due on or before June 7, 1974. No protests or petitions to intervene were received.

All such petitions or protests should be filed on or before September 16, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protests presented 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. PLYM, Secretary.

[FR Doc.74-20969 Filed 9-10-74;8:45 am]

NORTHERN NATURAL GAS CO.
Notice of Application
SEPTEMBER 5, 1974.

Take notice that as of August 28, 1974, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP74-55 an application pursuant to section 7(c) of the Natural Gas Act that the refunds which will be purchased from producers thereof, and to maintain required main-line pressures and transport in interstate commerce additional volumes of gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the total cost of the proposed facilities will not exceed $7,000,000, with no single protest to exceed $1,000,000. Applicant states further that the proposed facilities will be financed from cash on hand and funds generated through operations.

Applicant notes that the Commission has issued a Notice of Proposed Rule Making in Docket No. RM75-2 revising the definition of “gas-purchase facilities” and increasing the maximum total annual and single project cost limitations for such facilities. Applicant requests that the authorization herein requested incorporate such revisions.

Any person desiring to be heard or to protest any application for rule making should file a petition to intervene or protest on or before September 30, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or protest in accordance with the requirements of the


2 39 FR 29938.
Commission's rules of practice and procedure (18 C.F.R. 1.8 or 1.10) and the regulations under the Natural Gas Act (18 C.F.R. 157.10). Applications filed with the Commission will be considered by it in determining the appropriate action to be taken, unless otherwise advised, it will be filed within the time required herein, if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KEITH F. PUGH, Secretary.
[FR Doc. 74-20065 Filed 9-30-74; 8:45 am]

[DOCKET No. E-8888]

OHIO ELECTRIC Co.

Supplemental Filing of Rate Schedule

SEPTEMBER 5, 1974.

Take notice that on August 19, 1974, Ohio Electric Company (Ohio Electric) tendered for supplemental data pertaining to the initial rate schedule tendered for filing on July 3, 1974. This supplemental filing was submitted in response to a deficiency assessment of the initial filing. The rate schedule is applicable to a Power Agreement between Ohio Electric and Ohio Power Company (Ohio Power) dated February 1, 1972.

In the initial filing it was stated that on April 10, 1972, pursuant to authorization by the Securities and Exchange Commission in Order Authorizing Sale of Generating Plant to Newly-Organized Subsidiary Company and Related Transactions (70-5142) (Administrative Proceeding File No. 3-2333), Ohio Power transferred to Ohio Electric its interest in the General James M. Gavin Generating Plant (Plant) located on the Ohio River near Cheshire, Ohio. The Plant consists of two 1,500,000 kilowatt fossil-fired steam electric generating units and associated equipment and facilities under the Power Agreement, Ohio Power shall be the sole purchaser of power and energy generated at the Plant by Ohio Electric. Ohio Electric states that it does not now own, and has no present plans to own, any electrical facilities other than the Plant.

According to the Supplemental filing, Ohio Electric estimates that the annual revenues it will receive from sales of power to Ohio Power during the first twelve months following the date of commercial operation of Unit No. 1 at the General James M. Gavin Generating Plant will aggregate $127,930,000, or an average of approximately $12,316,000 of revenue during each of the months of said period.

The effective date sought in the initial filing was August 5, 1974. Ohio Electric asks that the same date, August 5, 1974, be the effective date in this supplemental filing, and in order that such date be allowed, Ohio Electric seeks a waiver of the timely filing requirements.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 820 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with section 1.19 and 1.10 of the Commission's rules of practice and procedure (18 C.F.R. 1.8, 1.10). All such petitions or protests should be filed on or before September 20, 1974. Protections will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Applicant states that the total cost of the proposed facilities will not exceed $7,009,600, with no single project to exceed $1,609,600. Applicant states further that the proposed facilities will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should file a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 C.F.R. 1.8 or 1.10) and the regulations under the Natural Gas Act (18 C.F.R. 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Any person desiring to be heard or to file a petition to intervene or protest shall file a petition to intervene or a protest in accordance with the Commission's rules of practice and procedure (18 cfr. 1.8 or 1.10) and the regulations under the Natural Gas Act (18 C.F.R. 157.10). All protest filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take notice that on August 16, 1974, Phillips Petroleum Company (Applicant), By-Pass, Oklahoma, filed in Docket No. CP74-110 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a certain natural gas pipeline in interstate commerce to Tennessee Gas Company, a division of Tenneco Inc. from the Horsley Field, either, Cameron Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this application is to abandon Applicant's ability to transport the line of contract for and connecting to its pipeline system supplies of natural gas in various producing areas generally coextensive with said system.

Applicant states that it was issued a certificate of public convenience and necessity in Docket No. G-4812 authorizing the sale of natural gas to Tennessee.
NOTICES

[Project No. 138]
PORTLAND GENERAL ELECTRIC CO.
Issuance of Annual License

September 5, 1974.


The License for Project No. 135 was issued effective September 27, 1922, for a period ending September 26, 1972. Since the original date of expiration, the Project has been under annual license. In order to authorize the continued operation and maintenance of the Project pursuant to section 15 of the Act, pending Commission action on Licensee's amended application, it is appropriate and in the public interest to issue an annual license to Portland General Electric Company for continued operation and maintenance of Project No. 135.

Take notice that an annual license is issued to Portland General Electric Company (Licensee) under section 15 of the Federal Power Act for the period September 27, 1974, to September 16, 1975, or until Federal takeover, or the issuance of a new license for the Project, whichever comes first, for the continued operation and maintenance of Project No. 135, subject to the terms and conditions of its present license.

KENNETH F. PLYLER, Secretary.

[Docket No. E-8865]

PUBLIC SERVICE COMPANY OF OKLAHOMA
Tendered Rate Schedules

September 4, 1974.

Take notice that on August 19, 1974, Public Service Company of Oklahoma (PSO) tendered for filing amended Service Schedule ES dated July 1, 1974, between PSO and Western Farmers Electric Cooperative, to replace its existing Service Schedule B Emergency Service dated May 1, 1966 Supplement 2 to Rate Schedule FCC 172. The company states that the change made in this amended Service Schedule ES is the rate at which emergency service would be supplied and paid for. The proposed rate for such service is the higher of 17.5 mills per kilowatt-hour, the cost of fuel, plus startup costs plus 5 mills per kilowatt-hour; or 110% of PSO's costs to purchase energy from another supplier so long as the 110% figure is no less than 2 mills per kilowatt-hour. No estimate of sales was included in PSO's filing. The company states an effective date of July 1, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLYLER, Secretary.

[Docket No. E-8866]

PUGET SOUND POWER & LIGHT CO.
Filing of Agreement

September 4, 1974.

Take notice that on August 26, 1974, Puget Sound Power & Light Company (PSP) tendered for filing an agreement between PSP and the City of Oak Harbor, Washington, for the sale of power and energy by PSP to Oak Harbor for resale to its marina customers.

PSP requests an effective date of September 1, 1974, for this Agreement.

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, N.W., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 15, 1974. Protest 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 available for public inspection.

KENNETH F. PLYLER, Secretary.

[Docket No. E-8881]

PUGET SOUND POWER & LIGHT CO.
Notice of Concurrence

September 6, 1974.

Take notice that on July 20, 1974, Idaho Power Company (Idaho) tendered for filing a certificate of concurrence to the power supply agreement filed by Puget Sound Power and Light Company (Puget) on July 10, 1974, Docket No. E-8885.

The purpose of the agreement is to supply surplus power and energy from the Puget System to the Idaho system. 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, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 15, 1974. Protest 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 available for public inspection.

KENNETH F. PLYLER, Secretary.

[Docket No. E-8885]

FEDERAL REGISTER, VOL. 39, NO. 177—WEDNESDAY, SEPTEMBER 11, 1974
Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 10, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

K. F. FEATHERS, Secretary.

[Doc. No. 74-107]

SHELL OIL CO.

Notice of Petition for Declaratory Order Disclaiming Jurisdiction

September 5, 1974.

Take notice that on August 19, 1974, Shell Oil Company (Petitioner), P.O. Box 2403, Beaumont, Texas 77701, filed in Docket No. CIV-107 a petition pursuant to § 1.17(c) of the Commission's rules of practice and procedure (18 CFR 1.17(c)) for declaratory order disclaiming jurisdiction over Petitioner's sale of gas to Air Products and Chemicals, Inc. (Air Products), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

The petition states that in 1964, Petitioner made arrangements to sell gas produced within the state of Louisiana to Air Products, an industrial purchaser located in the State of Louisiana. In order to supply gas to Air Products, Petitioner and Tennessee Gas Pipeline Company, a division of Tenneco Inc. (Tennessee), entered into a transportation agreement dated August 13, 1964, which provides that Tennessee will transport for Petitioner gas from various specified delivery points, all located within the state of Louisiana, serving Tennessee's Delta-Portland Line to the Yscloskey Processing Plant in St. Bernard Parish, Louisiana, for redelivery to Petitioner. Petitioner also entered into a contract dated August 13, 1964 (since amended), with Creole Gas Pipeline Corporation (Creole) which provided that Creole would purchase gas from Petitioner at the tailgate of the Yscloskey Plant, specifically for delivery to Air Products. By letter to Air Products, Petitioner warranted the availability of reserves to fulfill its delivery obligations under the Petitioner-Creole contract.

Petitioner claims that, although its contract with Creole might appear to be a sale for resale, said sale of gas is a direct sale by Petitioner to Air Products. In support of such claim Petitioner cites: (1) Petitioner's direct negotiations and letter commitment with Air Products; (2) Petitioner's undertaking of a direct obligation to deliver a certain daily quantity of gas to Creole during the term of the Petitioner-Creole contract (which term was co-terminus with the contract between Creole and Air Products); and (3) the interrelationship between the aforementioned Petitioner-Creole and Petitioner-Air Products contracts, and (4) related circumstances.

Petitioner states that Creole, on behalf of Air Products, has recently requested Petitioner to increase deliveries of gas by 7,500 Mcf per day because of the decline of Air Products to increase its daily take from Creole. In turn, Petitioner has requested that Tennessee increase the quantity of gas warranted for Petitioner under the August 13, 1964, transportation agreement. However, Petitioner claims that Tennessee intends to file an application for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act authorizing the transportation by Tennessee of the gas already being delivered by Petitioner to the Yscloskey Processing Plant in addition to the volumes requested.

In explanation of Tennessee's position that certification by the Commission for increased transportation by Tennessee of gas to Air Products, Petitioner points to proceedings in Docket Nos. CIV-45 and CP75-23. Petitioner states that in transactions among Tennessee, Creole and Air Products, which Co. have transactions among Petitioner, Tennessee, Creole and Air Products, Tennessee have exceeded their original applications and now maintain that Commission authorization under section 7(c) of the Natural Gas Act is required not only for transportation by Tennessee of the volumes to be sold to Creole for delivery to Air Products, but for the sale by Tennessee to Creole for resale to Air Products. Accordingly, Tennessee in Docket No. CIV-45 and Tennessee in Docket No. CP75-23 have filed applications for certificates of public convenience and necessity authorizing the sale for resale of gas in interstate commerce and the transportation of gas in interstate commerce, respectively.

Since the application filed by Teemco in Docket No. CIV-45, the application filed by Tennessee in Docket No. CP75-23, and the anticipated application by Tennessee with respect to transportation of gas for Petitioner all involve Air Products, Petitioner requests that the Commission consolidate this cause with those proceedings and declare jurisdiction over Petitioner's sale of gas to Air Products.

Any person desiring to be heard or to make any protest with reference to said petition should on or before September 30, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.9 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

K. F. FEATHERS, Secretary.

[Doc. No. 74-107]
NOTICES

this interim sale of gas are set out more fully in the application on file with the Federal Power Commission.

Any person desiring to be heard or to make any protest with reference to said petition should on or before September 30, 1974, file with the Federal Power Commission, Washington, D.C. 20542, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. FLESH,
Secretary.

[FED Register: 74-20914 Filed 9-10-74; 8:45 am]

[Doct No. RP74-91-5]

TENNESSEE GAS PIPELINE CO.

Order Granting Emergency Relief and Reallocating Curtailment Period Quantity Entitlement

September 5, 1974.

On July 15, 1974, Pennsylvania and Southern Gas Company (Pennsylvania), filed a petition pursuant to § 1.7 of the Commission's rules of practice and procedure requesting that the Commission (1) waive the $74,140 penalty imposed on Tennessee for violation of its curtailment plan during the January-March, 1974, curtailment period or retroactively transfer the amount of the overrun (7,414 Mcf) from the April-October curtailment period to the January-March curtailment period, and (2) direct and give Pennsylvania authorization to restructure its 1974 allocation to Pennsylvania.

Pennsylvania states that upon receipt of notice of the volumetric limitation of gas supply program from Tennessee, and in advance of the implementation of the program, Pennsylvania made extensive provisions to comply with the curtailment program and to hold total deliveries within the 880,000 Mcf allocation for the January-March curtailment period. Pennsylvania was unable to stay within its curtailment period quantity entitlement despite its March 12, 1974, cutoff of all interruptible service to industries, schools, and commercial users. An overrun of 7,414 Mcf occurred, thereby incurring a penalty of $74,140 (96 per Mcf). Pennsylvania requests that the penalty imposed for the unauthorized overrun be waived or that the Commission retroactively move 7,414 Mcf to the January-March curtailment period from the allocation for the April-October period. We agree with Pennsylvania that waiver of the penalty in the instant proceeding is not warranted since Pennsylvania pursued every avenue open to it to control daily deliveries short of completely shutting off gas supplies to many small industries and communities. We shall also transfer the 7,414 Mcf since this will insure that Pennsylvania receives the same total yearly allotment of gas.

Pennsylvania also requests that its 1974 allocation be restructured by authorizing and directing Tennessee to transfer 48,000 Mcf from the April-October curtailment period to the November-December curtailment period. Since the reallocation will afford Pennsylvania a greater margin of safety with respect to avoiding overruns when it is most vulnerable to such a problem because of possible weather variations affecting residential heating loads, we shall grant Pennsylvania's request.

The Commission finds: (1) That Tennessee should waive the $74,140 penalty imposed on Pennsylvania for violation of its curtailment plan for overrun committed during the January-March, 1974, curtailment period.

(2) That Tennessee should transfer 7,414 Mcf to the January-March, 1974, curtailment period from the April-October, 1974, curtailment period.

(3) That Tennessee should be directed and authorized to restructure Pennsylvania's 1974 gas supply transfer, 48,000 Mcf from the April-October, 1974, curtailment period to the November-December, 1974, curtailment period

The Commission orders: (A) Tennessee to waive the $74,140 penalty imposed on Pennsylvania for violations of Tennessee's curtailment plan for overruns committed during the January-March, 1974, curtailment period.

(B) Tennessee to transfer 7,414 Mcf to the January-March, 1974, curtailment period from the April-October, 1974, curtailment period.

(C) Tennessee to transfer 48,000 Mcf from the April-October, 1974, curtailment period to the November-December, 1974, curtailment period.

By the Commission.

[SEAL]

KENNETH F. FLESH,
Secretary.

[FED Register: 74-20987 Filed 9-10-74; 8:15 am]

[Doct No. CF75-56]

TRUNKLINE GAS CO.

Notice of Application

September 5, 1974.

Take notice that on August 26, 1974, Trunkline Gas Company (Applicant), P.O. Box 1624, Houston, Texas 77001, filed in Docket No. CF75-56 an application pursuant to section 7 (b) and (c) of the Natural Gas Act and § 157.7(g) of the rules thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval of the abandonment, for the 12-month period commencing on the date of Commission authorization, and operation of certain field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the cost of the proposed construction and abandonment will not exceed $3,000,000, nor will the cost of any single project exceed $500,000. Applicant states that the proposed facilities will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should file on or before September 30, 1974, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed construction and abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. FLESH,
Secretary.

[FED Register: 74-20983 Filed 9-10-74; 4:20 am]

[Doct No. E-2976]

VERMONT ELECTRIC POWER CO., INC.

Filing of Rate Schedule

September 4, 1974.

Take notice that by letter dated July 22, 1974, the Vermont Electric Power Company, Inc. tendered for filing with the Federal Power Commission a...
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WISCONSIN POWER AND LIGHT CO.
Order Approving Settlement Agreement with Cooperatives

September 4, 1974.

On April 18, 1974, Wisconsin Power and Light Company (Wisconsin) tendered for filing a proposed Stipulation and Agreement between Wisconsin and the following Cooperatives: Central Wisconsin Electric Cooperative, Central Wisconsin Electric Cooperative, Columbia Rural Electric Cooperative, Rock County Electric Cooperative, Columbia Rural Electric Cooperative, and Washington Electric Cooperative (Cooperatives) and the Municipal Wholesale Power Group (Municipals).

On April 27, 1973, Wisconsin tendered for filing proposed rate increases for the Cooperatives under Rate Schedule W-2 and for the Municipal under Rate Schedule W-3. These rate changes were accepted for filing and the use thereof suspended until September 1, 1973, by order issued June 26, 1973. This same order also established a procedural schedule for the service of evidence and for hearing. The Wisconsin Electric Power Companies, the Municipal and the Commission Staff engaged in settlement negotiations which produced this Stipulation and Agreement. The substantive provisions of the agreement are as follows:

1. Rate Increases: The rate schedules are to be amended to provide for an increase in rates to the customers served under the W-2 and W-3 Rate Schedules to provide for an increase in rates of $500,000. The original filing represented an increase of $325,000.

2. Commission Acceptance: The parties recommend that the Commission accept the amended rate schedule for filing to be effective September 1, 1973.

3. Refunds: Wisconsin is to refund to its customers the amounts collected since September 1, 1973, in excess of the amounts which would have been collected under the amended rate schedules in 1, supra, with interest at 7 percent per annum.

4. Mobile Sierra: Cooperatives and Municipalities waive any objections they may have under the Mobile-Sierra rule to this rate increase and agree to review any changes in the tariffs and rate schedules in this Stipulation and Agreement.

5. Purchase of All Requirements: Wisconsin is to be able to purchase all its requirements from Cooperatives and Municipalities and from any other source. Wisconsin is not to purchase any other energy supplies.

6. Terminations: The Commission is to terminate the proceedings in this docket by order.


[DOCKET NO. E-6165]

FEDERAL REGISTER, Vol. 39, No. 177—Wednesday, September 11, 1974

purchase agreement for the sale by Vermont Electric Power Company, Inc. of 45,000 kilowatts of electric power from an electric generating facility located in Ben, New Hampshire, owned by the Public Service Company of New Hampshire, designated as Merrimack No. 2, to the Connecticut Light and Power Company and the Hartford Electric Light Company.

Service under this Rate Schedule began on April 30, 1974, and will terminate on October 31, 1974. Applicant estimates that the amount of power to be sold under the contract/rate schedule in the months of May 1974 through October 1974 will be 24,500,000 kilowatt hours per month.

Applicant additionally requests that May 1, 1974 be designated as the effective date of this rate schedule.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 24, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 C.F.R. 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. PLUM, Secretary.
[FR Doc. 74-20903 Filed 9-10-74; 8:45 am]

[DOCKET NO. E-6399]

VIRGINIA ELECTRIC AND POWER CO.
Contract Supplement

September 4, 1974.

Take notice that on August 26, 1974, Virginia Electric and Power Company (Virginia) tendered for filing a Contract Supplement dated July 9, 1974, to the Agreement designated as Virginia's Rate Schedule No. 35-1, Supplement dated July 9, 1974.

Virginia requests the contract to be amended to provide for an increase in the unit cost of electricity to Shennandoah Valley Electric Cooperative (Shenandoah), and to the propossed supplement requests Commission authorization become effective as of the date of connection.

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. PLUM, Secretary.
[FR Doc. 74-20903 Filed 9-10-74; 8:45 am]

[DOCKET NO. E-6977]

VIRGINIA ELECTRIC AND POWER CO.
Filing of Contract Supplement

September 4, 1974.

Take notice that by letter dated August 14, 1974, the Virginia Electric and Power Company filed with the Federal Power Commission a Contract Supplement dated July 9, 1974, to the Agreement designated as Applicant's Rate Schedule FFC No. 87-20 between Applicant and the Virginia Electric Cooperative. Applicant requests Commission authorization for connection of a new delivery point located north of Route 30 near King William Courthouse in King William County, Virginia, to be designated the Willard Delivery point.

Applicant additionally requests that Commission authorization become effective on the date of connection of facilities which is now expected to occur in November 1974.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 24, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 C.F.R. 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. PLUM, Secretary.
[FR Doc. 74-20903 Filed 9-10-74; 8:45 am]
Notice of this proposed settlement Agreement was issued on April 24, 1974, with comments and protests due on or before May 10, 1974. The Commission Staff filed the only such comments on May 1, 1974. Wisconsin filed a response to Staff's comments on May 16, 1974.

Staff comments indicate that the proposed Settlement is acceptable except for the inclusion in the rate schedules of language which would prohibit the sales of energy to other electric utilities or distributors by the customers while they are taking service from Wisconsin without express permission from Wisconsin. Staff also states that interconnections are similarly prohibited. Staff states that while the availability clause has been amended to permit the customers to purchase from others, this restriction on resales renders the amendment of the availability clause meaningless, as the Company retains authority over the availability of the energy it sells. Staff states that this result is unduly restrictive, as language which prohibits further wholesaling of electric energy may be anticompetitive and contrary to the public interest.

Wisconsin's response to Staff's comments proposes a revision in the language objected to. It states that its concern is with the effect of interconnections on the system. The new language would permit interconnection where the integrity of the system is not impaired and where the customer paid the cost of maintaining the integrity of the system.

The new language provides:

While taking service from the Company under this agreement, the customer may sell all or any part of the energy furnished by the Company and/or any other electric utility or municipally owned utility, so long as such sale is expressly permitted in writing by the Company, which permission shall not be unreasonably withheld.

Except as provided for in the preceding paragraph, electrical connection of the Customer's utility or electric distributing agency will be permitted when such interconnection can be accomplished without impairing the integrity of the Company's system. In the event of such interconnection, the cost of establishing and maintaining integrity of the Company system shall be borne by the Customer.

Wisconsin states that the objective of these conditions is not anticompetitive, but based on the difference in rate levels of the two classes of customers, which is premised on differing load factors. It states that if a cooperative were to resell to a municipal utility, the justification for the lower rate would no longer exist. It further states that continuing commission jurisdiction over these wholesale rates would prohibit the application of these provisions for anticompetitive purposes.

We note that the proposed restriction on resales and interconnections as amended by the new language proposed by Wisconsin's response to Staff comments is unduly restrictive and may be anticompetitive and contrary to the public interest. Therefore, we shall condition approval of the proposed settlement on removal of the restrictive clause within 30 days of the issuance of this order.

Our review of the proposed settlement shows that it will provide a reasonable and appropriate resolution of the issues raised by Wisconsin's rate increase filling except for the restrictive clause as noted above. We shall therefore approve the proposed Stipulation and Agreement subject to the condition that the restrictive clause contained therein, as amended by the language proposed in Wisconsin's response to Staff comments, shall be removed within 30 days.

The Commission finds: Approval of the proposed Stipulation subject to the condition as hereinafter ordered is just and reasonable in the public interest in carrying out the provisions of the Federal Power Act.

The Commission orders: (A) The proposed Stipulation is incorporated herein by reference and made effective September 1, 1973, subject to the terms and conditions to this order.

(B) Wisconsin shall comply fully with each provision of the Stipulation and the terms and conditions of this order.

(C) Wisconsin shall remove from the proposed Stipulation the proposed restriction on resales and interconnections within 30 days of the issuance of this order.

(D) Within 30 days of the issuance of this order Wisconsin shall file the rate schedules contained in the proposed Stipulation.

(E) Within 30 days of the filing of the revised rate schedules, Wisconsin shall refund to its customers the difference between the amounts collected since September 1, 1973, under the rate schedules currently in effect and the amount which would have been collected under the proposed settlement rates, with interest at 7% per annum.

(F) Wisconsin shall file with the Commission, concurrently with the refunds ordered in Paragraph (D), a schedule of such refunds.

(G) This order is without prejudice to any findings or orders which have been or will be made by the Commission and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, Wisconsin, or any party or person affected by this order, in any proceeding now pending or hereinafter instituted by or against Wisconsin or any other person or party.

The Secretary shall cause prompt publication of this order in the Federal Register.

By the Commission.

[SEAL]

Wisconsin's response to Staff's comments proposes a revision in the language objected to. It states that its concern is with the effect of interconnections on the system. The new language would permit interconnection where the integrity of the system is not impaired and where the customer paid the cost of maintaining the integrity of the system.

The new language provides:

While taking service from the Company under this agreement, the customer may sell all or any part of the energy furnished by the Company and/or any other electric utility or municipally owned utility, so long as such sale is expressly permitted in writing by the Company, which permission shall not be unreasonably withheld.

Except as provided for in the preceding paragraph, electrical connection of the Customer's utility or electric distributing agency will be permitted when such interconnection can be accomplished without impairing the integrity of the Company's system. In the event of such interconnection, the cost of establishing and maintaining integrity of the Company system shall be borne by the Customer.

Wisconsin states that the objective of these conditions is not anticompetitive, but based on the difference in rate levels of the two classes of customers, which is premised on differing load factors. It states that if a cooperative were to resell to a municipal utility, the justification for the lower rate would no longer exist. It further states that continuing commission jurisdiction over these wholesale rates would prohibit the application of these provisions for anticompetitive purposes.

We note that the proposed restriction on resales and interconnections as amended by the new language proposed by Wisconsin's response to Staff comments is unduly restrictive and may be anticompetitive and contrary to the public interest. Therefore, we shall condition approval of the proposed settlement on removal of the restrictive clause within 30 days of the issuance of this order.

Our review of the proposed settlement shows that it will provide a reasonable and appropriate resolution of the issues raised by Wisconsin's rate increase filling except for the restrictive clause as noted above. We shall therefore approve the proposed Stipulation and Agreement subject to the condition that the restrictive clause contained therein, as amended by the language proposed in Wisconsin's response to Staff comments, shall be removed within 30 days.

The Commission finds: Approval of the proposed Stipulation subject to the condition as hereinafter ordered is just and reasonable in the public interest in carrying out the provisions of the Federal Power Act.

The Commission orders: (A) The proposed Stipulation is incorporated herein by reference and made effective September 1, 1973, subject to the terms and conditions to this order.

(B) Wisconsin shall comply fully with each provision of the Stipulation and the terms and conditions of this order.

(C) Wisconsin shall remove from the proposed Stipulation the proposed restriction on resales and interconnections within 30 days of the issuance of this order.

(D) Within 30 days of the issuance of this order Wisconsin shall file the rate schedules contained in the proposed Stipulation.

(E) Within 30 days of the filing of the revised rate schedules, Wisconsin shall refund to its customers the difference between the amounts collected since September 1, 1973, under the rate schedules currently in effect and the amount which would have been collected under the proposed settlement rates, with interest at 7% per annum.

(F) Wisconsin shall file with the Commission, concurrently with the refunds ordered in Paragraph (D), a schedule of such refunds.

(G) This order is without prejudice to any findings or orders which have been or will be made by the Commission and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, Wisconsin, or any party or person affected by this order, in any proceeding now pending or hereinafter instituted by or against Wisconsin or any other person or party.

The Secretary shall cause prompt publication of this order in the Federal Register.

By the Commission.

[SEAL]
NOTICES

APPENDIX A

Page 1

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is later.

By the Commission.

[Signature]

Secretary.

APPENDIX A

Page 2

[Table with columns for Docket No., Respondent, Rate Schedule No., Purchaser and producing area, Amount of Increase, Effective date, etc.]

Appendix A

Page 3

[Table with columns for Docket No., Respondent, Rate Schedule No., Purchaser and producing area, Amount of Increase, Effective date, etc.]

*Unless otherwise stated, the pressure base is 14.65 psia.

† Contract agreement dated July 28, 1974.

‡ Applicable only to production from the Field. (See Notice.)
NOTICES

FEDERAL RESERVE SYSTEM
CHARTER BANC SHARES, INC.
Order Approving Formation of Bank Holding Company

Charter Bancshares, Inc., Northfield, Illinois, has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842(a) (1)) of formation of a bank holding company through acquisition of 80 percent or more of the voting shares of Bank of Winfield, Winfield, Illinois ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(c) of the Act. The time for filing comments and views has expired. The application and all comments and views received have been considered in light of the public interest factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Bank, with deposits of $6.0 million as of December 31, 1973, is the 886th largest bank in Illinois and the 261st largest of 278 banks in the Chicago banking market with 0.015 percent of total commercial bank deposits. Bank is the 261st largest of 278 banks in the Chicago banking market with 0.015 percent of total commercial bank deposits. The combined deposits of these three banking organizations account for 0.17 percent of the Chicago banking market's total deposits. Consumption of the subject proposal is not expected to result in any adverse competitive effects, nor will it result in undue concentration of banking resources in any relevant market.

The financial condition, managerial resources, and future prospects of Bank appear to be generally satisfactory. The management of Applicant is composed of persons who control Bank and the proposal represents a corporate reorganization whereby those persons will indirectly control Bank through Applicant. Among those persons who presently control Bank are several who are principals in two other one-bank holding companies. The combined deposits of these three banking organizations account for 0.17 percent of the Chicago banking market's total deposits. Consumption of the subject proposal is not expected to result in any adverse competitive effects, nor will it result in undue concentration of banking resources in any relevant market.

The financial condition, managerial resources, and future prospects of Bank are considered in light of the public interest factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 3, 1974.


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

FARMERS ENTERPRISES, INC.
Formation of Bank Holding Company

Farmers Enterprises, Inc., Albert, Kansas, has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842(a) (1)) to become a bank holding company through acquisition of 80 percent of the voting shares of The Farmers State Bank, Albert, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Farmers Enterprises, Inc., has also applied, pursuant to section 4(c) (8) of the Bank Holding Company Act (12 U.S.C. 1843(c) (8)) and § 225.4(b) (2) of the Board's Regulation Y, for permission to continue to engage in the activities of a general insurance agency, including the sale of fire, casualty, automobile and credit life and health insurance. Such insurance activities will be conducted at the offices of The Farmers State Bank in Albert, Kansas, a community that has a population of less than 5,000 persons. Notice of the application was published in May 29, 1974, in The Great Bend Daily Tribune, a newspaper circulated in Albert, Kansas. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing. The Board will determine whether submission of oral testimony would be necessary on the question why this matter should not be resolved without a hearing.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 3, 1974.


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

FIRSTBANK HOLDING CO.
Formation of Bank Holding Company

Firstbank Holding Company, Marletta, Oklahoma, has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842(a) (1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of Firstbank of Marletta, Marletta, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 25, 1973.

[F.R. Doc.74-20942 Filed 9-10-74;8:45 am]

FIRST MACOMB CORP.

Formation of Bank Holding Company

First Macomb Corporation, Mount Clemens, Michigan, has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842(a) (1)) to become a bank holding company through acquisition of 100 percent of the voting shares of the successor by consolidation to Mount Clemens Bank, Mount Clemens, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than October 1, 1974.


[F.R. Doc.74-20942 Filed 9-10-74;8:45 am]

TEENNESSEE VALLEY BANCORP, INC.

Order Approving Acquisition of Tennessee Valley Life Insurance Company

Tennessee Valley Bancorp, Inc., Nashville, Tennessee, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c) (3) of the Act and §225.4(a)(2) of the Board's Regulation Y, to acquire all of the voting shares of Tennessee Valley Life Insurance Company ("Company"), Phoenicia, Arizona, a company to be organized de novo to engage in the underwriting, as reinsurer, of credit life insurance in connection with extension of credit by Applicant's subsidiaries. Such activity has been determined by the Board to be closely related to banking (12 CFR 225.4(a) (10)).

Notice of the application, offering opportunity for interested persons to submit comments and views on the public interest factors has been duly published (39 FR 24541). The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1843(c) (3)).

Applicant controls eight banks with aggregate deposits of $955 million representing about 8 percent of total deposits in commercial banks in Tennessee. Company will be formed under Arizona law as a full reserve life insurance company. Since Company will be qualified to underwrite insurance directly only in Arizona, its activities will be limited to acting as reinsurer of credit life insurance policies made available in connection with extensions of credit by Applicant's subsidiaries located in Tennessee. Such insurance would be directly underwritten by an insurer qualified to underwrite in Tennessee and would thereafter be reinsured or ceded to Company under a reinsurance agreement.

Credit life and credit accident and health insurance is generally made available by banks and other lenders and is designed to insure payment of a loan in the event of death or disability of a borrower. In connection with the addition of the underwriting of such insurance to the list of permissible activities for bank holding companies, the Board has stated:

To ensure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications if the applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally, such a showing would be made by projected reduction in rates or increase in policy benefits due to bank holding company performance of this service.

Applicant has stated that it will provide credit life insurance at rates that are 1.7 percent below the maximum rate of 7.5 cents per $100 of coverage as authorized by Tennessee. The Board believes that a reduction of this magnitude in the prices of credit life insurance is a consideration favorable to public interest. The Board concludes, therefore, that such public benefit, in the absence of any evidence in the record indicating the presence of any adverse statutory factors, provides support for the approval of the application to underwrite credit life insurance.

Based upon the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c) (3), that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved. This determination is subject to conditions set forth in section 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of the holding company or any of its subsidiaries as the Board finds necessary to insure that the activities of the holding company or any of its subsidiaries as the Board finds necessary to insure that the activities are consistent with the purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,

September 4, 1974.

[F.R. Doc.74-20933 Filed 9-10-74;8:45 am]

SECURITY BANKSHARES, INC.

Acquisition of Bank

Security Bankshares, Inc., Waco, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a) (3)) to acquire all of the voting shares (less directors' qualifying shares) of City State Bank in Wellington, Wellington, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than October 1, 1974.


[F.R. Doc.74-20933 Filed 9-10-74;8:45 am]
NOTICES

UNITED CAROLINA BANCSHARES CORP.
Order Approving Acquisition of hometown Loan Corporation

United Carolina Bancshares Corporation, Whiteville, North Carolina, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c) (9) of the Act and § 225.4 (b) (2) of the Board's Regulation Y, to acquire all of the voting shares of hometown Loan Corporation, Manchester, Georgia (“Company”), a company that in the management of its own consumer finance company and as sales agent for credit life, credit disability, and credit physical damage insurance directly related to its extensions of credit and these insurance activities have been determined by the Board to be closely related to banking under § 225.4 (a) (9) (I) of Regulation Y. In addition, Company sells long term credit life insurance in connection with its installment loans. Both insurance activities are permissible for bank holding companies under § 225.4 (a) (9) (II) of Regulation Y, in communities with populations not exceeding 5,000 persons. The balance of Company's insurance activities is in accordance with § 225.4 (a) (9) (III) of Regulation Y. From the facts of record, and in view of the nature of Company's insurance business, it does not appear that the continuation of these insurance activities upon approval of the application would have any adverse effect on existing or future competition.

Consummation of the transaction would increase the financial resources available to Company, thereby enabling it to better serve the residents of the local areas in which Company operates. Applicant would also provide management direction and assist Company in becoming a more effective competitor in those areas. There is no evidence in the record indicating that consummation of the proposed transaction would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices or other adverse effects on the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c) (9), that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the approval is hereby granted. The termination of the subject application is subject to the conditions set forth in § 225.4 (c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of the holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this order. This period is extended for good cause by the Board or by the Federal Reserve Bank of Richmond.

*The Board does not regard the deal of credit life, credit disability, and credit physical damage insurance directly related to its extensions of credit and these insurance activities have been determined by the Board to be closely related to banking under § 225.4 (a) (9) (I) of Regulation Y. In addition, Company sells long term credit life insurance in connection with its installment loans. Both insurance activities are permissible for bank holding companies under § 225.4 (a) (9) (II) of Regulation Y, in communities with populations not exceeding 5,000 persons. The balance of Company's insurance activities is in accordance with § 225.4 (a) (9) (III) of Regulation Y. From the facts of record, and in view of the nature of Company's insurance business, it does not appear that the continuation of these insurance activities upon approval of the application would have any adverse effect on existing or future competition.

Consummation of the transaction would increase the financial resources available to Company, thereby enabling it to better serve the residents of the local areas in which Company operates. Applicant would also provide management direction and assist Company in becoming a more effective competitor in those areas. There is no evidence in the record indicating that consummation of the proposed transaction would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices or other adverse effects on the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c) (9), that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the approval is hereby granted. The termination of the subject application is subject to the conditions set forth in § 225.4 (c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of the holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this order. This period is extended for good cause by the Board or by the Federal Reserve Bank of Richmond.

*The Board does not regard the deal of credit life, credit disability, and credit physical damage insurance directly related to its extensions of credit and these insurance activities have been determined by the Board to be closely related to banking under § 225.4 (a) (9) (I) of Regulation Y. In addition, Company sells long term credit life insurance in connection with its installment loans. Both insurance activities are permissible for bank holding companies under § 225.4 (a) (9) (II) of Regulation Y, in communities with populations not exceeding 5,000 persons. The balance of Company's insurance activities is in accordance with § 225.4 (a) (9) (III) of Regulation Y. From the facts of record, and in view of the nature of Company's insurance business, it does not appear that the continuation of these insurance activities upon approval of the application would have any adverse effect on existing or future competition.

Consummation of the transaction would increase the financial resources available to Company, thereby enabling it to better serve the residents of the local areas in which Company operates. Applicant would also provide management direction and assist Company in becoming a more effective competitor in those areas. There is no evidence in the record indicating that consummation of the proposed transaction would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices or other adverse effects on the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c) (9), that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the approval is hereby granted. The termination of the subject application is subject to the conditions set forth in § 225.4 (c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of the holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this order. This period is extended for good cause by the Board or by the Federal Reserve Bank of Richmond.

*The Board does not regard the deal of credit life, credit disability, and credit physical damage insurance directly related to its extensions of credit and these insurance activities have been determined by the Board to be closely related to banking under § 225.4 (a) (9) (I) of Regulation Y. In addition, Company sells long term credit life insurance in connection with its installment loans. Both insurance activities are permissible for bank holding companies under § 225.4 (a) (9) (II) of Regulation Y, in communities with populations not exceeding 5,000 persons. The balance of Company's insurance activities is in accordance with § 225.4 (a) (9) (III) of Regulation Y. From the facts of record, and in view of the nature of Company's insurance business, it does not appear that the continuation of these insurance activities upon approval of the application would have any adverse effect on existing or future competition.
By order of the Board of Governors, effective August 30, 1974.

[Seal] Theodore E. Allison, Assistant Secretary of the Board.

[F.R. Doc.74-20934 Filed 9-10-74; 8:45 a.m.

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

H & L COAL CO. AND MARY E. COAL CO. INC.,

Applications for Renewal Permits; Electric Equipment Standard; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

(1) ICP Docket No. 4076-000, H & L Coal Co., Mine No. 1, Mine ID No. 44 01778 0, Hurley, Va.; ICP Permit No. 4076-007 (Jeffrey Miner, Sec. No. 3296).  

(2) ICP Docket No. 4211-009, Mary E. Coal Co., Inc., Mine No. 2, Mine ID No. 44 00036 0, Whiterowd, Va.; ICP Permit No. 4211-005; (S&S 83 Tractor, I.D. No. M-26), ICP Permit No. 4211-003 (S&S 83 Tractor, Sec. No. 2816), ICP Permit No. 4211-005 (S&S 120 Tractor, Sec. No. 43065), ICP Permit No. 4211-004 (S&S 120 Tractor, Sec. No. 93066), ICP Permit No. 4211-005 (S&S 120 Tractor, Sec. No. 92154), ICP Permit No. 4211-002 (Stacy Spinner Loader, I.D. No. S-SWB-ME-3).  

In accordance with the provisions of § 504.7(b) of Title 20, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed on or before September 26, 1974. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (FR Notice 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street N.W., Washington, D.C. 20006.

George A. Hornebeck, Chairman, Interim Compliance Panel.

September 4, 1974.

[F.R. Doc.74-20934 Filed 9-10-74; 8:45 a.m.

INTERNATIONAL JOINT COMMISSION UNITED STATES AND CANADA FURTHER REGULATION OF GREAT LAKES WATER LEVELS

Notices of Public Hearings

The Governments of Canada and the United States requested the International Joint Commission to determine whether it would be practicable and in the public interest to further regulate the Great Lakes or any of them so as to bring about a more beneficial range of water levels. The Commission's enquiry has entered its final phase with receipt of the technical report of its International Great Lakes Levels Board. Before

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NOTICES

awards totalling $10 million or more in Fiscal Year 1974. This list is published pursuant to section 6 of Public Law 91–119, as amended by section 7 of Public Law 91–303 (84 Stat. 372; 22 U.S.C. 2462, 1970 Supp.). For related NASA reporting requirements, see 14 CFR Part 1208.

American Airlines, Inc. 633 Third Avenue New York, NY 10017

The Bendix Corp. Bendix Center Southfield, MI 48076

The Boeing Company 7755 East Marginal Way Seattle, WA 98124

California Institute of Technology 1201 E. California Blvd. Pasadena, CA 91109

Chrysler Corp. P.O. Box 767 Detroit, MI 48231

Computer Sciences Corp. 650 N. Sepulveda Blvd. El Segundo, CA 90245

Fairchild Industries, Inc. 20301 Century Blvd. Doral, FL 33166

Ford Motor Co. Detroit, MI 48231

General Electric Company 3135 Easton Turnpike Fairfield, CT 06431

Grumman Aerospace Corp. South Oyster Bay Road Bethpage, NY 11714

Harris Corp. 46 Public Square Cleveland, OH 44113

Hughes Aircraft Company 3135 Easton Turnpike Fairfield, CT 06431

International Business Machines Corp. 3135 Easton Turnpike Fairfield, CT 06431

Hughes Aircraft Company Centinela Avenue & Telesis Street Culver City, CA 90230

Hughes Aircraft Company 3135 Easton Turnpike Fairfield, CT 06431

International Business Machines Corp. 3135 Easton Turnpike Fairfield, CT 06431

ITT Aerospace Corp. P.O. Box 6007 Dallas, TX 75222

Litton Systems, Inc. 360 North Crescent Drive Beverly Hills, CA 90210

Lockheed Electronics Co., Inc. U.S. Highway 22 Plainfield, NJ 07080

Martin Marietta Corp. 677 Park Avenue New York, NY 10017

McDonnell Douglas Corp. P.O. Box 610 St. Louis, MO 63166

Morrison-Knudsen Co., Inc. P.O. Box 7808 Boise, ID 83702

Northrop Services, Inc. 600 East Orange Grove Avenue Anaheim, CA 92801

Philco-Ford Corp. Union Meeting Street Blue Bell, PA 19422

Raytheon Co. 20 Rockefeller Plaza New York, NY 10020

Rockwell International Corp. 600 Grant Street Pittsburgh, PA 15219

Sperry Rand Corp. 1225 Avenue of the Americas New York, NY 10019

Trico Industries, Inc. 1001 Avenue of the Stars Los Angeles, CA 90265

Textron, Inc. 40 Wachusett Street Providence, RI 02903

Thiokol Corp. P.O. Box 67 Bristol, RI 02807

United Aircraft Corp. 400 Main Street East Hartford, CT 06108

J. O'Neal MacCurt, Jr., Acting Assistant Administrator for Procurement.

[FR Doc.74-20893 Filed 9-10-74;8:45 am]

TARIFF COMMISSION

[TEA-W241]

BLUE RIDGE SHOE CO.

Notice of Investigation Regarding Workers' Petition for Tariff Determination

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 Tifton, Georgia, plant of Blue Ridge Shoe Company, Wilson Borough, North Carolina, a wholly-owned subsidiary of Melville Shoe Corp., Harrison, New York, the United States Tariff Commission on September 6, 1974, instituted an investigation under section 301(a) (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 footwear for men and boys (of the types provided for in item 700.55 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 September 3, 1974.

The petition filed in this case is available for inspection at the offices 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 at 8 World Trade Center.

Issued: September 6, 1974.

By order of the Commission.

[SEAL]

Kenneth R. Mason, Secretary.

[FR Doc.74-20893 Filed 9-10-74;8:45 am]
NATIONAL SCIENCE FOUNDATION
SCIENCE ADVISORY STAFFS

Notice of Meeting With Representatives of Scientific and Professional Societies

In order to improve channels of communication with members of scientific and professional societies, the Science Advisory Staffs hold informal discussions from time to time with various representatives of these societies to discuss issues of mutual interest. While these ad hoc informal discussions with the Science Advisory Staffs are not considered to be meetings of “advisory committees” as that term is defined in section 3 of the Federal Advisory Committee Act (P.L. 92-436), these sessions are believed to be of sufficient importance and interest to the general public to have them opened for public attendance and observation.

A meeting of representatives of various scientific and professional societies with the Science Advisory Staffs is scheduled to be held on Thursday, October 10, 1974, in the Board Room of the National Science Foundation, Room 540, at 1800 G Street NW., Washington, D.C. 20550. The meeting will begin at 9 o’clock a.m. and will conclude at or about 4 o’clock p.m. The subject matters for discussion include:

1. The Development of Policy Alternatives within Societies.
2. Public Interactions of Societies in Policy Areas.
3. Society Programs—Present activities and future plans.

Members of the public are invited to observe this meeting. Space will be available on a first-come, first-served basis. Public participation is limited to questions or statements submitted to the Chairman in writing or to such oral presentations as the Chairman may permit within available time. Persons wishing to attend such meeting are requested to either write or phone Dr. Robert Hughes, Science and Technology Policy Office, Federal Register, Room 540, 1800 G Street NW., Washington, D.C. 20550, telephone 202-386-9495.


H. GUYFORD STEVEN,
Director.

OFFICE OF MANAGEMENT AND BUDGET
CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 6, 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 whether the respondents to the proposed collection.

The symbol (a) 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 (302-395-4229).

NEW FORMS
ction
School Maller, Form ..., Annual, League, Schools.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service: Sheltered Workshop Programs and Services, Form ..., Single time, NRD/Sunderland, Sheltered workshop clients & staff.

DEPARTMENT OF THE INTERIOR

National Park Service: Monument Valley—Socio-Economic Survey Form ..., Single time, NRD/Frenchman, Navajo families owning grazing permits.

NATIONAL SCIENCE FOUNDATION

State Departments of Education—Questionnaire, Form ..., Single time, NRD/Frenchman, Navajo families owning grazing permits.

DEPARTMENT OF TRANSPORTATION

Departmental: Battelle, Contract DOT CS 4023 and Questionnaire, Form Single time, Stricker, Oil Pipeline operators.

DEPARTMENT OF THE INTERIOR


PHILIP D. LIECHTEN,
Budget and Management Officer.

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Notice of Meeting

September 4, 1974

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on September 19, 1974, at 10 a.m., the Veterans Administration Regional Office Station Committee on Educational Allowances shall at Waco, Texas, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Draughon’s Business College, Abilene, Texas, should be discontinued, as provided in 38 CFR 21.4164, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.


JACK CORYN,
Director, VA Regional Office, Waco, Texas 76701.

DEPARTMENT OF LABOR

Office of the Secretary

SPECIAL ADVISORY COMMITTEE ON THE NATIONAL SCIENCE FOUNDATION

DEPARTMENT OF LABOR

ASSISTANT SECRETARY FOR LABOR-MANAGEMENT RELATIONS

Delegation of Authority and Assignment of Responsibility

1. Purpose. To delegate authority to the Assistant Secretary for Labor-Management Relations.

2. Background. Section 4032(b) of the Employee Retirement Income Security Act of 1974 provides that notices of employee pension benefit plan terminations which occurred after June 30, 1974, and prior to September 2, 1974, shall be filed with the Secretary of Labor.

3. Delegation of authority and assignment of responsibility. The Assistant Secretary for Labor-Management Relations is delegated and authorized to receive notices described in section 4032(b), Employee Retirement Income Security Act of 1974, to give evidence of receipt of each such notice to the sender thereof; to certify to the Pension Benefit Guaranty Corporation the date of receipt; to file all such notices and certifications with the Executive Director of such Corporation.

4. Revocation of authority. Except for the delegation and assignment described in paragraph 3 of this Order, all other authority and responsibilities vested in the Secretary of Labor under the Employee Retirement Income Security Act of 1974 are expressly reserved.

5. Redetermination and reassignment. The authority and responsibility delegated in paragraph 3 of this Order may be redelegated and reassigned.

6. Effective date. This Order is effective September 3, 1974.

Signed at Washington, D.C., this 3rd day of September 1974.

PETER J. BEEHAN,
Secretary of Labor.
INTERSTATE COMMERCE COMMISSION

[Notice 5861]

ASSIGNMENT OF HEARINGS

September 6, 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 116004 Sub 31, Texas-Oklahoma Express, Inc., now assigned September 9, 1974, at Oklahoma City, Okla., is cancelled and transferred to modified procedure.

MC 113578 Sub 594, Curtis, Inc., now assigned September 23, 1974, is cancelled and application dismissed.

MC 106664 Sub 173, Superior Trucking Company, Inc., now assigned September 18, 1974, at Chicago, Ill., is cancelled and the application is dismissed.

[Seal] Robert L. Oswald, Secretary.

[FR Doc.74-21011 Filed 9-10-74;8:45 am]

[AB 6 (Sub-No. 5)]

BURLINGTON NORTHERN INC.

Notice of Abandonment

August 27, 1974.

In the matter of Burlington Northern Inc., abandonment, between Wadena Junction and Battle Lake, Wadena and Otter Tail Counties, Minn.

The Interstate Commerce Commission hereby gives notice that: 1. On Saturday, August 6, 1974, notice was published in Wadena and Otter Tail Counties, Minn., that an environmental threshold assessment survey was made in the above-entitled proceeding and based on that assessment an order was served finding that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq. 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the August 6, 1974, notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[Seal] Robert L. Oswald, Secretary.

[FR Doc.74-21010 Filed 9-10-74;8:45 am]

CHICAGO AND NORTHWESTERN TRANSPORTATION CO.

Notice of Abandonment

August 27, 1974.

In the matter of Chicago and Northwestern Transportation Company abandonment between Swanzy and New Swanzy, Marquette County, Michigan.

The Interstate Commerce Commission hereby gives notice that: 1. On Thursday, August 23, 1974, notice was published in Marquette County, Michigan, that an environmental threshold assessment survey was made in the above-entitled proceeding and based on that assessment an order was served finding that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 43 U.S.C. 4321, et seq. 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the August 27, 1974, notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[Seal] Robert L. Oswald, Secretary.

[FR Doc.74-21015 Filed 9-10-74;8:45 am]
NOTICES

22501

[Finance Docket No. 27609; AB 83]
PEORIA TERMINAL CO.

Notice of Abandonment

August 27, 1974.

In the matter of the Peoria Terminal Company abandonment Bridge Spanning Illinois River, Peoria, in Peoria and Tazewell Counties, Illinois.


The Interstate Commerce Commission hereby gives notice that: 1. On Friday, June 28, 1974, notice was published in Peoria and Tazewell Counties, Ill., that an environmental threshold assessment survey was made in the above-entitled proceedings and based on that assessment an order was served finding that the proceedings did not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq. 2. No comments in opposition of an environmental nature, were received by the Commission in response to the June 28, 1974, notice. 3. These proceedings are now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 74-21014 Filed 8-30-74; 8:35 a.m.]

FILED MOTOR CARRIER INTRASTATE APPLICATIONS

September 6, 1974.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in intrastate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 65(2) of the Interstate Commerce Act, as amended October 5, 1962. These applications are governed by Special Rule 1.245 of the Commission's Rules and Regulations, 49 C.F.R. 1.245, and F.S.A., Art. 7, Ch. 203, 1962. These rules were published in the Federal Register, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. A-54652, filed February 6, 1974. Applicant: HIGHLINE-MJNEN, doing business as ROGERS TRUCKING, 14257 Washington Avenue, San Leandro, Calif. 94578. Applicant's representative: Pelton & Gunther, 315 Montgomery Street, San Francisco, Calif. 94104. Certificate of convenience and necessity sought to operate a freight service as follows: Transportation of General commodities, except as hereinafter provided, bulk, live animals, fresh fruits and vegetables, commodities of unusual value, uncrated used household goods, and commodities requiring mechanically refrigerated equipment: (A) Between all points in the San Francisco Territory, as more particularly described in the Freight Service Plan, which territory includes all the City of San Jose and that area embraced by the following boundary: beginning at the point the San Francisco-San Mateo County Line extends into the Pacific Ocean; thence easterly along said boundary line to a Point 1 mile west of and parallel to U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Araratroo Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southeast from Simla to Permanent; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southeasterly along Capri Drive to East Fair Avenue; easterly along East Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company spur line extending from south of the Montebello Los Gatos City limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northerly along San Jose-Los Gatos Road to Foxxworthy Avenue; easterly along Foxxworthy Avenue to Almaden Road, southerly along Almaden Road to Hilmdale Avenue; easterly along Hilmdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to West Road; westerly along Mack Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard and Niles Avenue to U.S. Highway 680; northerly along Estates Drive, Harbord Drive, Broadway Terrace and College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; northerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 101 (Puffy Avenue); northerly along U.S. Highway 40 to and including the City of Richmond; southwesterly along the highway extending to the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean; westerly along the same.

(2) Between all points on and within the following routes: (A) U.S. Highway 101, between San Francisco and Novato, inclusive; (B) Interstate Highway 80, between San Pablo and Vallejo, inclusive; (C) Interstate 580, between Vallejo and its interaction with State Highway 11, inclusive; (D) Interstate 580, between Hayward and its interaction with I-580; then on unmarked highway easterly to Stockton; (E) Interstate 5, commencing at its interaction with Interstate 580 to its interaction with U.S. Highway 4; (F) Interstate 5, from its interaction with Highway 132 to Modesto, inclusive; (G) State Highway 17 between San Jose and Santa Cruz, inclusive; (H) U.S. Highway 101, between San Jose and Salinas, inclusive; (I) State Highway 68, between Salinas and Monterey, inclusive; (J) U.S. Highway 1, between Santa Cruz and Monterey, inclusive; (K) Unnumbered road and route between Pittsburg and Martinez, inclusive; (L) Unnumbered road and route between Martinez and Pittsburg, inclusive; (M) Unnumbered road and route between Antioch and Pittsburg, inclusive; (N) State Highway 4, between Antioch and the Willow Pass Road intersection, inclusive; (O) Willow Pass Road intersection to its intersection with Highway 4 and the intersection of State Highway 24, inclusive; (P) State Highway 24 between its intersection with Willow Pass Road and its intersection with Fort Chicago Highway, inclusive; (Q) Unnumbered road and route between its intersection with State Highway 4 and its intersection with Interstate Highway 680, inclusive; (R) Through routes and rates may be established by any and all points specified in Paragraphs A and B above; and (S) All intermediate points on said routes and all off-route points within the outer perimeters of the routes designated herein may be served. Intrastate commerce by a foreign common carrier authority sought.

HEARING: Date, time and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

Michigan Docket No. C-229 Case 13, filed June 16, 1974. Applicant: INTER-CITY TRUCKING SERVICE, INC., 14333 Geddes Street, Detroit, Mich. 48212. Applicant's representative: E. W. Klein (same address as applicant). Certificate of convenience and necessity sought to operate a freight service as follows: Transportation of General commodities over a regular route as follows: Between Lansing and Jackson. U.S. Highway 127 subject to the following restrictions: (1) Carrier shall serve no intermediate points and shall transport only from moving from or to carrier's terminal located between Lansing and Jackson. (2) Freight originated at.
or destined to Jackson may not be transported over this route to, or from through Lansing. Intrastate, interstate and foreign commerce companies are hereby on notice.


Texas Docket No. 6232, filed June 20, 1974. Applicant: RED ARROW HEAVY HAULING, INC., 3901 Seguin Road, Box 1287, San Antonio, Tex. 78208. Applicant's representative: Phillip Robinson, The 904 Lavaca Building, Austin, Tex. 78701. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of copper artifacts and metals of extraordinary value (except gold or silver bullion and except in bulk in tank vehicles) viz: rods, billets, cakes, wire, bars, cathodes, and gas tanks, shapes, from the plants and warehouse facilities of American Smelting and Refining Company located in Pottor City, Tex., to all points in Texas, and vice versa, over irregular routes. Intrastate, interstate, and foreign commerce authority sought.

HEARING: Application will be set for hearing 30 days after publication in the Federal Register at the E.O. Trescott State Office Building, Austin, Tex. 78711, and should not be directed to the Interstate Commerce Commission.

By the Commission. [SEAL]

ROBERT L. OSWALD, Secretary.

[FR Doc.74-21008 Filed 9-10-74; 8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elmination Gateway Letter Notices

September 6, 1974.

The following notice of processes to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission and should not be under the Commission's Gateway Elimination rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of each letter notic of the same carrier under these rules will be numbered consecutively for convenience in identification of protests, if any, must be filed no later than 30 days after publication of such letter notice.

Successively filed letter notices of the same carrier under these rules will be numbered consecutively for convenience in identification of protests, if any, must be filed no later than 30 days after publication of such letter notice.

No. MC-3594 (Sub-No. E1), filed May 15, 1974. Applicant: BURTON LINES, INC., 815 Ellis Road, P.O. Box 11306, East Durham Station, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, 13th and Pennsylvania Ave. NW., Suite 1032 Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Cotton piece goods (except in bulk), (1) from Norfolk, Portsmouth, Richmond, Altavista, and Danville, Va., to Greenville, Granvilleville, Hartsville, and Lyman, S.C.; and (2) from Portsmouth, Richmond, Altavista, and Danville, Va., to Charleston, S.C. The purpose of this filing is to eliminate the gateway of Reidsville, N.C.

No. MC-3594 (Sub-No. E2), filed May 15, 1974. Applicant: BURTON LINES, INC., 815 Ellis Road, P.O. Box 11306, East Durham Station, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, 13th and Pennsylvania Ave. NW., Suite 1032 Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Tobacco, and miscellaneous shapes, from Norfolk, Portsmouth, Richmond, Altavista, and Danville, Va., to Greenville, Granvilleville, Hartsville, and Lyman, S.C.; and (2) from Portsmouth, Richmond, Altavista, and Danville, Va., to Charleston, S.C. The purpose of this filing is to eliminate the gateway of Reidsville, N.C.

No. MC-3594 (Sub-No. E3), filed May 15, 1974. Applicant: BURTON LINES, INC., 815 Ellis Road, P.O. Box 11306, East Durham Station, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, 13th and Pennsylvania Ave. NW., Suite 1032 Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Glass jars and bottles, from Huntington, W. Va., to Danville, Va. The purpose of this filing is to eliminate the gateway of Reidsville, N.C.

No. MC-3594 (Sub-No. E4), filed May 15, 1974. Applicant: BURTON LINES, INC., 815 Ellis Road, P.O. Box 11306, East Durham Station, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, 13th and Pennsylvania Ave. NW., Suite 1032 Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Appliances, or components thereof, from Florence, S.C.; and (2) from Norfolk, Portsmouth, Richmond, Altavista, and Danville, Va. The purpose of this filing is to eliminate the gateway of Reidsville, N.C.

No. MC-3594 (Sub-No. E5), filed May 15, 1974. Applicant: BURTON LINES, INC., 815 Ellis Road, P.O. Box 11306, East Durham Station, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, 13th and Pennsylvania Ave. NW., Suite 1032 Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Roofing and roofing materials, from York, Pa., to Danville, Va. The purpose of this filing is to eliminate the gateway of Reidsville, N.C.

No. MC-3594 (Sub-No. E6), filed May 15, 1974. Applicant: BURTON LINES, INC., 815 Ellis Road, P.O. Box 11306, East Durham Station, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, 13th and Pennsylvania Ave. NW., Suite 1032 Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Groceries and food (except in bulk), (1) from Mullins, S.C., to Portsmouth, Richmond, Altavista, and Danville, Va.; and (2) from Florence, S.C., to Norfolk, Portsmouth, Richmond, Altavista, and Danville, Va. The purpose of this filing is to eliminate the gateway of Reidsville, N.C.

No. MC-3594 (Sub-No. E7), filed May 15, 1974. Applicant: BURTON LINES, INC., 815 Ellis Road, P.O. Box 11306, East Durham Station, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, 13th and Pennsylvania Ave. NW., Suite 1032 Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Farm implements and machinery, from Nashville and Atlanta, Ga., to Norfolk, Portsmouth, Richmond, Altavista, and Danville, Va. The purpose of this filing is to eliminate the gateway of Reidsville, N.C.

No. MC-3594 (Sub-No. E8), filed May 15, 1974. Applicant: BURTON LINES, INC., P.O. Box 12306, East Durham Station, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Reconstituted, reconstructed, or homogenized tobacco, from Ancram, N.Y., and Spotswood, N.J., to Danville, Ga. The purpose of this filing is to eliminate the gateway of Reidsville, N.C.


No. MC-14766 (Sub-No. E1), filed June 4, 1974. Applicant: C. W. KELLEY TRANSPORT, INC., P.O. Box 3185, Enid, Okla. 73701. Applicant's representative: Gene Hibbs (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Roofing and roofing materials, from York, Pa., to Danville, Va. The purpose of this filing is to eliminate the gateway of Reidsville, N.C.
transporting: Petroleum products, in containers, from points in that part of Oklahoma south of a line beginning at the Kansas-Colorado State line and extending along U.S. Highway 66 to Oklahoma City, thence along U.S. Highway 66 to Hopkins County, and thence along U.S. Highway 283 to the Kansas-Oklahoma State line, to points in Nebraska, and empty containers for petroleum products, from points in Nebraska to points in the above-described Oklahoma origin territory. The purpose of this filing is to eliminate the gateway of Sumter, S.C.


No. MC-63417 (Sub-No. E33), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER, CO., INC., 1814 Hollins Rd. NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: New furniture, from Atlanta, Ga., to points in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC-63417 (Sub-No. E39), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities except those of unusual value, dangerous explosives, livestock, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 461, commodities in bulk, and those requiring special equipment, from points in South Carolina and that part of North Carolina on and east of U.S. Highway 21 to (1) Rocky Mount, Va., and (2) Roanoke, Va., restricted insofar as moving by interchange of trailers at Roanoke and destined to points beyond Roanoke. The purpose of this filing is to eliminate the gateway of Roanoke, Va.

No. MC-63417 (Sub-No. E40), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER CO., INC., 1814 Hollins Rd. NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: New furniture, from Pascagoula, Miss., to points in Mississippi River near Crystal Springs) and the District of Columbia. The purpose of this filing is to eliminate the gateway of Stanleytown, Va.

No. MC-63417 (Sub-No. E40), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER CO., INC., 1814 Hollins Rd. NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities except those of unusual value, dangerous explosives, livestock, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 461, commodities in bulk, and those requiring special equipment, from points in South Carolina and that part of North Carolina on and east of U.S. Highway 21 to (1) Rocky Mount, Va., and (2) Roanoke, Va., restricted insofar as moving by interchange of trailers at Roanoke and destined to points beyond Roanoke. The purpose of this filing is to eliminate the gateway of points in Henrico County, Va.


No. MC-63417 (Sub-No. E41), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER CO., INC., 1814 Hollins Rd. NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities except those of unusual value, dangerous explosives, livestock, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 461, commodities in bulk, and those requiring special equipment, from points in South Carolina and that part of North Carolina on and east of U.S. Highway 21 to (1) Rocky Mount, Va., and (2) Roanoke, Va., restricted insofar as moving by interchange of trailers at Roanoke and destined to points beyond Roanoke. The purpose of this filing is to eliminate the gateway of points in Henrico County, Va.


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along Virginia Highway 20 to the junction of U.S. Highway 17, thence along U.S. Highway 17 to the junction of U.S. Highway 266, thence along U.S. Highway 360 to the points in West Virginia on and west of a line from the Virginia-West Virginia state line to the Pennsylvania-West Virginia state line; (3) plywood (a) from points in Tennessee to points in West Virginia and pallets to Memphis; (b) from points in Mississippi north of Interstate Highway 85 to the junction of Interstate Highway 85 and the Mississippi State line and points in Alabama north of Interstate Highway 85; (c) from points in Kentucky to points in Tennessee (except Memphis) to points in Missouri and Illinois; (d) from points in the Upper Peninsula of Michigan to points in Michigan State line), Michigan, Ohio (except from points in Indiana) (except Memphis) to points in Illinois; (e) from points in Kentucky to points in Alabama north of Interstate Highway 65 to points in Georgia, South Carolina, and North Carolina; (f) from points in Tennessee on and west of Interstate 81 to the junction of Interstate Highway 81 and the Tennessee State line (except Memphis) to points in Kentucky; (g) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (h) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (i) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (j) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (k) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (l) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (m) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (n) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (o) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (p) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (q) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (r) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (s) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (t) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (u) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (v) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (w) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (x) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (y) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (z) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (aa) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (bb) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (cc) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (dd) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (ee) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (ff) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (gg) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (hh) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (ii) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (jj) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (kk) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (ll) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (mm) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (nn) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (oo) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (pp) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (qq) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (rr) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (ss) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (tt) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (uu) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (vv) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (ww) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (xx) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (yy) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line; (zz) from points in Tennessee on and west of Interstate Highway 81 to the junction of Interstate Highway 81 and the Tennessee State line.

The purpose of this correction is to correct the territorial route descriptions.
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No. MC-100666 (Sub-No. E138), filed May 14, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Roofing, wallboard, fiberboard, particleboard, insulating board, and gypsum paneling from the plant site and warehouse facilities of the National Gypsum Company at Westwego and New Orleans, La., to points in Arizona (the plant site of the Permian Corporation in Calhoun County, Ark.); (2) Plywood from Couington, Tenn., to points in Arizona (the plant site of the Permian Corporation in Calhoun County, Ark.). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-100666 (Sub-No. E145), filed June 3, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Paper and paper products from the plant site and warehouse facilities of Eby-Eyres Southern Paper Corporation in McMinn County, Tenn., to points in Arizona, California, Idaho, Montana, Nevada, Oregon, South Dakota, Utah, and Wyoming (points in Little River County, Ark.)*; points in Colorado and west of Cessna, Alamosa, Sangre, Gunnison, Pueblo, Garfield, Rio Blanco, and Montrose Counties, Colo., and (2) composition roofing board and plywood from the plant site and storage facilities of the Celotex Corporation at or near Elizabethtown, Ky. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-100666 (Sub-No. E146), filed May 14, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Roofing, wallboard, fiberboard, particleboard, and gypsum paneling from the plant site and warehouse facilities of the Celotex Corporation in Wayne County, N.C., to points in Kansas, Oklahoma, and points in Henry County, Tenn.; (2) plywood board, wallboard, fiberboard, insulating board, and gypsum board from the plant site and warehouse facilities of the Celotex Corporation in Wayne County, N.C., to points in Kansas, California, Idaho, Montana, Nebraska, Nevada, Oregon, South Dakota, Utah, and Washington (West Memphis, Ark., and Pittsburg, Kan.). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-100666 (Sub-No. E144), filed May 27, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Roofing, wallboard, fiberboard, particleboard, and gypsum paneling from Briar, Ark., to points in Arizona (Craig, Ola., and the plant site of the Permian Corporation in Calhoun County, Ark.); (2) plywood from the facilities of U.S. Plywood-Champion Papers at Charleston and Orangeburg, S.C., to points in Wyoming (the plant site of the Permian Corporation in Calhoun County, Ark.); (3) Flakeboard, wallboard, insulating board, and paneling (a) from Mobile, Ala., to points in Wyoming, (b) from the plant site of the Celotex Corporation at Marion, Minn., to points in and west of Minnesota (the plant site of the Permian Corporation in Calhoun County, Ark.); (4) Flakeboard, wallboard, insulating board, and paneling from the plant site and storage facilities of the National Gypsum Company at Westwego and New Orleans, La., to points in Arizona (the plant site of the Permian Corporation in Calhoun County, Ark.). The purpose of this filing is to eliminate the gateways indicated by asterisks above.
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South Dakota, Utah, and Washington (Pittsburg, Eans.)*; (2) wallboard, fiberboard, particleboard, roofing, insulating, sheathing and gypsum plaster products from the plant site and warehouse of Westvaco Corporation at or near North Charleston, S.C., to points in Wyoming (West) and Pennsylvania State line to points in Henry County, Tenn.; and (3) composition board and plywood from the plant site and warehouse of Westvaco Corporation at or near North Charleston, S.C., to points in Colorado (points in Oklahoma and Utah, Okla.), and points in New Mexico (points in Oklahoma and Utah, Okla.).* The purpose of this filing is to eliminate the gateway indicated by the asterisks above.

No. MC-107463 (Sub-No. E294), (Correction), filed May 29, 1974, published in the Federal Register August 1, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Liquid chemicals, in bulk, in tank vehicles, from the plant site of the E. I. duPont de Nemours and Company at Niagara Falls, N.Y., to points in New York State, east of the Niagara Frontier, and Delaware within 100 miles of Philadelphia. (2) Liquid chemicals, in bulk, in tank vehicles, from the plant site of the E. I. duPont de Nemours and Company at Niagara Falls, N.Y., to points in South Carolina, Georgia, and North Carolina (except Greensboro). The purpose of this filing is to eliminate the gateway of Philadelphia, Pa., in proposals number (1) and (2) above. The purpose of this correction is to correctly describe the involved destination territory.

No. MC-107463 (Sub-No. E233) (Correction), filed May 29, 1974, published in the Pennsylvania edition of the Federal Register May 30, 1974. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Non-flammable liquid chemicals (except petroleum and petroleum products other than medicinal petroleum products and liquid wax, and not including road oil, coal tar, and coal tar products), from points in Pennsylvania west of the Susquehanna River to points in West Virginia. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa. The purpose of this correction is to clarify the involved territory.

No. MC-107463 (Sub-No. E548), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Dry chemicals, in bulk, in tank vehicles, from points in Michigan, in Lenawee, Monroe, Hillsdale, Jackson, Washtenaw, and Wayne Counties, those in Ohio in Lucas, Wood, Franklin, Ottawa, Sandusky, Erie, Henry, Williams, and Defiance Counties, and those in Indiana in Steuben, De Kalb, and Allen Counties, to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateway of Lake Erie, Ohio, and Solvay, N.Y.

No. MC-107463 (Sub-No. E237), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Dry commodities, in bulk, from points in Ohio (except those within 150 miles of Monongahela, Pa.), to points in Ohio (except those within 150 miles of Monongahela, Pa.). The purpose of this filing is to eliminate the gateway of Pennsylvania, Ohio.

No. MC-107463 (Sub-No. E541), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum products, liquid, in bulk, in tank vehicles, from the plant site of the E. I. duPont de Nemours and Company at Niagara Falls, N.Y., to points in South Carolina, Georgia, and North Carolina (except Greensboro). The purpose of this filing is to eliminate the gateway of Philadelphia, Pa., in proposals number (1) and (2) above. The purpose of this correction is to correctly describe the involved destination territory.


No. MC-108449 (Sub-No. E189), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylnebeck (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum products, in bulk, in tank vehicles, from Minneapolis and St. Paul, Minn., to points in Nebraska. The purpose of this filing is to eliminate the gateway of the Williams Brothers Pipe Line Company Terminal located at or near Spirit Lake, Iowa.

No. MC-108449 (Sub-No. E198), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylnebeck (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid petroleum gas, in bulk, in tank vehicles, from the port of entry on the United States-Canada International Boundary line at or near Pino Creek, Minn., to points in Iowa.

Note.—This authority expires December 31, 1977. The purpose of this filing is to eliminate the gateway of Missouri, Ill., and points within five miles thereof.

No. MC-108449 (Sub-No. E19), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylnebeck (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid petroleum gas, in bulk, in tank vehicles, from the port of entry on the United States-Canada International Boundary line at or near Milda, N. Dakota, to points in S. Dakota. The purpose of this authority expires December 31, 1977. The purpose of this filing is to eliminate the gateway of the terminal facilities of the Kenai Pipe Line Company located at or near Unalakleet, Alaska.

No. MC-108449 (Sub-No. E213), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylnebeck (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Mineral filler, in bulk, from Superior, Wis., to points in Iowa. The purpose of this filing is to eliminate the gateway of points in Dakota, Hennepin, Ramsey, and Scott Counties, Minn.

No. MC-108449 (Sub-No. E139), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylnebeck (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Mineral filler, in bulk, from points in Dakota, Hennepin, Ramsey, and Scott Counties, Minn., to points in the Upper Peninsula of Michigan (except points in that part of the Upper Peninsula of Michigan south of U.S. Highway 2 and on and west of Michigan Highway 50).
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The purpose of this filing is to eliminate the gateway of Superior, Wis.

No. MC-108449 (Sub-No. E140), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquefied petroleum gas and petroleum products, as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 in bulk, in tank vehicles, from the site of the terminal outlet of the Mid-American Pipeline Company pipeline at or near Sanborn, Iowa, to points in Wisconsin. The purpose of this filing is to eliminate the gateway of the terminal facilities of the Kaneb Pipe Line Company located at or near Aberdeen, S. Dak.

No. MC-108449 (Sub-No. E145), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquefied petroleum gas and natural gas, in bulk, in tank vehicles, from Menton, Minn., and points within five miles thereof, to points in Wisconsin. The purpose of this filing is to eliminate the gateway of the terminal facilities of the Kaneb Pipe Line Company located at or near Aberdeen, S. Dak.

No. MC-108449 (Sub-No. E141), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquefied petroleum gas and petroleum products, as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 in bulk, in tank vehicles, from the site of the terminal outlet of the Mid-American Pipeline Company pipeline at or near Sanborn, Iowa, to points in Montana. The purpose of this filing is to eliminate the gateway of the terminal facilities of STAMCO Pipeline Company located at or near Aberdeen, S. Dak.

No. MC-108449 (Sub-No. E147), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Salt, in bulk, from Chicago, Ill., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Prairie Du Chien, Wis.

No. MC-108449 (Sub-No. E148), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Salt, in bulk, and in mixed shipments in bulk and in packages, from Duluth, Minn., to points in Iowa. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC-108449 (Sub-No. E142), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Salt, in bulk, and in mixed shipments in bulk and in packages, from Duluth, Minn., to points in Illinois. The purpose of this filing is to eliminate the gateway of Prairie Du Chien, Wis.

No. MC-108449 (Sub-No. E144), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Salt, in bulk, from Duluth, Minn., to points in Illinois. The purpose of this filing is to eliminate the gateway of Prairie Du Chien, Wis.

No. MC-108449 (Sub-No. E143), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquefied petroleum gas and natural gas, in bulk, in tank vehicles, from the site of the terminal outlet of the Mid-American Pipeline Company pipeline at or near Sanborn, Iowa, to points in Montana. The purpose of this filing is to eliminate the gateway of the terminal facilities of STAMCO Pipeline Company located at or near Aberdeen, S. Dak.

No. MC-108449 (Sub-No. E146), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquefied petroleum gas and natural gas, in bulk, in tank vehicles, from the site of the terminal outlet of the Mid-American Pipeline Company pipeline at or near Sanborn, Iowa, to the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Winona, Minn., and LaCrosse, Wis.

No. MC-108449 (Sub-No. E163), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquefied petroleum gas and natural gas, in bulk, in tank vehicles, from the site of the terminal outlet of the Mid-American Pipeline Company pipeline at or near Sanborn, Iowa, to the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Winona, Minn., and LaCrosse, Wis.

No. MC-108449 (Sub-No. E162), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Salt, in bulk, from Chicago, Ill., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Prairie Du Chien, Wis.

No. MC-108449 (Sub-No. E165), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Cement, in bulk, from the plant sites of the Marquette Cement Manufacturing Company and the Penn-Dixie Cement Corporation at Des Moines, Iowa, to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Winona, Minn., and LaCrosse, Wis.

No. MC-108449 (Sub-No. E164), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Salt, in bulk, from Chicago, Ill., to points in Illinois. The purpose of this filing is to eliminate the gateway of Prairie Du Chien, Wis.

No. MC-108449 (Sub-No. E161), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Salt, in bulk, from Chicago, Ill., to points in Illinois. The purpose of this filing is to eliminate the gateway of Prairie Du Chien, Wis.

No. MC-108449 (Sub-No. E159), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Cement, in bulk, from the plant sites of the Marquette Cement Manufacturing Company and the Penn-Dixie Cement Corporation at Des Moines, Iowa, to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Winona, Minn., and LaCrosse, Wis.
to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid chemicals, in bulk, in tank vehicles, from points in Gloucester County, N.J., to points in Massachusetts, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateways of Jersey City, N.J., and Stoneham, Mass.*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-110525 (Sub-No. E839), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid chemicals, in bulk, in tank vehicles, from points in Gloucester County, N.J., to points in Massachusetts, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateways of Jersey City, N.J., and Stoneham, Mass.*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-110525 (Sub-No. E837), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid chemicals, in bulk, in tank vehicles, from points in Gloucester County, N.J., to points in Massachusetts, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateways of Jersey City, N.J., and Stoneham, Mass.*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-110525 (Sub-No. E838), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid chemicals, in bulk, in tank vehicles, from points in Gloucester County, N.J., to points in Massachusetts, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateways of Jersey City, N.J., and Stoneham, Mass.*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.
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same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid chemicals, in bulk, in tank vehicles, from points in Butler, Hamilton, Lake, Mahoning, Trumbull, and Wayne Counties, Ohio, to points in that part of New Hampshire on and south of U.S. Highway 302 and on and east of U.S. Highway 3. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-110525 (Sub-No. E842), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid chemicals, in bulk, in tank vehicles, from points in Butler, Pennsylvania, and Indiana. The purpose of this filing is to eliminate the gateway of Jersey City, N.J.

No. MC-110525 (Sub-No. E843), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid chemicals and coal tar products, in bulk, in tank vehicles, from points in Allegheny, Beaver, and Butler Counties, Pa., to points in Ohio, to points in the gateway of points in Fayette County, W. Va. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid chemicals and coal tar products, in bulk, in tank vehicles, from points in Allegheny, Beaver, and Butler Counties, Pa., to points in Ohio, to points in the gateway of Jersey City, N.J.

No. MC-110525 (Sub-No. E844), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid chemicals and coal tar products, in bulk, in tank vehicles, from points in Allegheny, Beaver, and Butler Counties, Pa., to points in Ohio, to points in the gateway of Jersey City, N.J.

No. MC-110525 (Sub-No. E845), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid chemicals, in bulk, in tank vehicles, from points in Butler, Hamilton, Lake, Mahoning, Trumbull, and Wayne Counties, Ohio, to points in that part of New Hampshire on and south of U.S. Highway 302 and on and east of U.S. Highway 3. The purpose of this filing is to eliminate the gateways indicated by asterisks above.
over irregular routes, transporting: (A) Liquid chemicals, in bulk, in tank vehicles, from points in Allegheny County, Pa., to points in New Hampshire (Syracuse, N.H.)*; (B) Liquid chemicals (except liquid oxygen, liquid hydrogen, and liquid nitrogen), in bulk, in tank vehicles, from points in Allegheny County, Pa., to points in Vermont, Connecticut, and Rhode Island (Newark, N.J.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-110523 (Sub-No. E561), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid chemicals and coal tar products, in bulk, in tank vehicles, from points in Allegheny and Beaver Counties, Pa., to points in Pennsylvania, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateway of Newark, N.J.

No. MC-110523 (Sub-No. E562), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid chemicals, in bulk, in tank vehicles, from points in Monroe County, N.Y., (1) to points in Illinois, Indiana, Michigan, and that part of Ohio on and west of U.S. Highway 23 (Painesville, Ohio); and (2) to points in Kentucky (Pittsburgh, Pa.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-110523 (Sub-No. E563), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Coal tar products, in bulk, in tank vehicles, from Philadelphia, Pa., to points in Rhode Island and Massachusetts. The purpose of this filing is to eliminate the gateway of Fort Lee, N.J.

No. MC-111545 (Sub-No. E539), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Machinery and contractor's equipment, the transportation of which because of size or weight requires the use of special equipment, from points in Illinois and Missouri, on the one hand, and, on the other, points in Ohio, restricted against the transportation of commodities to be used in, or in connection with, main or trunk pipelines. The purpose of this filing is to eliminate the gateway of Fort Lee, N.J.

No. MC-111545 (Sub-No. E540), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Such road construction machinery and equipment, as described in Appendix VIII to the report in Descriptions in Motor Carrier Certificates, 81 M.C.C. 269, as are machinery and contractor's equipment, from points in Minnesota and Nebraska to points in Florida and Georgia. (2) Such road construction machinery and equipment, as described in Appendix VIII to the report in Descriptions in Motor Carrier Certificates, 81 M.C.C. 269, as are self-propelled articles, each weighing 15,000 pounds or more, from points in Michigan and Nebraska to points in Florida and Georgia, restricted to the transportation of commodities which are transported on tank rail cars. The purpose of this filing is to eliminate the gateway of Kockuk and Mt. Ayr, Iowa.

No. MC-111545 (Sub-No. E541), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Commodities, the transportation of which because of size or weight requires the use of special equipment, from points in that part of Georgia on and south of a line beginning at the Georgia-Alabama State line, thence along U.S. Highway 78 to Atlanta, thence along Interstate Highway 20 to the Georgia-South Carolina State line, on the one hand, and, on the other, points in Kentucky within 175 miles of Chattanooga, Tenn. The purpose of this filing is to eliminate the gateways of points in Georgia within 175 miles of Chattanooga, Tenn.

No. MC-111545 (Sub-No. E542), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Machinery and contractor's equipment, the transportation of which, because of size or weight, requires special equipment, from points in Arizona, on the one hand, and, on the other, points in Illinois, Iowa, Minnesota, Missouri, and that part of Wisconsin within 300 miles of Ames, Iowa, restricted against the transportation of commodities to be used in, or in connection with, main or trunk pipelines (Kansas City, Kans., or points in those parts of Kansas or Missouri within 100 miles thereof)*; (2) Heavy equipment, as contractors' equipment, between points in Kansas City, Kans., or points in those parts of Kansas or Missouri within 100 miles thereof; and (2) to points in Iowa)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-111545 (Sub-No. E543), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Commodities, the transportation of which because of size or weight requires the use of special equipment, from points in that part of Texas, on and south of a line beginning at the Texas-New Mexico State line the point 10 miles north of Fort Worth, thence along Interstate Highway 35 to the Texas-Oklahoma State line to points in Oklahoma. The purpose of this filing is to eliminate the gateways of Arkansas, Oklahoma, Fort Smith, Ark., and Des Moines, Iowa.

No. MC-111545 (Sub-No. E544), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426,
NOTICES

FEDERAL REGISTER, VOL. 39, NO. 177—WEDNESDAY, SEPTEMBER 11, 1974

No. MC-111545 (Sub-No. E572), filed May 26, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Commodities, the transportation of which, because of size or weight, requires the use of special equipment, between points in Texas, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, and the District of Columbia; and (2) between points in that part of Texas south of U.S. Highway 66, on the one hand, and, on the other, points in those parts of Pennsylvania and New York east of U.S. Highway 62. The purpose of this filing is to eliminate the gateway of Ringgold, Ga.

No. MC-111545 (Sub-No. E572), filed May 26, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Commodities, the transportation of which, because of size or weight, requires the use of special equipment, (1) between the points in Arkansas, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, and the District of Columbia; and (2) between points in that part of Arkansas on and south of U.S. Highway 64, on the one hand, and, on the other, points in those parts of New York and Pennsylvania on and east of U.S. Highway 11. The purpose of this filing is to eliminate the gateway of Ringgold, Ga.

No. MC-111545 (Sub-No. E572), filed May 26, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Buildings, complete, knocked down, or in sections, the transportation of which, because of size or weight, requires the use of special equipment, (1) between the points in Arkansas, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, and the District of Columbia; and (2) between points in that part of Arkansas on and south of U.S. Highway 64, on the one hand, and, on the other, points in those parts of New York and Pennsylvania on and east of U.S. Highway 11. The purpose of this filing is to eliminate the gateway of Ringgold, Ga.

No. MC-111545 (Sub-No. E572), filed May 26, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Buildings, complete, knocked down, or in sections, the transportation of which, because of size or weight, requires the use of special equipment, (1) between the points in Arkansas, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, and the District of Columbia; and (2) between points in that part of Texas south of U.S. Highway 66, on the one hand, and, on the other, points in those parts of Pennsylvania and New York east of U.S. Highway 62. The purpose of this filing is to eliminate the gateway of Ringgold, Ga.
NOTICES

No. MC-113328 (Sub-No. E59), filed June 4, 1974. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30005, Washington, D.C. 20014. Applicant's representative: Robert W. O'Boyle (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Sulphur dioxide gas, in shipper-owned tank vehicles, from Copperhill, Tenn., to points in New Jersey, New York, Rhode Island, Pennsylvania, Massachusetts, Delaware, Connecticut, Maine, and Maryland, and those points in North Carolina in and east of Northampton, Bertie, Washington, Tyrrell, and Dare Counties. The purpose of this filing is to eliminate the gateways of Winchester, Va., and Maryland, and those points in New York, Rhode Island, Pennsylvania, Massachusetts, Delaware, Connecticut, Maine, and Maryland, and those points in North Carolina in and east of Northampton, Bertie, Washington, Tyrrell, and Dare Counties.

No. MC-114569 (Sub-No. E9), filed May 24, 1974. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Canned goods, (1) from Freedom, Medina, and Rochester, N.Y., to points in Arizona, California, Colorado, Kansas, Louisiana, Mississippi, Missouri, and Wyoming; (2) from Rochester and Medina, N.Y., to points in Arizona and Mississippi; and (3) to points in Kansas. The purpose of this filing is to eliminate the gateway of Martinsburg, W. Va.

No. MC-114569 (Sub-No. E11), filed May 24, 1974. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Sulphur dioxide gas, (1) from points in Arkansas, Colorado, Illinois, Indiana, Iowa, Michigan, Minnesota, Mississippi, Missouri, Nebraskas, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming; and (2) from the plant site of Duffy Mott Company, Inc., at Aspers, Pa.

No. MC-114569 (Sub-No. E12), filed May 24, 1974. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Sulphur dioxide gas, from points in Arkansas, Colorado, Illinois, Indiana, Iowa, Michigan, Minnesota, Mississippi, Missouri, Nebraskas, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming; and (2) from the plant site of Duffy Mott Company, Inc., at Aspers, Pa.

No. MC-114569 (Sub-No. E13), filed May 24, 1974. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Sulphur dioxide gas, (1) from points in Arkansas, Colorado, Illinois, Indiana, Iowa, Michigan, Minnesota, Mississippi, Missouri, Nebraskas, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming; and (2) from the plant site of Duffy Mott Company, Inc., at Aspers, Pa.
along New York Highway 7 to the New York-Vermont State line; (2) between points in Indiana, on the one hand, and, on the other, points in Pennsylvania on and east of a line from the Maryland-Pennsylvania State line along U.S. Highway 15 and 15 B.R. to Gettysburg, thence along Pennsylvania Highway 34 to the junction U.S.-Highway 11/15, then along U.S. Highway 11 to the junction Interstate Highway 78 to the junction of Pennsylvania Highway 61, then along Pennsylvania Highway 61 to Fottsville, then along U.S. Highway 220 to the junction Susquehanna River, then along the Susquehanna River to Shamokin Dam, then along U.S. Highway 15 to Liberty, then along Pennsylvania Highway 414 to the junction of Pennsylvania Highway 227, then along Pennsylvania Highway 227 to Wellsboro, then along U.S. Highway 6 to the junction of Pennsylvania Highway 449, then along Pennsylvania Highway 449 to the New-York-Pennsylvania State line; (8) between points in Georgia, Kentucky, North Carolina, South Carolina, and Virginia, on the one hand, and, on the other, points in Pennsylvania on, north and east of a line from the New York-Vermont State line along Interstate Highway 78 to the junction of Pennsylvania Highway 61, then along Pennsylvania Highway 61 to Fottsville, then along U.S. Highway 220 to the junction Susquehanna River, then along the Susquehanna River to Shamokin Dam, then along U.S. Highway 15 to Liberty, then along Pennsylvania Highway 414 to the junction of Pennsylvania Highway 227, then along Pennsylvania Highway 227 to Wellsboro, then along U.S. Highway 6 to the junction of Pennsylvania Highway 449, then along Pennsylvania Highway 449 to the New-York-Pennsylvania State line; (9) between points in Iowa, Minnesota and Missouri, on the one hand, and, on the other, points in Missouri on and east of a line from the New-York-Pennsylvania State line along U.S. Highway 14 to the junction of New York Highway 17, then along New York Highway 17 to the junction of New York Highway 13, then along New York Highway 13 to the junction of U.S. Highway 20 to East Winfield, then along New York Highway 61 to the Mohawk River, then along the Mohawk River to Amsterdam, then along New York Highway 61 to the junction of U.S. Highway 9, then along U.S. Highway 9 to Glens Falls, then along New York Highway 186 to the junction of New York Highway 40, then along New York Highway 40 to the junction of New York Highway 49, then along New York Highway 149 to the New York-Vermont State line.

Between points in Missouri, on the one hand, and, on the other, points in Iowa on and east of a line from the New-York-Pennsylvania State line along U.S. Highway 18 to Pekin, Ill., thence along New York Highway 14/17 to the junction of New York Highway 14, then along New York Highway 14 to Cortland, then along Interstate Highway 81 to the junction of New York Highway 13, then along New York Highway 13 to the junction of U.S. Highway 15 and 15 B.R. to Gettysburg, then along Pennsylvania Highway 34 to the junction U.S.-Highway 11/15, then along U.S. Highway 11/15 to Shamokin Dam, then along New York Highway 11 to the junction Interstate Highway 78 to the junction of Pennsylvania Highway 61, then along Pennsylvania Highway 61 to Fottsville, then along U.S. Highway 220 to the junction Susquehanna River, then along the Susquehanna River to Shamokin Dam, then along U.S. Highway 15 to Liberty, then along Pennsylvania Highway 414 to the junction of Pennsylvania Highway 227, then along Pennsylvania Highway 227 to Wellsboro, then along U.S. Highway 6 to the junction of Pennsylvania Highway 449, then along Pennsylvania Highway 449 to the New-York-Pennsylvania State line; (6) between points in Pennsylvania on and east of a line from the Maryland-Pennsylvania State line along U.S. Highway 11 to the junction Pennsylvania Highway 431, then along Pennsylvania Highway 431 to the junction of Pennsylvania Highway 61, then along Pennsylvania Highway 61 to Fottsville, then along U.S. Highway 220 to the junction Susquehanna River, then along the Susquehanna River to Shamokin Dam, then along U.S. Highway 15 to Liberty, then along Pennsylvania Highway 414 to the junction of Pennsylvania Highway 227, then along Pennsylvania Highway 227 to Wellsboro, then along U.S. Highway 6 to the junction of Pennsylvania Highway 449, then along Pennsylvania Highway 449 to the New-York-Pennsylvania State line; (7) between points in Illinois on, the one hand, and, on the other, points in Pennsylvania on and east of a line from the New-York-Pennsylvania State line along U.S. Highway 14 to the junction of New York Highway 17, then along New York Highway 17 to the junction of New York Highway 13, then along New York Highway 13 to the junction of U.S. Highway 20 to East Winfield, then along New York Highway 61 to the Mohawk River, then along the Mohawk River to Amsterdam, then along New York Highway 61 to the junction of U.S. Highway 9, then along U.S. Highway 9 to Glens Falls, then along New York Highway 186 to the junction of New York Highway 40, then along New York Highway 40 to the junction of New York Highway 49, then along New York Highway 149 to the New York-Vermont State line.

(9) between points in Iowa, Minnesota and Missouri, on the one hand, and, on the other, points in Missouri on and east of a line from the New-York-Pennsylvania State line along U.S. Highway 14 to the junction of New York Highway 17, then along New York Highway 17 to the junction of New York Highway 13, then along New York Highway 13 to the junction of U.S. Highway 20 to East Winfield, then along New York Highway 61 to the Mohawk River, then along the Mohawk River to Amsterdam, then along New York Highway 61 to the junction of U.S. Highway 9, then along U.S. Highway 9 to Glens Falls, then along New York Highway 186 to the junction of New York Highway 40, then along New York Highway 40 to the junction of New York Highway 49, then along New York Highway 149 to the New York-Vermont State line.

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U.S. west of a line beginning at Superior and in Iowa, and points in Wisconsin on and south of a line extending along U.S. Highway 60 to Cedar Grove, thence along West Virginia Highway 29 to the West Virginia-Virginia State line, to Minneapolis, Minn., points in Iowa, and points in Wisconsin on and west of a line beginning at Superior and extending along U.S. Highway 53 to the junction U.S. Highway 10 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to the West Virginia-Illinois State line, and extending along Wisconsin Highway 27 to junction Wisconsin Highway 61 to the Wisconsin-Illinois State line. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC-118831 (Sub-No. E21), filed May 20, 1974. Applicant: CENTRAL TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: machinery, equipment, materials, and supplies, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of natural gas and petroleum and their products and by-products, and machinery, equipment, materials, and supplies, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, between points in Florida on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateways of Robertson County, Tenn.

No. MC-119774 (Sub-No. E9), filed May 20, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Dimethyl terephthalate, in bulk, from points in New Hanover County, N.C., and Spartanburg County, S.C., to points in New Jersey. The purpose of this filing is to eliminate the gateways of Van Buren, Ark., and Moffett, Okla.

No. MC-119774 (Sub-No. E8), filed May 20, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Pipelines, as described in Mercer Extension Oilfield Commodities, 74 M.C.C. 545, from points in New Mexico to points in West Virginia. The purpose of this filing is to eliminate the gateways of Van Buren, Ark., and Moffett, Okla.
TRUCKING SERVICE, INC., 445 Wind-
ing Rd., Old Bethpage, N.Y. 11804. Ap-
plicant's representative: Edward M. Al-
fano, 550 Marnamore Ave., Harrison, N.Y. 10828. Authority sought to operate as a
common carrier, by motor vehicle, over irregular routes, transporting: In-
candescent lamps, and raw materials
used in the manufacture of incandescent
lamps and fixtures, except as otherwise spec-
fified, except as otherwise specified.

INTENTION. Is to eliminate the gateway of the
State of New York, N.J., and points in Muscatine and Westford Counties, N.Y., on the one hand, and, on the other, points in that part of New York
within 100 miles of Jersey City, N.J., in-
cluding Jersey City but excluding Bergen
and Passaic Counties, and points in Tioga, Bradford, Susquehanna, Pike, Ly-
coming, Wyoming, Sullivan, Lacka-
wan, Warren, and Schuylkill Counties, and
points north.

Supplies used in the conduct of such busi-
ness; when shipped in common
co.

in commerce, by motor vehicle, of general,
commodities, except foodstuffs, and
other, points

No. MC-123869 (Sub-No. E1), filed May 10, 1974. Applicant: OVERLAND
EXPRESS, INC., P.O. Box 2657, New-
brighth, Minn. 55112. Applicant's rep-resentative: Daniel C. Sullivan, 327 S.
LaSalle St., Chicago, Ill. 60604. Author-
ity sought to operate as a common car-
rier, by motor vehicle, over irregular
routes, transporting: Such merchandise
as is dealt in by wholesale and retail
departments stores (except foodstuffs), and
in connection therewith, materials and
supplies used in the conduct of such
business; when such commodities are
also such merchandise as is dealt in by
wholesale, retail, and chain grocery and
food business houses, and in connection
therewith, equipment, materials, and
supplies used in the conduct of such busi-
ness, by motor vehicle, of general,
commodities and commodities in bulk,
from points in Connecticut, Delaware, Illi-
pos north points of U.S. Highway 242, Indi-
ant, Kansas, Kentucky, Maine, Mary-
land, Massachusetts, Michigan, Missis-
tissip, New Hampshire, New Jersey (ex-
cept points in Essex, Hudson, Hunterdon,
Mercer, Middlesex, Passaic, and Union
Counties, N.J.), New York (except points
east of New York Highway 120), North
Carolina, Ohio, Pennsylvania, Rhode
Island, South Carolina, Tennessee, Ver-
mont, Virginia, and West Virginia,
Huron, S. Dak. The purpose of this filing
is to eliminate the gateway of the facili-
ties of World-Wide, Inc., and Erleison
Petroleum Co., at Minneapolis-St. Paul,
Minn.

By the Commission.

ROBERT L. OWEN,
Secretary.

[FR Doc.74-21058 Filed 9-30-74; 8:15 am]

[Notes 29]

MOTOR CARRIER ALTERNATE ROUTE
DEVIATION NOTICES

SEPTEMBER 6, 1974.

The following letter-notices of pro-
posal (except as otherwise specifically
noted, each applicant states that there
will be no significant effect on the qual-
ity of the human environment resulting
from approval of its application) to op-
terate over deviation routes for operating
convenience only have been filed with the
Interstate Commerce Commission under
the Commission's Revised Devia-
tion Rule, 49 CFR No. 10528. Author-
tities sought to operate as a common
carrier, by motor vehicle, of general,
commodities, except as otherwise spec-
fified, except as otherwise specified.

In the notice of any proposed
deviation route herein described may be
filed with the Interstate Com-
merce Commission in the manner and
form provided in such rules (49 CFR
10528.4(c)(12)) at any time, but will not
operate to stay commencement of the
proposed operation unless filed within
30 days from the date of publication.

Successively filed letter-notices of the
same carrier under the Commission's
Revised Deviation Rules-Motor Car-
rier of Property, 1959, will be numbered con-
secutively for convenience in identifica-
tion and, unless, if any, should refer to
such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-5848 (Deviation No. 5), WESTERN GILLETTE, INC., 2550
East 28th St., Los Angeles, Calif. 90008, filed August 19, 1974. Carrier pro-
poses to operate as a common carrier,
by motor vehicle, of general,
commodities, except as otherwise spec-
fified, except as otherwise specified.

In the notice of any proposed
deviation route herein described may be
filed with the Interstate Com-
merce Commission in the manner and
form provided in such rules (49 CFR
10528.4(c)(12)) at any time, but will not
operate to stay commencement of the
proposed operation unless filed within
30 days from the date of publication.

Successively filed letter-notices of the
same carrier under the Commission's
Revised Deviation Rules-Motor Car-
rier of Property, 1959, will be numbered con-
secutively for convenience in identifica-
tion and, unless, if any, should refer to
such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-3948 (Deviation No. 5), WESTERN GILLETTE, INC., 2550
East 28th St., Los Angeles, Calif. 90008, filed August 19, 1974. Carrier pro-
poses to operate as a common carrier,
by motor vehicle, of general,
commodities, except as otherwise spec-
fified, except as otherwise specified.

In the notice of any proposed
deviation route herein described may be
filed with the Interstate Com-
merce Commission in the manner and
form provided in such rules (49 CFR
10528.4(c)(12)) at any time, but will not
operate to stay commencement of the
proposed operation unless filed within
30 days from the date of publication.

Successively filed letter-notices of the
same carrier under the Commission's
Revised Deviation Rules-Motor Car-
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No. MC-3948 (Deviation No. 5), WESTERN GILLETTE, INC., 2550
East 28th St., Los Angeles, Calif. 90008, filed August 19, 1974. Carrier pro-
poses to operate as a common carrier,
by motor vehicle, of general,
commodities, except as otherwise spec-
fified, except as otherwise specified.

In the notice of any proposed
deviation route herein described may be
filed with the Interstate Com-
merce Commission in the manner and
form provided in such rules (49 CFR
10528.4(c)(12)) at any time, but will not
operate to stay commencement of the
proposed operation unless filed within
30 days from the date of publication.

Successively filed letter-notices of the
same carrier under the Commission's
Revised Deviation Rules-Motor Car-
rier of Property, 1959, will be numbered con-
secutively for convenience in identifica-
tion and, unless, if any, should refer to
such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-3948 (Deviation No. 5), WESTERN GILLETTE, INC., 2550
East 28th St., Los Angeles, Calif. 90008, filed August 19, 1974. Carrier pro-
poses to operate as a common carrier,
by motor vehicle, of general,
commodities, except as otherwise spec-
fified, except as otherwise specified.

In the notice of any proposed
deviation route herein described may be
filed with the Interstate Com-
merce Commission in the manner and
form provided in such rules (49 CFR
10528.4(c)(12)) at any time, but will not
operate to stay commencement of the
proposed operation unless filed within
30 days from the date of publication.

Successively filed letter-notices of the
same carrier under the Commission's
Revised Deviation Rules-Motor Car-
rier of Property, 1959, will be numbered con-
secutively for convenience in identifica-
tion and, unless, if any, should refer to
such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-3948 (Deviation No. 5), WESTERN GILLETTE, INC., 2550
East 28th St., Los Angeles, Calif. 90008, filed August 19, 1974. Carrier pro-
poses to operate as a common carrier,
by motor vehicle, of general,
commodities, except as otherwise spec-
fified, except as otherwise specified.

In the notice of any proposed
deviation route herein described may be
filed with the Interstate Com-
merce Commission in the manner and
form provided in such rules (49 CFR
10528.4(c)(12)) at any time, but will not
operate to stay commencement of the
proposed operation unless filed within
30 days from the date of publication.

Successively filed letter-notices of the
same carrier under the Commission's
Revised Deviation Rules-Motor Car-
rier of Property, 1959, will be numbered con-
secutively for convenience in identifica-
tion and, unless, if any, should refer to
such letter-notices by number.
to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Toledo, Ohio, over U.S. Highway 12 to Van Wert, Ohio, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Jackson, Mich., over U.S. Highway 12 (Interstate Highway 94) to Hammond, Ind., thence over Interstate Highway 94 near Monroeville, Pa., and return over the same route.

No. MC-33641 (Deviation No. 74), JML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed August 26, 1974. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Toledo, Ohio over Interstate Highway 94 and Interstate Highway 69 near Monroeville, Pa., and return over the same route.

No. MC-33641 (Deviation No. 78), JML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed August 26, 1974. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From the junction of Interstate Highway 94 and Interstate Highway 69 near Monroeville, Pa., and return over the same route operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From the junction of Interstate Highway 69 and U.S. Highway 12 (Interstate Highway 94) near Marshall, Mich., over U.S. Highway 12 to Hammond, Ind., thence over U.S. Highway 41 to Schererville, Ind., thence over U.S. Highway 30 to Ft. Wayne, Ind., and return over the same route.

No. MC-33641 (Deviation No. 77), JML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed August 26, 1974. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Gary, Ind., over Interstate Highway 60 to Toledo, Ohio, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Gary, Ind., over U.S. Highway 12 (Interstate Highway 94) to Jackson, Mich., thence over Michigan Highway 50 to Jackson, Mich., thence over U.S. Highway 12 (Interstate Highway 94) to Hammond, Ind., thence over U.S. Highway 41 to Schererville, Ind., thence over U.S. Highway 30 near Schererville, Ind., thence over U.S. Highway 30 to Ft. Wayne, Ind., and return over the same route.
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held for a period of 30 days from the date of publication of the authority actually granted. During which period any party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth the precise manner in which it has been so prejudiced.

No. MC-128133 (Sub-No. 11) (Republication), filed April 19, 1973, published in the Federal Register issue of June 7, 1973, and republished this issue. Applicant: H.C.P.S., INC., 3820 Main St., Box 368, Winchester, Va. 22601. Applicant's representative: Frank B. Hand, Jr., P.O. Box 446, Winchester, Va. 22601. An Order of the Commission, Review Board Number 1, dated August 26, 1974 and served August 29, 1974, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of (1) dry fertilizer and dry nitrogen, phosphate, and potash, (a) between the plant facilities of Kerr-McGee Chemical Corporation at Winchester, Va., and Keymar, Md., and (b) from the plant facilities of Kerr-McGee Chemical Corporation at Winchester, Va., to Portland and London Counties, Pa., and (2) dry fertilizer from Milford, Va., to Galtiersburg, Md., subject to the condition that to the extent the authority granted duplicates any authority already granted to the applicant it shall not be construed as conferring more than a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority actually granted, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of publication of the authority actually granted, during which period any party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 114552 (Sub-No. 72) Notice of filing of petition to extend the destination points and to remove a restriction, filed August 23, 1974, Petitioner: SEVINZI PAPER CO., a corporation, P.O. Drawer 250, Newbury, N.H. 03903. Petitioner's representative: William P. Jackson, Jr., 918 Eighteenth Street, Washington, D.C. 20006. Petitioner's certificate No. MC 114552 (Sub-No. 72), issued August 20, 1974, authorizing transportation over irregular routes, of construction materials, from the facilities of Barclay Industries, Inc., at Deer Park, N.Y., and Lodl, N.J., to points in Alabama, Florida, Georgia, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia, and the transportation of shipments originating at the named shipper facilities and destined to points in the above named destination states. By the petition, petitioner seeks: (1) to add the destination points of Kentucky, Louisiana, Mississippi, Arizona, Texas, Illinois, and Indiana and (2) to delete the restriction described in the authority above as a person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the Federal Register.

No. MC 120021 (Sub-No. 2) (Petition for modification of certificate), filed May 28, 1974, Petitioner: THE CORTE Champion, Akron, Ohio. Petitioner's representative: Thomas R. Kingsley, 1614 East Street NW, Washington, D.C. 20006. Petitioner presently holds authority in No. MC-120021 (Sub-No. 2), to operate as a common carrier, by motor vehicle, over irregular routes, in the transportation of household goods, as defined by the Commission, (1) Between points in Ohio, on the one hand, and, on the other points in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia; (2) Between Dayton, Ohio, and points within 25 miles thereof, on the one hand, and, on the other points in Minnesota, Nebraska, Wisconsin, Michigan, Arizona, Illinois, Indiana, Kentucky, North Carolina, West Virginia, Maryland, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia. The certificate authorizing the above-described operations was issued to petitioner on April 17, 1974. The Commission, by Order in Ex Parte 85 (Sub-No. 6), Gateway Elimination, 119 I.C.C. 530, requires that all certificates for operating authority issued after April 5, 1974 specifically state whether or not such certificates, or portions thereof, may or may not be transferred. As its certificate is silent in this regard, petitioner seeks modification of this certificate so as to specifically authorize the joining of this proceeding named grant of authority therein in order that it may eliminate the gateway created by such joining under the Gateway Elimination Order. The petition is in accordance with 49 CFR 505. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the Federal Register.

No. MC-126313 (Sub-No. 1) (Partial correction of a notice of filing or petition, to extend the territorial description), filed August 8, 1974, Petitioner: R.L. H. CLIPS, INC., 3820 Main St., Box 446, Winchester, Va. 22601. Petitioner's certificate No. MC-126313 (Sub-No. 1), in the Federal Register issue of August 28, 1974, and republished, as corrected in part, this issue. Petitioner: FRED SI- PER, the owner of the LUA EXPRESS, P.O. Box 611, Silver Springs, Nev. 89432. Petitioner's representative: Irene Warr, 438 Judge Building, Salt Lake City, Utah 84111.

Note—The purpose of this partial republication is to correctly state that the petitioner holds motor contract carrier permit in No. MC-126313 (Sub-No. 1), in lieu of No. MC-126313. The rest of the notice remains as originally published. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the Federal Register.

APPEALS UNDER SECTIONS 5 AND 21(a)(b)
The following applications are governed by the Interstate Commerce Commissioner's Special Rules of procedure governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 21(a) of the Inter-
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state Commerce Act and certain other proceedings with respect thereto. 49 CFR 1.240.

Motor Carriers of Property

Application for Certificate or Permit Which Are to Be Processed Concurrently with Applications Under Section 240 of Title 49, Code of Federal Regulations, Rule 240 to the Extent Applicable.

No. MC-30605 (Sub-No. 154), filed May 21, 1974. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, 643 East Waterman Street, Wichita, Kan. 67202. Applicant's representative: Mert Starnes, P.O. Box 2207, Austin, Tex. 78767. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, household goods as defined by the Commission, livestock, commodities in bulk and those requiring special equipment: California Highway 99, Bluff, Calif., and Los Angeles, Calif.: From Red Bluff, Calif., over California Highway 99 to Los Angeles, Calif., and return over the same route, serving all intermediate points and serving Willows as an off-route point; (3) Between Redding, Calif., and San Ysidro, Calif.: From Redding, Calif., over Interstate Highway 5 to San Ysidro, Calif., and return over the same route, serving all intermediate points; (4) Between Redding, Calif., and San Ysidro, Calif.: From Redding, Calif., over Interstate Highway 5 to San Ysidro, Calif., and return over the same route, serving all intermediate points; (5) Between Williams, Calif., and Grass Valley, Calif.: From Williams, Calif., over California Highway 20 to Grass Valley, Calif., and return over the same route, serving all intermediate points; (6) Between Redding, Calif., and San Ysidro, Calif.: From Redding, Calif., over Interstate Highway 5 to San Ysidro, Calif., and return over the same route, serving all intermediate points; (7) Between Redding, Calif., and Dunigan, Calif.: From Redding, Calif., over Interstate Highway 505 to Dunigan, Calif., and return over the same route, serving all intermediate points; (8) Between San Francisco, Calif., and Auburn, Calif.: From San Francisco, Calif., over Interstate Highway 80 to Auburn, Calif., and return over the same route, serving all intermediate points; (9) From Oakland, Calif., and junction of Interstate Highway 5 and Interstate Highway 580: From Oakland, Calif., over Interstate Highway 580 to its junction with Interstate Highway 5, and return over the same route, serving all intermediate points, and serving Livermore as an off-route point; (10) Between junction of Interstate Highway 580 and Interstate Highway 101 and junction California Highway 120 and California Highway 99: From junction of Interstate Highway 580 to Interstate Highway 205 via Tracy and over by-pass Interstate Highway 205 to their junction with California Highway 120, thence over California Highway 120 to its junction with California Highway 99 at or near Martinez, and return over the same route, serving all intermediate points; (11) Between Sacramento, Calif., and Placerville, Calif.: From Sacramento, Calif., over U.S. Highway 50 to Placerville, Calif., and return over the same route, serving all intermediate points, and serving Fair Oaks as an off-route point; (12) Between San Rafael, Calif., and San Jose, Calif.: From San Rafael, Calif., over California Highway 17 to San Jose, Calif., and return over the same route, serving all intermediate points; (13) Between Vallejo, Calif., and San Jose, Calif.: From Vallejo, Calif., over Interstate Highway 680 to San Jose, Calif., and return over the same route, serving all intermediate points, and serving Pleasanton as an off-route point; (14) Between Oakland, Calif., and Pacheco, Calif.: From Oakland, Calif., over California Highway 24 to Pacheco, Calif., and return over the same route, serving all intermediate points; (15) Between Pinole, Calif., and Richmond, Calif.: From Pinole, Calif., over California Highway 4 to Stockton, Calif., and return over the same route, serving all intermediate points and serving Antioch, Byron, Knightsen, Pittsburg, and Fort Chicago as off-route points; (16) Between Lodi, Calif., and Santa Rosa, Calif.: From Lodi, Calif., over California Highway 12 to Santa Rosa, Calif., and return over the same route, serving all intermediate points; (17) Between Calistoga, Calif., and Sacramento, Calif.: From Antioch, Calif., over California Highway 12 to Sacramento, Calif., and return over the same route, serving all intermediate points; (18) Between Calistoga, Calif., and Vallejo, Calif.: From Calistoga, Calif., over California Highway 29 to Vallejo, Calif., and return over the same route, serving all intermediate points; (19) Between Ignacio, Calif., and Vallejo, Calif.: From Ignacio, Calif., over California Highway 37 to Vallejo, Calif., and return over the same route, serving all intermediate points, and serving San Francisco, Calif., and Carmel, Calif.; From San Francisco, Calif., over California Highway 1 to Carmel, Calif., and return over the same route, serving all intermediate points, and serving Ben Lomond, Boulder Creek, Brookdale, Felton and Scotts Valley as off-route points; (20) Between Santa Rosa, Calif., and Salinas, Calif.: From Santa Rosa, Calif., over U.S. Highway 101 to Salinas, Calif., and return over the same route, serving all intermediate points, and serving Cotati, Petaluma and Hopland as off-route points; (21) Between Gilroy, Calif., and Jackson Highway 165 and U.S. Highway 99: From Gilroy, Calif., over Jackson Highway 165 and U.S. Highway 99 to its junction with U.S. Highway 99, near Cholame, Calif., and return over the same route, serving all intermediate points; (24) Between California Highway 33 and Interstate Highway 205 and junction of California Highway 168 and California Highway 166; From junction of California Highway 166 and U.S. Highway 101, near San Juan Batista, over California Highway 166 to its junction with California Highway 163, near San Felipe, Calif., and return over the same route, serving all intermediate points; (25) Between Coalinga, Calif., and Exeter, Calif.: From Coalinga, Calif., over California Highway 186 to Exeter, Calif., and return over the same route, serving all intermediate points, and serving Lemon Cove and Woodlake as off-route points; (26) Between Fresno, Calif., and Jackson Highway 63 and California Highway 180: From Fresno, Calif., over California Highway 180 to its junction with California Highway 63, and return over the same route, serving all intermediate points; (27) Between Visalia, Calif., and junction of California Highway 63 and California Highway 180: From Visalia, Calif., over California Highway 63 and California Highway 180, and return over the same route, serving all intermediate points; (28) Between Fresno, Calif., and Jackson Highway 45 and California Highway 141: From Fresno, Calif., over California Highway 45 to its junction with California Highway 141 at Kettleman City, Calif., and return over the same route, serving all intermediate points; (29) Between Bakersfield, Calif., and Selma, Calif.: From Bakersfield, Calif., over California Highway 43 to Selma, Calif., and return over the same route, serving all intermediate points; (30) Between Exeter, Calif., and Bakersfield, Calif.: From Exeter, Calif., over California Highway 65 to Bakersfield, Calif., and return over the same route, serving all intermediate points; (31) Between Pomona, Calif., and junction of California Highway 71 and U.S. Highway 93: From Pomona, Calif., over California Highway 71 to its junction

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with U.S. Highway 395 near Murrieta, and return over the same route, serving all intermediate points; (32) Between San Bernardino, Calif., and San Diego, Calif.: From San Bernardino, Calif., over U.S. Highway 395 to Escondido, Calif., thence over Interstate Highway 15 to San Diego, Calif., return over the same route, serving all intermediate points; (33) Between Oceanside, Calif., and Escondido, Calif.: From Oceanside, Calif., over California Highway 76 to Escondido, Calif., return over the same route, serving all intermediate points; (34) Between Oceanside, Calif., and Fullerton, Calif.: From Oceanside, Calif., over California Highway 76 to Fullerton, Calif., return over the same route, serving all intermediate points; (35) Between Manteca, Calif., and Modesto, Calif.: From Manteca, Calif., over California Highway 12 to Modesto, Calif., thence over California Highway 108 to Modesto, Calif., and return over the same route, serving all intermediate points, serving all intermediate points on the route, including the City of Modesto, and all points lying within (15) miles of said routes as off-route points, and traversing on and over all public highways, streets, and roads between all points above authorized for operating convenience; (36) Between Salinas, Calif., and Los Angeles, Calif.: From Salinas, Calif., over U.S. Highway 101 to Los Angeles, Calif., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (37) Between Paso Robles, Calif., and Famosa, Calif.: From Paso Robles, Calif., over California Highway 46 to Famosa, Calif., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (38) To and from between all points and places located (a) within San Francisco Territory and (b) within Alameda, Contra Costa, Marin, Napa, Sonoma and Mendocino Counties, Calif., said San Francisco Territory being described as follows: San Francisco Territory includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean, thence easterly along said boundary line to a point one mile west of U.S. Highway 101; southerly along an imaginary line one mile west of and parallel to U.S. Highway 101; northerly along the Southern Pacific Company right of way at Aracasedero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simlo to Permanente; easterly along Pollard Avenue; easterly along W. Parch Avenue to Capri Drive; southerly along Capri Drive to E. Parch Avenue; easterly along E. Parch Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road and said county line; northerly along the County Line; northeasterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northerly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northerly along White Road to McKee Road; northerly along McKee Road to Capitol Avenue; northerly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Milpitas San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to the San Jose-Los Gatos Road; southerly along the Mountain Boulevard and Miragol Avenue to Estates Drive; westerly along Estates Drive, Harbor Drive, and Broadway Terrace to College Avenue; northerly along College Avenue; westerly along Dwight Way; northerly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to I-80; and northerly along the highway extending from the City of Richmond to Point Richmond; northerly along an imaginary line from Point Richmond to the San Francisco-Oakland Bay Bridge and Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning; (39) To and from between all points and places located (a) within Los Angeles Basin Territory and (b) within Los Angeles, Orange, and Ventura Counties, Calif., said Los Angeles Basin Territory being described as follows: Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Southern Pacific Railway boundary line intersects the State Highway 116, approximately two miles west of Chatsworth; easterly along State Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McCoy Avenue; northwesterly along McCoy Avenue and its prolongation to the Angeles National Forest boundary; southerly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as the San Felipe Road; northerly and westerly along San Felipe Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along the Corporate Boundary of the City of Redlands and the railroad right of way to Redlands; northerly along the railroad right of way to Redlands; northwesterly along the railroad right of way to Redlands; southerly and easterly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; northerly along Palm Avenue to La Cadena Drive; southerly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway 60; easterly along U.S. Highway 60 and 395 to the county road approximately one mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the City of Hemet; northerly and westerly along said corporate boundary to the right of way of The Atkinson, Town & Country Fox Railway Company; southerly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benston Road; westerly along Benston Road to the county road intersecting U.S. Highway 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway 395; southerly along U.S. Highway 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northerly along the shoreline of the Pacific Ocean to point of beginning; and (40) To and from between all points and places located (a) within San Diego Territory and (b) San Diego County, said San Diego Territory being described as follows: San Diego Territory includes that area embraced by the following boundary: Between points in California within an area bounded by a line beginning at the northerly junction of U.S. Highways 101 and 101-W (4 miles north of La Jolla), thence easterly to Miramar on U.S. Highway 395; thence southeasterly to Lakeside on the El Cajon Amtrak Highway (State Highway 67), thence southerly to Bostonia on U.S. Highway 80; thence southeasterly to Jamul on State Highway 94; thence due south to the International Boundary Line, west to the Pacific Ocean and north along the coast to point of beginning.

For:—Common control may be involved. Filing for the adoption of such a proposal is hereby ordered. Pursuant to Public Utilities Code Section 27, Article 5 of the Federal Register No. 32,319, of March 27.
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September 11, 1974.

SYNOPSIS OF ORDERS ENTERED BY THE MOTOR CARRIER BOARD OF THE COMMISSION REGARDING OPERATIONS FOR THE WEEK ENDING SEPT. 8, 1974

Each application (except as otherwise specifically noted) is filed after May 27, 1974, provides that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 1, 1974. Pursuant to section 17(b) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-F-425326. By order entered September 4, 1974, the Motor Carrier Board approved the transfer to Brookhiser Trucking Company, Wever, Iowa, of the operating rights set forth in Certificate No. MC-113621, issued July 1, 1974. Pursuant to section 17(b) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75326. By order entered September 28, 1974, the Motor Carrier Board approved the transfer to Brotlacher, Robert, Brookhiser, John, an individual, as Brookhiser Trucking Company, Wever, Iowa, of the operating rights set forth in Certificate No. MC-113621, issued July 1, 1974. Pursuant to section 17(b) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

Each application (except as otherwise specifically noted) is filed after May 27, 1974, provides that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 1, 1974. Pursuant to section 17(b) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73550. By order of September 3, 1974, the Motor Carrier Board approved the transfer to Able Moving & Storage Co., Inc., Nashua, N.H., of a portion of the operating rights in Certificate No. MC-95657 issued January 13, 1949, to Ausclair Transportation, Inc., Manchester, N.H., authorizing the transportation of household goods between points in specified counties in New Hampshire, on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Jersey, New York, Rhode Island, and Vermont. Frank J. Wehner, 10 Court St., Suite 1010, New York, N.Y., attorney for transferor.

No. MC-FC-73552. By order of August 30, 1974, the Motor Carrier Board approved an application of F. F. Kunceba, doing business as Star Percol and Courier Service, Trenton, N.J., of the operating rights in Permit No. MC-F-110762 issued July 31, 1966, to Walter Emmens, Jr., doing business as Star Delivery Service, Crosswicks, N.J., authorizing the transportation of such merchandise as is dealt in by retail department stores, from Trenton, N.J., to points in a described area of Pennsylvania, Seymour I. Marcus, 143 East State St., Trenton, N.J. 08610, attorney for applicants.

[SEAL] ROGER L. OWSEID, Secretary.

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[Notice 127] MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

September 3, 1974.

The following are copies 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, 66 F.R. 1131 published in the Federal Register, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the Federal Register publication, within 15 calendar days after the date of notice of the filing of the application is published in the Federal Register. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must specify: (a) 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 78651 (Sub-No. VII-TA), filed August 21, 1974. Applicant: R. C. MOYER, M.I.N.E.S., INC., 159 West Avenue, Terra Haute, Ind. 47888. Applicant's representative: P. M. Willham, 1450 Wabash Avenue, Terra Haute, Ind. 47889. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Activated charcoal or coke in ocean containers and (2) Empty ocean containers, (1) from Savannah, Ga., to Power Generating plant of Gulf Power Co. located at or near Boykin, Fla., and (2) from Power Generating plant of Gulf Power Co. located at or near Gulfport, Miss., to Savannah, Ga., for the purposes of joinder only: from Savannah, Ga., to Power Generating plant of Gulf Power Co. located at or near Boykin, Fla., to Savannah, Ga., for both the purposes of joinder only: (a) from Savannah, Ga., to Power Generating plant of Gulf Power Co. located at or near Boykin, Fla., to Savannah, Ga., for the purposes of joinder only: (b) from Savannah, Ga., to Devil's Lake, Minn., serving the off-route points of St. Paul, South St. Paul, and Stillwater, Minn., and serving Devil's Lake, N. Dak., for the purposes of joinder only: from Devil's Lake over U.S. Highway 2 to Devils Lake, N. Dak., and return over the same route; (c) Between Minot, N. Dak., and Devils Lake, N. Dak., serving no intermediate points, and serving the termini for the purposes of joinder only: from Minot over U.S. Highway 2 to Devils Lake, N. Dak., and return over the same route; (d) Between Devils Lake, N. Dak., and Minneapolis, Minn., serving the off-route points of St. Paul, South St. Paul, and St. Louis Park, Minn., and serving Devil's Lake, N. Dak., for the purposes of joinder only: from Devils Lake over U.S. Highway 2 to Grand Forks, N. Dak., thence over U.S. Highway 81 to Fargo, N. Dak., thence over U.S. Highway 2 to Devils Lake, N. Dak., and Minneapolis, Minn., thence over U.S. Highway 163 to Minneapolis, and return over the same route; (e) From Devils Lake over U.S. Highway 2 via Devils Lake, N. Dak., to Grand Forks, N. Dak., thence over U.S. Highway 81 to Devils Lake, N. Dak., and Minneapolis, Minn., and return over the same route; (f) From Devils Lake over U.S. Highway 2 via Grand Forks, N. Dak., to Minneapolis, Minn., and return over the same route; (g) Between Minot, N. Dak., and Cuberlon, Mont., serving the intermediate points in Montana without restriction, and serving Minot, N. Dak., for the purposes of joinder only: from Minot over U.S. Highway 2 to Cuberlon and return over the same route.

Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Alcoholic liquors, in bulk, between Savannah, Ga., on the one hand, and, on the other, points in Kentucky for 180 days. Supporting shipper: National Distillers Products Company, 11750 Chesterdale Road, Cincinnati, Ohio 45246, and transporting: Regular routes: (A) General Commodities (except those of unusual value, household goods as defined by the Commission, common commodities in bulk, and those requiring special handling because of weight or size, and commodities injurious or contaminating to other cargo). Between Fargo, N. Dak., and Grand Forks, N. Dak., serving off-route points and serving Grand Forks, N. Dak., for the purposes of joinder only: from Fargo over U.S. Highway 2 to Devils Lake, N. Dak., and return over the same route; and (B) Agricultural machinery, and twins, from St. Cloud, Minn., to Fargo, N. Dak., serving the in-
A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment: from Stillwater over Minnesota Highway 55 to Junction Minnesota Highway 212, thence over Minnesota Highway 212 to St. Paul, Minn., serving no intermediate points; between Junction U.S. Highway 52 and Minnesota Highway 55 near Robbinsdale, Minn., and junction Minnesota Highways 55 and 79 near Elbow Lake, Minn., serving no intermediate points; from Junction U.S. Highway 52 and Minnesota Highway 55 over Minnesota Highway 55 to Junction Minnesota Highway 79 and return over the same route with no transportation for compensation except as otherwise authorized.

Alternate routes for operating convenience only; General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), Between junction U.S. Highway 52 and Minnesota Highway 55 near Robbinsdale, Minn., and St. Paul, Minn., serving no intermediate points; between junction Minnesota Highways 52 and 55 near Robinsondale, Minn., and junction Minnesota Highways 55 and 79 near Elbow Lake, Minn., serving no intermediate points; from junction U.S. Highway 52 and Minnesota Highway 55 over Minnesota Highway 55 to Junction Minnesota Highway 79 and return over the same route.

Regular routes: General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), Between St. Paul over U.S. Highway 10 to Fargo, N. Dak., serving no intermediate points; General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), Between Sheridan, Wyo., and Birney, Mont., serving all intermediate points and all off-route points within 25 miles of the described route: from Sheridan over U.S. Highway 10 to Acme, Wyo., thence over unnumbered highway to the Wyoming-Montana State line, and thence over unnumbered highways via Decker, Mont., to Birney and return over the same route. Irregular routes: General commodities (except classes A and B explosives), Between Miles City, Mont., on the one hand, and, on the other, the site of the Twin City Ordnance Plant, in Mounds View Township, Dakota County, near Robinsdale, Minn., on the one hand, and, on the other, Superior, Wis., and those requiring special equipment: from St. Paul over U.S. Highway 10 to Fargo, N. Dak., serving no intermediate points; from Fargo over U.S. Highway 10 to Bismarck, N. Dak., with no service at Bismarck, N. Dak., and serving no intermediate points: from Fargo over U.S. Highway 10 to Bismarck, N. Dak., and serving no intermediate points: from Fargo over U.S. Highway 10 to Bismarck, N. Dak., and serving no intermediate points: from Fargo over U.S. Highway 10 to Bismarck, N. Dak., and serving no intermediate points.
TRUCKING, INC., doing business as ROADRUNNER TRUCKING, INC., 415 Rankin Road NE, Albuquerque, N. Mex. 87107. Applicant’s representative: Don F. Jones (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lumber, moulding, and particleboard, (1) from points in Arizona, Colorado, New Mexico, and Utah to or from in Nebraska, Minnesota, Iowa, North Dakota, South Dakota, and Wyoming and (2) from El Paso, Tex., to points in Arizona and New Mexico, for 180 days. Supporting shipper: Duke City Lumber Company, Inc., P.O. Box 25807, Albuquerque, N. Mex. 87125. Send protests to: John H. Kirkemo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1109 Federal Office Building, 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

Note.—Applicant states that it intends to task and/or interline with any other carrier with authority in MC 115262 Subs 2 and 14.

No. MC 117110 (Sub-No. 5111TA) filed August 21, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72632. Applicant’s representative: W. D. Doyle (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Frozen and/or frozen foods, (2) all commodities described in (1), in vehicles equipped with mechanical refrigeration, from the plant site and warehouse facilities of M&M/Mars, a division of Mars, Inc., at Albany, Ga., to points in Arizona, Arkansas, California, Colorado, Minnesota, Missouri, Oregon, Texas, and Utah, for 180 days. Supporting shipper: M&M/Mars, a Division of Mars, Incorporated, High Street, Hackettown, N. J. 07840. Send protests to: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 117174 (Sub-No. 2501TA) filed August 21, 1974. Applicant: CRAWFORD DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant’s representative: E. S. Moore, Jr. (same address as applicant) or James W. Hagar, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lumber, shipping systems, racks, cranes, and materials, accessories and supplies used in the construction, installation, or maintenance of such systems, racks, and cranes (except commodities in bulk), from Bonaparte, Iowa, West Willow, Willow Street, and Perkasie, Pa., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: King & White Flow Systems, Inc., P.O. Box 1446, Lancaster, Pa. 17604. Send protests to: Robert P. Ameir, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 378 Federal Building, P.O. Box 689, Harrisburg, Pa. 17104.

No. MC 119709 (Sub-No. 29 TA), filed August 23, 1974. Applicant: STEEL HAULERS, INC., 300 East Kansas Avenue, Colorado Springs, Colo. 80903. Applicant’s representative: James T. Allinder (same address as applicant), or Frank W. Taylor, Jr., 1215 Baltimore, Kansas City, Mo. 64101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Particleboard and plywood, from St clouds, Ind., to points in Illinois, Indiana, Iowa, Kansas, Missouri, Michigan, Ohio, Minnesota, Nebraska, and Wisconsin, for 180 days. Supporting shipper: Ellroy Lumber Co., P.O. Box 577, Silvis, Ill. 61282. Send protests to: Vernon W. Colby, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 360 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 124978 (Sub-No. 611 TA), filed August 29, 1974. Applicant: SCHWENER TRUCKING, INC., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant’s representative: Richard H. Prevette (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum interface, in bulk, from Green Bay, Wis., to East Chicago, Ill., for 180 days. Supporting shipper: Gray Transportation Co., 156 Phillips Building Annex, Barrieville, Oida. 73081 (L. C. Dickerson, Director, Transportation Services). Send protests to: District Supervisor John L. Huddleston, Bureau of Operations, Interstate Commerce Commission, 133 West Wells St., Room 607, Milwaukee, Wis. 53203.


No. MC 126705 (Sub-No. 6 TA), filed August 20, 1974. Applicant: SABER, INC., 514 South Floyd Blvd., Sioux City, Iowa 51101. Applicant’s representative: Davey E. Delaney (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquefied gas, in tank trucks, from Spencer, Iowa, to Schuyler, Neb., for 160 days. Supporting shipper: Famous Foods, Inc., P.O. Box 1228, Spencer, Iowa 51577. Send protests to: District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Operations, Suite 603 Union Pacific Plaza, 110 North 14th Street, Omaha, Neb. 68102.

No. MC 127377 (Sub-No. 5 TA), filed August 21, 1974. Applicant: D. DONOVAN TRUCKING CO., INC., 151 Mary St., Montreal, Que., Canada H3C 2G9. Applicant’s representative: W. Norman Charles, 30 Bay Street, Glenn Falls, N.Y. 12901. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Magnetic and Monelite ore, in bulk, in dump vehicles, from Toulouse, N.Y., to the port of entry on the International Boundary line between the United States and Canada at or near Champlain, N.Y., restricted to traffic having an immediate subsequent movement in foreign commerce, for 120 days. Supporting shipper: Canada Cement Llafarge Ltd., P.O. Box 324, St. Constant, Co. Lape, Quebec, Canada; Macintyre Development, Titanium Pmcnt Division, N L Industries Inc., 1515 Blainville, Que. 02978, and Quebec Iron and Titmanum Corporation, Tracy, Quebec, Canada. Send protests to: District Supervisor Paul D. Collins, Interstate Commerce Commission, Bureau of Operations, P.O. Box 568, Montpellier, Vt. 05602.

No. MC 127777 (Sub-No. 22 TA), filed August 20, 1974. Applicant: LIEBHERR HOME EXPRESS, INC., P.O. Box 547, Waukesha, Wis. 53186. Applicant’s representative: W. L. Hardin (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Motorized cargo vans, from Ellicott, Ind., to points in the United States, for 180 days. Supporting shipper: Frolic Homes, Inc., 2608 S. Happening Street, P.O. Box 160, Ellicott, Ind. 46814. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 119 W. Wilson Street, Room 202, Madison, Wis. 53706.

No. MC 128530 (Sub-No. 81 TA), filed August 21, 1974. Applicant: THE SHOTT TRUCKING CO., INC., P.O. Box 177, Urbana, Ill. 61801. Applicant’s representative: R. C. Stout (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Glass containers and closures, from the plant of Midland Glass Co., Terra Haute, Ind., to points in Arizona, California, and Minnesota, for 180 days. SUPPORTING SHIPPER: James V. L. Jones, Manager of Transportation, Midland Glass Co., Inc., P.O. Box 597, Clifton, N. J. 07014. SEND PROTESTS TO: F. G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 221 South Dearborn Street, Room 1060, Chicago, Ill. 60604.

No. MC 128865 (Sub-No. 19 TA), filed August 22, 1974. Applicant: CALVIN E. SUTHERS, 112 Spruce Street, Elizabethtown, Pa. 17022. Applicant’s representative: John W. Traylor, P.O. Box 507, Oconto Fall, Hill, Pa. 17011. Authority sought to operate as a contract carrier, by motor ve-
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hicle, over irregular routes, transporting: 
Foodstuffs requiring mechanical refrigeration (except frozen foods), from the plant sites of Capital Kitchens, bethesda, Md., to points in Delaware, Maryland, New York, New Jersey, West Virginia, Ohio, and the District of Columbia, under a continuing contract with Szulc Excavation & Sand, Inc., when shipped in the same vehicle with candy, confectionery and confectionery products from the plant site and warehouse facilities of Leaf Confectionery Division, Chicago, Ill., to points in Texas, Oklahoma, Missouri, Tennessee, and New Mexico, for 180 days. SUPPORTING SHIPPER: Leaf Confectionery Division, W. R. Grace & Co., 1160 S. Cicero Avenue, Chicago, Ill. 60651. SEND PROTESTS TO: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 911 Walnut Street, Kansas City, Mo. 64106.


No. MC 133649 (Sub-No. 4 TA), filed August 21, 1974. Applicant: JACKSON AND JOHNSON, INC., West Church Street, Box 7, Savannah, N.Y. 12160. Applicant's representative: S. Michael Richards, 44 North Avenue, P.O. Box 225, Webster, N.Y. 14588. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Cranberries and cranberry products, from Hanson, Onset, and Middleboro, Mass., to points in New York, for 180 days. SUPPORTING SHIPPER: Ocean Spray Cranberries, Inc., Hanson, Mass. 02341, Endre Endresen, Jr., Senior Vice President, Operations. SEND PROTESTS TO: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.
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In Michigan and New York and returned shipments of the same commodities in the reverse direction, for 180 days. SUPPORTING SHIPPER: Brockville Chemical Industries Limited, 1255 University Street, Suite 1420, Montreal, Quebec, Canada. Applicant's representative: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 612 Federal Building, 111 West Huron Street, Buffalo, N.Y. 14202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Propane, (not intended for human consumption), in bulk, in tank vehicles, for the account of Brockville Chemical Industries Limited, Montreal, Quebec, Canada, from Adrian, Mich., and Arcade, N.Y., to the International Boundary line between the United States and Canada in Michigan and New York, and returned shipments of the same commodity in the reverse direction, for 180 days. SUPPORTING SHIPPER: Brockville Chemical Industries Limited, 1255 University Street, Suite 1420, Montreal, Quebec, Canada H3B 3X1. SEND PROTESTS TO: Melvin F. Kirch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Willerbee, Detroit, Mich. 48226.

No. MC 140081 (Sub-No. 1 TA), filed August 21, 1974. Applicant: METAL TRANSPORT, INC., 709 Thorn Street, Liberty, Mo. 64068. Applicant's representative: 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: Crushed automobile bodies and scrap metal, between points in Missouri, North Dakota, Ohio, Pennsylvania, and Indiana, Missouri, Kansas, Oklahoma, Illinois, Colorado, Minnesota, and Arkansas, for 180 days. SUPPORTING SHIPPERS: Swanglers Auto Wrecking, Highway 2, Grand Forks, N. Dak.; stationed at Longfellow, 23405 Route 19, St. Joseph, Mo.; and Jim's Auto Wrecking, Thompson, N. Dak. SEND PROTESTS TO: Vernon V. Corbe, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 609 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.


No. MC 140077 (Sub-No. 1 TA), filed August 22, 1974. Applicant: SMITH TERMINAL WAREHOUSE COMPANY, 3535 Northwest 122nd Street, Miami, Fla. 33167. Applicant's representative: Ber-

Next—The purpose of this publication is to show that the applicant's number is No. MC 140122 (Sub-No. 1 TA), in lieu of No. MC 140122 (Sub-No. 9 TA), which was published in the Federal Register issue of August 27, 1974, and as corrected this issue. Applicant: SNEV-R

No. MC 140123 TA, filed August 23, 1974. Applicant: YARMOUTH LUMBER INC., North Street, Yarmouth, Maine 04096. Applicant's representative: William F. Pills (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Crushed auto, scrap engine blocks and transmissions, from points in Maine, on the one hand, to points in New Hampshire and Mas-achusetts on the other, for 180 days. SUPPORTING SHIPPER: Cumberland Auto Salvage, Cumberland, Maine 04021 and E. Ingerson & Sons, Allen Range Road, Freeport, Maine 04032. SEND PROTESTS TO: Donald W. Weller, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Portland, Maine 04102.

No. MC 125115 (Sub-No. 6 TA), filed August 31, 1974. Applicant: EL PASO-LOS ANGELES LIMOUSINE EXPRESS INC., 729 South Oregon Street, El Paso, Tex. 79907. Applicant's representative: L. Ward Bailey, 2412 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: Passengers and their baggage, (A) Between El Paso, Tex. and Los Angeles, Calif., serving no intermediate points, and (B) From El Paso, Tex. to Interstate Highway 10 to the junction of Interstate Highway 8, thence over Interstate Highway 6 to the junction of California Highway 93, thence over California Highway 93 to Calexico, Calif., thence over California Highway 11 to Indio, Calif., thence over Interstate Highway 10 to Los Angeles, and return over the same route, for 180 days.

NOTE.—Applicant presently has authority to operate between El Paso, Tex. and Los Angeles, Calif., over a regular route transpor
ing passengers and their baggage. The authority sought here is in addition to the authority already published, which may be examined at the field office named below. SEND PROTESTS TO: William S. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 4-3935, Hering Plaza, Amarillo, Tex. 79101.

No. MC 140027 TA, filed August 22, 1974. Applicant: RESORT WHEELS, INC., 125 N. Olen, Shopping Center, Burlington, Wis. 53105. Applicant's representative: Allan B. Torkhorst, 217 East Jefferson Street, Burlington, Wis. 53105. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Passengers and their baggage, between Burlington, Wis., on the one hand, and, on the other, O'Hare International Airport at Chicago, Ill., for 180 days. SUPPORTING SHIPPERS: Murphy Products Company, Inc., 124 S. Dodge St., Burlington, Wis. 53105 (Charles J. Maiza, Dir. of Industrial Relations); Standard Press Box 697, Burlington, Wis. 53105 (Wm. E. Evers, Publisher); The Burlington News, Inc., 760 County Highway W, Burlington, Wis. 53105 (Frederick L. Johnson, Gen'l. Mgr.); and Tri State Travel Service, Burlington, Wis. 53105 (James L. Murphy, Owner). SEND PROTESTS TO: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 133 West Wells Street, Room 697, Milwaukee, Wis. 53203.

By the Commission.

[FR Doc. 74-21023 Filed 8-29-74; 8:45 am]

FEDERAL REGISTER, VOL. 39, NO. 177—WEDNESDAY, SEPTEMBER 11, 1974
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MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

September 5, 1974.

The following are notices of filing of application, except as otherwise specifically noted, that there will be no significant effect on the quality of the environment resulting from approval of its application, for temporary authority under section 2106(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-07 (49 CFF 1131) published in the Federal Register, issue of April 27, 1974, effective July 2, 1974. These rules provide that protests to the granting of an application must be filed, with the field official named in the Federal Register publication, within 15 calendar days after the date of notice of the filing of the application is published in the Federal Register. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protest 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 Carrier of Property

No. MC 504 (Sub-No. 103 TA), filed August 29, 1974. Applicant: HARPER MOTOR LINES, INC., 125 Milton Avenue, SE., Atlanta, Ga. 30315. Applicant’s representative: John P. Carlson, 903 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting:

- General commodities, except as those of unusual value, Classes A and B explosives, household goods as defined by the Commission, common carrier, (requiring special equipment).
- (1) between Chicago, Ill. and Peoria, Ill. and points in Ohio, on the one hand, and, on the other, points in South Carolina, Atlanta, Ga., and Sanford, Fayetteville, and Wilmington, N.C.; all points in South Carolina; and Athens, Atlanta, Elberton, Hartwell, and Toccoa, Ga., for 180 days.

Note.—Applicant intends to tack the authority sought in parts (1) and (2) above, with all regular route authority held in Georgia and North Carolina points named herein in order to provide through service between all points in South Carolina, Atlanta, Elberton, Hartwell, and Toccoa, Ga., for 180 days.

No. MC 41406 (Sub-No. 45TA), filed August 26, 1974. Applicant: ARTIMAN TRANSPORTATION SYSTEM, INC., 2106 East 23rd Avenue, P.O. Box 2176, Hammond, Ind. 46323. Applicant’s representative: William J. Walsh (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lead oxides, dry, in bulk, in tank trailers, from Hammond, Ind., to Benton, Ky.; Detroit, Mich.; and Farmington, N.M., for 180 days.


No. MC 11951 (Sub-No. 23TA), filed August 28, 1974. Applicant: WHEATLEY TRUCKING, INC., 125 Brohm Avenue, East 5th Street, Chester, Pa. 19013. Applicant’s representative: Francis P. Desmond, 115 East 5th Street, Chester, Pa. 19013. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs, not frozen, in containers, from points in Accomack and Northampton Counties, Va., to points in Illinois and Indiana, for 180 days.

Supporting Shipper: Smith’s Pie Co., P.O. Box 308, Forest Park, Ga. 30297. Applicant’s representative: Jack A. Gollan (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum lubricating oils, in bulk, in tank vehicles, from Rushville, Ind., to New Castle, Ind., restricted to traffic having an Immediate prior movement by rail, for 180 days.

SEND PROTESTS TO: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 311 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 107515 (Sub-No. 943TA), filed August 26, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORP., 455 Earlwood Avenue, Oregon, Ohio 43066. Applicant’s representative: Bruce E. Mitchell, 3379 Peachtree Road NE., Suite 375, Atlanta, Ga. 30318. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foodstuffs, from the plant-site of J. B. Food Service, Division of Dobbs Houses, Inc. at Pemberton, N.J., to points in South Carolina, Georgia, Florida, Louisiana, Texas, Missouri, California, Virginia, North Carolina, Tennessee, and Kentucky, for 180 days.


No. MC 107515 (Sub-No. 944TA), filed August 26, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30295. Applicant’s representative: Bruce E. Mitchell, 3379 Peachtree Road NE., Suite 375, Atlanta, Ga. 30318. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen bakery products, from the plant-site and/or warehouse facilities of Mrs. Smith’s Pie Co. at or near Pottstown, Pa., to points in North Carolina, South Carolina, Georgia, Florida, Alabama, Louisiana, Mississippi, Tennessee, Arkansas, Texas, and Oklahoma, for 180 days.

SEND PROTESTS TO: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Com-
The rest of the application will remain as previously published in the FEDERAL REGISTER.

No. MC-12947 (Sub-No. 10 TA), filed August 26, 1974. Applicant: W. A. EVANS, INC., P.O. Box 367, Little Rock, Ark. 72209.


No. MC-123556 (Sub-No. 41 TA), filed August 26, 1974. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Loganport, Ind. 46947.

Applicant's representative: Donald L. Slowey, 1224 17th Street NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Caustic soda solution, in bulk, in tank vehicles, from Cuyahoga Valley, to points in Ashtabula County, Ohio, for 180 days.

SUPPORTING SHIPPERS: Union Tank Car Corporation, P.O. Box 326, Montgomery, Ala. 36101. SEND PROTESTS TO: District Supervisor G. H. Faust, Jr., Interstate Commerce Commission, Bureau of Operations, Box 30068, 400 West Bay Street, Jacksonville, Fla. 32203.


Note.—The purpose of this republication is to show the applicant correct 250 number as No. MC-114404 (Sub-No. 148 TA) in lieu of No. MC-114004 (Sub-No. 198 TA), which was published in the Federal Register in error.

No. MC-124972 (Sub-No. 687 TA), filed August 21, 1974. Applicant: B. J. MCADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118.

Applicant's representative: Don E. Garrison (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Cooked bakery goods, not frozen, in cans, in cartons, in vehicles equipped with mechanical refrigeration, from Little Rock, Ark., to points in Alabama, California, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Mississippi, Nebraska, New Mexico, North Carolina, Ohio, Oklahoma, Oklahoma, Toledo, Ohio, Oklahoma, Virginia, for 180 days.


No. MC-124970 (Sub-No. 26 TA), filed August 26, 1974. Applicant: UNIZERKER TRUCKING, INC., P.O. Box 35, Highway 24 East, El Paso, Ill. 61738. Applicant's representative: Michael J. Ogborn, P.O. Box 600, Lincoln, Neb. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Buildings, complete, knocked down or in sections, and all equivalent components used in the construction, erection or completion of such building, from the plant of Marathon Metallic Building Company at El Paso, Ill., to counties in Kentucky, Ohio, Michigan, Illinois, and Tennessee, for 180 days.

SUPPORTING SHIPPERS: Marathon Metallic Building Company, P.O. Box 14240, El Paso, Tex. SEND PROTESTS TO: District Supervisor Richard K. Shullaw, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1056, Chicago, Ill. 60604.

No. MC-128584 (Sub-No. 26 TA), filed August 26, 1974. Applicant: JOHN BUSCH, Box 211, Conyngham, Pa. 18219. Applicant's representative: Kenneth R. Drye, 144 Union Hotel, Conyngham, Pa. 18219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Plastic sheeting, from Easton, Pa., to points in Chillicothe, Ohio; Carol Stream and Wheaton, Ill.; Detroit, Grand Rapids, and Kalamazoo, Mich.; St. Paul, Minneapolis, Fairbanks, Roseville, and Burnsville, Minn.; Sandusky and Toledo, Ohio; Memphis, Tenn.; Houston, Tex.; Jacksonville and Sarasota, Fla.; Mt. Airy, N.C.; Norfolk, Va.; Boston, Lomolino, and Clinton, Mass.; Paterson, N.J.; Reno, Portland, Oregon, Elizabeth, Union, Bergen, and Kearney, N.J.; Hudson, Essex, the New York, N.Y. commercial zone; Binghamton and Westchester County, N.Y., point on Route 17 near Roess Pond where it enters Canada; Route 81-Thousand Island Bridge, to International Bridge at Niagara Falls, Janesville, Wis.; Greeley, Cola; and Milford, Conn.; (2) Plastic sheeting, ground plastic for recycling purposes, and plastic pellets and granules, from the above designated points, to Hazleton, Pa., for 180 days.


NOTE.—Applicant states that it does not intend to tack and/or interline with any other carrier.

No. MC 138989 (Sub-No. 2 TA), filed August 28, 1974. Applicant: AELRED L. LINES, doing business as AUS MOBILE FEED SERVICE, 256 Milwaukee Street, Platteville, Wis. 53818. Applicant's representative: John L. Brumfield, 129 West 45th Street, Madison, Wis. 53703. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Animal and poultry equipment, and poultry feed and poultry equipment, over Irregular routes, transporting: Maryland Arrows, P.O. Box 271, Essew, N.C. 271, under section 210a(b). The transfer to KANIEWSKI & ODLE TRUCKING & REPAIR, INC., of the operating rights of PAUL J. TOLEN, doing business as TOLEN TRUCK LINES, P.O. Box 271, Essew, N.C. 271, under section 210a(b), expires temporary authority to lease the operating rights of PAUL J. TOLEN, doing business as TOLEN TRUCK LINES, is presently pending.

By the Commission.

[SIGNATURES]

Motor Carrier Transfer Proceedings

September 11, 1974.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132.

No. MC-FC-75376. By application filed August 20, 1974, KANIEWSKI & ODLE TRUCKING & REPAIR, INC., P.O. Box 271, Essew, N.C. 271, secures temporary authority to lease the operating rights of PAUL J. TOLEN, doing business as TOLEN TRUCK LINES, P.O. Box 271, Essew, N.C. 271, under section 210a(b).

[Signature]

Robert L. Oswald, Secretary.

Motor Carrier Transfer Proceedings

September 11, 1974.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132.

No. MC-FC-75367. By application filed August 20, 1974, LEFRECHAU LINES, INC., Route 32, Windsor Highway, Newbury, N.H. 2355, secures temporary authority to lease the operating rights of ROY V. KNAPP, INC., 569 Mill St., Poughkeepsie, N.Y. 12601, under section 210a(b).

By the Commission.

[Signature]

Robert L. Oswald, Secretary.
COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

TEXTILE AGREEMENTS

Bilateral Discussions With Haiti

September 10, 1974.

The Committee for the Implementation of Textile Agreements, as announced in its Federal Register notice of April 12, 1974, solicits comments on United States Government actions implementing the GATT Arrangement Regarding International Trade in Textiles hereafter referred to as the Arrangement. In the April 12 notice the Committee announced that in the following 12 months bilateral discussions would be held to bring United States textile and apparel agreements into conformity with the Arrangement, and negotiations could be held to renew existing agreements or to reach new agreements. The notice invited the public to submit views or provide data or information on any or on all these agreements, the treatment of any product under them or any other aspect of the agreements.

The Committee anticipates holding textile and apparel agreement bilateral discussions between the Government of the United States and the Government of Haiti. Any party wishing to express a view or provide data or information with regard to the treatment of any product under this agreement and any other aspect thereof, or with respect to imports of other textile products from this country, is invited to submit such in ten copies to Mr. Seth M. Bodner, Chairman of the Committee for the Implementation of Textile Agreements and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Room 3826, Washington, D.C. 20230. Comments on the bilateral textile discussions with Haiti should be received by September 20, 1974. Comments received after September 20, 1974, will be taken into consideration to the extent possible consistent with the schedule of discussions. Views, data or information submitted under this procedure will be available for public inspection at the Central Reference and Records Inspection Facility, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Room 7043, Washington, D.C. 20230 and may be obtained upon written request pursuant to the Freedom of Information Act (5 U.S.C. section 552) and the regulations of the Department of Commerce (15 CFR Part 4). Whenever practicable, public comment may be invited concerning views, comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments on any negotiation, consultation, market disruption or any other matter pursuant to this notice is not a waiver in any respect of the exemption contained in 5 U.S.C. 553 (a) (1) and 554(a) (4) of the Administrative Procedure Act, relating to matters which constitute "a foreign affairs function of the United States."

Seth M. Bodner,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

FEDERAL REGISTER, VOL 39, NO. 177—WEDNESDAY, SEPTEMBER 11, 1974
ENVIRONMENTAL PROTECTION AGENCY

STATIONARY SOURCES

Proposed Emission Monitoring and Performance Testing Requirements
ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 60 ]

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Emission Monitoring Requirements and Performance Testing Methods

June 15, 1974.

The Environmental Protection Agency promulgated Standards of Performance for New Stationary Sources pursuant to section 111 of the Clean Air Act, as amended, on December 23, 1971 (36 FR 24876) for fossil fuel-fired steam generators, incinerators, Portland cement plants, and nitric and sulfuric acid plants, and on March 8, 1974 (39 FR 9308) for asphalt concrete plants, petroleum refineries, storage vessels for petroleum liquids, secondary lead smelters, secondary brass and bronze ingot production plants, iron and steel plants, and sewage treatment plants. New or modified sources in these categories are required to demonstrate compliance with standards of performance which reflect the degree of emission reduction achievable by the application of the best system of emission reduction which (taking into account the cost of achieving such reduction) the Administrator determines has been adequately demonstrated. Such compliance is demonstrated by means of performance tests which are specified by the Administrator, and which are conducted at the time a new source commences operation or shortly thereafter.

In order that sources which have demonstrated compliance with applicable standards be properly operated and maintained in such a way as to remain in compliance, provisions were included which require sources to install systems which continuously monitor levels of emissions. Specific monitoring requirements are:

1.opacity (fossil-fuel-fired steam generators, petroleum refineries),
2.sulfur dioxide (fossil-fuel-fired steam generators, sulfuric acid plants, petroleum refineries),
3.nitric oxide (fossil-fuel-fired steam generators, petroleum refineries),
4. hydrogen sulfide and sulfur dioxide (petroleum refineries), and
5. carbon monoxide (fossil-fuel-fired steam generators).

At the time standards which included monitoring requirements were initially proposed (36 FR 19704), EPA had limited knowledge about the operation of continuous instruments on such sources; thus the requirements were specified in general terms. In the preamble to the performance standards promulgated in 1971 (36 FR 24876), it was indicated that additional guidance on the selection and use of specific instruments would be provided at a later date.

Initially EPA intended that the guidance be in the form of instrument specifications and calibration procedures. These procedures, which were under development, would provide the basis for a formal EPA instrument certification program, in which EPA would provide instrument specifications, and instrument vendors would obtain EPA certification for those instruments which they demonstrated could meet the specifications. Once certified, an instrument from a particular product line could be installed on specific sources in fulfillment of the monitoring requirements for that source. The “product line certification” approach for continuous monitoring systems was considered undesirable for application to stationary source monitoring for several reasons. The primary reason was that the approach would probably not allow the Administrator to demonstrate at each source the capability of continuous monitoring systems to meet the performance specifications herein. These proposed regulations also contain new requirements for determining whether a continuous monitoring system meets the performance specifications. Demonstration of compliance with these specifications at each source will result in more reliable data from these systems. In accordance with this approach, specifications are herein proposed for systems which monitor opacity, nitrogen oxides, hydrogen sulfide, and sulfur dioxide. The validity of these specifications has been evaluated in depth by extensive testing programs at steam generating facilities. The technical support for these specifications is Performance Specifications for Stationary Source Monitoring Systems for Gases and Particulate Emissions, EPA-450/2-74-013 (Jan. 1974), which is obtainable upon request from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22151 (specify PB 200-954/4/AF) for $7.00 each. Specifications for systems which monitor hydrogen sulfide and sulfur dioxide will be proposed at a later date.

Continuous monitoring measurements will be used for determining pollutant emissions during all periods of operation. A report of all emissions and a summary of excess emissions must be reported quarterly. Excess emissions are specified for each source category that has a continuous monitoring requirement in the appropriate subpart. The reported measurements will be used by the Administrator to determine whether acceptable operating and maintenance procedures are being used by an owner or operator of an affected facility.

Since new source performance standards have been in effect for some industries since 1971, these proposed regulations have been structured so that any source which has purchased specific monitoring systems from equipment vendors prior to the date of this proposal will be exempted from the new performance requirements contained in Appendix B, but must meet all other requirements.

Continuous monitors are required on affected facilities where they can assist in minimizing pollutant emissions, where the technical feasibility exists using currently available continuous monitoring technology and where the cost of the monitors is reasonable.

The costs associated with continuous monitoring are difficult to assess at this time due to limited industrial monitoring experience. This limited use of monitors has required instrument manufacturers to recognize that development of these monitoring systems for sale of a limited number of units. Consequently, cost data now available may not be representative of lower costs resulting from increased sales and competition. The cost data presented herein have been derived primarily from actual and estimated costs of EPA monitoring projects. Costs will vary from source to source depending upon variations in the requirements for each installation, e.g., procurement, shipment, site preparation, and physical installation of the instrument system.

For opacity and oxygen monitoring systems, normal costs of procurement, installation, and startup are estimated to range from $5,000 to $15,000 each. The additional effort required by Performance Specification 2 is estimated to be about 10 man-days for the initial installation. For gaseous emission monitoring systems (SO2 and NOx), normal costs of these activities were estimated to be in the range of $10,000 to $20,000, and the additional effort required by Performance Specification 2 is estimated to be approximately 20 man-days for the initial installation. This estimate assumes the monitoring system test will be performed both before and during the source performance test. This procedure is not only cost effective as a result of performing the instrument test and new source performance test at one time, but also provides emission data to the operator prior to the performance test.

Several procedures are contained within these regulations to define how the results of fuel or emission monitoring are to be used to determine excess emissions for the purpose of preparing quarterly reports pursuant to § 60.7(c). As reports of excess emissions will in part be used to determine compliance with § 60.11(d), the accuracy of the conversion of monitoring data to units of the standards is important.

The procedures listed under § 60.45(a)(1) and (2) for fossil fuel-fired steam generators for conversion of fuel monitoring data specify A.S.T.M. standard...
method D2234-68(72) for sampling of coal. This method prescribes four separate conditions of incremental collection (section I). It includes sampling from rail cars, (condition D), containers, (condition E), or D of sampling will be acceptable. The coal lots must be sampled, analyzed, and the average sulfur dioxide emissions computed in accordance with sections II and (ii) before the coal is fired. The source must demonstrate that any lot of coal in storage at the affected facility will not produce excess emissions when fired without the benefit of blending to exercise the option of monitoring sulfur dioxide emissions by fuel analyses. When a source fires lots of fuel which require blending in order to control emissions to prescribed limits, then the source must have installed a continuous monitoring system for measurement of the sulfur dioxide emissions. When fuels of different physical phases (gaseous, liquid, solid) are fired, the excess emissions for each fuel fired can be determined by § 60.45(a) (2) (ii) and arithmetically prorated based upon the percentage of total heat input of each fuel to the affected facility as determined by § 60.45(a).

When converting monitoring data to units of the appropriate subparts. Additional inaccuracies could result in the computations of excess emissions for steam generators without a correction for excess air; especially for those sources that fire multiple fuels or switch fuels. These inaccuracies can be minimized by monitoring oxygen, therefore a requirement for continuous oxygen monitoring is added. Oxygen monitors for computing excess SO₂ emissions resulting from fuel gas combustion in refineries were not prescribed because the excess air levels in process heaters and refinery boilers are closely controlled at constant levels when gaseous fuels are fired. A typical flue gas oxygen concentration of 3 percent was used in developing the conversion factor for this subpart. When controlling devices operate at levels greater than 5 percent oxygen in the flue gases, the conversion factor becomes inaccurate without an adjustment. The appropriate adjustment is provided by monthly oxygen analysis of the flue gas. Also, due to the lower costs, it is anticipated that most refineries will choose the option provided in the regulations for monitoring H₂S in the fuel gas rather than monitoring SO₂ in flue gases.

Conversion factors for nitric and sulfuric acid plants will be developed by computing the performance test results in units of the standards to the continuous monitoring data concentrations. Use of this factor will enable reports of excess emissions to be prepared in units of the standard based upon monitoring system results. Although there will be some variation in excess air levels between different types of facilities (i.e., sulfur recovery, sulfuric acid plants, etc.), this method of conversion will be reasonably accurate because the excess air levels at each of these facilities will be controlled to approximately the same levels in effect during the monitoring system comparative tests. Therefore conversion factors for each facility will be somewhat different and will remain relatively constant for any one facility.

Two revisions are contained within the regulations for monitoring oxygen. One revision incorporates a simplified technique for converting pollutant concentration to mass emission rate. The technique, which is based on estimating factors and mass balance principles, eliminates the need to measure flue gas flow rates and also fuel flow rates except when combinations of fuels are simultaneously fired. A second revision allows an increase in the gas temperature range maintained in the Method 9 probe and filter, to a maximum of 160 °C (320 °F) for this source category. This revision will allow measurement of particulate matter at a temperature at which particulate opacity control devices are capable of operating. This is considered to be a practical way to prevent the possibility that a source will install a high-efficiency dry particulate control device representative of best technology and fail to meet the performance standards due to the presence of material condensing below 160 °C. Such material has been found to be present in relatively low concentrations at fossil fuel-fired steam generators meeting emission standard types, but not for new sources. The concentrations are, however, variable and cannot be accurately predicted. The possible effect of this revision upon the particulate matter standard has been evaluated and determined to be insignificant for this source category. Although particulate control devices may be installed and operated at temperatures above 160 °C, sampling at such higher temperatures is not allowed by this revision. This revision does not affect test methods and procedures for sources covered by other subparts.

EPA has received several comments concerning: opacity; notably those submitted with respect to petitions for review of standards of performance in Exxon Chemical Corporation v. Ruckelshaus, Civ. No. 72-1072 (5 ERC 1520) (D.C. Cirt.), and Portland Cement Association v. Ruckelshaus, Civ. No. 72-1073 (5 ERC 1593) (D.C. Cirt.). In response to questions concerning the possible interference of condensed water vapor in plumes, the correct position of the observer, and the validity of the EPA observer qualification procedure, these comments are considered revisions to the general provisions and to Method 9 to clarify and tighten the requirements in these areas. The following is a summary of the amendments proposed herein for 40 CFR Part 60:

2. General continuous monitoring specifications in each applicable subpart are replaced with appropriate reference to "Appendix B—Performance specifications for new sources." It is proposed to amend Part 60 of Chapter I of Title 40 of the Code of Federal Regulations as follows:

Subpart A—General Provisions

1. Section 60.2 is amended by adding paragraphs (a), (y), and (z) as follows:

§ 60.2 Definitions.

... (y) "Continuous monitoring system" means the total equipment for sampling, conditioning, and analyzing emissions or process parameters and for recording...
data that meet the requirements of § 60.13.

(2) "Lot" means any quantity of material so designated by the material's supplier except that the quantity of material in any one lot shall not exceed the quantity of any shipment (a) physically delivered to the owner or operator in any 24-hour period.

2. Section 60.7 is amended by revising paragraph (c) to read as follows:

§ 60.7 Notification and recordkeeping.

(c) Any owner or operator subject to the provisions of this part shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in operation of the affected facility and any malfunction of the air pollution control equipment.

(c) A written report shall be submitted to the Administrator by each owner or operator for each calendar quarter. The reports shall be postmarked by the 30th day following the end of each calendar quarter. The report shall include the following:

(1) For all affected facilities, the date, duration, nature, and cause (if known) of any malfunction, and the corrective action taken or preventative measures adopted.

(2) For affected facilities for which continuous monitoring systems are required, the report shall include the following:

(i) The magnitude of emissions reduced in accordance with § 60.13(c).

(ii) A summary of periods of excess emissions as defined in applicable subparts, including the magnitude of excess emissions, the date, the time of commencement and completion of each period of excess emissions, and the date and time identifying each period during which the continuous monitoring system was inoperative. Periods of excess emissions due to startup, shutdown, and malfunction shall be specifically identified.

(d) Any owner or operator subject to the provisions of this part shall maintain a file of all measurements of the affected facility's emissions including continuous monitoring system data and the results of any evaluations in accordance with the procedures listed in the Appendices A and B to this part, and all other reports and records required by this part. Any such measurements, reports, and records shall be retained for two years following the date of such measurements, reports, and records.

3. Section 60.11 is amended by revising paragraph (b) to read as follows:

§ 60.11 Compliance with standards and maintenance requirements.

(b) Compliance with opacity standards in this part shall be determined by conducting observations in accordance with Reference Method 9 in Appendix A of this part. Where the presence of condensed, uncombined water is the only reason for failure to comply with applicable opacity standards, such failures shall not be a violation of those standards.

4. A new § 60.13 is added as follows:

§ 60.13 Emission monitoring requirements.

(a) Unless otherwise specified by subparts, all continuous monitoring systems required for measuring opacity shall meet the requirements of this section except that the requirements contained in Appendix B of this part apply only to those continuous monitoring systems listed in paragraph (d) of this section. All continuous monitoring systems shall be installed and shall have completed the conditioning period specified in Appendix B to this part (if applicable) prior to conducting performance tests required under § 60.8.

(b) All continuous monitoring systems installed on stationary sources shall meet minimum frequency of operation requirements as follows:

(1) Continuous monitoring systems for measuring opacity shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 1-minute period.

(2) Continuous monitoring systems for measuring oxides of nitrogen, sulfur dioxide, or oxygen shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.

(3) Continuous monitoring systems for measuring emissions or process parameters not listed under paragraph (b) (1) and (2) of this section shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 1-hour period.

(c) Any owner or operator subject to the provisions of this part shall record the zero and span drift determed by the manufacturer of such instruments and all other reports and records required by this part. Any such measurements, reports, and records shall be retained for two years following the date of such measurements, reports, and records.

3. Section 60.11 is amended by revising paragraph (b) to read as follows:

§ 60.11 Compliance with standards and maintenance requirements.

(b) Compliance with opacity standards in this part shall be determined by conducting observations in accordance with Reference Method 9 in Appendix A of this part. Where the presence of condensed, uncombined water is the only reason for failure to comply with applicable opacity standards, such failures shall not be a violation of those standards.

(1) Continuous monitoring systems for measuring opacity shall comply with Performance Specification 1.

(2) Continuous monitoring systems for measuring nitrogen oxides emissions shall comply with Performance Specification 2.

(3) Continuous monitoring systems for measuring sulfur dioxide emissions shall comply with Performance Specification 3.

(4) Continuous monitoring systems for measuring the oxygen content of effluent gases shall comply with Performance Specification 4.

(b) Any owner or operator subject to the provisions of this part shall submit to the Administrator by each owner or operator for each calendar quarter. The reports shall be postmarked by the 30th day following the end of each calendar quarter. The report shall include the following:

(1) For all affected facilities, the date, duration, nature, and cause (if known) of any malfunction, and the corrective action taken or preventative measures adopted.

(2) For affected facilities for which continuous monitoring systems are required, the report shall include the following:

(i) The magnitude of emissions reduced in accordance with § 60.13(c).

(ii) A summary of periods of excess emissions as defined in applicable subparts, including the magnitude of excess emissions, the date, the time of commencement and completion of each period of excess emissions, and the date and time identifying each period during which the continuous monitoring system was inoperative. Periods of excess emissions due to startup, shutdown, and malfunction shall be specifically identified.

(d) Any owner or operator subject to the provisions of this part shall maintain a file of all measurements of the affected facility's emissions including continuous monitoring system data and the results of any evaluations in accordance with the procedures listed in the Appendices A and B to this part, and all other reports and records required by this part. Any such measurements, reports, and records shall be retained for two years following the date of such measurements, reports, and records.

3. Section 60.11 is amended by revising paragraph (b) to read as follows:

§ 60.11 Compliance with standards and maintenance requirements.

(b) Compliance with opacity standards in this part shall be determined by conducting observations in accordance with Reference Method 9 in Appendix A of this part. Where the presence of condensed, uncombined water is the only reason for failure to comply with applicable opacity standards, such failures shall not be a violation of those standards.

(1) Continuous monitoring systems for measuring opacity shall comply with Performance Specification 1.

(2) Continuous monitoring systems for measuring nitrogen oxides emissions shall comply with Performance Specification 2.

(3) Continuous monitoring systems for measuring sulfur dioxide emissions shall comply with Performance Specification 3.

(4) Continuous monitoring systems for measuring the oxygen content of effluent gases shall comply with Performance Specification 4.

(b) Any owner or operator subject to the provisions of this part shall submit to the Administrator by each owner or operator for each calendar quarter. The reports shall be postmarked by the 30th day following the end of each calendar quarter. The report shall include the following:

(1) For all affected facilities, the date, duration, nature, and cause (if known) of any malfunction, and the corrective action taken or preventative measures adopted.

(2) For affected facilities for which continuous monitoring systems are required, the report shall include the following:

(i) The magnitude of emissions reduced in accordance with § 60.13(c).

(ii) A summary of periods of excess emissions as defined in applicable subparts, including the magnitude of excess emissions, the date, the time of commencement and completion of each period of excess emissions, and the date and time identifying each period during which the continuous monitoring system was inoperative. Periods of excess emissions due to startup, shutdown, and malfunction shall be specifically identified.

(d) Any owner or operator subject to the provisions of this part shall maintain a file of all measurements of the affected facility's emissions including continuous monitoring system data and the results of any evaluations in accordance with the procedures listed in the Appendices A and B to this part, and all other reports and records required by this part. Any such measurements, reports, and records shall be retained for two years following the date of such measurements, reports, and records.

3. Section 60.11 is amended by revising paragraph (b) to read as follows:

§ 60.11 Compliance with standards and maintenance requirements.

(b) Compliance with opacity standards in this part shall be determined by conducting observations in accordance with Reference Method 9 in Appendix A of this part. Where the presence of condensed, uncombined water is the only reason for failure to comply with applicable opacity standards, such failures shall not be a violation of those standards.

(1) Continuous monitoring systems for measuring opacity shall comply with Performance Specification 1.

(2) Continuous monitoring systems for measuring nitrogen oxides emissions shall comply with Performance Specification 2.

(3) Continuous monitoring systems for measuring sulfur dioxide emissions shall comply with Performance Specification 3.

(4) Continuous monitoring systems for measuring the oxygen content of effluent gases shall comply with Performance Specification 4.
PROPOSED RULES

5. Paragraph (a)(2) of § 60.42 is amended by deleting the second sentence.

6. Section 60.45 is amended by revising paragraphs (a), (b), (e), and (d) and by deleting paragraphs (e), (f), and (g) as follows:

§ 60.45 Emission and fuel monitoring.

(a) Continuous monitoring systems shall be installed, calibrated, maintained, and operated by the owner or operator as follows:

(1) A continuous monitoring system for the measurement of the opacity of emissions, except where gaseous fuel is the only fuel burned.

(2) A continuous monitoring system for the measurement of sulfur dioxide emissions except where gaseous fuel is the only fuel fired, or where fuel analyses demonstrate that any lot of fuel procured by an owner or operator for combustion within an affected facility can without the benefit of blending achieve compliance with § 60.43. Where the owner or operator elects to conduct fuel analyses, the results shall be summarized monthly and the following procedures shall be used for analysis and for computing excess emissions under paragraph (d) of this section:

(i) The sulfur content and the high heating value of each lot of fuel fired shall be determined in accordance with the following:

(A) The sulfur content (\( %S \)) and high heating value (\( \text{HHV} \)) of cold fuels shall be determined by using A.S.T.M. test methods D2334-68(72) for mechanical sampling, D2015-68(72) for sample preparation, and D271-70 (\( %S \) and \( \text{HHV} \)). Alternate method D2946-60(72) may be used only for the high heating value analysis. For A.S.T.M. test method D2334-68(72) the methods of increment calculation shall be Type D (see 4.2.1), Conditions A, B, or D (see 4.3.4), and systematic spacing (see 4.4.1) for each lot. The number and weight of increments selected shall be the same as listed within Table 2 of the method.

(B) The sulfur content (\( %S \)) and high heating value (\( \text{HHV} \)) of liquid fuels shall be determined by using A.S.T.M. test method D2946-60(72) for the complete sample analysis (\( \text{HHV} \) and \( %S \)). Alternate methods D1551-68 or D1552-64 may be used only for the sulfur analyses (\( %S \)).

(ii) Using the fuel analyses under paragraph (a)(1) of this section, excess emissions under paragraph (d) of this section are determined by subtracting the applicable standard under § 60.43 from the average sulfur dioxide emission computed for each lot of fuel as follows:

\[
\text{Em}_{\text{ex}} = K \cdot \left( \frac{\text{HHV}}{20009} \right) \cdot (\%S)
\]

where:

\[
\text{Em}_{\text{ex}} = \text{average sulfur dioxide emission, g/million Btu, or for g/million cal}
\]

\( %S \) = sulfur content by weight of the fuel, dry basis (expressed as percent)

\( \text{HHV} \) = high heating value of fuel, cal/g (Btu/lbm)

\( K = \frac{\text{fraction of the total fuel input}}{20009} \) for liquid fuels (except biomass)

\( K = 0.970 \) and for liquid fuels \( K = 0.933 \). Sources which elect to conduct the high heating value analysis (\( \text{HHV} \)) shall report the amount of bottom and precipitated ash using A.S.T.M. test method D2620-67(72). Material balance around the affected facility monthly may establish other values for \( K \).

(c) A continuous monitoring system for the measurement of nitrogen oxides emissions. The pollutant gas used to prepare calibration gas mixtures (section 2.1, Performance Specification 2) shall be nitric oxide (NO).

(d) A continuous monitoring system for the measurement of oxygen in the flue gases.

(e) The owner or operator of facilities required to install continuous monitoring systems under paragraphs (a)(2) and (3) of this section shall for each pollutant monitored use the following conversion procedure for the purpose of applying the applicable standards (g/million cal):

\[
\frac{\text{Em}_{\text{ex}}}{23.9} \%
\]

where:

\( \text{Em}_{\text{ex}} \) = pollutant emission, g/million cal (lb/ million Btu).

\( C \) = pollutant concentration, g/cc (lb/bbl), dry basis, determined by multiplying the average concentration (g/cc) for each hour by 3,600 (\( \times 0.970 \) if \( C \) is in lb/bbl) and dividing by the applicable standards (g/million cal).

\( C = \text{ppm} \times \frac{3,600}{(0.970) \times \text{MMBtu/son} \text{cal}} \)

\( \text{O}_2 \) = oxygen content by volume (expressed as percent), dry basis, determined under paragraph (a) (4) of this section.

\( f \) = a factor determined according to § 60.43 (d), (e), and (f), as applicable.

(f) If any continuous monitoring systems (except opacity) installed and operated under this part yield results on a wet basis, the owner or operator shall perform Reference Method 4 and correct the one-hour integrated averages under paragraph (b) of this section to dry basis. This paragraph does not apply when conversion factors are developed with all data on a wet basis or when other data are specified in this part.

Subpart D—Standards of Performance for Fossil Fuel-Fired Steam Generators

§ 60.42 [Amended]

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PROPOSED RULES

(HV) of any lot of fuel for which the results of fuel analyses and computations, required by paragraphs (a), (b) and (c) respectively of this section, exceed the limits established by § 60.44.

Section 60.46 is revised to read as follows:

§ 60.46 Test methods and procedures.
(a) The reference methods in Appendix A of this part, except as provided in § 60.8(b), shall be used to determine compliance with the standards prescribed in §§ 60.42, 60.44, and 60.45 as follows:
(1) Method 1 for selection of sampling site and sample traverses,
(2) Method 3 for gas analysis,
(3) Method 5 for concentration of particulate matter and the associated moisture content,
(4) Method 6 for concentration of SO2 and
(5) Method 7 for concentration of NOx.
(b) Method 3 and the following procedures shall be used when applying Reference Methods 5, 6, and 7.
(1) For Method 5, Method 1 shall be used to select the sampling site. The sampling time for each run shall be at least 60 minutes and the minimum sampling volume shall be 0.85 dscm (30 dcf) except that smaller sampling times or volumes, when necessitated by process variables or other factors, may be approved by the Administrator. The probes and filter holder heating systems in the sampling train shall be set to provide a gas temperature between 320°F (160°C) and 230°F (120°C).
(2) For Methods 6 and 7, the sampling site shall be the same as that selected for Method 5. The sampling point in the duct shall be at the centroid of the cross section or at a point no closer to the walls than 1 m (3.28 ft). For Method 6 the sample shall be extracted at a rate proportional to the gas velocity at the sampling point.
(3) For Method 6, the minimum sampling time shall be 20 minutes and the minimum sampling volume 0.02 dscm (0.71 dcf) for each sample. The arithmetic mean of two samples shall constitute one run. Samples shall be taken at approximately 30-minute intervals.
(4) For Method 7, each run shall consist of at least four grab samples taken at approximately 15-minute intervals. The arithmetic mean of the samples shall constitute the run value.
(5) For each run required by paragraphs (a), (b), and (c) of this section, the emission expressed in g/million Btu (lb/million Btu) shall be determined by the following procedure:

\[ E = \frac{3200}{\% O_2} \]

where:
- \( E \) = pollutant emission, g/million Btu (lb/million Btu)
- \( \% O_2 \) = oxygen content by volume (expressed as percent, dry basis).

(5) \% \( O_2 \) = oxygen content by volume (expressed as percent, dry basis). Percent oxygen shall be determined by using the appropriate sampling procedures of Method 8 and by analyzing the sample with the continuous monitoring system required under § 60.45(a) (4) or by using the Oraal analyzer. The sample shall be obtained as follows:

(1) For determination of sulfur dioxide and nitrogen oxides emissions, the oxygen sample shall be obtained at approximately the same point in the duct as used to obtain the samples for Methods 5 and 7 determinations, respectively (§ 60.46(b) (3)).
(2) For determination of particulate emissions, the oxygen sample shall be obtained by traversing the duct in accordance with Method 1 except that 12 sample points shall be used in all cases.
(3) F-factor representing a ratio of the volume of fuel gases generated to the calorific value of the fuel combusted.

Values of F are given as follows:

(1) For anerobic coal according to A.S.T.M. D388-66, \( F = 0.01103 \text{ dscm} / 10\text{ cal} \) (98.2 dscf/101 Btu).
(2) For subbituminous and bituminous coal according to A.S.T.M. D388-66, \( F = 0.01023 \text{ dscm} / 10\text{ cal} \) (97.4 dscf/101 Btu).
(3) For liquid fossil fuels including crude, resid, and distillate oils, \( F = 0.00982 \text{ dscm} / 10\text{ cal} \) (96.4 dscf/101 Btu).
(4) For gaseous fossil fuels including natural gas, propylene, \( F = 0.00982 \text{ dscm} / 10\text{ cal} \) (96.4 dscf/101 Btu).
(5) The owner or operator may use the following equation to determine an F factor (dscm/10 cal) in lieu of the F factors specified by paragraph (a) (4) of this section:

\[ F = \frac{(H \times C) + (S \times N)}{W_{\text{H}} + W_{\text{C}} + W_{\text{S}} + W_{\text{N}}} \times \left( \frac{10000}{10} \right) \text{Btu/lb} \]

where
- \( H \), \( C \), \( S \), and \( N \) are content by weight of hydrogen, carbon, sulfur, nitrogen, and oxygen (expressed as percent); and
- \( W_{\text{H}}, W_{\text{C}}, W_{\text{S}}, W_{\text{N}} \) are the weight of hydrogen, carbon, sulfur, and nitrogen, respectively, as determined by ultimate analysis of the fuel fired, dry basis, using A.S.T.M. methods D217-70 (solid fuels) or D240-64 (73) (liquid fuels), and D1826-64 (70) (gaseous fuels) as applicable.

(iv) For subbituminous and bituminous coal according to A.S.T.M. D388-66, \( F = 0.01023 \text{ dscm} / 10\text{ cal} \) (97.4 dscf/101 Btu).
(6) The owner or operator shall establish a conversion factor for combustibles not covered by the above conversion factors.
(7) When combinations of fuels are burned, the heat input, expressed in cal/hr (Btu/hr), shall be determined during each testing period by multiplying the high heating value of each fuel fired by the rate of each fuel burned. High heating value shall be determined in accordance with A.S.T.M. methods D240-64 (73) (liquid fuels), or D1826-64 (70) (gaseous fuels) as applicable. The rate of fuels burned during each testing period shall be determined by suitable calorimeters and shall be confirmed by a material balance over the steam generation system.

Subpart F—Standards of Performance for Portland Cement Plants
§ 60.62 [Amended]
8. Section 60.62 is amended by deleting paragraph (d).

Subpart C—Standards of Performance for Nitric Acid Plants
§ 60.72 [Amended]
9. Paragraph (a) (2) of § 60.72 is amended by deleting the second sentence.
10. Section 60.73 is amended by revising paragraphs (a), (b), (c), and (d) to read as follows:

§ 60.73 Emission monitoring.
(a) A continuous monitoring system for the measurement of nitrogen oxides shall be installed, calibrated, maintained, and operated in any affected facility by the owner or operator of the flue gas used to prepare calibration gas mixtures (section 2.1, Performance Specification 2) shall be nitrogen dioxide (NO2).
(b) The owner or operator shall establish a conversion factor for the purpose of converting monitoring data into units of the applicable standard (Ig/metric ton). The conversion factor shall be established in accordance with the continuous monitoring system in accordance with § 60.13(g) at the same time as emissions are determined for the applicable reference method tests (§ 60-74). Using emission data from the performance test and only that portion of the continuous monitoring emission data that represents emission measurements concurrent with the continuous monitoring test periods, the conversion factor shall be determined by dividing the performance test data integrated averages by the continuous emission monitoring test data averages to obtain a ratio expressed in units of the applicable standard to units of the monitoring data, I.e., Ig/metric ton per ppm (lb/short ton per ppm).
(c) The owner or operator shall record the daily production rate and hours of operation.
PROPOSED RULES

(1) A continuous monitoring system for the measurement of the opacity of emissions discharged into the atmosphere from the fluid catalytic cracking unit catalyst regenerator.

(2) A continuous monitoring system for the measurement of the opacity of emissions discharged into the atmosphere from the fluid catalytic cracking unit catalyst regenerator, except where the requirements of paragraph (a) (2) of this section are met.

(3) Continuous monitoring systems for the measurement of firebox temperature and oxygen in exhaust gases from any incinerator-mixte heat boiler which combusts the exhaust gases from a fluid catalytic cracking unit catalyst regenerator, except where the requirements of paragraph (a) (2) of this section are met.

(4) A continuous monitoring system for the measurement of hydrogen sulfide in fuel gases burned in any fuel gas combustion device, except where the requirements of paragraph (a) (5) of this section are met. Fuel gas combustion devices having a common source of fuel gas may be monitored at one location if the average measurements representative of the hydrogen sulfide concentration in the fuel gas burned.

(5) A continuous monitoring system for the measurement of sulfur dioxide in the gases discharged into the atmosphere from the combustion of fuel gases except where the requirements of paragraph (a) (4) of this section are met.

(b) The owner or operator of an affected facility required to install a continuous monitoring system under paragraph (a) (5) of this section shall establish daily a conversion factor (mg H2S/dsm of fuel gas per ppm SO2 in fuel gas) for the purpose of converting monitoring data into units of the applicable standard (kg/metric ton) using emission data from the performance test period and only that portion of the continuous emission monitoring test periods, the conversion factor shall be determined by dividing the performance test data integrated averages by the continuous emission monitoring test data integrated averages or obtained a ratio expressed in units of the applicable standard to units of the monitoring data, i.e., kg/metric ton per ppm (lb/short ton per ppm).

(c) The owner or operator shall record the daily production rates and hours of operation.

(d) Paragraph (m) of §60.13 does not apply to this subpart.

(e) For the purpose of reporting pursuant to §60.7(c), periods of excess emissions that are reported are defined as any two consecutive hourly periods during which the average nitrogen oxides emissions exceed the limits of §60.72(a).

Subpart H—Standards of Performance for Sulfuric Acid Plants

§60.83 [Amended]

11. Paragraphs (a) (2) of §60.83 is amended by deleting the second sentence. 12. Paragraph 60.84 is amended by revising paragraphs (a), (b), (c), (d) and (e) to read as follows:

§60.84 Emission monitoring.

(a) A continuous monitoring system for the measurement of the opacity of emissions discharged into the atmosphere from the fluid catalytic cracking unit catalyst regenerator.

Subpart I—Standards of Performance for Petroleum Refineries

§60.105 Emission monitoring.

(a) Continuous monitoring systems shall be installed, calibrated, maintained, and operated in any affected facility by the owner or operator as follows:

(1) For facilities which operate at levels greater than 9% oxygen in the flue gases, the conversion factor for the measurement of the opacity of emissions discharged into the atmosphere from the fluid catalytic cracking unit catalyst regenerator shall be determined at least monthly by sampling at the same point in the duct specified by §60.105(f) and computing the factor as follows:

\[
C_{opt} = \frac{\left( C_{opt} \right)_0 \times F_{CH_{4}}}{F_{CH_{4}} \times \rho_{O_2}}
\]

where:

- \( C_{opt} \) = daily conversion factor (mg H2S/dsm of fuel gas per ppm SO2 in fuel gas)
- \( F_{CH_{4}} \) = ratio of methane to carbon monoxide
- \( \rho_{O_2} \) = percent oxygen by volume (expressed as percent), dry basis.

Subpart J—Standards of Performance for Sewage Treatment Plants

§60.152 [Amended]

18. Paragraph (a) (2) of §60.152 is amended by deleting the second sentence.

19. Appendix A is amended by revising Method 0 as follows:

METHOD 0—VISUAL DETERMINATION OF THE OPACITY OF EMISSIONS FROM STATIONARY SOURCES

1. Principle and applicability.

1.1 Principle. The opacity of emissions from stationary sources is determined visually by a qualified observer.

1.2 Applicability. This method is applicable for the determination of the opacity of emissions from stationary sources pursuant to §60.11(b) and for qualifying observers for visually determining the opacity of emissions:

2. Procedure. The observer, in accordance with paragraph 3 of this method shall use the following procedures for visually determining the opacity of emissions:

2.1 Position. The qualified observer shall stand at a distance sufficient to provide a clear view of the emissions with the sun oriented in the quadrant to his back. Conditions with maintaining the above requirement, the observer shall, as much as possible, analyze his observations from a position such that his line of vision is approximately perpendicular to the plume direction, and when observing a source, they shall be visible from a rectangular outline (e.g., roof monitor, open baghouse, monocellular stack, approximately perpendicular to the longer axis of the outline.

2.2 Field record. The observer shall record the name of the plant, emission location, type facility, observer’s name and affiliation, and the date and time on a field data sheet (Figure 9-1). The time, estimated distance to the emission location, approximate wind direction, estimated range of emissions from the stack, and sky condition (precipitation and color of clouds), and plume background are recorded on a field data sheet at the time the opacity readings are initiated and completed.

2.3 Observations. Opacity observations shall be made as the point of greatest opacity.
in that portion of the plume where condensed water vapor is not present. The observer shall not look continuously at plumes, but shall observe the plume in short 5-second intervals. If the plume is no longer visible, the observer shall record the approximate distance from the emission outlet to the point at which the observations are made.

2.3.1 Attached steam plumes. When condensed steam plumes are present within the plume as it emerges from the emission outlet, opacity observations shall be made beyond the point in the plume at which condensed water vapor is no longer visible. The observer shall record the approximate distance from the emission outlet to the point at which the observations are made.

2.3.2 Detached steam plume. When water vapor in the plume condenses at a distinct distance from the emission outlet, opacity observations may be evaluated at the emission outlet prior to the condensation of water vapor and the formation of the steam plume.

2.4 Recording observations. Opacity observations shall be recorded to the nearest 5 percent at 15-second intervals on an observation record sheet (Figure 9-2). Each momentary observation recorded shall represent the opacity of emissions for that 15-second period.

2.5 Data reduction. Determine the opacity standard applicable to the affected facility by being observed and compute minutes of noncompliance using the appropriate procedure as follows:

2.5.1 For all opacity standards except average opacity, mark on the observation record sheet (Figure 9-2) each momentary observation recorded which exceed the opacity level specified by the standard. Compute the aggregate number of minutes during which the opacity of emissions was observed to exceed the applicable standard. Exclude from this computation the number of minutes of operation exempted by the applicable opacity standard or by § 60.11(c) (if any). Record the minutes of noncompliance on Figure 9-1.

2.5.2 For average opacity standards, sum on the observation record sheet (Figure 9-2) all observations for any specific time period (use time periods specified by the standard when applicable), and compute the arithmetic mean average based on the total number of observations for the time period evaluated. Exclude from this computation any minutes of operation exempted by the applicable opacity standard or by § 60.11(c) (if any). Record the minutes of each time period of noncompliance on Figure 9-1.

3. Qualifications and testing.

3.1 Certification requirements. To receive certification as a qualified observer, a candidate must be tested and demonstrated the ability to assign opacity readings in 5-percent increments to 25 black plumes and 25 white plumes—generated by a smoke generator. Plumes within each set of 25 black and 25 white runs shall be presented in random order, but with plume opacity value to each plume and record his observation on a suitable form. At the completion of each run of 50 readings, the score of the trainee is determined. If the trainee fails to qualify, the complete run of 50 readings must be repeated in any order. The smoke test may be administered as part of a smoke school or training program, and may be preceded by training or familiarization runs of the smoke generator during which candidates are shown black and white plumes of known opacity.

3.2 Smoke generator specifications. Any smoke generator used for the purposes of paragraph 3.2 shall be equipped with a smoke meter installed to measure opacity across the stack diameter of the smoke meter stack. The smoke meter output shall display in-stack opacity based upon a pathlength equal to the stack exit diameter, on a full 0 to 100 percent chart recorder scale. The smoke meter optical design and performance shall meet the specifications shown in Table 9-1. The smoke meter shall be calibrated as prescribed in paragraph 3.3.1 prior to the conduct of each smoke reading test. At the completion of each test, zero and span drift shall be checked and if the drift exceeds ±1 percent opacity, the condition shall be corrected prior to conducting any subsequent test runs. The smoke meter shall be demonstrated, at the time of installation, to meet the specifications listed in Table 9-1. This demonstration shall be repeated following any subsequent repair or replacement of the photocell or associated electronic circuitry including the chart recorder or output meter, or every 6 months, whichever occurs first.

**Table 9-1. SMOKE METER DESIGN AND PERFORMANCE SPECIFICATIONS**

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Specification</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Light source</td>
<td>Incandescent lamp operated at nominal rated voltage.</td>
</tr>
<tr>
<td>c. Angle of view</td>
<td>15° maximum total angle.</td>
</tr>
<tr>
<td>d. Angle of projection</td>
<td>15° maximum total angle.</td>
</tr>
<tr>
<td>e. Calibrator error</td>
<td>±3% opacity maximum.</td>
</tr>
<tr>
<td>f. Zero and span drift</td>
<td>±3% opacity, 30 minutes.</td>
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<tr>
<td>g. Response time</td>
<td>≤ 8 seconds.</td>
</tr>
</tbody>
</table>

3.3.1 Calibration. The smoke meter is calibrated after allowing a minimum of 30 minutes warmup by alternately producing simulated opacity of 0 percent and 100 percent. When stable response at 0 percent or 100 percent is not obtained, the smoke meter is adjusted to produce an output of 0 percent or 100 percent, as appropriate. This calibration shall be repeated until stable 0 and 100 percent readings are produced without adjustment. Simulated 0 percent and 100 percent opacity values may be produced by alternately switching the power to the light source on and off while the smoke generator is not producing smoke.

3.3.2 Smoke meter evaluation. The smoke meter design and performance are to be evaluated as follows:

3.3.2.1 Light source. Verify from manufacturer's data and from voltage measurement at the lamp, as installed, that the lamp is operated within ±5 percent of the nominal rated voltage.

3.3.2.2 Spectral response of photocell. Verify from manufacturer's data that the photocell has a photopic response; i.e., the spectral sensitivity of the cell shall closely approximate the standard spectral luminosity curve for photopic vision which is referenced in (b) of Table 9-1.

3.3.2.3 Angle of view. Check construction geometry to ensure that the total angle of view of the smoke plume, as seen by the photocell, does not exceed 10°. The total angle of view may be calculated from: $\theta = \tan^{-1} \frac{d}{2L}$, where $\theta$ = total angle of view; $d$ = the sum of the photocell diameter + the diameter of the limiting aperture; and $L$ = the distance from the photocell to the limiting aperture. The limiting aperture is the point in the path between the photocell and the smoke plumes where the angle of view is most restricted. In smoke generator smoke meters this is normally an orifice plate.

3.3.2.4 Angle of projection. Check construction geometry to ensure that the total angle of projection of the lamp on the smoke plume does not exceed 10°. The angle of projection may be calculated from: $\theta = \tan^{-1} \frac{d}{2L}$, where $\theta$ = total range of projection; $d$ = the sum of the lamp bulb diameter + the diameter of the limiting aperture; and $L$ = the distance from the lamp to the limiting aperture.

3.3.2.5 Calibration error. Using neutral-density filters of known opacity, check the error between the actual response and the theoretical linear response of the smoke meter. This check is accomplished by first calibrating the smoke meter according to 3.3.3 and then inserting a series of three neutral-density filters of nominal opacity of 20, 50, and 75 percent in the smoke meter pathlength. Filers calibrated within ±5 percent shall be used. Care should be taken when inserting the filters to prevent stray light from affecting the meter. Make a total of five nonconsecutive readings for each filter. The maximum error on any one reading shall be 3 percent opacity.

3.3.2.6 Zero and span drift. Determine the zero and span drift by calibrating and operating the smoke generator in a normal manner over a 4-hour period. The drift is measured by observing the zero and span at the end of this period.

3.3.2.7 Response time. Determine the response time by producing a series of five simulated 0 percent and 100 percent opacity values and noting the time required until stable 0 and 100 percent readings are produced. The smoke meter is considered to be in compliance if the 0 percent and 100 percent response times are within ±15 seconds of the limiting apertures. When stable response at 0 percent or 100 percent is not obtained, the smoke meter is adjusted to produce an output of 0 percent or 100 percent, as appropriate. This calibration shall be repeated until stable 0 and 100 percent readings are produced without adjustment. Simulated 0 percent and 100 percent opacity values may be produced by alternately switching the power to the light source on and off while the smoke generator is not operating.

4. References.

4.1 Air Pollution Control District Rules and Regulations, Los Angeles County Air Pollution Control District, Regulations IV, Prohibitions, Rule 65.


FIGURE 9-2 OBSERVATION RECORD

<table>
<thead>
<tr>
<th>COMPANY</th>
<th>LOCATION</th>
<th>TYPE FACILITY</th>
<th>TEST NUMBER</th>
<th>DATE</th>
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</table>

<table>
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<th>STEAM PLUME</th>
<th>COMMENTS</th>
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<tbody>
<tr>
<td>Hr.</td>
<td>Min.</td>
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## APPENDIX B—PERFORMANCE SPECIFICATIONS

### PERFORMANCE SPECIFICATIONS 1—PERFORMANCE SPECIFICATIONS AND SPECIFICATION TEST PROCEDURES FOR TRANSMISSOMETER SYSTEMS FOR CONTINUOUS MEASUREMENT OF THE OPAcity OF STACK EFFLUENTS

#### 1. Principle and Applicability
1.1 Principle. Transmissometry is a direct measurement of attenuation of visible radiation (opacity) by particulate matter in a stack effluent. Light from a laser is projected across the stack of a pollution source to a light sensor. The light is attenuated due to absorption and scatter by the particulate matter in the effluent. The percentage of light attenuated is defined as the opacity of the emission. Transparent stack emissions that do not attenuate light will have a transmittance of 100 or an opacity of 0. Opaque stack emissions that attenuate all of the light will have a transmittance of 0 or an opacity of 100 percent.

1.2 Applicability. This method is applicable to the instrument systems specified in the subparts for continuously monitoring the opacity of emissions. Specifications for continuous measurement of visible emissions are given in terms of design, performance, and installation parameters. Performance specifications and test procedures are given for transmissometer systems to test their capability before approving the systems installed by an affected facility.

#### 2. Apparatus

2.1 Neutral Density Filters. Filters with neutral spectral characteristics and known optical densities to visible light. One each low, mid, and high range filters, 5- or 6-inch square or 6-inch diameter, with nominal optical densities of 0.1, 0.2, and 0.3 (30, 37, and 50 percent opacity) are required. Calibrated filters with accuracies certified by the manufacturer to within 3 percent shall be used. It is recommended that filter calibrations be checked with a well-collimated photopic transmissometer of known linearity prior to use.

2.2 Chart Recorder. Analog chart recorder with input voltage range and performance characteristics compatible with the measurement system output.

2.3 Opacity Measurement System. An in-stack transmissometer (folded or single path) with the optical design specifications delineated below, associated control units and apparatus to keep optical surfaces clean.

#### 3. Definitions

3.1 Measurement System. The total equipment required for the continuous determination of a pollutant concentration in a source effluent. The system consists of three major subsystems:

- 3.1.1 Sampling Interface—That portion of the measurement system that performs one or more of the following operations: delination, acquisition, transportation, and conditioning of a sample of the source effluent, or protection of the analyzer from the effluent.
- 3.1.2 Analyzer—That portion of the system which senses the pollutant and generates a signal output that is a function of the pollutant concentration.
- 3.1.3 Data Recorder—That portion of the measurement system that processes the analyzer output and provides a permanent record of the output signal in terms of pollutant concentration.

3.2 Span. The value of opacity at which the measurement system is set to produce the maximum data display output. For the purpose of this method, the span shall be set at an opacity of 60 percent for a pathlength equal to the stack exit diameter of the source.

3.3 Calibration Error. The difference between the opacity reading indicated by the measurement system and the known value of a series of test standards. For this method the test standards are a series of calibrated neutral density filters.

3.4 Zero Drift. The change in measurement system output over a stated period of time of normal continuous operation when the pollutant concentration at the time of the measurements is zero.

3.5 Calibrating Drift. The change in measurement system output over a stated period of time of normal continuous operation when the pollutant concentration at the time of the measurement is the same known up-scale value.

3.6 System Response. The time interval from a step change in opacity in the stack at the input to the measurement system to the time at which 95 percent of the corresponding final value is reached as displayed on the measurement system data presentation device.

3.7 Operational Test Period. A minimum period of time over which a measurement system is expected to operate within certain performance specifications without unscheduled maintenance, repair, or adjustment.

3.8 Transmittance. The fraction of incident light that is transmitted through an optical medium of interest.

3.9 Opacity. The fraction of incident light that is attenuated by an optical medium of interest. Opacity (O) and transmittance (T) are related as follows:

\[ O = 1 - T \]

3.10 Optical Density. A logarithmic measure of the amount of light attenuated by an optical medium of interest. Optical density (D) is related to the transmittance and opacity as follows:

\[ D = \log_{10} \frac{I}{I_0} \]

3.11 Mean Spectral Responsivity. The wavelength which bisects the total area under the curve obtained pursuant to paragraph 9.2.1.

3.12 Angle of View. The maximum (total) angle of radiation that is seen by the photodiode assembly of an optical transmissometer.

3.13 Angle of Projection. The maximum (total) angle of radiation that is projected by the lamp assembly of an optical transmissometer.

3.14 Pathlength. The depth of effluent in the light beam between the receiver and the transmitter of the single-pass transmissometer, or the depth of effluent between the transmitter and reflector of a double-pass transmissometer.

#### 4. Installation Specifications

4.1 Location. The transmissometer must be located across a section of duct or stack that will provide a particular matter flow through the optical volume of the transmissometer.
be demonstrated
spectral response of the measurement system
wavelengths between 400
be
requirements of this method.

6.1.3 A transmitter that is located in the duct or stack following a bend shall be installed in the plane defined by the bend where possible.
6.1.4 The transmitter shall be installed in an accessible location.
6.1.5 When specified by the Administrator, the owner or operator of a source must demonstrate that the transmitter is located in a section of duct or stack where a uniform or representative particulate matter distribution exists. The determination shall be accomplished by examining the opacity profile of the effluent at a series of positions across the duct or stack while the plant is in operation or by other tests acceptable to the Administrator.

4.2 Slotted Tube. Installations that require the use of a slotted tube shall use a slotted tube of sufficient size and blackness so as not to interfere with the free flow of effluent through the entire optical volume of the transmissometer so as not to interfere with the free flow of effluent through the entire optical volume of the transmissometer or reflect light into the light detector of the transmissometer.
4.3 Recorder Output. The transmissometer shall be subject to expanded display of the In-stack opacity on a standard 0 to 100 percent scale. In addition, a graph shall be provided with the installation to show the relationship between the standard 0 to 100 percent readout scale and the opacity of the effluent for a path length equal to the stack exit diameter. The relationship for constructing the graph is:

\[ \log(1-O_i) = \frac{1}{L_i} \log(1-O_o) \]

where \( I_i \) is the stack exit diameter and \( O_o \) is the opacity of the effluent within the transmissometer or reflect light into the light detector of the transmissometer.

5.1 Optical Design Specifications. The optical design specifications set forth in Section 6.1 shall be met in order for a measurement system to comply with the requirements of this method.

6.1 The opacity measurement system shall be demonstrated to conform to the design specifications set forth as follows:

6.1.1 Peak spectral response. Response at any wavelength between 400 nm or above 700 nm shall be no greater than 10 percent of the peak response of the measurement system at all wavelengths between 400 nm and 700 nm.
6.1.2 Mean spectral response. The mean spectral response of the measurement system shall occur between 500 nm and 600 nm.
6.1.3 Angle of view. The total angle of view of the measurement system shall be no greater than 5 degrees.
6.1.4 Angle of projection. The total angle of projection shall be no greater than 5 degrees.

6.2 Conformance with requirements pursuant to Section 6.1 of this specification may be demonstrated by the owner or operator of the affected facility or by the manufacturer of the opacity measurement system. Where conformance is demonstrated by the manufacturer, certification of this fact and a description of the test methods used shall be provided by the manufacturer. If the source owner demonstrates conformance, the test procedure used and results obtained shall be reported.

6.3 The general test procedures to be followed to demonstrate conformance with Section 6 requirements are given as follows:

6.3.1 Calibration Error Test. Determine the zero and span readings after cleaning the transmissometer and with neutral density filter standards in series. Where Instrument and optical design are certified by the manufacturer conforming with the angle of view or angle of projection specifications, the respective procedures may be omitted.
6.3.2 Spectral Response. Obtain a spectral data for detector, lamp, and filter components used in the measurement system from their respective manufacturer.
6.3.3 Zero Test. Set the receiver up as specified by the manufacturer. Draw an arc with radius of 3 meters. Measure the radius of the arc. Repeat the test in the vertical direction.
6.3.4 Zero Test. Set the receiver up as specified by the manufacturer. Draw an arc with radius of 3 meters. Measure the radius of the arc. Repeat the test in the vertical direction.
6.3.5 Zero Test. Set the receiver up as specified by the manufacturer. Draw an arc with radius of 3 meters. Measure the radius of the arc. Repeat the test in the vertical direction.
6.3.6 Zero Test. Set the receiver up as specified by the manufacturer. Draw an arc with radius of 3 meters. Measure the radius of the arc. Repeat the test in the vertical direction.
6.3.7 Zero Test. Set the receiver up as specified by the manufacturer. Draw an arc with radius of 3 meters. Measure the radius of the arc. Repeat the test in the vertical direction.

7. Measurement System Performance Specifications. A measurement system must meet the performance specifications in Table 1-1 to be considered acceptable under this method.

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Specifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Calibration error</td>
<td>( \leq 10% ) of test filter value*</td>
</tr>
<tr>
<td>b. Zero drift (24 hr)</td>
<td>( \leq 10% ) of emission standard</td>
</tr>
<tr>
<td>c. Calibration drift (24 hr)</td>
<td>( \leq 10% ) of emission standard</td>
</tr>
<tr>
<td>d. Response time</td>
<td>10 sec. (maximum)</td>
</tr>
<tr>
<td>e. Operational period</td>
<td>1 hour</td>
</tr>
</tbody>
</table>

*Expressed as sum of absolute mean value plus 95 percent confidence interval of a series of tests.

8. Performance Specification Test Procedures. All tests shall be conducted in accordance with the requirements of paragraph 7.
8.1 Calibration Error and Response Time Test. Set up and calibrate the measurement system as specified by the manufacturer's written instructions prior to installation on the stack using the instrument's maximum path length or a 3-meter path length, whichever is less. Span the instrument for 0 to 60 percent opacity.
8.1.1 Calibration Error Test. Insert a series of neutral density filter standards in the transmissometer path at the midpoint. A minimum of three neutral-density filters with nominal opacities of 23, 37, and 63 percent (low, mid, and high range) calibrated within 3 percent must be used. Make a total of five non-consecutive readings for each filter. Record the resulting output readings in percent opacity. (See Figure 1-3.)
8.2 Field Test for Zero Drift and Calibration Drift. Install on the stack and operate the measurement system in accordance with the manufacturer's written instructions and drawings as follows:
8.2.1 Conditioning Period. Calibrate the zero setting at least 10 percent of span to ensure that the zero reading shall be less than 10 percent of span. After the zero and span checks, open all optical surfaces open to the outside and adjust the light intensity to 50 percent of the emission limit. The zero reading and calibration corrections and adjustments are allowed only up to 24-hour intervals or at each 24-hour intervals as manufacturer's written instructions would allow. Automatic corrections made by the measurement system without operator intervention are allowable at any time. During the 24-hour operational test period, record the following at 24-hour intervals:
(a) the zero reading after 24-hour intervals as manufacturer's written instructions would allow. Automatic corrections made by the measurement system without operator intervention are allowable at any time.
(b) the zero reading after each 24-hour periods of operation. Before cleaning and adjustment and after cleaning and zero adjustment, but before system adjustment. (See Figure 1-3.)

9. Calculation, Data Analysis, and Reporting. 9.1 Procedure for Determination of Mean Values and Confidence Intervals. 9.1.1 The mean value of the data set is calculated according to equation 1-1:

\[ \bar{x} = \frac{1}{n} \sum_{i=1}^{n} x_i \]  
Equation 1-1

where \( x_i \) is individual value, \( \bar{x} \) is mean value, and \( n \) is number of data points.
9.1.2 The 95 percent confidence interval (two-sided) is calculated according to equation 1-2:

\[ C.I. = \frac{t \cdot \sqrt{\frac{\sum x^2}{n(n-1)}}}{\sum x^2} \]  
Equation 1-2

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PROPOSED RULES
PROPOSED RULES

where:

\[ \Sigma E \times = \text{sum of all data points}, \]

\[ \frac{375}{n} = \text{a/2}, \]

\[ G.I. = 95 \text{ percent confidence interval estimate of the average mean value.} \]

VALUES FOR .975

<table>
<thead>
<tr>
<th>( n )</th>
<th>( rac{375}{n} )</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>12.709</td>
</tr>
<tr>
<td>3</td>
<td>4.033</td>
</tr>
<tr>
<td>4</td>
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<td>9</td>
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<td>1.112</td>
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<td>13</td>
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<td>14</td>
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<tr>
<td>15</td>
<td>1.033</td>
</tr>
<tr>
<td>16</td>
<td>1.013</td>
</tr>
</tbody>
</table>

The values in this table are already corrected for \( n-1 \) degrees of freedom. Use \( n \) equal to the number of samples as data points.

9.2.1 Spectral Response—Combine the spectral data obtained in accordance with paragraph 9.2.1 to develop the effective spectral response curve of the transmissometer. Report the wavelength at which the peak response occurs, and the wavelength at which the mean response occurs in accordance with the reporting requirements of paragraph 6.2.

9.2.2 Angle of View—Using the data obtained in accordance with paragraph 9.2.2, calculate the response of the photoelectric detector as a function of projection angle in the horizontal and vertical directions. Report relative angle of projection curves as required in paragraph 6.2.

9.2.3 Angles of Projection—Using the data obtained in accordance with paragraph 6.2, calculate the response of the photoelectric detector as a function of projection angle in the horizontal and vertical directions. Report relative angle of projection curves as required in paragraph 6.2.

9.2.4 Calibration Error—Using the data from paragraph 8.1 (Figure 1-1), subtract the known filter opacity value from the value shown by the measurement system for each of the 16 readings. Calculate the mean of the five difference values at each test filter value and the 95 percent confidence interval according to equations 1-1 and 1-2. Report the sum of the absolute mean value and the 95 percent confidence interval as a percentage of the test filter value.

9.2.5 Zero Drift—Using the zero concentration values measured every 24 hours during the field test (paragraph 9.2), calculate the differences between the zero point after cleaning, aligning, and adjustment, and the zero value 24 hours later just prior to cleaning, aligning and adjustment. Calculate the mean value of these points and the confidence intervals using equations 1-1 and 1-2. Report the mean of the absolute mean value and the 95 percent confidence interval as a percentage of the emission standard.

9.2.6 Calibration Drift—Using the span value measured every 24 hours during the field test, calculate the differences between the span value after cleaning, aligning, and adjustment of zero and span, and the span value 24 hours later just after cleaning, aligning, and adjustment of zero and before adjustment of span. Calculate the mean value of these points and the confidence interval using equations 1-1 and 1-2. Report the sum of the absolute mean value and the confidence interval as a percentage of the emission standard.

9.2.7 Response Time—Using the data from paragraph 8.1, calculate the time interval from filter insertion to 95 percent of the final stable value for all upscale and downscale traverses. Report the mean of the 10 upscale and downscale test times.

9.2.8 Operational Test Period—During the 168-hour operational test period, the measurement system shall not require any corrective maintenance, repair, replacement, or adjustment other than that clearly specified as required in the manufacturer’s operation and maintenance manuals as routine and expected during a 1-week period. If the measurement system operated within the specified performance parameters and did not require corrective maintenance, repair, replacement, or adjustment other than as specified above during the 168-hour test period, the operational test period will be successfully concluded. Failure of the measurement system to meet this requirement shall call for a repetition of the 168-hour test period. Portions of the tests which were satisfactorily completed need not be repeated. Failure to meet any performance specification(s) shall call for a repetition of the 1-week operational test period and that specific portion of the tests required by paragraph 7 related to demonstrating compliance with the failed specification. All maintenance and adjustments required shall be recorded. Output readings shall be recorded before and after all adjustments.

10. References.


**Calibrated Neutral Density Filter Data**

*(See paragraph 8.1.1)*

<table>
<thead>
<tr>
<th>Run #</th>
<th>Calibrated Filter Opacity¹</th>
<th>Analyzer Reading % Opacity</th>
<th>Differences² % Opacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
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<td></td>
</tr>
<tr>
<td>15</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Mean difference

Confidence interval ± ± ±

Calibrated error = \( \text{Mean Difference}^3 + \text{C.I.} + 100 \) \( \frac{\text{Calibrated Filter Value}}{} \)

¹Low, mid or high

² Calibration filter opacity - analyzer reading

³ Absolute value

---

**Figure 1-1. Calibration Error Test**
### Date of Test

<table>
<thead>
<tr>
<th>Span Filter</th>
<th>% Opacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Analyzer Span Setting</td>
<td>% Opacity</td>
</tr>
<tr>
<td>Upscale</td>
<td>seconds</td>
</tr>
<tr>
<td>Downscale</td>
<td>seconds</td>
</tr>
</tbody>
</table>

**Average response** _________ seconds

---

**Figure 1-2. Response Time Test**

<table>
<thead>
<tr>
<th>Date of Test</th>
<th>Span Filter</th>
<th>% Opacity</th>
<th>Analyzer Span Setting</th>
<th>% Opacity</th>
<th>Upscale</th>
<th>seconds</th>
<th>Downscale</th>
<th>seconds</th>
</tr>
</thead>
</table>

**Average response** _________ seconds

---

**Figure 1-3. Zero and Calibration Drift Test**

**Performance Specification 2—Performance Specifications and Specification Test Procedures for Monitors of SO\textsubscript{2} and NO\textsubscript{X} from Stationary Sources**

**1. Principle and Applicability.**

1.1 Principle. Gases are continuously sampled in the stack emissions and analyzed for either sulfur dioxide or oxides of nitrogen by a continuously operating emission measurement system. Sampling may include either the extractive or non-extractive (in situ) approach.

1.2 Applicability. This method is applicable to the instrument systems specified by subparts for continuously monitoring oxides of nitrogen and sulfur dioxide emissions. Specifications for continuous measurement of nitrogen oxides or sulfur dioxide are given in terms of performance specifications. Test procedures are given to determine the capability of the measurement systems to conform to the performance specifications prior to approving the systems installed by an affected facility.

2. Apparatus.

2.1 Calibration Gas Mixture. Mixture of a known concentration of pollutant gas in oxygen-free nitrogen. Nominal concentrations of 50 percent and 90 percent of span are recommended. The 90 percent gas mixture is to be used to set and to check the span and is referred to as the span gas. The gas mixture shall be analyzed by the applicable reference method (Sec. 6.1.1) which is certified prior to use, or demonstrated to be accurate and stable by an alternate method subject to approval of the Administrator.

2.2 Zero Gas. A gas containing less than 1 ppm of the pollutant gas.

2.3 Equipment for measurement of the pollutant gas concentration using the reference method specified in the applicable standard.

2.4 Chart Recorder. Analog chart recorder, input voltage range compatible with analyzer system output.

2.5 Continuous measurement system for SO\textsubscript{2} or NO\textsubscript{X} pollutants as applicable.

3. Definitions.

3.1 Measurement System. The total equipment required for the determination of a pollutant gas concentration in a given source effluent. The system consists of three major subsystems:

3.1.1 Sampling Interface—That portion of the measurement system that performs one or more of the following operations: deaeration, acquisition, transportation, and conditioning of a sample of the source effluent or protection of the analyzer from the hostile aspects of the sample or source environment.

3.1.2 Analyzer—That portion of the measurement system which analyses the pollutant gas and generates a signal output that is a function of the pollutant concentration.

3.1.3 Data Recorder—That portion of the measurement system that provides a permanent record of the output signal in terms of concentration units.

3.2 Span. The value of pollutant concentration at which the measurement system is set to produce the maximum data display output. For the purposes of this method, the span shall be set at a sulfur dioxide or nitrogen dioxide concentration equivalent to 1.6 times the relevant emission standard.

3.3 Accuracy (Relative). The degree of correctness with which the measurement system yields the value of gas concentration of a sample relative to the value given by a defined reference method. This accuracy is expressed in terms of error, which is the difference between the pair of concentration measurements expressed as a percentage of the mean reference value.

3.4 Calibration Error. The difference between the pollutant concentration indicated by the measurement system and the known concentration of the test gas mixture.

3.5 Zero Drift. The change in measurement system output over a stated period of time of normal continuous operation when the pollutant concentration at the time of the measurements is zero.

3.6 Calibration Drift. The change in measurement system output over a stated period of time of normal continuous operation when the pollutant concentration at the time of the measurements is zero.

3.7 Response Time. The time interval from a step change in pollutant concentration at the input to the measurement system to the time at which 90 percent of the corresponding final value is reached as displayed on the measurement system data presentation device.

3.8 Operational Period. A minimum period of time over which a measurement system is expected to operate within certain performance specifications without unscheduled maintenance, repair or adjustment.


A measurement system must meet the performance specifications in Table 2-1 to be considered acceptable under this method.
than one measurement shall be performed
minute interval and the results averaged.
performed concurrently or within
shall be performed in any one hour, and
methods. No more than three measurements
ments employing extractive
period. The system shall monitor the source
Drift, Calibration, and Drift-Install and op-
obtained. Alternatively, for non-extractive
namic calibration gas mixtures are not used
made
by
or dry) of the measurement system data and
method test data concentrations. If the
measurements for
concentration switching to
mixture value.
mean value.
zero and span gas pollutant
calibration error for the
measured value.

TABLE 2-1—PERFORMANCE SPECIFICATIONS

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Specification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accuracy*</td>
<td>±5% of reference mean value</td>
</tr>
<tr>
<td>Calibration error*</td>
<td>±5% of emission standard</td>
</tr>
<tr>
<td>Zero drift (2-hour)*</td>
<td>±45% of emission standard</td>
</tr>
<tr>
<td>Zero drift (24-hour)*</td>
<td>±45% of emission standard</td>
</tr>
<tr>
<td>Calibration drift (24-hour)*</td>
<td>±5% of emission standard</td>
</tr>
<tr>
<td>Response time</td>
<td>15 minutes maximum</td>
</tr>
<tr>
<td>Operational period</td>
<td>100 hours minimum</td>
</tr>
</tbody>
</table>

*Expressed as sum of absolute mean value of a
collection of tests.

5. Performance Specification Test Procedures. The following test procedures shall be used to determine conformance with the requirements of paragraph 4:

5.1 Calibration test.

5.1.1 Analysis using calibration gas mixture
(60%, 90%, 50%, 50%, 90%, 50%, etc.). For non-extractive measurements, dynamic calibration gas mixtures are not used. (See 5.1.2)

5.1.2 Set up and calibrate the complete measurement system according to the manufacturer's written instructions. The test shall be accomplished either in the laboratory or in the field. Make a series of five non-consecutive readings with the system at least 15 minutes after each concentration at each concentration (e.g., 60%, 60%, 50%, 50%, 50%, etc.). For non-extractive measurement systems, this test is performed using procedures and two or more calibration gas concentrations differing by a factor of two or more, certified by the manufacturer. Convert the measurement system output readings to ppm and record the results on the example sheet shown in Figure 2-1.

5.2 Field Test for Accuracy (Relative), Zero Drift, Calibration, and Drift—Install and operate the measurement system in accordance with the manufacturer's instructions.

5.2.1 Conditioning Period—Offset the zero setting at least 10 percent of span so that negative zero drift can be quantified. Operate the system for an initial 168-hour conditioning period in a normal operational manner.

5.2.2 Operational Test Period—Operate the system for an additional 168-hour period. The test should be performed on the sample path and record the data. (See 5.2.3)

5.2.3 NOx Monitoring Systems. Make twenty seven NOx concentration measurements using the applicable reference method. No more than three measurements shall be performed in any one hour, and any set of three measurements shall be performed concurrently or within a 3-minute interval and the results averaged.

5.2.3 SO2 Monitoring Systems. Make nine SO2 concentration measurements using the applicable reference method. No more than one measurement shall be performed in any one hour.

5.2.4 Field Test for Zero Drift and Calibration Drift. Determine the values given by zero and span gas pollutant concentrations over each of the three reference method test periods, and determine the difference and the percent confidence interval expressed as a percentage of the mean difference and the 95 percent confidence interval using equations 2-1 and 2-2. Accuracy is reported as the sum of the absolute value of the mean difference and the 95 percent confidence interval expressed as a percentage of the mean reference method value. Use the example sheet shown in Figure 2-3.

5.2.5 Calibration Error—Using the data from paragraphs 5.1.1 and 5.2, calculate the mean concentration in each of the nine test runs. Subtract the respective reference method test concentrations (the average of each set of 3 measurements for NOx from the continuous monitoring system average concentrations. Using the discrete data, compute the mean difference and the 95 percent confidence interval using equations 2-1 and 2-2. The calibration error is reported as the sum of the absolute value of the mean difference and the 95 percent confidence interval as a percentage of each respective calibration gas concentration. Use the example sheet shown in Figure 2-2.

6.1 Procedure for determination of mean values and confidence intervals.

6.1.1 The mean x and the standard deviation s are calculated according to equation 2-1:

$$x = \frac{1}{n} \sum_{i=1}^{n} x_i$$

where

- $x_i$: individual values
- $x$: mean value
- $n$: number of data points

6.1.2 The 95 percent confidence interval (two sided) is calculated according to equation 2-2:

$$CI_{95} = x \pm t_{(n-1), 0.025} \sqrt{\frac{s^2}{n}}$$

where

- $CI_{95}$: 95 percent confidence interval estimate of the average mean value
- $n$: number of data points
- $t_{(n-1), 0.025}$: value from the t-distribution table for 95 percent confidence intervals according to equations 2-1 and 2-2
during the field test, calculate the differences between consecutive 2-hour readings expressed in ppm. Calculate the mean difference and the confidence interval using equations 2-1 and 2-2. Report the zero drift as the sum of the absolute mean value and the confidence interval as a percentage of the emission standard. Use example sheet shown in Figure 2-4.

6.2.4 Zero Drift (24-hour)—Using the zero concentration values measured every 24 hours during the field test, calculate the differences between the zero point after zero adjustment and the zero value 24 hours later just prior to zero adjustment. Calculate the mean value of these points and the confidence interval using equations 2-1 and 2-2. Report the zero drift (the sum of the absolute mean and confidence interval) as a percentage of the emission standard. Use example sheet shown in Figure 2-5.

6.2.5 Calibration Drift (2-hour)—Using the calibration values obtained at 2-hour intervals during the field test, calculate the differences between consecutive 2-hour readings expressed as ppm. These values should be corrected for the corresponding zero drift during that 2-hour period. Calculate the mean and confidence interval of these corrected difference values using equations 2-1 and 2-2. Do not use the differences between non-consecutive readings. Report the example sheet shown in Figure 2-6.

6.2.6 Calibration Drift (24-hour)—Using the calibration values measured every 24 hours during the field test, calculate the difference between the calibration concentration reading after zero and calibration adjustment and the calibration concentration reading 24 hours later after zero adjustment, but before calibration adjustment. Calculate the mean value of these differences and the confidence interval using equations 2-1 and 2-2. Report the sum of the absolute mean and confidence interval as a percentage of the emission standard. Use example sheet shown in Figure 2-6.

6.2.7 Response Time—Using the charts from paragraph 6.3, calculate the time interval from concentration switching to 80 percent to the final stable value for all upslope and downslope test. Report the mean of the three upslope test times and the mean of the three downslope test times. The two average times should not differ by more than 15 percent of the slower time. Report the slower time as the system response time.

Use the example sheet shown in Figure 2-6.

6.2.8 Operational Test Period—During the 168-hour performance and operational test period, the measurement system shall not require any corrective maintenance or repair or replacement or adjustment other than that clearly specified as required in the operation and maintenance manuals as routine and expected during a 1-week period. If the measurement system operates within the specified performance parameters and does not require corrective maintenance, repair, replacement or adjustment other than as specified above during the 168-hour test period, the operational period will be successfully concluded. Failure of the measurement system to meet this requirement shall call for a repetition of the 168-hour test period. Portions of the test which were satisfactorily completed need not be repeated. Failure to meet any performance specifications shall call for a repetition of the 1-week performance test period and that portion of the testing which is related to the failed specification. All maintenance and adjustments required shall be recorded. Output readings shall be recorded before and after all adjustments.

7. References


7.3 Experimental Statistics, Department of Commerce, Handbook 91, 1973, p. 3-31, paragraphs 3-3.1A.


Reference Method Used

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<thead>
<tr>
<th>Date</th>
<th>Mid-Range Calibration Gas Mixture</th>
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<tr>
<td></td>
<td>Sample 1 ppm</td>
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<tr>
<td></td>
<td>Sample 2 ppm</td>
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<tr>
<td></td>
<td>Sample 3 ppm</td>
</tr>
<tr>
<td></td>
<td>Average ppm</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date</th>
<th>High-Range (span) Calibration Gas Mixture</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Sample 1 ppm</td>
</tr>
<tr>
<td></td>
<td>Sample 2 ppm</td>
</tr>
<tr>
<td></td>
<td>Sample 3 ppm</td>
</tr>
<tr>
<td></td>
<td>Average ppm</td>
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Figure 2-1. Analysis of Calibration Gas Mixtures
Calibration Gas Mixture Data (from Figure 2-1)

<table>
<thead>
<tr>
<th>Min. Con.</th>
<th>Calibration Gas Concentration</th>
<th>Measurement System Reading, ppm</th>
<th>Difference, ppm</th>
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<tr>
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</tr>
<tr>
<td>10</td>
<td>Imd High</td>
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</tr>
</tbody>
</table>

Mean difference, 100

Confidence interval ± 100

Calibration error = \[ \frac{\text{Max Difference}}{2} \] ± C.I. x 100

Calibration gas concentration = measurement system reading

Absolute value

Figure 2-2. Calibration Error Determination

<table>
<thead>
<tr>
<th>Date</th>
<th>Test No.</th>
<th>Sample 1</th>
<th>Sample 2</th>
<th>Sample 3</th>
<th>Reference Method 1</th>
<th>Reference Method 2</th>
<th>Reference Method 3</th>
<th>Difference **</th>
</tr>
</thead>
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Mean difference =

95% confidence interval = ± 100

Mean reference method value = ± 100

Accuracy = \[ \frac{\text{Max difference (absolute value) \times 95\% confidence interval \times 100}}{\text{Mean reference method value}} \]

\[ \text{Replace method used to determine accuracy} \]

\[ \text{Difference} = \text{the 1-hour average minus the reference method average} \]

\[ \text{Only for} \]

Figure 2-3. Accuracy Determination
### PROPOSED RULES

#### Zero and Calibration Drift (2-Hour)

<table>
<thead>
<tr>
<th>Date</th>
<th>Time Begin</th>
<th>Time End</th>
<th>Data Set No.</th>
<th>Zero Reading</th>
<th>Zero Drift (ΔZero)</th>
<th>Span Reading</th>
<th>Calibration Drift (ΔSpan-Zero)</th>
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Zero Drift = (Mean Zero Drift* + CI (Zero)
Emission Standard x 100 =

Calibration Drift = (Mean Span Drift* + CI (Span)
Emission Standard x 100 =

*Absolute Value.

#### Zero and Calibration Drift (24-Hour)

<table>
<thead>
<tr>
<th>Date and Time</th>
<th>Zero Reading</th>
<th>Zero Drift (ΔZero)</th>
<th>Span Reading</th>
<th>Calibration Drift (ΔSpan)</th>
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Zero Drift = (Mean Zero Drift* + CI (Zero)
Emission Standard x 100 =

Calibration Drift = (Mean Span Drift* + CI (Span)
Emission Standard x 100 =

*Absolute value

---

FEDERAL REGISTER, VOL. 39, NO. 177—WEDNESDAY, SEPTEMBER 11, 1974
### Table 2-6. Response Time

<table>
<thead>
<tr>
<th>Date of Test</th>
<th>Span Gas Concentration</th>
<th>Analyzer Span Setting</th>
<th>Upscale</th>
<th>Downscale</th>
<th>Average upscale response</th>
<th>Average downscale response</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>ppm</td>
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<td>seconds</td>
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</table>

System response time = slower time = _______ seconds.

% deviation from slowest time = average upscale minus average downscale x 100%

---


1. **Principle and Applicability.**

1.1 Principle. Gases are continuously sampled in the stack. Emissions are analyzed for oxygen by a continuously operating measurement system.

1.2 Applicability. This method is applicable to the instrument systems specified by subparts for continuously monitoring oxygen. Specifications are given in terms of performance. Test procedures are given to determine the capability of the measurement system to conform to the performance specifications prior to approving the systems installed by an affected facility. Sampling may include either the extractive or non-extractive (in situ) approach.

2. **Apparatus.**

2.1 Calibration Gas Mixtures. Mixture of known concentrations of oxygen in nitrogen, nominal concentration of 50 percent and 90 percent of the instrument span setting is to be used. The instrument span setting is to be used to calibrate the analyzer system output, full scale (per travel) in 2 seconds or less.

3. **Continuous Measurement System for Oxygen.**

3.1 Measurement System. The total equipment required for the determination of oxygen in a given source includes the system consists of three major subcomponents:

3.1.1 Sampling Interface. That portion of the measurement system which performs or more of the following operations: collection, acquisition, transportation, and conditioning of a sample of the source emissions or protection of the analyzer from the hostile aspects of the source or environment.

3.1.2 Analyzer. That portion of the measurement system which causes the pollutant gas to generate a signal output that is a function of the pollutant concentration.

3.1.3 Data Recorder. That portion of the measurement system that provides a permanent record of the output signal in terms of concentration units.

3.2 Span. The value of pollutant concentration at which the measurement system is set to produce the maximum data display output. For the purposes of this method, the span shall be set approximately 1.5 to 2 times the normal oxygen concentration in the stack gas at the affected facility.

3.3 Zero Drift. The change in measurement system output over a stated period of time of normal continuous operation when the oxygen concentration at the time for the measurement is zero.

3.4 Calibration Drift. The change in measurement system output over a stated period of time of normal continuous operation when the oxygen concentration at the time of the measurement is zero.

3.5 Operational Test Period. A minimum period of time over which a measurement system is expected to operate within certain performance specifications without unscheduled maintenance, repair, or adjustment.

4. **Measurement System Performance Specifications.**

A measurement system must meet the performance specifications in Table 3-1 to be considered acceptable under this method.

5. **Performance Specification Test Procedures.** The following test procedures shall be used to determine performance with the requirements of paragraph 4:

5.1 Calibration Check. Establish a calibration curve for the measurement system using zero, mid-scale gas (50%), and span gas mixtures. Verify that the resultant curves of instrument reading vs. calibration gas value is consistent with the expected response curve as described by the instrument manufacturer. If the response curve is not produced, additional calibration gas measurements shall be made, or additional steps undertaken to verify the accuracy of the response curve of the analyzer.

5.2 Field Test for Zero Drift and Calibration Drift. Follow and complete the measurement system in accordance with the manufacturer's written instructions and drawings as follows:
6.1 Procedure for determination of mean values and confidence intervals.

6.1.1 The mean value of a data set is calculated according to equation 3-1:

\[
\bar{x} = \frac{1}{n} \sum_{i=1}^{n} x_i
\]

Equation 3-1

where:
- \( x_i \) = individual values,
- \( \sum \) = sum of the individual values,
- \( \bar{x} \) = mean value, and
- \( n \) = number of data points.

6.1.2 The 95 percent confidence interval (two sided) is calculated according to equation 3-2:

\[
C.I._{95} = \frac{t_{.025}}{\sqrt{n}} \left( \frac{1}{\sqrt{n-1}} \right) \left( \sum x_i^2 - \left( \sum x_i, \right)^2 \right)
\]

Equation 3-2

where:
- \( t_{.025} \) = critical value for the t-distribution with \( n-1 \) degrees of freedom.

6.2 Data Analysis and Reporting.

6.2.1 Zero Drift (2-hour)—Using the zero concentration values measured every 24 hours during the field test, calculate the differences between consecutive 2-hour readings expressed in ppm. Calculate the mean difference and the confidence interval as a percentage of the instrument span. Use example sheet shown in Figure 3-1.

6.2.2 Zero Drift (24-hour)—Using the zero concentration values measured every 24 hours during the field test, calculate the differences between the zero points after zero adjustment and the zero values measured 24 hours later. Report the zero drift as the sum of the absolute mean and confidence interval as a percentage of the instrument span. Use example sheet shown in Figure 3-1.

6.2.3 Calibration Drift (2-hour)—Using the calibration values obtained at 2-hour intervals during the field test, calculate the differences between consecutive 2-hour readings expressed in ppm. These values should be corrected for the corresponding zero drift during that 2-hour period. Calculate the mean and confidence interval of these corrected difference values using equations 3-1 and 3-2. Do not use the differences between non-consecutive readings. Report the calibration drift as the sum of the absolute mean and confidence interval as a percentage of the instrument span.

6.2.4 Calibration Drift (24-hour)—Using the calibration values measured every 24 hours during the field test, calculate the differences between the calibration concentration readings after zero and calibration adjustment and the calibration concentration reading 24 hours later after zero adjustment but before calibration adjustment. Calculate the mean value of these differences and the confidence interval using equations 3-1 and 3-2. Report the sum of the absolute mean and confidence interval as a percentage of the instrument span.

6.2.5 Commissioning Period—During the 168-hour performance and operational test period, the measurement system shall not require any corrective maintenance or repair or replacement or adjustment other than that clearly specified in the operation and maintenance manuals as routine and expected during a 1-week period. If the measurement system operates within the specified performance parameters and does not require corrective maintenance, repair, replacement or adjustment other than as specified above during the 168-hour test period, the operational period will be successfully concluded. Failure of the measurement system to meet this requirement shall call for a repetition of the 168-hour test period. Portions of the test which were satisfactorily completed need not be repeated. Failure to meet any performance specifications shall call for a repetition of the 1-week performance test period and that portion of the testing which is related to the failed specification. All maintenance and adjustments required shall be recorded. Output readings shall be recorded before and after all adjustments.

7. References.


PROPOSED RULES

Zero Drift = [Mean Zero Drift* + CI (Zero)] x 100

Calibration Drift = [Mean Span Drift* + CI (Span)] x 100

*Absolute Value

Figure 3-1. Zero and Calibration Drift (5-Hour)

Zero Drift = [Mean Zero Drift* + CI (Zero)] Instrument Span x 100 =

Calibration Drift = [Mean Span Drift* + CI (Span)] Instrument Span x 100 =

Figure 3-2. Zero and Calibration Drift (24-Hour)

[FR Doc. 74-20576 Filed 9-10-74 8:45 am]
accurate measurement of the emissions for any period of operation and the source, for its own information, will be able to identify those operating conditions associated with low emission levels and strive to maintain those conditions. Presently, one automated system is available which can provide the above data with only an incremental increase (10%) in the total cost of the overall monitoring system. In fact, it is expected that sources which would probably utilize an automated data processing system regardless of the data requirements. In addition, once the data is submitted to the State, it must be made available by the State in accordance with the existing requirements of 40 CFR 51.10(e).

In order to meet the foregoing requirements, state plans must as a minimum adopt provisions equal to or more stringent than those set forth in Appendix P to 40 CFR part 51, which is also being proposed as part of this rulemaking. Appendix P requirements are designed to include the following existing sources and emissions:

(a) Fossil fuel-fired steam generators of more than 250 million BTU per hour heat input (particulates/opacity, sulfur dioxide, nitrogen oxides, and oxygen);
(b) Nitric acid plants (nitrogen dioxide);
(c) Sulfuric acid plants (sulfur dioxide); and
(d) Petroleum refineries' fluid catalytic cracking unit catalyst regenerators (particulates/opacity).

In choosing these types of sources and pollutants listed in Appendix P (and therefore subject to the minimum requirements of 40 CFR 51.19(e)), the Agency has selected sources of the type covered by New Source Performance Standards (NSPS) promulgated pursuant to Section 111 of the Clean Air Act because such sources are the most significant stationary sources of air pollution. Moreover, work by the Agency in the field of continuous emission monitoring has focused almost exclusively on such sources because the Agency committed itself to developing NSPS monitoring when the first NSPS's were promulgated (38 FR 24876, December 23, 1973). However, the minimum requirements for existing sources to install continuous monitors contain two slight differences from those presently being proposed under the NSPS requirements. One is that oil fired boilers are exempted from the minimum requirements for opacity measurement unless a control device is required to comply with the applicable particulate matter emission limitation or a violation of the visible emission limitation has been noted. The rationale for this exemption was the infrequency of visible emission violations from large oil-fired boilers which reduces the need for and value of monitors, and the cost of the large number of monitors that would be required otherwise. The other is that no existing sources would be required to install any continuous monitoring device until a specific performance specification has been developed and promulgated under 40 CFR part 60. This would specifically apply to the present requirements for fluid catalytic cracking unit catalyst regenerators to install a CO monitor. While the NSPS requirements presently contain general specifications that CO monitors must meet, specific performance specifications for carbon monoxide instruments are expected to be proposed and promulgated shortly and as soon as they are, this requirement will be modified to be consistent with 40 CFR part 51. The rationale for this decision is that only a few sources would be required to meet the NSPS requirements before specific specifications could be developed for the monitors. States would be required to install a device which would only be required to meet general specifications. Thus because of the greater number of existing sources to be affected, it was believed in the best interest to postpone the requirement for existing sources until specific performance specifications could be developed.

Appendix P monitoring is being issued simultaneously with a proposed rulemaking for NSPS monitoring requirements.

While the proposed amendments to 40 CFR 51.19(e) only apply to existing sources subject to an applicable Federal or State emission limitation as part of a State control strategy and not to new sources subject to NSPS, a perusal of proposed Appendix P shows that this rulemaking is very closely connected to the proposed NSPS rulemaking. For instance, cross-reference to NSPS rulemaking is essential to determine the minimum instrument performance specifications required by Appendix P. Thus, it is crucial for State agencies and other parties affected by this rulemaking to consider the companion NSPS proposal as part of this rulemaking, and to direct written comments to relevant portions of such proposal as well as this part 51 proposal.

The Agency is continuing to develop data on monitoring devices for sources not included in the minimum requirements being proposed herein. It is EPA's practice to adjust the minimum requirements of Appendix P from time to time as ongoing studies show the economic and technological feasibility of new requirements. In particular, Appendix P will be modified to reflect monitoring requirements developed in conjunction with future NSPS promulgations. The Agency's studies will not be limited in this regard, however, and EPA will, appropriately, revise Appendix P to include sources which are not of the type covered by NSPS.

Since the requirements of 40 CFR 51.19 (e) will be expanded periodically as the Agency completes more studies, it is suggested that State agencies explore with counsel ways to draft their regulations so as to incorporate automatically the standards and requirements of 40 CFR 51.19 (e) and Appendix P as they may be amended from time to time. In this way, States might avoid the process of submitting plan revisions after every expansion of Appendix P. Affected parties would have notice and opportunity to comment as the minimum requirements are expanded. In some cases such requirements will be proposed as amendments to 40 CFR part 51 in the same manner as this rulemaking is being proposed.

It should be stressed that Appendix P sets forth minimum requirements in order for States to comply with 40 CFR 51.19(e); in keeping with the basic framework of Clean Air Act Implementa-

[The document continues with further details on proposed rules and requirements.]
operating parameters in certain cases, such as percent oxygen, to allow for a more accurate conversion of the concentration measurement to mass units than that required. It is proposed if the concentration measurement is used as the sole source of evidence to determine compliance.

The above issues concerning the use of the data for principal evidence should not de-emphasize the enforcement benefits of installing such devices on significant sources of air pollution. The data obtained from these monitoring systems can be used to determine the effectiveness of emission control systems and/or monitoring techniques and serve as a guide for determining when compliance tests or inspections should be conducted. Thus, resources which would be required for several periodic manual stack tests and/or inspections may be conserved without the loss of valuable surveillance information.

In preparing their plans, States are encouraged to review and consider a number of reports on the technical status of emission monitors for various pollutants which have been published by the industry and the Agency (see Reference following this text) as well as the associated environmental issues. Furthermore, interested persons should review the technical support document entitled Performance Specifications for Stationary Source Monitoring Systems for Gas and Visible Emissions, EPA-680/2-74-015, January 1974, which the Agency used to develop the minimum performance specifications required for monitoring instruments. The above document is available from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22151. (Specify PB 230-934/AF) A copy is available for public inspection at the Freedom of Information Center, EPA, Room 223, 401 M Street SW, Washington, D.C. 20460.

Since some States may already have a requirement to install continuous monitors and/or sources have complied with these regulations, these States may exempt from the requirements set forth in Appendix P those on-site monitoring systems which have been installed in accordance with the appendix. A copy of this appendix should be submitted to the Office of Public Affairs, 401 M Street SW, Washington, D.C. 20460.

This notice of proposed rulemaking is issued under the authority of sections 110(a)(2)(F), (I)(III) and 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857(g)(2)(F), (I)(III) and 1251(a)(2)).

Dated: August 28, 1974.

RUSSELL E. TOWN,
Administrator.

REFERENCES


It is proposed to amend 40 CFR Part 51 as follows:

1. Section 51.19 is amended by adding paragraph (e) as follows:

§ 51.19 Source surveillance.

(e) Legally enforceable procedures to require stationary sources which are subject to an applicable emission limitation as part of a control strategy to install, calibrate, and operate an instrument for continuously monitoring and recording emissions. (1) Such procedures shall identify those types of sources and category or capacity, that must install such equipment, and shall identify for each type of source which pollutants must be monitored.

(2) Such procedures shall, as a minimum, require the types of sources set forth in Appendix P of this part (as such appendix may be amended from time to time) to meet all of the applicable equipment and calibration requirements specified in Appendix P.

(3) Such procedures shall contain provisions which require the owner or operator of each source subject to continuous emission monitoring and recording requirements to maintain a file of all measurements reduced to the units of the applicable emission regulation, to retain the record of any such measurements for at least two years following the date of such measurements, to summarize such measurements monthly, and to submit such summary data in writing to the Administrator on a quarterly or more frequent basis.

(4) Such procedures shall provide that sources subject to the requirements of paragraph (e)(3) of this section shall have installed all necessary instruments and shall have begun monitoring and recording and reporting within one year of the promulgation of this regulation.

2. In this part, Appendix P is added as follows:

APPENDIX P


(a) This Appendix P sets forth the minimum requirements for continuous emission monitoring and recording that each plan must include in order to be approved under 40 CFR Part 51.

(b) The provisions of this Appendix P shall not apply to any source which is subject to a new performance standard promulgated in 40 CFR Part 60 pursuant to Section 111 of the Clean Air Act.

(c) Continuous monitoring systems for measuring opacity shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive fifteen-minute period.

(d) Continuous monitoring systems for measuring oxides of nitrogen or sulfur dioxide shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive fifteen-minute period.

(e) Continuous monitoring systems for measuring emissions or process parameters shall not apply to any source which is subject to a new performance standard promulgated in 40 CFR Part 60 pursuant to Section 111 of the Clean Air Act.

(f) All continuous monitoring systems shall be installed at sampling locations where the most representative sample of emissions can be obtained.

(g) Upon approval of the Administrator, the State may waive any part of § 51.19(e) for installing a continuous monitoring system for opacity which is subject to a new performance standard promulgated in 40 CFR Part 60 pursuant to Section 111 of the Clean Air Act.

(h) All continuous monitoring systems installed in accordance with the requirements of this section shall be calibrated in accordance with the method(s) prescribed by the manufacturer(s) of such equipment, and shall meet the accuracy and calibration procedures at least once a year unless the manufacturer(s) of the monitoring system equipment specifies other monitoring requirements.

(i) Upon approval of that request, the Administrator may prescribe other monitoring requirements for such source.

(j) All continuous monitoring systems installed in accordance with the requirements of this section shall be calibrated in accordance with the method(s) prescribed by the manufacturer(s) of such equipment, and shall meet the accuracy and calibration procedures at least once a year unless the manufacturer(s) of the monitoring system equipment specifies other monitoring requirements.

(k) Continuous monitoring systems installed in accordance with the requirements of this section shall be calibrated in accordance with the method(s) prescribed by the manufacturer(s) of such equipment, and shall meet the accuracy and calibration procedures at least once a year unless the manufacturer(s) of the monitoring system equipment specifies other monitoring requirements.

(l) All continuous monitoring systems installed in accordance with the requirements of this section shall be calibrated in accordance with the method(s) prescribed by the manufacturer(s) of such equipment, and shall meet the accuracy and calibration procedures at least once a year unless the manufacturer(s) of the monitoring system equipment specifies other monitoring requirements.

(m) All continuous monitoring systems installed in accordance with the requirements of this section shall be calibrated in accordance with the method(s) prescribed by the manufacturer(s) of such equipment, and shall meet the accuracy and calibration procedures at least once a year unless the manufacturer(s) of the monitoring system equipment specifies other monitoring requirements.

(n) All continuous monitoring systems installed in accordance with the requirements of this section shall be calibrated in accordance with the method(s) prescribed by the manufacturer(s) of such equipment, and shall meet the accuracy and calibration procedures at least once a year unless the manufacturer(s) of the monitoring system equipment specifies other monitoring requirements.

(o) All continuous monitoring systems installed in accordance with the requirements of this section shall be calibrated in accordance with the method(s) prescribed by the manufacturer(s) of such equipment, and shall meet the accuracy and calibration procedures at least once a year unless the manufacturer(s) of the monitoring system equipment specifies other monitoring requirements.

(p) All continuous monitoring systems installed in accordance with the requirements of this section shall be calibrated in accordance with the method(s) prescribed by the manufacturer(s) of such equipment, and shall meet the accuracy and calibration procedures at least once a year unless the manufacturer(s) of the monitoring system equipment specifies other monitoring requirements.

(q) All continuous monitoring systems installed in accordance with the requirements of this section shall be calibrated in accordance with the method(s) prescribed by the manufacturer(s) of such equipment, and shall meet the accuracy and calibration procedures at least once a year unless the manufacturer(s) of the monitoring system equipment specifies other monitoring requirements.

(r) All continuous monitoring systems installed in accordance with the requirements of this section shall be calibrated in accordance with the method(s) prescribed by the manufacturer(s) of such equipment, and shall meet the accuracy and calibration procedures at least once a year unless the manufacturer(s) of the monitoring system equipment specifies other monitoring requirements.

(s) All continuous monitoring systems installed in accordance with the requirements of this section shall be calibrated in accordance with the method(s) prescribed by the manufacturer(s) of such equipment, and shall meet the accuracy and calibration procedures at least once a year unless the manufacturer(s) of the monitoring system equipment specifies other monitoring requirements.

(t) All continuous monitoring systems installed in accordance with the requirements of this section shall be calibrated in accordance with the method(s) prescribed by the manufacturer(s) of such equipment, and shall meet the accuracy and calibration procedures at least once a year unless the manufacturer(s) of the monitoring system equipment specifies other monitoring requirements.

(u) All continuous monitoring systems installed in accordance with the requirements of this section shall be calibrated in accordance with the method(s) prescribed by the manufacturer(s) of such equipment, and shall meet the accuracy and calibration procedures at least once a year unless the manufacturer(s) of the monitoring system equipment specifies other monitoring requirements.

(v) All continuous monitoring systems installed in accordance with the requirements of this section shall be calibrated in accordance with the method(s) prescribed by the manufacturer(s) of such equipment, and shall meet the accuracy and calibration procedures at least once a year unless the manufacturer(s) of the monitoring system equipment specifies other monitoring requirements.
(a) The following continuous monitoring systems shall be installed, calibrated, main-
tained and operated by the owner or oper-
ator of any fossil fuel-fired steam generator of more than 200 million Btu per hour heat
input.
(1) A continuous monitoring system for the measurement of the opacity of emis-
sions, except where:
(i) gaseous fuel is the only fuel burned, or
(ii) oil is the only fuel burned and the source is able to comply with the applicable
particulate matter regulation without utili-
zation of emission control equipment and no
violation of the visible emission limitation
has been noted.
(2) A continuous monitoring system for the measurement of sulfur dioxide emissions except where:
(i) gaseous fuel is the only fuel burned, or
(ii) low-sulfur fuels are used to achieve
compliance with the applicable control strat-
yegy and the source owner or operator elects
to conduct fuel analyses, under subparagraph
(a) (1) above, the following procedures shall be
used for the analysis and for computing average daily sulfur dioxide emissions for a
calendar day where applicable to report the
data in the units of the applicable standard
under subparagraph (b) (II) above. The sulfur con-
tent of a representative sample of the fuel
or combinations of fuels fired each calendar
day shall be determined and the high heating
value shall be determined weekly in ac-
cordance with the following:
(II) The sulfur content (S%) and high heating value (HHV) of solid fuels shall be
determined by using A.S.T.M. (American Society for Testing and Materials) test meth-
ods D271-70 (%S) and D2234-68(72) for sam-
ping preparation, and D271-70 (S% and HHV), alternate method D2235-66(73) may be used only for the high heating value analysis (HHV). For A.S.T.M.
test method D2234-68(72) the methods of increment collection shall be Type 1 (see
(4.2.1), conditions A, B, or D (see 4.3.4), and
systematic spacing (see 4.4.1) for each lot. The number and weight of increments se-
lected shall be the same as listed within Table 2 of the method.
(II) The sulfur content (%S) and high heating value (HHV) of liquid fuels shall be
determined by using A.S.T.M. 'test method D360-84(73) for the complete sample (HHV
and %S). Alternate methods D1552-64 or D1552-68 may be used only for the sulfur
analysis (%S).
(B) Average daily sulfur dioxide emissions shall be computed for each lot of fuel as
follows:

\[ E_{s,avg} = \frac{\sum (20,000) \times (\%S)}{\text{HHV}} \]

where:
\( \%S \) = average daily sulfur dioxide emiss-
ion, g/million (lb/million BTU),
\( E_{s,avg} \) = sulfur content by weight of the fuel,
dry basis (expressed as percent),
\( \text{HHV} \) = high heating value of fuel (cal/g).

(b) Continuous monitoring systems for measuring nitrogen oxides emissions shall be
installed, calibrated, maintained and operated by the owner or operator of any fossil
fuel-fired plant. The sulfur gas used to prepare calibration gas mixtures (Section 2.1, Per-
formance Specification 2, Appendix B, Part 60)
shall be nitric oxide (NO). (1)
(2) Continuous monitoring system for the measurement of sulfur dioxide shall be
installed, calibrated, maintained and operated by the owner or operator of any any
sulfuric acid plant.
(3) Continuous monitoring systems for the measurement of the opacity of emissions
from any fluid catalytic cracking unit cata-
yzation regenerator in operation at a petroleum
refinery shall be installed, calibrated, main-
tained and operated by the owner or oper-
ator of such petroleum refinery.
(a) The following continuous monitoring systems shall meet the requirements of the
following performance specifications of Ap-
pendix B of Part 60, each of which is hereby incorporated herein by reference:
(1) Continuous monitoring systems for measuring opacity shall comply with Per-
formance Specification 1.
(2) Continuous monitoring systems for measuring sulfur dioxide shall comply with
Performance Specification 2.
(3) Continuous monitoring systems for measuring nitrogen oxides shall comply with
Performance Specification 3.
(4) Continuous monitoring systems for measuring oxygen-only emissions shall comply
(b) The test procedures outlined with each Performance Specification must be fol-
lowed to insure that the instruments meet the
specifications as prescribed. Notwithstanding
the foregoing, a state may exempt any source which has purchased a monitoring
system(s) from equipment vendor(s)
prior to the date of this proposal from meeting
such testing procedures prescribed by Ap-
pendix B of Part 60 for a period not to exceed
five years from...
FEDERAL ENERGY ADMINISTRATION

MIDDLE DISTILLATE FUELS

Proposed Allocation Levels for Space Heating Requirements and Allocation to Electric Utilities; Public Hearing
need and present warning notices to their purchasers which are not conserving fuel also may thus be to encourage home heating oil purchasers to switch to use of natural gas or electricity.

FEDERAL ENERGY ADMINISTRATION

The Federal Energy Administration hereby gives notice of a proposal to amend Title 10 of the Code of Federal Regulations, Part 211, Subpart C, to make certain changes with respect to the allocation of middle distillate fuels.

Under the present regulations, space heating requirements are assigned an allocation level of one hundred (100) percent of base period use, not subject to an allocation fraction, but subject to certain reductions in ambient indoor temperatures in most cases. Suppliers are required to make deliveries of middle distillate to space-heating end-users and wholesale purchaser-consumers on the basis of certified need, which is the calculated quantity of fuel needed to maintain the ambient indoor temperature at the reduced levels specified for that type of building. Calculation of certified need is based either on historical usage factors for each building, or on quantitatively consumed and actual degree-days exposure during the latest thirty days of normal heating usage before January 15, 1974. In cases where the space heating end-user or the wholesale purchaser-consumer has not complied with the temperature reduction requirement, the supplier must present a warning notice to the purchaser run in the danger of running out of fuel if it does not take action to conserve fuel.

FEDERAL ENERGY ADMINISTRATION

The proposal would require suppliers to notify utilities of their anticipated ability to supply the amounts specified by FEA. In addition, utilities would be required to notify suppliers of their willingness to accept delivery. The proposal would also require suppliers and utilities to agree on reduced delivery levels or extensions when necessary. If a supplier were unable to supply the required amounts, and the supplier and utility could not agree on a reduced delivery level or extension, FEA would determine the amounts, if any, to be delivered and the schedule for delivery.

As required by section 7(c) (2) of the Federal Energy Administration Act of 1974, Pub. L. 93-276, 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 commented as follows:

1. FEA supports the first part of FEA's proposed rulemaking to amend 10 CFR Part 211, Subpart C, which would broaden the allocation program to allow space heating users of middle distillates to receive 100 percent of current requirements, rather than 100 percent of the 1972 base period use subject to the allocation fraction, instead of the present 100 percent of base period use.

2. FEA proposes to eliminate the present required reductions in ambient indoor temperature, and the corresponding requirement that suppliers make deliveries on the basis of certified need. FEA has concluded that the current method for requiring conserved fuel to be delivered only by users of middle distillate for space heating is basically unenforceable and impacts inequitably on purchasers of home heating oil. Because FEA does not have the authority to impose comparable mandatory conservation measures on purchasers of natural gas or electricity, to treat home heating oil users more stringently for conserving conserved fuel does not seem fair. The principal effect of the proposal that suppliers make deliveries on the basis of certified need and present warning notices to their purchasers which are not conserving fuel also may thus be to encourage home heating oil purchasers to switch to use of natural gas or electricity.

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that a middle distillate allocation program could be so cumbersome as to defeat FEA's goal of "supplies that are realistic to utilities and that can be purchased and utilized by firms using them in power generation. Any middle distillate allocation program for utilities with Part 215 unless other the program or Part 216 were approximately amended. Of course, Part 215 can currently limit upgrading of residual fuels. It might prove simpler, as individual upgrading needs arise, for FEA to authorize them as exceptions then if middle distillates were to become part of an elaborate allocation program. Such a program may be difficult to administer because of Part 215, which generally could not be certain that their distillate requirements, if other than on the Part 215 base period will conform with the new allocation regulation. Thus, utilities would be better served if they were allowed to continue to use the market place for their quality blending and/or any emergency fuel needs, and if Part 215 should become an issue, to seek exceptions.

A public hearing on this proceeding will be held beginning at 9:30 a.m., on Friday, September 27, 1974, at the Federal Building, 13th and Pennsylvania Avenue NW., Washington, D.C., to receive comments from interested persons. 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 by FEA, at Room 20461, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 9 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he is a proper representative of a group or class of persons which has such an interest; and to give a complete summary of the proposed oral presentation and a phone number where he may be contacted through September 24, 1974.

Each person selected to be heard will be notified by the FEA, before 5:30 p.m., e.d.t., September 24, 1974 and must submit 100 copies of a written statement to Executive Communications, FEA, Room 3309, Federal Building, Washington, D.C., 20461, before 9 a.m. e.d.t., September 27, 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 allocative will be designated to preside at the hearing. It could 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. Applications made by the FEA with respect to the subject
§ 211.123 Allocation levels.

(a) Allocation levels not subject to an allocation fraction. (1) One hundred (100) percent of current requirements for the following uses:
   (i) Agricultural production;
   (ii) Military and Defense use as specified in § 211.26.
(2) The allocation level as specified for each month by the FEA for utility use. In specifying the allocation level for each utility, the FEA may include but is not limited to the following considerations:
   (i) The extent to which each utility within appropriate groupings can absorb an equal percentage cutback in middle distillate supply;
   (ii) The extent to which utility coordination of dispatch can be more effective in achieving optimum conservation of critical fuels in periods of short supply;
   (iii) The extent to which non-oil based energy may be utilized more fully than at present;
   (iv) Where applicable, a utility's or a utility system's operable reserve capacity;
   (v) The extent to which each utility within appropriate groupings can import non-oil based energy;
   (vi) The extent to which certain minimal levels of middle distillate consumption are essential as determined by the FEA after appropriate consultation with the Federal Power Commission (FPC), to supply portions of a power system requirement that cannot be supplied by non-oil fired generation, or for other special considerations. Any volumes so identified shall be counted as part of a utility's total allocation;
   (vii) The extent to which utilities currently use natural gas supplies under interruptible contracts and the extent to which those contracts have been curtailed;
   (viii) The extent of available stocks of middle distillate fuel held by each utility;
   (ix) The logistics of resupply and inventory practices of each utility;
   (x) Any increase in a utility's middle distillate fired generation capacity since the base period.

(b) Allocation levels subject to an allocation fraction. (1) One hundred (100) percent of current requirements (as reduced by the application of an allocation fraction) for the following uses:
   (i) Emergency services;
   (ii) Energy production;
   (iii) Manufacture of ethical drugs and related research;
   (iv) Sanitation services;
   (v) Telecommunications services;
   (vi) Passenger transportation services;
   (vii) Cargo, freight, and mail hauling except as set forth elsewhere in this section;
   (viii) Aviation ground support vehicles and equipment;
   (ix) Nonmilitary marine shipping, both foreign and domestic (except cruise ships carrying passengers for recreational purposes). Sales to vessels engaged in the foreign trade of the United States shall be made on a nondiscriminatory basis subject to statutory and flag of registration, subject to modification by the FEA following consultation with appropriate Federal agencies on a case-by-case basis if required for emergency purposes, reciprocal nondiscriminatory allocation of middle distillate fuels in foreign ports to vessels engaged primarily in the foreign trade of the United States;
   (c) Industrial use except for space heating;
   (x) Petrochemical feedstock use; and
   (xi) Space heating requirements.
   (2) One hundred (100) percent of base period use (as reduced by application of an allocation fraction) for the following uses:
   (i) Synthetic natural gas plant feedstock use; and
   (ii) All other non-space heating uses.

2. Section 211.123 is revised in paragraphs (b) and (c), and is amended by adding paragraph (d) to read as follows:

§ 211.126 Method of allocation.

(d) General. Based on the estimated total supply of middle distillate, on allocation levels set forth in § 211.123, on the State set-aside percentage and on other relevant consideration, the FEA shall determine the portion of total supply for non-utility use and the portion of total supply for utility use for delivery during a month or months in accordance with paragraphs (c) and (d) of this section. The FEA may make its determinations for a single month or for several months at a time.

(e) Non-utility. The portion of each supplier's allocable supply not directed to the utility shall be allocated pursuant to § 211.10. Provisions to adjust a wholesale purchaser's base period volume are specified in paragraphs (c), and end-users are subject to the requirements of § 211.12.

(f) Utilities. (1) Within 10 days of the effective date of this section, each utility which purchases middle distillate fuels shall report to the National FEA the following information:
   (i) The name, address and telephone number of each base period supplier for each base period;
   (ii) The name of the utility's personal contract with each of its suppliers;
   (iii) The amounts of middle distillate supplied by each supplier during each base period; and
   (iv) All information relating to any adjustments or assignments which have been made by FEA.

(2) For purposes of calculating the allocation of middle distillate to utilities for delivery during a month:
   (i) The FEA shall determine the amount of middle distillate allocated for delivery to each utility for a month or months and the amounts required to be supplied each month by each supplier, and shall notify utilities and suppliers of this determination. The amounts to be supplied by each supplier will be calculated by multiplying each utility's specified monthly allocation by the percentage of the utility's total deliveries during the base period which were supplied by each supplier for the purpose of assuring allocations which, to the maximum extent practicable, maintain availability of utility services. Where more than one month's allocation is specified at one time a utility may request, after notifying FEA, that its supplier deliver in advance up to twenty (20) percent of the following month's allocation. The following month's or months' allocation shall be reduced by the amount delivered in advance. If the supplier advises a utility that it cannot supply the additional amount the utility may contact the FEA to review and adjust the volume to be delivered or assign a new supplier for all or part of the requested additional delivery of amounts in excess of twenty (20) percent of the following month's allocation must be approved by FEA. The FEA may adjust the percentages to be supplied by particular suppliers on the basis of contract relationships, logistical problems, availability of fuels of specified quality from suppliers, and other relevant information which may be reported to the FEA by suppliers and utilities. The FEA may at any time modify the determinations under this subparagraph and the amounts to be supplied to each utility by each supplier, and shall notify utilities and suppliers of any such modification.
   (ii) Within seven days of the date of notice by the FEA of the information set forth in paragraph (d) of this section, each supplier of a utility shall notify the utility of its anticipated ability to supply during each month covered by the notice the entire amounts of middle distillate required to be supplied by that supplier. If a supplier of a utility is unable to supply its specified amounts for a month the supplier may request a reduced delivery level or an extension of the delivery period into the following month. Following receipt of a request for a reduced delivery level or extension, the utility must notify the supplier within 48 hours whether the requested reduced delivery level or extension and the amount to be delivered during the extension period are acceptable. If the utility refuses to accept the reduced delivery level or extension, the supplier and utility shall notify the FEA of the reason for the refusal. The utility and supplier for refusal to accept the reduced delivery level or extension by the utility. The FEA shall then determine the amount to be delivered and the date or dates for delivery. For months for which the FEA notifies utilities and suppliers more than one month in advance under paragraph (d) (2) (i) of this section, each supplier of a utility shall notify the utility at least 10 days prior to the beginning of the month to which the allocation applies.
its ability to supply the entire amount of middle distillate required to be supplied by that supplier. Within 48 hours after a utility is notified by a supplier of its ability to supply, the utility must notify the supplier of its willingness to accept delivery.

(3) Suppliers and utilities may apply to the FEA for adjustment of the allocations established as provided in paragraph (d) (3) (i) of this section or for assignment of a new supplier in accordance with the provisions of Subpart B of Part 305 of this chapter. Such petitions must be filed by the 10th day of the month preceding the month for which such adjustment or assignment is requested in order to be considered for decision or interim relief with respect to adjustment to the allocation amounts or assignment of a new supplier for the month. Utilities may, and are encouraged to, by mutual agreement and after notice of FEA, reapportion their respective allocated middle distillate fuel volumes, other fuel volumes, or generated power among themselves.

3. Section 211.127 is amended in paragraphs (a) and (c) to read as follows:

§ 211.127 Procedures and reporting requirements.

(a) All matters pertaining to the allocation of middle distillate fuels except to utility users shall be addressed to the appropriate State Office or Regional FEA as specified within this part. All matters pertaining to the allocation of middle distillate fuels to utility users shall be addressed to FEA Electric Utilities Reports, Code 47, Washington, D.C. 20461, and to the Chairman, Federal Power Commission.

(c) Hardship applications except for electric utilities may be submitted to the appropriate State Office for undue hardship resulting from the provisions of this subpart.

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