US GOVERNMENT INFORMATION GPO

federal register

WEDNESDAY, OCTOBER 31, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 209

Pages 29953–30089

PART I

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federal register

Area Code 202 Phone 523–5240

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

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

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

PART 424—UTILITIES, RAILROADS, HIGHWAY/RAILROAD GRADE CROSSINGS

This amendment adds a new part, Part 424, comprising Subparts A and B, to the regulations of the Federal Highway Administration.

Part 424, Subpart A, sets forth policies for the adjustment and relocation of utility facilities on Federal-aid highway projects and projects under the direct supervision of the Federal Highway Administration, except Secondary Road Plan projects. It implements 23 U.S.C. 123, and codifies policies contained in Federal Highway Administration Policy and Procedure Memorandum 30-4, dated June 29, 1973, which revised the earlier Policy and Procedure Memorandum published in 23 CFR Part 1, Appendix A [35 FR 18719 December 10, 1970].

Part 424, Subpart B, prescribes the policies for accommodating utilities in the right-of-way of Federal and Federal-aid highway projects and codifies policies contained in Federal Highway Administration Policy and Procedure Memorandum 30-4.1, dated November 29, 1972, which revised the earlier Policy and Procedure Memorandum published in 23 CFR Part 1, Appendix A (35 FR 18719, December 10, 1970).

In consideration of the foregoing, and effective October 29, 1973, Chapter 1 of Title 23, Code of Federal Regulations, is amended by adding new Part 424, Subparts A and B.

Subpart A—Utility Relocation and Adjustments

Sec.

Subpart B—Accommodation of Utilities

AUTHORITY.—23 U.S.C. 123; 23 U.S.C. 315; delegation of authority in 49 CFR 1.48(b).

Subpart A—Utility Relocation and Adjustments

§ 424.101 Purpose and application.

(a) To prescribe the policies for the adjustment and relocation of utility facilities on Federal-aid highway projects and projects under the direct supervision of the Federal Highway Administration (FHWA), except Secondary Road Plan projects. It also prescribes the extent to which Federal funds may be applied to the costs incurred by or on behalf of utilities in the adjustment or relocation of their facilities required by the construction of such projects. At the election of the State, an alternate procedure for simplifying the processing of utility relocations and adjustments is provided under § 424.116.

(b) The provisions of this subpart apply to reimbursement claimed by the State for costs incurred under all State or political subdivision-utility agreements, which are entered into after the date of issuance.

(c) Where lines or facilities to be relocated or adjusted by reason of the highway construction are privately owned, located on the owners' land, devoted exclusively to private use and not directly or indirectly serving the public, the provisions of the FHWA right-of-way procedures apply.

(d) Where the utility holds a compensable interest in the land occupied by its facilities, and the relocation involves all or a substantial portion of, or extensive damage to, the utility's physical plant or operating facilities, an analysis shall be made by the State, subject to concurrence by FHWA to demonstrate whether the cost of relocation determined under the provisions of this memorandum will exceed the market value of the utility's real property determined by appraisals under FHWA directives applicable to appraisals. Any proposed settlement above the amount established by the appraisal process shall require justification as being the most feasible and economical solution available.

(e) Where State law or regulation provides payment standards more liberal than those established by this subpart the provisions of this subpart shall govern FHWA reimbursement to the State. Conversely, where State law or regulation provides more restrictive payment standards, the State standards shall govern such reimbursement. A determination shall be made by the State subject to the concurrence of FHWA as to which standards will govern, and the record documented accordingly, for each relocation encountered. In making the determination as to which standard is the most restrictive, the net cost of relocation, excluding any cost sharing arrangement between the State and the utility, shall be computed by obtaining the reimbursable amount under each of the following: (1) The State's standards and (2) the standards provided for by this subpart. Any cost sharing arrangement required by law or agreement between the State and the utility shall be applied to the lesser of the two sums so obtained to establish the amount eligible for Federal fund participation.

(f) Where the highway construction which requires the utility relocation is under the direct supervision of FHWA, all references herein to the State are inapplicable. Under such circumstances, it is intended that FHWA be considered in the relative position of the State.

(g) On Secondary Road Plan projects where Federal-aid participation is requested in the costs of utility relocations, the provisions of 23 CFR, Part 305, and the approved Secondary Road Plan agreement will apply.

§ 424.102 Definitions.

For the purpose of this subpart, the following definitions shall apply:

(a) "Utility" shall mean and include all privately, publicly, or cooperatively owned lines, facilities, and systems for producing, transmitting, or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage, and other similar commodities, including publicly owned fire and police signal systems and street lighting systems, which directly or indirectly serve the public or any part thereof. The term "utility" shall also mean the utility company, inclusive of any wholly owned or controlled subsidiary.

(b) The terms "reimburse" and "participate," or their derivatives, shall mean that Federal funds may be used to reimburse the State on Federal-aid projects, or to make payments to the utility on projects under the direct supervision of FHWA to the extent provided by applicable law.

(c) "Replacement rights-of-way" shall mean the land and interests in land acquired for or by the utility as necessitated by the highway construction.

(d) "Preliminary engineering" shall mean locating, making of surveys, preparation of plans, specifications, and estimates and other related preparatory work in advance of construction operations.

(e) "Construction" shall mean the actual building and all related work including utility relocation or adjustments, incidental to the construction or reconstruction of a highway project, except for preliminary engineering or right-of-way work which is programed and authorized as a separate phase of work.

(f) "Salvage value" is the amount received for utility property removed, if sold; or if retained for reuse, the amount at which the material recovered is charged to the utility's accounts.

(g) "Work order system" is a procedure for accumulating and recording into separate accounts of a utility all costs to the utility in connection with any change in its system or plant.

(h) "Program approval" shall mean approval by FHWA of programs of projects proposed by the State. Projects involve preliminary engineering, rights-of-way acquisition or construction at specific locations.

(i) "Authorization" shall mean authorization to the State by the Division Engineer to proceed with any phase of a project previously or concurrently given program approval. The date of authorization establishes the date of eligibility for Federal funds to participate in the costs incurred on that phase of work.

(j) "Relocation" shall mean the adjustment of utility facilities required by the highway project, such as removing and reinstalling the facility, including necessary rights-of-way, on new location, moving or rearranging existing facilities or changing the type of facility, including any necessary safety and protective measures. It shall also mean constructing a replacement facility functionally equal to the existing facility, where necessary for continuous operation of the utility service, the project economy, or sequence of highway construction.

(k) "Cost of removal" is the cost of demolishing, dismantling, removing, or otherwise disposing of utility property and cleaning up required to leave the site in a neat and presentable condition.

(l) "Cost of salvage" is the amount expended to restore salvaged utility property to usable condition after its removal.

(m) "Overhead costs" shall mean those costs not chargeable directly to accounts pertaining to the relocation which are determined on the basis of a rate or percentum factor supported by overhead clearing accounts, or such other means as will provide an equitable allocation of actual and reasonable overhead costs to specific relocation jobs. Such costs may include expenses for general engineering and supervision, general office services, legal services, insurance, relief, pensions, taxes and construction engineering and supervision by other than the accounting utility.

(n) "Betterments" shall mean and include any upgrading to the facility being relocated made solely for the benefit of and at the election of the utility, not attributable to the highway construction.

(o) "The cost of any improvements necessitated by or in accommodation of the highway construction" shall mean the cost of providing improvements in the relocated or adjusted facility that are needed to protect or accommodate the highway and its safe operation.

§ 424.103 Eligibility.

(a) Federal funds may participate, at the pro rata share applicable, in an amount actually paid by a State, or a political subdivision thereof, for the costs of utility relocations under one or more of the following conditions:

(1) Where the utility has the right of occupancy in its existing location by reason of holding the fee, an easement or other real property interest, the damaging or taking of which is compensable in eminent domain.

(2) Where the utility occupies either publicly or privately owned land or public right-of-way, and the State's payment of the costs of relocation is made pursuant to State law and does not violate a legal contract between the utility and the State, provided an affirmative finding has been made by FHWA that such a law forms a suitable basis for Federal-aid fund participation under the provisions of 23 U.S.C. 123.

(3) Where the utility which occupies publicly owned lands or public right-of-way is owned by an agency or political subdivision of a State, and said agency or political subdivision is not required by law or agreement to relocate its facilities at its own expense, provided the State has furnished a statement to FHWA establishing and/or citing its legal authority or obligation to make such payments, and an affirmative finding has been made by FHWA that such a statement forms a suitable basis for Federal-aid fund participation under the provisions of 23 U.S.C. 123. This statement should reflect the basis of the State's payment Statewide except where conditions otherwise limit its application to political subdivisions, projects or individual relocations.

(b) Where a State enacts a new utility relocation statute or amends an existing statute and requests reimbursement pursuant to the provisions of paragraph (a) (2) or (3) of this section, the State shall furnish FHWA copies of the statute, along with a statement reflecting the difference, if any, between the utility relocation payment standards under State law and those established by this subpart. FHWA may conditionally authorize utility relocations subject to an affirmative finding by FHWA that the State's submission forms a suitable basis for reimbursement under 23 U.S.C. 123. Should at any time the utility relocation statute become a matter of litigation, the State shall so inform FHWA.

(c) Federal funds may not participate in payments made by a political subdivision for relocation of utility facilities where State law prohibits a State from making payment for relocation of utility facilities.

(d) Where the basis of the State's payment of the cost of relocation is made pursuant to the conditions under § 424.103(a)(1), the State shall obtain and have on record suitable evidence of the utility's title to a compensable real property interest. Where the utility's property interest is not a matter of public or private record an affirmative finding by the State's legal counsel of the utility's compensable interest shall be incorporated as part of the State's records. Cases involving the relocation of utilities occupying Federal lands are to be submitted to FHWA for review in accordance with the provisions of § 424.107(1).

(e) Where the advance installation of new utility facilities, crossing or otherwise occupying the proposed right-of-way of a future planned highway project, is either underway, or scheduled to be underway, prior to the time such right-of-way is purchased by or under control of the State, arrangements should be made for such facilities to be installed in a manner that will meet the requirements of the future planned highway project. Federal funds are eligible to participate in the additional costs incurred by the utility that are attributable to and in accommodation of the planned highway project, provided such costs are incurred subsequent to authorization of the work by the FHWA. Subject to the other provisions of this subpart, reimbursement may be approved under the foregoing circumstances when it is demonstrated that the action taken is necessary to protect the public interest, and the adjustment of the facility is necessary by reason of the actual construction of the planned highway project.

§ 424.104 Rights-of-way.

(a) Reimbursement may be approved for the cost of replacement right-of-way incurred after the date the work is included in an approved program and replacement right-of-way for utilities is authorized by FHWA: *Provided*, That,

(1) The State's payment does not violate the law of the State or violate a legal contract between the utility and State; and

(2) There will be no charge to the project for that portion of the utility's existing right-of-way being transferred to the State for highway purposes; and

(3) The utility has the right of occupancy in its existing location by reason of holding the fee, an easement or other real property interest, the damaging or taking of which is compensable in eminent domain, or the acquisition is made in the interest of project economy or is necessary to meet the requirements of the highway project.

(b) Expenses incurred by the utility incident to the acquisition of replacement rights-of-way may be reimbursed. These expenses may include such items as: Salaries and expenses of utility employees while engaged in the appraisal of and negotiation for such right-of-way, amounts paid independent appraisers for appraisals made of such right-of-way, recording costs, deed fees, and similar costs normally paid incident to land acquisition.

(c) The utility shall determine and record its valuation of the replacement rights-of-way that it acquires, prior to negotiation for its acquisition. This means the utility should, by its record be in a position to justify amounts paid for such right-of-way. The valuation may consist of appraisals by utility employees or by independent appraisers. Sound valuation and acquisition practices should be followed by the utility.

(d) Acquisitions of rights-of-way by the State for a utility shall be in accordance with FHWA directives applicable to right-of-way acquisition.

(e) Where the utility has the right-of-occupancy in its existing location by reason of holding the fee, an easement or other real property interest, and it is not necessary by reason of the highway construction to adjust or replace the facilities located thereon, the taking and damage of the utility's real property, including the disposal or removal of such facilities, is a matter for consideration as a right-of-way transaction in accordance with FHWA directives applicable to right-of-way acquisition.

(f) Where a utility company has a compensable property interest in land to be acquired for a scenic strip, overlook, rest area, or recreation area, the State is to take steps necessary to protect and preserve the area or strip being acquired. This will require a determination by the State whether retention of the utility at its existing location, will now or later adversely affect the appearance of the area being acquired, and whether it will be necessary to subordinate or acquire the utility's interests therein, or to rearrange, screen, or relocate the utility's facilities thereon, or both. Where the adjustment or relocation of utility facilities is necessary, the provisions of this subpart apply. In such cases, the State shall determine, subject to concurrence by FHWA, whether the added cost of acquisition attributable to the utility's property interest or facilities which may be located thereon outweigh the aesthetic values to be received.

§ 424.105 Preliminary engineering and engineering services.

(a) Reimbursement may be approved for such costs incurred for preliminary engineering work after the date the work is included in an approved program, and preliminary engineering for utilities is authorized by FHWA.

(b) Where a utility is not adequately staffed to prosecute the relocation, Federal funds may participate in the amounts paid to engineers, architects, and others for required engineering and allied services, provided such amounts are not based on a percentage of the cost of relocation. Where reimbursement is requested by the State for the cost of such services, the utility and its consultant shall agree in writing as to the services to be provided and the fees and arrangements therefor. Federal-aid funds may participate in the cost of such services performed under existing written continuing contracts where it is demonstrated that such work is regularly performed for the utility in its own work under such contracts at reasonable costs. The proposed use of such services, fees, and arrangements therefor, are subject to prior approval by the FHWA, except as provided below:

(1) Where the proposed utility work is relatively simple, and the fees for the proposed engineering services are less than $5,000, and the FHWA has previously approved a satisfactory statement of procedures the State uses statewide for such matters.

(2) Where the engineering services are performed under existing written continuing contracts for fees of $5,000 and less, and it is demonstrated this service is regularly performed for the utility in its own work under such contracts at reasonable costs.

(c) All agreements for the engineering services outlined in § 424.105b above, in which Federal-aid funds are to participate, shall include a certificate, as a supplement to said agreement, as shown in appendix to this subpart. The certificate shall be executed by the individual so engaged, or by a principal officer of the firm retained.

§ 424.106 Construction.

(a) Construction costs incurred by a utility subsequent to the date on which the FHWA authorized the State to proceed with the relocation may be reimbursed. Federal funds will not participate in any utility relocation (1) not necessitated by the construction of the highway project or (2) for changes made solely for the benefit or convenience of a utility, its contractor, or a highway contractor.

(b) Unless the utility work is made a part of the State's highway construction contract or performed under a separate contract let by the State, as agreed to by the utility and the State with the approval of the FHWA, all utility relocations and all work incidental to such relocation shall be performed by the utility with its own forces, or by a contractor paid under a contract let by the utility, or both. When the contractual method is utilized, pursuant to applicable State law or regulation, Federal funds may participate in the cost of the relocation,where it is demonstrated that the letting of a contract by the State was in the best interest of the State, or that the letting of contract by the utility was necessary because the utility was not adequately staffed or equipped to perform the work with its own forces at the time of relocation.

(c) Where reimbursement is to be requested, any contract to perform work in connection with the utility relocation should be under an award to the lowest qualified bidder who submitted a proposal in conformity with the requirements and specifications for the work to be performed, as set forth in an appropriate solicitation for bids, except as set forth in § 424.106 (d) and (e). Appropriate solicitation shall be accomplished through open advertising in publications, or by circularizing to a list of prequalified contractors or known qualified contractors.

(d) Federal funds may participate in the costs of relocation work performed under existing written continuing contracts where it is demonstrated that such work is regularly performed for the utility under such contracts at reasonable costs. This may include existing continuing contracts with another utility. Where such other utility has an ownership interest in the facility to be relocated, Federal funds will not be eligible to participate in intercompany profits.

(e) Where the utility proposes to contract outside the requirements under § 424.106 (c) and (d) for work of relatively minor cost or nature, for example, tree trimming and the like, Federal funds may participate in the costs so incurred, provided it is demonstrated that such requirements are impractical and the utility's action did not result in an expenditure in excess of that justified by the prevailing conditions.

(f) All labor, materials, equipment, and other services furnished by the utility shall be billed by the utility direct to the State. The special provisions of contracts let by the utility or the State shall be explicit in this respect. The costs of force account work performed for the utility by the State and of contract work performed for the utility under a contract let by the State, shall be reported separately from the costs of other force account and contract items on the highway project.

(g) Field verification by the State, to justify and support payment for the work done, is necessary to the proper handling of utility relocations and adjustments. A minimum treatment is the procedure outlined under "Utility Adjustments" in the AASHO publication, "Construction Manual for Highway Construction," or any other equally acceptable written procedure mutually agreed upon by a State and the FHWA to accomplish the purpose. The cost of preparing as-built plans, to the extent necessary for the State to verify costs, and/or for highway maintenance purposes, is reimbursable.

§ 424.107 Agreements and authorizations.

(a) Except as provided in paragraph (q) of this section where reimbursement is requested by the State, the utility and the State shall agree in writing on their separate responsibilities in financing and accomplishing the relocation work, either through the use of master agreements for relocation work to be encountered on an areawide or statewide basis, or

through the use of individual agreements on a case-by-case or project basis, or both. The form of the written agreement is not prescribed. Said agreement shall incorporate this subpart and any supplements and revisions thereto by reference, and by inclusion therein or by supplement thereto shall, for each relocation encountered, set forth:

(1) The basis of the State's authority, obligation, or liability to pay for the relocation (reference § 424.103),

(2) The scope, description, and location of the work to be undertaken,

(3) The method to be used by the utility for developing relocation costs (reference § 424.107(h)),

(4) The method to be used for performing the relocation work, either by the utility's forces or by contract, and

(5) That the facilities to be relocated to a position within the highway right-of-way will be accommodated in accordance with the provisions of 23 CFR Part 424, Subpart B.

(b) The agreement shall be supported by plans, specifications where required, and estimates of the work agreed upon, which shall be sufficiently informative and complete to provide the State and FHWA with a clear showing of work required in accordance with paragraphs (i) and (j) of this section.

(c) FHWA shall indicate approval of the written agreement by endorsement thereon. Such approval and any conditions or qualifications attached thereto are for the purpose of informing the State of the extent that Federal funds are eligible to participate in the costs incurred under the approved agreement, subject to the provisions of this subpart.

(d) Where applicable, the written agreement shall set out by separate clause the terms and amounts of any contribution made or to be made by the utility to the State in connection with payments by the State to the utility under the provisions of § 424.103. Federal funds are not eligible to participate in any costs for which the utility repays a State or political subdivision for the State's pro rata share, or portions thereof, of the cost of relocation.

(e) In cases involving the installation of highway lighting, traffic signal, water, electric power and similar facilities that are to serve a highway purpose, and where under established practice in a locality the ownership of such facilities is to remain with a utility company rather than the State or a political subdivision, Federal-aid highway funds may participate in the cost of constructing such facilities for public highway purposes when found to be in the public interest by FHWA, provided assurances are made in the State-utility agreement that the utility will:

(1) Adequately maintain such facilities and provide continuous quality service;

(2) Record the cost of such facilities as a contribution by the State and maintain related accounting records in accordance with applicable provisions of the *Uniform System of Accounts* prescribed by the Federal Power Commission—esp., Account 271—Contributions in Aid of Construction, its equivalent or its successor;

(3) Eliminate from the rate determination process (a) the original cost to the State of all such facilities and (b) the corresponding current and cumulative depreciation amounts; and

(4) Relinquish ownership and possession of all such facilities to the State should the utility either go out of business or be sold to another company unwilling to abide by the terms of the agreement.

Where a publicly owned utility is involved paragraph (e) (2) and (3) of this section may be modified as appropriate to reflect current accounting and rate determination practices used by the utility.

(f) Where the relocation involves work to be paid by the State and work to be done at the expense of the utility, and reimbursement is requested by the State, the written agreement shall state the share to be borne by each party; that is, by the State and by the utility. Reimbursement shall follow the basis of cost allocation set out in the agreement, except where adjustment is required by changes between the work planned and accomplished.

(g) In the event there are changes in the scope of work, extra work, or major changes in the planned work covered by the approved agreement, plans and estimates, reimbursement therefor shall be limited to costs covered by a modification of the agreement, or a written change or extra work order, approved by the State and FHWA. Emergency situations may be processed in the manner prescribed by paragraph (o) of this section.

(h) Agreements shall set forth the method of developing the relocation costs which shall be one of the following alternatives:

(1) Actual direct and related indirect costs accumulated in accordance with a work order accounting procedure prescribed by the applicable Federal or State regulatory body.

(2) Actual direct and related indirect costs accumulated in accordance with an established accounting procedure developed by the utility and approved by the State and FHWA. Where such a procedure is proposed by a utility, approval by FHWA will be limited to an accounting procedure which the utility uses in its regular operations.

NOTE.—The use of unit costs, such as broad gauge units of property, where the utility maintains and regularly uses such unit costs in its own operations will be considered as meeting the requirements under § 424.107(h) (1) and (2) above, provided that such units costs and supporting records are representative of the actual direct and related indirect costs, accumulated under the accounting procedure prescribed by the regulatory body having jurisdiction over the utility or the accounting procedure approved by the State and FHWA.

(3) An agreed lump sum where the estimated cost to the State of the proposed adjustment does not exceed $10,000 and the utility's cost estimate and method of estimating, including the use of unit costs, such as broad gauge units of property, where used by the utility in its own work are determined adequate to support the lump sum method. The lump sum agreement shall be supported by a plan prepared in accordance with § 424.107(j); specifications where required, and a detailed cost estimate prepared in a manner that will permit comparison with the agreement and supporting plans, which will give the State and FHWA a clear understanding of the work proposed. The agreement shall be subject to the prior approval of the State and FHWA. Except where unit costs are used and approved, the estimate shall show such details as man-hours by class and rate; equipment charges by type, size, and rate; materials and supplies by items and price; and payroll additives and other overhead factors, with a statement of what is included in each, and the basis for determining the percentage used. Where determining whether the cost of relocation falls within the ceiling for lump sum utility agreements, it is not necessary to reflect the estimated costs of utility work not attributable to the highway construction or not eligible for Federal fund participation.

(4) Where work is to be performed by forces of a utility, the nature of whose regular business is such that its accounting system is not designed or required to classify, record, and otherwise reflect the results of operation on a continuing basis in terms of physical work items, the estimate of cost shall include reference to the support to be (i) presented with the claim for reimbursement, and (ii) maintained by the utility for subsequent review. The claim for reimbursement shall be accompanied by a duly certified post-construction compilation of cost, showing such details as man-hours by class and rate; equipment by types, size, and rate; materials and supplies by items and price. Upon review of claims as herein contemplated and as otherwise required, the State and FHWA shall make such determinations as are appropriate in the circumstances, including any necessity for audit at the site of the utility.

(i) The estimate in support of the agreement shall set forth the items of work to be performed, broken down as to estimated cost of labor, construction overhead, materials and supplies, handling charges, transportation and equipment, rights-of-way, preliminary engineering, and construction engineering, including an itemization of appropriate credits for salvage, betterments, and expired service life, all in sufficient detail to provide a reasonable basis for analysis. The factors that will be included in the utility's construction overhead account shall be set forth. Materials are to be itemized where they represent relatively major components or cost in the relocation. Unit costs, such as broad gauge units of property, may be used

for estimating purposes where the utility uses such units in its own operations.

(i) The supporting plans or drawings for the utility relocation shall be sufficiently informative to provide a clear picture of the work to be done and shall show:

(1) The location, length, size and/or capacity, type, class, and pertinent operating conditions and design features, of existing, proposed, and temporary facilities, including proposed changes thereto, and disposition thereof, all by appropriate nomenclature, symbols, legend, notes, color coding or the like;

(2) The project number, plan scale and date, the horizontal and, where appropriate, the vertical location of the utility facilities in relation to the highway alinement, geometric features, stationing, grades, structures, and other facilities, proposed and existing right-of-way lines, and where applicable, the access control lines;

(3) Where applicable, the limits of right-of-way to be acquired from, by, or on behalf of the utility; and

(4) By appropriate notes or symbols, that portion of the work to be accomplished, if any, at the sole expense of the utility.

(j) On projects where the State plans to request reimbursement for utility relocation costs, it is necessary to show under the character of work on Form PR-1 that "utility relocations" are included. The utility work may be programed either as part of the right-of-way acquisition phase, or the construction phase of the highway project, or as a separate utility relocation project. Where feasible, arrangements should be made to program all phases of the utility work under a single project.

(k) Where reimbursement is requested, except as otherwise provided by § 424.107 (l), (m), and (n), authorization by the FHWA to the State to proceed with the physical adjustment or relocation of a utility's facilities may be given—

(1) On or after the date the utility relocation is included in an approved program,

(2) After the public hearing has been held or location and design approval has been given for this highway project, and

(3) At such time as the Division Engineer is furnished and reviews plans and estimates reporting adequately the utility work proposed, the location of the highway project, and the utility relocation, and

(4) When the Division Engineer is furnished and reviews the proposed or executed agreement between the State and the utility, and

(5) When the Division Engineer is furnished a schedule for accomplishing the utility work based on the best information available at the time authorization is requested.

(l) In cases where the utility to be relocated occupies Federal lands, FHWA shall not issue authorization to proceed until the State has submitted a statement signed by a responsible highway official citing the legal basis which establishes the utility's compensable property interest in such lands. In exceptional circumstances, and for good cause shown by the State, FHWA may waive the requirement of submittal of the above statement as a condition precedent to authorization to proceed. Such submittal, however, shall in all instances be a condition precedent to Federal reimbursement.

(m) FHWA may authorize the physical relocation or adjustment of utility facilities before a public hearing or location and design approval, under the following conditions:

(1) Where the utility facilities to be relocated or adjusted occupy, in part or in whole, any rights-of-way authorized by FHWA prior to a public hearing or location/design approval, pursuant to 23 CFR Part 790.

(2) Any relocation or adjustment of utility facilities meeting the requirements of § 424.103(e).

(n) Where mutually agreed to by the State and FHWA, arrangements may be made for advance conditional authorization of utility relocation work at the time of program approval or later, provided the actual physical adjustment or relocation of any utility facilities will not be undertaken until, and unless, the FHWA is furnished and approves for each relocation, the proposed or executed agreement between the State and the utility, including the supporting plans and estimates therefor. The cost of replacement right-of-way so acquired and actually incorporated in the finally approved utility relocation will be eligible for Federal participation.

(o) Where unforeseen circumstances during construction of the highway project necessitate adjustment or relocation of utility facilities, oral arrangements therefor can, and should, be made promptly by the State with FHWA. Where necessary to prevent undue delay or interference with the highway construction, FHWA may establish a date of eligibility for such work and authorize the State to proceed subject to subsequent review and approval of a satisfactory State utility agreement.

(p) Federal funds may not reimburse the State for costs of utility relocations:

(1) Until and unless the FHWA approves the executed agreement between the State and the utility (except as provided in § 424.107(9)), and

(2) Until and unless a project agreement which includes the work is executed, and

(3) Which are not required by the finally approved project location and highway construction plans.

(q) Where all efforts of the State and the utility fail to bring about written agreement of their separate responsibilities under the provisions of this memorandum, the State shall submit its proposal and a full report of the circumstances to FHWA.

(1) Conditional authorization for the work to proceed may be given to the State, with the understanding that Federal funds will not be paid for work done by the utility, until FHWA has given his approval to the State's proposal.

(2) FHWA will consider for approval any special procedure under State law, or appropriate administrative or judicial order, or under blanket master agreements with the utilities, that will fully accomplish all of the foregoing objectives, and accelerate the advancement of the construction and completion of projects.

§ 424.108 Recordings of costs.

(a) All utility relocations will be recorded by means of work orders or job orders, except as otherwise approved under § 424.107(h) (2), (3), and (4).

(b) Where the relocation costs are to be developed pursuant to the methods outlined in § 424.107(h) (1) or (2), the individual and total costs properly reported and recorded in the utility's accounts, in accordance with the approved method for developing such costs, shall constitute the maximum amount on which Federal fund participation may be based for the work performed under the approved utility agreement. Separate work orders may be issued for additions and retirements, or the retirements may be included with the construction work order: *Provided, however,* That all items relating to retirements shall be kept distinctly separate from those relating to construction.

(c) Each utility shall keep its work order system in such manner as to show the nature of each addition to, or retirement from a facility, the total cost thereof, and the source or sources of cost.

(d) The provisions of §§ 424.110, 424.111, 424.112, and 424.113 are intended for use in the develepoment of reimbursable costs. It is further intended that cost development under prescribed or approved systems of accounts shall be the general controlling factor.

§ 424.109 Reimbursement basis.

(a) Where payment by the State for the costs of relocation is made pursuant to the provisions of § 424.103 of this subpart, and such payment is for the entire amount paid by, or on behalf of, the utility properly attributable to the relocation, after deducting therefrom any increase in the value of the new facility, and any salvage value derived from the old facility, reimbursement of such costs may be approved, subject to the following understandings:

(1) "The entire amount paid by or on behalf of the utility properly attributable to the relocation" shall mean the cost of adjusting or rearranging the existing facility, or providing a replacement facility functionally equal to the facility, or portion thereof, being replaced, including the cost of any additions, improvements, removals, or replacement right-of-way necessitated by, or in accommodation of, the highway project.

(2) The deduction for "any increase in value of the new facility" shall include a credit to the project for the cost of:

(i) Any betterments in the facility being replaced or adjusted, and

(ii) Where appropriate, any increase in value attributable to the substitution of a replacement facility for an existing facility, as determined in accordance with the provisions of § 424.109(b).

(3) The deduction for "any salvage value derived from the old facility" shall include a credit to the highway project for the value of the materials removed, as determined in accordance with the provisions of § 424.111 (b) and (c) of this subpart.

(b) In any instance where the relocation involves the substitution of a replacement facility for an existing facility, a determination shall be made whether a credit is due to the project for the value of the expired service life of the facility being replaced, except as provided in § 424.109(b)(1). Such credit shall take into account the effect of such factors as wear and tear, action of the elements, and functional or economic obsolescence of the existing facility, not restored by maintenance during the years prior to the relocation.

(1) A credit to the project for the value of the expired service life of the facility being replaced will not be required where such facility involves only:

(i) Utility line crossings of the highway, or

(ii) Segments of a utility line, other than utility line crossings of the highway, less than 1 mile in length: *Provided*, the replacement facility for such a segment is not of greater functional capacity or capability than the one it replaces, and includes no betterments.

(2) The following shall constitute prima facie evidence that a credit is due to the project for the value of the expired service life of the facility being replaced:

(i) Where the replacement facility is functionally equal to the existing facility which it replaces, and such existing facility involves a segment of a utility line 1 mile or more in length.

(ii) Where the replacement facility is other than a segment of the utility's service, distribution, or transmission lines, such as a building, pumping station, filtration plant, power plant, or substation, production, or transfer or storage facilities, and any other similar operating units of a utility's physical plant or operating facilities.

(iii) Where the replacement facility involves betterments, or is of greater functional capacity or capability than the one it replaces, except for utility line crossings of the highway as provided in § 424.109(b)(1)(i).

(3) Where an affirmative finding is made that a credit for the value of expired service life is due to the project, the credit to be given shall be in an amount bearing the same proportion to the original cost of the facility being replaced as its existing age bears to its estimated total life expectancy.

(4) "The estimated total life expectancy" is the sum of the period of actual use and the period of expectant remaining service life. The period of expectant remaining life may be taken from the utility's records, established through the use of age-life curves, or determined by the interested parties through field inspections, giving due consideration to the quality and frequency of maintenance.

(5) Where original costs are not ascertainable from the utility's accounts and records, they may be estimated by trending back present day costs.

(6) The burden of proof of any exceptions to the foregoing requirements lies with the utility company and will require written explanation to demonstrate that the replacement facility will not remain in useful service for a longer period than the existing facility would have remained in service, had the replacement not been made, and the reasons therefor.

(7) Exceptions claimed on the basis of predicted functional obsolescence of the replacement facility must be substantiated by formal and planned utility work programs, schedules, or equally suitable documentation, and the utility must satisfactorily demonstrate and justify the reasons why the planned replacement and expansion cannot be accomplished at the time of the highway-utility relocation. Exceptions claimed on the basis of predicted economic obsolescence of the replacement facility must also be substantiated by suitable documentation. Where such exceptions are satisfactorily substantiated, an analysis shall be made to determine any increase in value to the utility resulting from the predicted early retirement and salvage of the replacement facility.

(8) The credit to be obtained for expired service life shall be determined jointly by the utility company and the State, and shall be set forth in the detailed estimate supporting the agreement between the utility and the State.

(c) Additional costs incurred by a utility resulting from complying with governmental or industry codes, or current design practices regularly followed by the utility in its own work may be reimbursed provided either of the following conditions are satisfied:

(1) There is a direct benefit to the highway project; for example, improved appearance, increased highway safety, or added protection.

(2) Compliance with such codes or practices is required under Federal, State, or local governing laws and ordinances.

(d) Except as provided for under § 424.109(c) of this subpart, where the utility elects to install, or it is current practice in the utility's own operations to install, facilities of a type different than the facilities being replaced, such as the substitution of ACSR for copper conductors, underground cables for aerial lines and the like, reimbursement shall be limited to the cost of providing the most economical replacement facility, or restoration of service, functionally equal to the one being replaced.

(e) Where an addition to an existing facility is required by the highway construction, such as an increase in the length of a relocated utility line, the actual costs of the addition are reimbursable to the extent the materials in the addition are not of a type or a class superior to the materials in the facility to which the addition is extended, except that the cost of any improvement in type or class which is required in connection with the construction of the project is reimbursable.

(f) Where necessitated by the highway project, Federal funds are eligible to participate in the cost incurred for rehabilitating, moving, or replacing buildings of a utility company, including the equipment and operating facilities therein, which are used for the production, transmission, or distribution of the utility's products. Except where it is demonstrated that the existing building and/or facilities are required to remain in place and in service until a (new) replacement building and/or facilities are constructed and in service at a new location, an analysis shall be made by the State to determine the cost and feasibility of each of the following:

(1) To rehabilitate the building at its existing location.

(2) To move it as a unit intact to its new location,

(3) To dismantle it and reassemble or reconstruct it at its new location or

(4) To replace it with a new building at the new location.

Reimbursement may be approved for the costs incurred under the most feasible and economical solution available, less appropriate credits for salvage and betterments. Where a (new) replacement building and/or (new) equipment or facilities therein are constructed, credit will also be given to the project in accordance with § 424.109(b).

(g) In no event will the total of all credits required under the provisions of this memorandum exceed the total costs of adjustment, exclusive of the cost of improvements necessitated by the highway construction.

§ 424.110 Labor costs.

(a) Salaries and wages billed at actual rates or at average rates accounting for productive labor hours, retroactive pay adjustments, and expenses paid by a utility to individuals during the periods of time they are engaged in the utility relocations are reimbursable when supported by adequate records, except for engineering or inspection charges which are being reimbursed under the utility's construction overhead account. Costs to the utility of vacation, holiday pay, company sponsored benefits, and similar costs incident to labor employment, will be reimbursed when supported by adequate records. These may include individuals who are engaged in the direct and immediate supervision of the work at the site of the project and in the actual preparation of the plans and estimates of the relocation.

(b) Overhead construction costs:

(1) So that each relocation shall bear its equitable proportion of such costs, all overhead construction costs not chargeable directly to work order or construction accounts such as, general

engineering and supervision, general office salaries and expenses, construction engineering and supervision by other than the accounting utility, legal expense, insurance, relief and pensions and taxes shall be charged to the relocation on the basis of the amount of such overhead costs reasonably applicable thereto. These provisions shall not be interpreted as permitting the addition to utility accounts of arbitrary percentages or amounts to cover assumed overhead costs, but as accepting assignment to the relocation of actual and reasonable overhead costs.

(2) The cost of advertising and sales promotion, interest on borrowed funds or charges for the utility's own funds when so used, resource planning and research programs, stock and stockholder's expenses and similar costs are not considered as necessary and incident to the performance of the relocation and are not eligible for Federal participation.

(3) Premiums paid to an insurance company for Workmen's Compensation, Public Liability and Property Damage Insurance will be reimbursed where, and to the extent, it is determined that, the amounts of the premiums are the products of the proper rates applied to the amounts of paid salaries and wages, exclusive of vacation pay or allowances.

(4) Where it has been the policy of the utility to self-insure against public liability and property damage claims, reimbursement will be at the rate developed by the utility, or in the absence thereof, at a rate not in excess of 1 percent of salaries and wages charged to the job.

(5) The records supporting the entries for overhead costs shall be so kept as to show the total amount, rate, and allocation basis of each additive, and be subject to audit by representatives of the State and Federal Government.

§ 424.111 Materials and supplies.

(a) Cost: Materials and supplies shall be billed at inventory prices when furnished from the utility's stocks, and at actual cost to the utility when the materials and supplies are not available from the utility stocks and must be purchased for the relocation. The costs of handling at stores or at material yards, the costs of purchasing, the costs of inspection and testing, and any charge for general overhead expense are provided for under § 424.111(i). When not so allocated in the utility's overhead accounts, they may be included in the computation of the prices of materials or supplies. The computation of costs of materials and supplies shall include the deduction of all offered discounts, rebates, allowances, and intercompany profits. In those instances where the book value does not represent the true value of used materials, they shall be charged to the project at the same rate used by the utility in its own work, but in no event shall they be charged at more than the value determined in accordance with the foregoing provisions of this section.

(b) Materials recovered from permanent facility:

(1) Materials recovered in suitable condition for reuse by the utility, in connection with construction or retirement of property, shall be credited to the cost of the project at current stock prices; or if a utility charges recovered material to the material and supply account at original cost or a percentum of current price new, and the utility follows a consistent practice in this regard, the work order shall receive credit accordingly. The foregoing shall not preclude any additional credits when such credits are required by State law or regulations.

(2) The State and FHWA shall have the right to inspect recovered materials prior to disposal by sale or scrap. This requirement will be satisfied by the utility giving written notice, or oral notice with later written confirmation, to the State of the time and place the materials will be available for inspection. This notice is the responsibility of the utility, and it may be held accountable for full value of materials disposed of without notice.

(3) If recovered materials are not suitable for reuse by the utility, they shall be disposed of as outlined in § 424.111 (c)(2).

(4) Where the (new) replacement facility includes materials of a type different than the materials being replaced, such as, aluminum for copper and the like, the credit for the materials recovered from the existing facility shall not exceed whichever is the greater of the following amounts: (1) The original cost of the existing material, or (2) the current cost of the replacement materials.

(c) Materials recovered from temporary use:

(1) Materials recovered from temporary use in connection with a highway project, which are in suitable condition for reuse by the utility, shall be credited to the cost of the project at stock prices charged to the job, less ten (10) percent for loss in service life. The State and FHWA shall have the right to inspect all recovered materials not reusable by the utility. Notice shall be given as provided by § 424.111(b)(2).

(2) Items of materials recovered from temporary use which are unsuitable for reuse by the utility, and which have been determined to have a sale value, shall either be sold, following an appropriate solicitation for bids, to the highest bidder, or if the utility regularly practices a system of disposal by sale which has been determined to be the most advantageous to the utility, credit shall be at the going prices for such used or scrap material as are supported by the records of the utility. The proceeds of the sale shall be credited to the cost of the project. The sale shall be conducted by the utility or at its request, by the State. In no event shall the State or the company be considered as an acceptable bidder for such material.

(d) The cost of salvage shall not exceed the value of the recovered material, which value shall be determined as provided in § 424.111 (b) and (c).

(e) The cost of moving recovered materials from the job site to stores or storage point nearest the job will be reimbursed, subject to the provisions of § 424.111(f).

(f) Reimbursement of removal costs, as reduced by the salvage value of materials removed, may be approved subject to the following conditions:

(1) Where the existing facilities are being replaced by reason of the highway construction: *Provided,*

(i) Such removal is necessary to accommodate the highway project, or

(ii) The existing facilities cannot be abandoned in place, or

(iii) Where it is demonstrated that the estimated salvage value of the materials to be removed will equal, or exceed, the total cost of removal, taking into account all related charges for reconditioning, handling, and transporting the materials to be removed.

(2) Except as otherwise provided under § 424.104(e), where the existing facilities are not being replaced by reason of the highway construction: *Provided,*

(i) Removal is necessary to accommodate the highway project,

(ii) The State has authority to pay the removal costs,

(iii) The utility is not obligated by law, ordinance, regulation, franchise, written agreement, or legal contract to remove its facilities at its own expense, and,

(iv) A credit is given to the project for the salvage value of the materials removed, not to exceed the cost of removal and related charges.

(g) Where removal of the existing facilities is necessary by reason of the highway construction, but the materials to be removed are not suitable for reuse by the utility, or their recovery is not economical, the State shall determine, subject to concurrence by the FHWA, which is the most desirable and economical method of removal to employ: either by the utility or its contractor, or by the highway contractor, or by a separate clearing contract let by the State.

(h) Where, pending their subsequent removal or abandonment, utility lines must be deactivated and rendered harmless as a necessary safety and protective measure to the public or highway project; either by capping, plugging, or by otherwise altering such lines, Federal funds may participate in payments so made by the State, exclusive of removal costs: *Provided,* That

(1) The work is necessitated by the highway project, and

(2) The State has authority to pay such costs, and

(3) The utility is not obligated by law, ordinance, regulation, franchise, written agreement, or legal contract to do the work at its own expense, or

(4) The work is a necessary and incidental expense to the costs of relocation and/or removal which are eligible for

Federal fund participation under the provisions of §§ 424.103 and 424.111(f) of this subpart.

(i) The costs of supervision, labor, and expenses incurred in the operation and maintenance of the storerooms and material yards, including storage, handling, and distribution of materials and supplies, the costs of purchasing, and the costs of testing and inspection, are reimbursable. Costs determined by a rate, or other equitable method of distribution which is representative of the costs to the utility, may be reimbursed.

§ 424.112 Equipment.

(a) Accumulation of costs: Accounts for transportation and heavy equipment are used for the purpose of accumulating expense and distributing them to the accounts properly chargeable with the services. Among the items of expense clearing through these accounts are the following: Depreciation; fuel and lubricants for vehicles (including sales and excise taxes thereon); freight and express on fuel and repair parts, heat, light, and power for garage and garage office; insurance (including public liability and property damage insurance) on garage equipment, transportation equipment and heavy work equipment; license fees for vehicles and drivers; maintenance of transportation and garage equipment, operation of garages; and rent of garage buildings and grounds.

(b) Reimbursement of equipment costs: The equipment expenses may include the cost of supervision, labor, and expenses incurred in the operation and maintenance of the transportation equipment and heavy equipment of the utility, including direct taxes and depreciation.

(c) Reimbursement will be limited to charges which account for costs to the utility of expenses for equipment used (§ 424.112 (a) and (b)). Arbitrary or otherwise unsupported equipment use charges will not be reimbursed.

(1) Small tools: Reimbursement for the use of small tools on a project will be made on the basis of tool expenses accumulated in and distributed through the utilities clearing accounts, or other equitable and supportable allocation basis; otherwise, it will be limited to actual loss or damage during the period of use. In the latter case, the loss or damage shall be billed in detail and properly supported.

(2) Rental: Where the utility does not have equipment available of the kind or type required, reimbursement will be limited to the amount of rental paid to the lowest qualified bidder following an appropriate solicitation for quotations from owners of the required kind or type of equipment. Existing continuing contracts for rental of transportation and heavy equipment, which the utility determines to be of the most advantage to its operations, may be considered as complying with these requirements. In the event of an emergency, such as a breakdown of the utility equipment or where additional equipment not originally contemplated is needed, and/or compliance with the foregoing requirements would seriously impair the prosecution of the utility work or highway construction, Federal funds may participate in the cost of equipment rental provided the utility can demonstrate that the above circumstances existed, and the rental charges so incurred were reasonable and did not result in and expenditure in excess of that justified by the prevailing conditions.

(d) Where the relocation work is to be performed by forces of a utility through the use of its own equipment, the accounting procedures and reimbursement standards established under § 424.112 (a), (b), and (c) of this subpart shall apply except where the accounting system of the utility does not provide for capitalization of items or equipment acquired and recovery of original cost through depreciation, and use rates cannot be readily determined from the records of the utility. Where it is determined that the utility's accounting system is inadequate in such respects, and that it is not economically feasible to develop such costs under the reimbursement standards set forth in § 424.112 (a), (b), and (c), then eligibility for reimbursement of costs incurred will be dependent upon:

(1) A satisfactory detailed cost estimate submitted by the utility which shall include:

(i) Description, rates, hours, compensation, and number of units of equipment proposed for use on the relocation.

(ii) An adequate explanation of the basis for developing the rates which the utility proposes as compensation.

(2) Incorporation in the State utility agreement, or by supplemental letter agreement, of the classes and types of equipment and the proposed compensation for each.

(e) FHWA may require such verification or further justification as necessary to assure the reasonableness for the compensation to the utility for the use of its equipment.

§ 424.113 Transportation of employees.

(a) The cost of essential transportation performed in automobiles or trucks owned by the utility shall be considered to have been reimbursed in the payment of the operating costs of the conveyance equipment or of the rates representative of the equipment operating expenses as provided herein under "Equipment."

(b) Reimbursement for the required use of automobiles which are privately owned by employees of the utility will be limited to the established rates at which the utility reimburses its employees for use in connection with its own construction and maintenance projects and operations.

(c) Reimbursement may be made for the cost of required commercial transportation by employees of the utility.

§ 424.114 Utility bills.

(a) Periodic progress billings of incurred costs may be made by a utility, if acceptable to the State, and reimbursement may be approved for claims of this type received from a State.

(b) One final and complete billing of all costs incurred shall be made by the utility at the earliest practicable date after completion of the work. The statement of final billing will follow as closely as possible the order of the items in the estimate portion of the agreement between the State and the utility. Except where the estimated and final billing are made pursuant to the requirements of § 424.107(h)(2)(i), the statement of final billings shall be itemized to show the totals for labor, overhead construction costs, travel expense, transportation, equipment, material and supplies, handling costs, and other services. The billing shall be shown in such a manner as will permit comparison with the approved plans and estimates. Materials are to be itemized, where they represent major components or cost in the relocation, following the pattern set out in the approved estimate as closely as is possible. Salvage credits from recovered and replaced permanent and recovered temporary material should be reported in the bill in relative position with the charge for the replacement or the original charge for temporary use. The final billing shall show:

(1) The description and site of the project;

(2) The Federal-aid project number;

(3) The dates on which the State utility agreement was executed and the first work was performed or, if preliminary engineering or right-of-way items are involved, the date on which the earliest item of billed expense was incurred;

(4) The date on which the last work was performed or the last item of billed expense was incurred; and

(5) The location where the records and accounts billed can be audited.

(c) The utility shall make adequate reference in the billing to its records, accounts, and other relevant documents.

(d) All records and accounts are subject to audit by representatives of the State and Federal Government. During the progress of construction and for a period not less than 3 years from the date final payment has been received by the utility company, the records and the accounts pertaining to the construction of the project, and accounting therefor, will be available for inspection by the representatives of the State and Federal Government.

(e) Reimbursement for a final utility billing shall not be approved until and unless the State furnishes evidence that it has paid the utility from its own funds, or funds of a political subdivision, pursuant to State law and subject to §§ 424.103(c) and 424.107(d) of this subpart and, except for lump sums, following an audit of the costs included in the final billing.

§ 424.115 Accommodation and installations.

(a) Utility facilities which are retained, installed, adjusted, or relocated

within the right-of-way of a Federal-aid project are to be accommodated in accordance with the provisions of 23 CFR Part 424, Subpart B.

(b) In instances where utility facilities are to use and occupy the right-of-way of a proposed Federal-aid project, on or before the State is authorized to proceed with the physical construction of the highway project, the State is to demonstrate to the satisfaction of FHWA that:

(1) A satisfactory agreement has been reached between the State and all utility owners or the owners of private lines involved, in accordance with 23 CFR Part 424, Subpart B or arrangements therefor are underway leading to such agreement prior to the final acceptance of the highway construction project by FHWA, and

(2) The interest acquired by, or vested with, the State in that portion of the highway right-of-way to be vacated, used, or occupied by the utility facilities or private lines is of a nature and extent adequate for the construction, operation, and maintenance of the highway project, and

(3) Suitable arrangements have been made between such owners and State for accomplishing, scheduling, and completing the relocation or adjustment work, for the disposition of facilities to be removed from or abandoned within the highway right-of-way, and for the proper coordination of such activities with the planned highway construction. Such arrangement should be made at the earliest feasible date in advance of the planned highway construction, and

(4) The bid proposals for the highway contract include appropriate notification identifying the utility work which is to be undertaken concurrently with the highway construction, in accordance with FHWA directive pertaining to authorization for physical construction, and

(5) The plans for the highway project have been prepa ed in accordance with the FHWA standards for preparation of plans and specifications for Federal-aid projects.

§ 424.116 Alternate procedure.

(a) At the election of the State, an alternate procedure may be approved for simplifying the processing of utility relocations or adjustments under the provisions of this memorandum. Except as otherwise provided by § 424.116(b), the State will act in the relative position of FHWA for reviewing and approving the arrangements, fees, estimates, plans, agreements, and other related matters required by this subpart as prerequisites for authorizing the utility to proceed with and complete the work.

(b) The scope of the State's approval authority under the alternate procedure includes all actions necessary to advance and complete all types of utility work under this subpart except in the following instances which are to be reviewed and approved in the normal manner on a case by case basis by FHWA, as prescribed elsewhere in this subpart.

(1) Utility relocations and adjustments involving major transfer, production, and storage facilities such as generating plants, power feed stations, pumping stations, reservoirs and the like.

(2) Utility relocations and adjustments falling within the scope of §§ 424.107 (l), (m), and (q).

(c) Any State wishing to adopt the alternate procedure may file a formal application for approval by FHWA. The application must include the following:

(1) The State's written policies and procedures for administering and processing Federal-aid utility adjustments, which must make adequate provisions with respect to the following:

(i) Compliance with the requirements of this Part, Subparts A and B, and applicable FHWA directives on third party contracts.

(ii) Advance utility liaison, planning, and coordination measures for providing adequate lead time and early utility relocation to minimize interference with the planned highway construction.

(iii) Appropriate administrative, legal, and engineering reviews and coordination procedures as necessary to determine the legal basis of the State's payment; the extent of eligibility of the work under State and Federal laws and regulations; the more restrictive payment standards under § 424.101(e); the necessity of the proposed utility work and its compatibility with proposed highway improvements; and provide for uniform treatment of the various utility matters and actions, consistent with sound management practices.

(iv) Documentation in the State files of actions taken in compliance with State policies and the provisions of this subpart.

(2) A statement signed by the chief administrative officer of the State highway department certifying that:

(i) Federal-aid utility relocations will be processed in accordance with the applicable provisions of this subpart and the State's utility policies and procedures submitted under § 424.116(c)(1),

(ii) Reimbursement will be requested in only those costs properly attributable to the proposed highway construction and eligible for participation under the provisions of this memorandum, as determined after appropriate audit by or for the State.

(d) Upon receipt of the formal application by the State for approval of the alternate procedure, FHWA will review the State's submission, utility organization and staffing and evaluate the State's practices and procedures thereunder. Where available, FHWA may use its current evaluation of the State's utility practices and procedures for this purpose. A report of the Division Engineer's findings and recommendations on the adequacy of the State's policies, procedures, practices, and organization is to be submitted to the Regional Administrator along with the State's formal application.

(e) When FHWA is satisfied that the State's alternate procedure and policies and practices thereunder form a suitable basis for approving reimbursement with Federal-aid highway funds, the State may be authorized to proceed with utility relocations in accordance with the certification previously furnished under § 424.116(c)(2): *Provided*,

(1) The utility work has been included in an approved program.

(2) The State submits in writing a request for such authorization which shall include a list of the utility relocations on the project which are to be processed under the alternate procedure, along with the best available estimate of the total costs involved.

(f) The requests and authorization prescribed under § 424.116(e) should be made at the earliest feasible date in advance of the planned highway construction. Authorization by FHWA for the work described under § 424.116(b) (1) and (2) may be combined with the authorizations issued pursuant to § 414.116 (e) with the understanding that later referral of the State-utility agreements, supporting plans and cost estimates to FHWA for review and approval will be required pursuant to § 414.107(n).

(g) If, due to unforeseen circumstances, the State later finds that additional utilities must be relocated on a project, they shall so inform FHWA of the additional work to be processed under the alternate procedure and request separate authorization thereof in accordance with the manner prescribed in § 424.116(e). Emergency situations may be handled by advance oral arrangement and later confirmed in writing to the State by FHWA.

(h) At least once every three years FHWA shall make a comprehensive review and evaluation of all phases of the State's procedures and practices for relocating, adjusting, and accommodating utilities under the approved alternate procedure.

(i) Any changes, additions, or deletions the State proposes to the alternate procedure approved by FHWA pursuant to § 424.116(e) are to be submitted by the State to FHWA for approval prior to implementing the proposed modifications. Such requests by the State, must be accompanied by a statement signed by the chief administrative officer of the State highway department, verifying the certification made under § 424.116(c)(2) and its application to the proposed modifications. FHWA may continue to approve utility work under the previously approved alternative procedure, pending approval of the proposed modifications.

(j) FHWA may suspend approval of the certified procedure and resume approval of all utility relocations, where utility reviews disclose instances of noncompliance with the terms of the State's certification. Federal-aid funds will not be eligible to participate in utility relocation costs incurred by the State that do

not qualify under the terms of the certification made pursuant to § 424.116(c)(2) and (i).

(k) The provisions of § 424.116 do not alter the FHWA approval actions required by §§ 424.103(a) (2) and (3), 424.114(e), and 424.115(b) of this subpart or § 424.207(e) of subpart B of this part.

APPENDIX

CERTIFICATION OF CONSULTANT

I hereby certify that I am the _____ (title) _____ and duly authorized representative of the firm of _____, whose address is _____, and

That, except as expressly stated and described herein, neither I nor the firm of _____ has, in connection with its contract with _____ (name of utility), entered into pursuant to provisions of an agreement between the aforementioned utility and the State of _____, as a part of Federal-aid project _____,

(a) Employed or retained for a commission, percentage, brokerage, contingent fee, or other consideration, any firm, company, or person, other than a bona fide employee working solely for me or the aforementioned firm, to solicit or secure the contract, or

(b) Agreed, as an express or implied condition for obtaining the award of the contract, to employ or retain the services of any firm, company, or person in connection with the carrying out of the contract, or

(c) Paid, or agreed to pay, to any firm, company, organization, or person, other than a bona fide employee working solely for me or the aforementioned firm, any fee, contribution, donation, or consideration of any kind for, or in connection with, procuring or carrying out the contract.

(Statement and explanation of exceptions, if any):

I acknowledge that this certificate is to be furnished to the State highway department and the Federal Highway Administration, in connection with the aforementioned project involving participation of Federal-aid highway funds, and is subject to applicable State and Federal laws, both criminal and civil.

_____ (Date) _____ (Signature)

Subpart B—Accommodation of Utilities

§ 424.201 Purpose.

To prescribe policies and procedures for accommodating utility facilities on the rights-of-way of Federal and Federal-aid highway projects. It implements the applicable provisions of 23 CFR 1.23 and 1.27 and 23 U.S.C. 116, with respect to the maintenance obligations of the State thereunder as affected by the use of the rights-of-way of Federal-aid highway projects for accommodating utility facilities.

§ 424.202 Policy.

(a) It is in the public interest for utility facilities to be accommodated on the rights-of-way of a Federal or Federal-aid highway project when such use and occupancy of the highway rights-of-way does not interfere with the free and safe flow of traffic or otherwise impair the highway or its visual quality and does not conflict with the provisions of Federal, State, or local laws or regulations or the provisions of this subpart.

(b) These provisions concern the location and manner in which utility installations are to be made within the rights-of-way of Federal and Federal-aid highway projects and the measures, to be taken by highway authorities to preserve and protect the integrity and visual qualities of the highway and the safety of highway traffic. This subpart shall not be construed to alter the authority of utilities to install their facilities on public highways pursuant to law or franchise and reasonable regulation by highway authorities with respect to location and manner of installation.

§ 424.203 Application.

(a) Effective on date of issuance.

(b) It applies to new utility installations within the rights-of-way of active and completed Federal and Federal-aid highway projects, except Secondary Road Plan projects. Application to the projects described under § 424.206 (a) and (d) will be limited to projects that are authorized after October 1, 1969.

(c) It also applies to existing utility installations which are to be retained, relocated, or adjusted within the rights-of-way of active highway projects, as described in § 424.203(b), and to existing lines which are to be adjusted or relocated under § 424.206(c). It shall not be applied to a minor segment of an existing utility installation in such a manner as to result in misalinement of the installation or adjustment of the entire installation except in those cases where a hazardous condition exists as defined in § 424.206(c). Where existing installations are to remain in place within the rights-of-way without adjustment, the State and utility are to enter into an agreement under §§ 424.206(h) or 424.209, as may govern, or existing agreements in effect at the time of the highway construction may be accepted, or amended, as may be appropriate.

(d) Until approval is given to the utility accommodation policies and procedures of the State or its political subdivision by FHWA under § 424.207(b) of this subpart, utility installations within the rights-of-way of Federal and Federal-aid highway projects shall as a minimum, meet the requirements set forth in § 424.206.

(e) The provisions of § 424.206(g) apply only to the lands described therein which are acquired or improved with Federal highway or Federal-aid highway funds.

§ 424.204 Definitions.

For the purpose of this subpart, the following definitions shall apply:

(a) "Utility facilities and/or utilities" means and includes all privately, publicly, or cooperatively owned lines, facilities, and systems for producing, transmitting, or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage, and other similar commodities, including fire and police signal systems and street lighting systems, which directly or indirectly serve the public or any part thereof. The term "utility" means the utility company, i.e., any person or private or public entity owning and/or operating utility facilities as defined in this paragraph, including any wholly owned or controlled subsidiary.

(b) "Private lines" means privately owned facilities which convey or transmit the commodities outlined in paragraph (a) of this section but are devoted exclusively to private use.

(c) "Federal highway projects" are those projects involving the use of funds administered by the Federal Highway Administration (FHWA) where the location, design, or construction of the project is under the direct supervision of the FHWA.

(d) "Federal-aid highway projects" are those projects administered by a State which involve the use of Federal-aid highway funds for the construction or improvement of a Federal-aid highway or related highway facilities or for the acquisition of rights-of-way for such projects, including highway beautification projects under section 319, title 23, United States Code.

(e) "Active Federal or Federal-aid highway projects" are those projects for which any phase of development has been programed for Federal or Federal-aid highway funds and the State or other highway authority has control of the highway rights-of-way. A project will be considered active until the date of its final acceptance by the FHWA and thereafter will be considered completed.

(f) "Rights-of-way" means real property or interests therein, acquired, dedicated, or reserved for the construction, operation, and maintenance of a highway in which Federal-aid or Federal highway funds are or may be involved in any stage of development. Lands acquired under 23 U.S.C. 319(b) (scenic strips—1965 Highway Beautification Act) shall be considered to be highway rights-of-way.

(g) "Highway" means any public way for vehicular travel, including the entire area within the rights-of-way and related facilities, constructed or improved in whole or in part with Federal-aid or Federal highway funds.

(h) "Freeway" means a divided arterial highway with full control of access.

(i) "States" means that department, commission, board, or official of any State charged by its laws with the responsibility for highway administration.

(j) "Use and occupancy agreement" means the document by which the State, or other highway authority, approves the use and occupancy of highway rights-of-way by utility facilities or private lines.

(k) "Utility service connection" means a service connection from a utilities distribution or feeder line or main to the premises served.

(l) "Secondary Road Plan"—is a statement, prepared by a State highway department and approved by FHWA, in which the State outlines the standards and procedures it will use to plan, design, and construct projects on the

Federal-aid Secondary Highway System which are to be financed in part with Federal-aid Secondary Highway Funds in accordance with 23 U.S.C. 117 and Part 305 of this chapter.

(m) "Clear roadside policy" means that policy employed by a highway authority to increase safety, improve traffic operations, and enhance the visual quality of highways by designing, constructing, and maintaining highway roadsides as wide, flat, and rounded as practical and as free as practical from physical obstructions above the ground.

(n) "Visual quality" means those desirable characteristics of the appearance of the highway and its environment, such as harmony between or blending of natural and manmade objects in the environment, continuity of visual form without distracting interruptions, and simplicity of designs which are desirably functional in shape but without clutter.

(o) "New utility installations" means initial installations on the highway rights-of-way and the replacement of existing facilities with those of a different type, capacity, or design or replacement at a new location on the rights-of-way. Any replacement of an existing facility or portion thereof with another of the same type, capacity, and design at the same location is considered to be maintenance.

§ 424.205 General provisions.

(a) It is the responsibility of each State to maintain, or cause to be maintained, Federal-aid highway projects as necessary to preserve the integrity, visual quality, operational safety, and function of the highway facility.

(b) Since the manner in which utilities cross or otherwise occupy the rights-of-way of a Federal or Federal-aid highway project can materially affect the highway, its visual quality, safe operation, and maintenance, it is necessary that such use and occupancy, where authorized, be regulated by highway authorities. In order for a State to fulfill its responsibilities in this area, it must exercise, or cause to be exercised, reasonable regulation over such use and occupancy through the establishment and enforcement of utility accommodation policies and procedures.

§ 424.206 Requirements.

(a) On Federal highway projects authorized after October 1, 1969, FHWA will apply, or cause to be applied, utility accommodation policies similar to those required on Federal-aid highway projects, as appropriate and necessary to accomplish the objectives of this subpart. Where appropriate, agreements shall be entered into between FHWA and the State or local highway authorities or other government agencies, or existing agreements should be amended, as may be necessary for the Regional Administrator to establish, or cause to be established, adequate control and regulation of use by utilities and private lines of the rights-of-way of Federal highway projects.

(b) Utility accommodation policies and procedures for Federal-aid secondary highway projects will be in accordance with a State's approved Secondary Road Plan under Part 305 of this chapter.

(c) Where the State, or other highway authority, determines that existing utility facilities are likely to be associated with injury or accident to the highway user, as indicated by accident history or safety studies, the responsible highway authority is to initiate appropriate corrective measures to provide a safe traffic environment. Any requests received from the State involving Federal fund participation in the cost of adjusting or relocating utility facilities pursuant to this paragraph shall be subject to the provisions of Part 424, Subpart A of this chapter.

(d) The following procedures apply where the State is without legal authority to regulate the use by utilities or private lines of the rights-of-way of Federal-aid highway projects.

(1) All such projects authorized after October 1, 1969, shall include a special provision in the project agreement for regulating such use of the highway rights-of-way. The provision shall require that the State will, by formal agreement with appropriate officials of a county or municipal government, regulate, or cause to be regulated, such use by highway authorities on a continuing basis and in accordance with a satisfactory utility accommodation policy for the type of highway involved.

(2) For the purpose of this paragraph, a satisfactory utility accommodation policy is one that prescribes a degree of protection to the highway at least equal to the protection provided by the State's utility accommodation policy approved under § 424.207 (b) and (c).

(3) Such projects may be conditionally authorized in accordance with the provisions of § 424.203(d), pending approval of a satisfactory utility accommodation policy by FHWA under § 424.207(b).

(e) Utilities that are to cross or otherwise occupy the rights-of-way of Federal-aid freeways, including Interstate highways, shall meet the requirements of the AASHO "Policy on the Accommodation of Utilities on Freeway Rights-of-Way". Application of joint development and multiple-use concepts dictates that maximum use of the highway be made for other purposes where such use does not adversely affect the design, construction, integrity, and operational characteristics of the freeway. In the advancement of these concepts and when the State has legal authority to do so and so requests, approval may be given for installing trunkline or transmission type utility facilities within a utility strip on and along the outer border of existing freeway rights-of-way. (See Appendix A.)

(f) In expanding areas along Federal-aid freeways it is expected that utilities will normally install distribution or feeder line crossings of freeways, spaced as needed to serve consumers in a general area along either or both sides of a freeway, so as to minimize the need for crossings of a freeway by utility service connections. In areas where utility services are not available within reasonable distance along the side of the freeway where the utility service is needed, crossings of Federal-aid freeways by utility service connections may be permitted.

(g) The type and size of utility facilities and the manner and extent to which they are permitted within areas of scenic enhancement and natural beauty can materially alter the visual quality and view of highway roadsides and adjacent areas. Such areas include scenic strips, overlooks, rest areas, recreation areas, the rights-of-way of highways adjacent thereto, and the rights-of-way of highways which pass through public parks and historic sites, as described under section 138, title 23, United States Code.

(1) New utility installations are not to be permitted within the foregoing described lands, when acquired or improved with Federal highway or Federal-aid highway funds, except as follows:

(i) New underground installations may be permitted where they do not require extensive removal or alteration of trees visible to the highway user or impair the visual quality of the lands being traversed.

(ii) New aerial installations are to be avoided at such locations unless there is no feasible and prudent alternative to the use of such lands by the aerial facility and it is demonstrated to the satisfaction of the division engineer that:

(A) Other locations:

(*1*) Are not available or are unusually difficult and unreasonably costly.

(2) Are less desirable from the standpoint of visual quality.

(B) Undergrounding is not technically feasible or is unreasonably costly.

(C) The proposed installation will be made at a location and will employ suitable designs and materials which give the greatest weight to the visual qualities of the area being traversed. Suitable designs will include, but are not limited to, self-supporting, armless, single-pole construction with vertical configuration of conductors and cable.

(2) The provisions of § 424.206(g) also apply to utility installations that are needed for a highway purpose, such as for highway lighting, or to serve a weigh station, rest or recreational area.

(3) There may be cases of unusual hardship or other extenuating circumstances encountered involving some degree of variance with the provisions of § 424.206(g). Such cases shall be subject to prior review and concurrence by FHWA. Where a hardship case involves a proposed installation within the rights-of-way of a highway passing through a public park, area, or site, as described under 23 U.S.C. 138, the views of appropriate planning or resource authorities having jurisdiction over the land through which the highway passes shall be obtained.

(h) Where the utility has a compensable interest in the land occupied by its

facilities and such land is to be jointly owned and used for highway and utility purposes, the responsible highway authority and utility shall agree in writing as to the obligations and responsibilities of each party. Such agreements shall incorporate the conditions of occupancy for each party, including the rights vested in the highway authority and the rights and privileges retained by the utility. The interest to be acquired by or vested in the highway authority in any portion of the rights-of-way of a Federal or Federal-aid highway project to be vacated, used or occupied by utilities or private lines shall be of a nature and extent adequate for the construction, safe operation, and maintenance of the highway project.

§ 424.207 Reviews and approvals.

(a) Each State shall submit a report to FHWA on the authority of utilities to use and occupy the rights-of-way of State highways, the State's authority to regulate such use and the policies and procedures the State employs or proposes to employ for accommodating utilities within the rights-of-way of Federal-aid highways under its jurisdiction. Where applicable, the State shall include similar information on the use and occupancy of such highways by private lines where permitted under State law. The State shall identify those sections, if any, of the Federal-aid highway systems within its borders where the State is without legal authority to regulate use by utilities.

(b) Upon determination by the FHWA that a State's policies and procedures under § 424.207(a) and the policies to be employed pursuant to § 424.206(d) meet the requirements of this subpart, they may be approved for use on Federal-aid highway projects in that State or political subdivision.

(c) Any changes, additions, or deletions the State or political subdivision proposes to the policies and procedures approved by FHWA pursuant to this subpart shall be subject to the provisions of § 424.207 (a) and (b).

(d) The State's practices under the policies and procedures or agreements approved under § 424.207(e) shall be periodically reviewed by FHWA and reported to the Regional Administrator.

(e) When a utility files a notice or makes an individual application or request to a State to use or occupy the rights-of-way of a Federal-aid highway project, the State is not required to submit the matter to FHWA for prior concurrence, except under the following circumstances:

(1) Installations on Federal-aid highways where the State proposes to permit the use and occupancy by utilities not in accordance with the policies and procedures approved by FHWA under § 424.207(b).

(2) Installations involving unusual hardship cases pursuant to § 424.206(g).

(3) Installations on Federal-aid freeways involving extreme case exceptions, as described in the AASHO "Policy on the Accommodation of Utilities on Freeway Rights-of-Way,". (Includes cases involving the application of multiple use and joint development concepts to freeways and utilities, Appendix A.)

(4) Installations on or across Interstate highways where approval has not been given to the utility accommodation policies and procedures under § 424.207(b).

§ 424.208 State accommodation policies and procedures.

(a) This section outlines provisions considered necessary to establish policies and procedures for accommodating utility facilities on the rights-of-way of Federal-aid highway projects. These policies and procedures shall meet the requirements of § 424.206(e) through (h) and shall include adequate provision with respect to the following:

(1) Utilities must be accommodated and maintained in a manner which will not impair the highway or interfere with the safe and free flow of traffic.

(2) Consideration shall be given to the effect of utility installations in regard to safety, visual quality, and the cost or difficulty of highway and utility construction and maintenance.

(3) The use and occupancy of highway rights-of-way by utilities must comply with the State's standards regulating such use. These standards must include but are not limited to the following:

(i) The horizontal and vertical location requirements and clearances for the various types of utilities must be clearly stated. These must be adequate to insure compliance with clear roadside policies for the particular highway involved.

(ii) The applicable provisions of government or industry codes required by law or regulation must be set forth or appropriately referenced, including highway design standards of other measures which the State deems necessary to provide adequate protection to the highway, its safe operation, visual quality and maintenance.

(iii) Specifications for and methods of installation; requirements for preservation and restoration of highway facilities, appurtenances, and natural features on the rights-of-way; and limitations on the utility's activities within the rights-of-way should be prescribed as necessary to protect highway interests.

(iv) Measures necessary for protection of traffic and its safe operation during and after installation of facilites, including control-of-access restrictions, provisions for rerouting or detouring of traffic, traffic control measures to be employed, limitations on vehicle parking and materials storage, protection of open excavations and the like must be provided.

(4) Compliance with applicable State laws and approved State accommodation policies must be assured. The responsible highway authority's file must contain evidence in writing as to the terms under which utility facilites are to cross or otherwise occupy highway rights-of-way in accordance with § 424.209. All utility installations made on highway rights-of-way shall be subject to approval by the State or by other highway authorities under § 424.206(d) as is required by State law and applicable regulations. However, such approval will not be required where so provided in the use and occupancy agreement for such matters as facility maintenance, installation of service connections on highways other than freeways or emergency operations.

§ 424.209 Use and occupancy agreements.

(a) The use and occupancy agreements setting forth the terms under which the utility is to cross or otherwise occupy the highway rights-of-way must include or by reference incorporate:

(1) The State standards for accommodating utilities. Since all of the standards will not be applicable to an individual utility installation, the use and occupancy agreement must, as a minimum, describe the requirements for location, construction, protection of traffic, maintenance, access restrictions and any special conditions applicable to each installation.

(2) A general description of the size, type, nature, and extent of the utility facilities being located within the highway rights-of-way.

(3) Adequate drawings or sketches showing the existing and/or proposed location of the utility facilities within the highway rights-of-way with respect to the exsting and/or planned highway improvement, the traveled way, the rights-of-way lines and, where applicable, the control of access lines and approved access points.

(4) The extent of liability and responsibilities associated with future adjustment of the utilities to accommodate highway improvements.

(5) The action to be taken in case of noncompliance with the State's requirements.

(6) Other provisions as deemed necessary to comply with laws and regulations.

(b) The form of the use and occupancy agreement is not prescribed. At the State's option, the used and occupancy provisions may be incorporated as a part of the reimbursement agreement required by § 424.107.

(c) Area or statewide master agreements covering the general terms of a utility's use and occupancy of the highway rights-of-way may be used provided individual requests for such use and occupancy are processed in accordance with § 424.208(a)(4).

APPENDIX A

(REFER TO 424.206e)

Application of Joint Development and Multiple Use Concepts to Freeways and Utilities

The third paragraph of Item 2 of the AASHO "Policy on the Accommodation of Utilities on Freeway Rights-of-Way," dated February 15, 1969, provides that a utility may

be permitted along a freeway on new location under certain stated conditions.

These provisions for extreme case exceptions to the AASHO policy have served well to preserve and protect the access control feature of interstate highways. Experience has demonstrated the need and merit for continuing this protection on all freeways. This appendix outlines additional FHWA views on these matters. It provides a practical method for applying both the AASHO policy and joint development and multiple use concepts to freeways and utilities, especially at locations within and approaching metropolitan areas where land is scarce and right-of-way is expensive. It preserves the access control feature of these important highways but recognizes the merit and need for accommodating trunkline and transmission type utility facilities under strictly controlled conditions. Finally, it establishes a basis for accommodating the highest type of utility facilities along and within the rights-of-way of the highest type of highway facilities under conditions where the construction, maintenance, and operations of one do not adversely affect those of the other.

The provisions of this appendix are for application to Interstate highways and other Federal-aid freeways that are open to traffic or under construction. They do not apply to installations on freeway bridge structures or within freeway tunnels and do not alter the provisions for these matters under Items 4 and 6 of the AASHO policy. They may be applied to planned freeway projects as necessary to accommodate the longitudinal relocation of existing trunkline or transmission type facilities which fall in the path of the planned highway construction. However, establishing a utility strip shall not be the basis for expanding Federal-aid highway funds for acquiring rights-of-way widths in excess of that needed for the construction, operation, and maintenance of the freeway.

Where a utility files notice or makes application to a State to use or occupy freeway rights-of-way along routes of one of the Federal-aid highway systems under the foregoing conditions, the matter is to be referred by the State to FHWA for prior concurrence under the well-established procedures for processing cases under the AASHO policy. In each instance there is to be a showing that the provisions of the AASHO policy have been met and the following conditions have been satisfied:

(1) A utility strip will be established by an inward relocation of the access control line to the extent necessary to permit installation of the utility facility outside the access control limits.

(2) The utility strip may be established only where the freeway rights-of-way are of ample width to accommodate utility facilities without adverse effect to the design, construction, interrity, and operational characteristics of the freeway, only where such rights-of-way will not be needed for the foreseeable expansion of the freeway and only where there can be satisfactory provision for any needed highway and/or utility maintenance within the utility strip.

(3) Normally, a utility strip is not to be established at locations where it is feasible to accommodate utilities on frontage roads or adjacent public roads or streets.

(4) The State or its political subdivision is to retain ownership of the freeway rights-of-way so utilized, including control and regulation of the use and occupancy of the rights-of-way by utilities.

(5) Existing fences should be retained and, except along sections of freeways having frontage roads, planned fences should be located at the freeway right-of-way line.

(6) In each case, there must be a showing that installation on the freeway rights-of-way is the most feasible and prudent location available from the standpoint of the highway user and utility consumer.

(7) The lateral location of underground installations shall be suitably offset from the slope, ditch, and/or curb line. For poles or other ground-mounted utility facilities, the lateral location shall comply with the clearances set forth in Item 5B of the AASHO policy.

(8) Aerial installations are to be limited to self-supporting single pole construction, preferably with vertical configuration of conductors and cables. Not more than one line of support poles for aerial facilities will be permitted within a utility strip. Joint-use facilities will be allowed.

(9) Service connections from the trunkline or transmission-type facilities to utility consumers will not be permitted from the utility strip.

(10) Suitable advance arrangements are to be made for servicing the utility facilities without access from through-traffic roadways or ramps, in accordance with Item 7 of the AASHO policy. At interchanges, access to utility supports, manholes, or other appurtenances may be permitted from the through-traffic roadways or ramps in accordance with Item 7 of the AASHO policy, but only by permits issued by the highway agency to the utility owner setting forth the conditions for policing and other controls to protect highway users.

(11) Where the freeway passes through or along areas of scenic enhancement and natural beauty, as described in § 424.206(g), utility installations shall be made as provided therein.

(12) The facilities installed within a utility strip shall be of durable materials designed for long service life expectancy and relatively free from routine servicing and maintenance.

Issued on October 18, 1973.

R. R. BARTELSMEYER,
Deputy Federal Highway Administrator.

[FR Doc.73-22025 Filed 10-30-73;8:45 am]

SUBCHAPTER J—RIGHT-OF-WAY AND ENVIRONMENT

PART 740—RELOCATION ASSISTANCE

This amendment adds a new part, Part 740, to the regulations of the Federal Highway Administration.

Part 740 implements the relocation provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894, 42 U.S.C. 4601 et seq., which require that certain relocation benefits be provided to persons that are displaced by Federal or Federal financially assisted projects. It establishes rules for determining eligibility for, and the amount of such relocation benefits; and rules governing the construction of "last resort" replacement housing.

It codifies requirements and procedures contained in Federal Highway Administration Policy and Procedure Memorandums 81-1, 81-1.1, 81-1.2, 81-1.3, 81-1.4, and 81-1.5.

In consideration of the foregoing, effective immediately Chapter I of Title 23, Code of Federal Regulations is amended by adding a new part "Part 740, Relocation Assistance".

Subpart A—General

Subpart B—Relocation Services

Subpart C—Moving Payments

Subpart D—Replacement Housing Payments

Subpart E—Mobile Homes

AUTHORITY.—Pub. L. 91-646, 84 Stat. 1894, (42 U.S.C. 4601 et seq.). 49 CFR Part 25, 23 CFR 1.32. OMB Circular A-103.

Subpart A—General

§ 740.1 Purpose.

(a) The purpose of this part is to insure to the maximum extent possible the prompt and equitable relocation and reestablishment of persons, businesses, farmers and nonprofit organizations displaced as a result of Federal and Federal-aid highway construction. The requirements contained in this part are intended to establish a means of providing relocation services and of making moving cost payments, replacement housing cost payments and other expense payments so that a few individuals do not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole.

(b) This part requires the Federal Highway Administration (FHWA) and the States to follow the requirements set forth herein so that every individual displaced because of Federal or Federal-aid highway programs will have or will have been offered a comparable decent, safe and sanitary dwelling to move into upon being required to vacate the dwelling acquired. It also requires that relocation services be furnished and that payments be made to those who are required to relocate to compensate for, in whole or in part, costs incurred for moving, replacement housing, and certain other expenses. In addition, it provides for hearing and appeal procedures to encourage amicable resolution of controversies that may arise.

§ 740.2 Effective date.

(a) The additional monetary payments prescribed in this part shall be provided to the extent that a State can comply under its laws, to all persons eligible therefor on and after January 2, 1971.

(b) The provisions of this part, exclusive of the monetary payments, became effective on July 1, 1971, or at an earlier date if a State desired, and the services and other requirements described herein shall be provided by a State to the extent that such State is able to comply herewith under its laws.

(c) After July 1, 1972, the payments, services and other requirements of this part shall be provided by all States.

§ 740.3 Definitions.

As used in this part—

(a) Person means any individual, partnership, corporation, or association.

(b) Family means two or more individuals, one of whom is the head of a household, plus all other individuals regardless of blood or legal ties who live with and are considered a part of the family unit. Where two or more individuals occupy the same dwelling with no identifiable head of a household, they shall be treated as one family for replacement housing payment purposes.

(c) *Displaced person* is any person who:

(1) Is in occupancy at the initiation of negotiations for the acquisition of the real property in whole or in part.

(2) Is in occupancy at the time he is given a written notice by the State that it is their intent to acquire the property by a given date.

(3) Moves from the real property or moves his personal property from the real property subsequent to the earliest date established in paragraph (c) (1) or (2) of this section.

(4) The real property is subsequently acquired.

(5) If the move occurs after a written order to vacate is issued, the occupant is eligible even though the property is not acquired.

(d) *Initiation of negotiations for the parcel* means the date the acquiring agency makes the first personal contact with the owner of the parcel or property to be acquired for a Federal or Federal-aid project or his designated representative where price is discussed.

(e) *Relocatee* means any person who meets the definition of a displaced person.

(f) *Dwelling* means any single family house, a single family unit in a multifamily building, a unit of a condominium or cooperative housing project, a mobile home, or any other residential unit.

(g) *Comparable replacement dwelling* is a dwelling which is:

(1) Decent, safe, and sanitary as defined in § 740.4.

(2) Functionally equivalent and substantially the same as the acquired dwelling with respect to:

(i) Number of rooms.

(ii) Area of living space.

(iii) Type of construction.

(iv) Age.

(v) State of repair.

(3) Fair housing is open to all persons regardless of race, color, religion, sex, or national origin, and consistent with the requirements of 42 U.S.C. 3601-3619 and 3631.

(4) In areas not generally less desirable than the dwelling to be acquired in regard to:

(i) Public utilities.

(ii) Public and commercial facilities.

(5) Reasonably accessible to the relocatee's place of employment.

(6) Adequate to accommodate the relocatee.

(7) In an equal or better neighborhood.

(8) Available on the market to the displaced person.

(9) Within the financial means of the displaced family or individual.

(h) *Business* means any lawful activity, excepting a farm operation, conducted primarily:

(1) For the purchase, sale, lease, and rental of personal and real property, and for the manufacture, processing or marketing of products, commodities or any other personal property.

(2) For the sale of services to the public.

(3) By a nonprofit organization.

(4) Solely for the purpose of moving and related expenses under § 740.57, for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display(s), whether or not such display(s) is located on the premises on which any of the above activities are conducted.

(i) *Nonprofit organization* means a corporation, partnership, individual or other public or private entity, engaged in a business, professional or instructional activity on a nonprofit basis, necessitating fixtures, equipment, stock in trade, or other tangible property for the carrying on of the business, profession or institutional activity on the premises.

(j) *Farm operation* means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support. The term "contributing materially" used in this definition means that the farm operation contributes at least one-third of the operator's income. However, in instances where such operation is obviously a farm operation it need not contribute one-third to the operator's income for him to be eligible for relocation payments.

(k) *Federal agency* means any department, agency or instrumentality in the Executive Branch of the Government (except the National Capital Housing Authority), any wholly owned Government corporation (except the District of Columbia Redevelopment Land Agency), and the Architect of the Capitol, the Federal Reserve Banks and branches thereof.

(l) *State* means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, the Trust Territory of the Pacific Islands and any political subdivision thereof.

(m) *State agency* means the National Capital Housing Authority, the District of Columbia Redevelopment Land Agency, and any department, agency, or

instrumentality of a State or of a political subdivision of a State, or any department, agency, or instrumentality of two or more States or of two or more political subdivisions of a State(s).

(n) *Federal financial assistance* means a grant, loan, or contribution provided by the United States, except any Federal guarantee or insurance and any annual payment or capital loan to the District of Columbia.

(o) *Mortgage* means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of the State in which the real property is located, together with the credit instruments, if any, secured thereby.

(p) *Owner* means an individual(s):

(1) Owning, legally or equitably, the fee simple estate, a life estate, a 99-year lease or other proprietary interest in the property.

(2) The contract purchaser of any of the foregoing estates or interests.

(3) Who has succeeded to any of the foregoing interests by devise, bequest, inheritance, or operation of law. For the purpose of this part in the event of acquisition of ownership by any of the foregoing methods in this paragraph, the tenure of ownership, not occupancy, of the succeeding owner shall include the tenure of the preceding owner.

(q) Existing patronage is the annual average dollar volume of business transacted during the 2 taxable years immediately preceding the taxable year in which the business is relocated.

(r) Last resort housing project means a project that is separately programmed and authorized for the construction, purchase and/or rehabilitation of dwellings as replacement housing units for highway displacees when an adequate supply of available comparable dwellings cannot be found on the open market. These housing units are obtained as "housing replacement as last resort" as provided in Title II, of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) (42 U.S.C. 4601 et seq.).

(s) Uniform Act means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

(t) HUD means the area office or, where none exists, the regional office of the Department of Housing and Urban Development.

(u) 180-day owner is a displaced person who has owned and occupied the dwelling from which he is being displaced for at least 180 consecutive days immediately prior to the initiation of negotiations, or the date of vacation if a notice of intent to acquire is given, whichever is earlier.

(v) 90-day owner is a displaced person who has owned and occupied the dwelling from which he is being displaced for less than 180 days, but not less than 90 consecutive days immediately prior to the initiation of negotiations, or the date of vacation if a notice of intent to acquire is given, whichever is earlier.

(w) Tenant is a displaced person who has occupied a rental dwelling unit for at least 90 consecutive days immediately prior to the initiation of negotiations, or the date of vacation if a notice of intent to acquire is given, whichever is earlier.

(x) Rent Supplement is the amount necessary to enable a displaced person to lease or rent a comparable replacement dwelling for a period not to exceed 4 years. Such amount may not exceed $4,000 as provided in 42 U.S.C. 4624.

(y) The term construction of comparable replacement housing of last resort, shall include the provision of replacement housing as utilized by the State to provide housing as a last resort by:

(1) Purchase of land and/or existing dwellings.

(2) Construction of new comparable housing capable of filling the needs of those displaced.

(3) Relocation of existing housing purchased by the State for right-of-way purposes.

(4) Rehabilitation of dwellings purchased by the State for right-of-way purposes or acquired under the provisions of (1) above.

(5) Negotiated purchases of housing owned by other public or private agencies or individuals and to be moved from their existing location including rehabilitation, etc.

(6) Joint development and/or subsidization in coordination with other Governmental agencies.

(7) Combinations of these items.

(8) Any other reasonable means to provide replacement housing.

§ 740.4 Standards for decent, safe and sanitary housing.

(a) *Minimum requirements.* A decent, safe and sanitary dwelling is one which meets all of the following minimum requirements:

(1) *Conforms to State and local housing codes and ordinances.* Conforms with all applicable provisions for existing structures that have been established under State or local building, plumbing, electrical, housing and occupancy codes and similar ordinances or regulations.

(2) *Water.* Has a continuing and adequate supply of potable safe water.

(3) *Kitchen requirements.* Has a kitchen or an area set aside for kitchen use which contains a sink in good working condition and connected to hot and cold water and an adequate sewage system. A stove and refrigerator in good operating condition shall be provided when required by local codes, ordinances or custom. When these facilities are not so required by local codes, ordinances or custom, the kitchen area or area set aside for such use shall have utility service connections and adequate space for the installation of such facilities.

(4) *Heating system.* Has an adequate heating system in good working order which will maintain a minimum temperature of 70 degrees in the living area under local outdoor design temperature conditions. A heating system will not be required in those geographical areas where such is not normally included in new housing. Bedrooms are not included in the "living area" as referred to in this paragraph.

(5) *Bathroom facilities.* Has a bathroom, well lighted and ventilated and affording privacy to a person within it, containing a lavatory basin and a bathtub or stall shower, properly connected to an adequate supply of hot and cold running water, and a flush closet, all in good working order and properly connected to a sewage disposal system.

(6) *Electric system.* Has an adequate and safe wiring system for lighting and other electrical services. When the utility is not reasonably accessible and is not required by local codes, ordinances or custom, an exception may be approved by the Regional Federal Highway Administrator on a project basis.

(7) *Structurally sound.* Is structurally sound, weathertight, in good repair, and adequately maintained.

(8) *Egress.* Each building used for dwelling purposes shall have a safe unobstructed means of egress leading to safe open space at ground level. Each dwelling unit in a multidwelling building must have access either directly or through a common corridor to a means of egress to open space at ground level. In multidwelling buildings of three stories or more the common corridor on each story must have at least two means of egress.

(9) *Habitable floor space.* Has 150 square feet of habitable floor space for the first occupant in a standard living unit and at least 100 square feet (70 square feet for mobile home) or habitable floor space for each additional occupant. The floor space is to be subdivided into sufficient rooms to be adequate for the family. All rooms must be adequately ventilated. Habitable floor space is defined as that space used for sleeping, living, cooking, or dining purposes and excludes such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, and unfurnished attics, foyers, storage spaces, cellars, utility rooms, and similar spaces.

(b) *Rental of sleeping rooms.* The standards for decent, safe, and sanitary housing as applied to rental of sleeping rooms shall include the minimum requirements contained in paragraph (a) (1), (4), (6), (7), and (8) of this section and the following:

(1) *Habitable floor space.* At least 100 square feet of habitable floor space for the first occupant and 50 square feet of habitable floor space for each additional occupant.

(2) *Bathroom facilities.* Lavatory, bath, and toilet facilities that provide privacy including a door that can be locked if such facilities are separate from the room.

(c) *Approval of local code.* In those instances where a local housing code does not meet all the standards listed in this paragraph but is reasonably comparable, the agency providing relocation assistance may submit such code to the Regional Federal Highway Administrator

for approval or disapproval as acceptable standards for decent, safe, and sanitary housing.

(d) *Exceptions.* Exceptions may be granted to decent, safe, and sanitary standards but requests should be limited to items and circumstances that are beyond the reasonable control of the relocatee to adhere to the standards. Approved exceptions shall not affect the computation of the replacement housing payment.

(1) *Exceptions for parcels.* In case of extreme hardship or other similar extenuating circumstances, an exception to the decent, safe, and sanitary characteristics of replacement housing may be permitted in a particular case with the written concurrence of the Regional Federal Highway Administrator. For example, it is recognized that exceptional problems may arise with regard to large families meeting floor space requirements. In instances of this kind it would be appropriate to waive the square footage requirement on a parcel basis provided there is satisfactory bedroom space based on the age and sex of the occupants.

(2) *Exceptions for project or area.* The Associate Administrator for Right-of-Way and Environment may approve exceptions to the standards of this paragraph on a project or areawide basis where unusual conditions exist.

§ 740.5 Applicability.

(a) *Federal and Federal-aid project.* To the extent provided in § 740.2, the provisions of this part are applicable to any person who as of January 2, 1971, has not been displaced by any highway project on which Federal-aid highway funds or other Federal funds are or will be utilized.

(b) *Property acquired as required contribution.* All rights-of-way acquired by any State agency, county, town, or any other local governmental agency and furnished as a required contribution incident to a Federal or Federal-aid highway project shall not be accepted unless all the payments have been made and all the assistance and assurances have been provided as required by this part.

(c) *Property acquired by any agency.* Any Federal agency which acquires property for highway projects authorized under chapters 1 and 2, title 23, United States Code, shall provide the relocation services and payments described in this part. When real property is acquired by a State or local governmental agency for such a Federal project, the acquisition shall be deemed to be an acquisition by the Federal agency having authority over such project.

§ 740.6 Assurances of adequate relocation assistance program.

(a) *Statewide assurances.* No State highway department shall be authorized to proceed with any phase of any project which will cause the relocation of any person, or proceed with any construction project concerning any right-of-way acquired by the State without Federal participation and coming within the provisions of § 740.5(a) until it has furnished satisfactory assurances on a statewide basis that:

(1) Relocation payments and services were or will be provided as set forth in this part.

(2) The public was or will be adequately informed of the relocation payments and services which will be available as set forth in § 740.10.

(3) To the greatest extent practicable no person lawfully occupying real property shall be required to move from his dwelling, or to move his business or farm operation, without at least 90 days written notice from the State of the date by which such move is required.

(b) *Project assurances.* No State shall be authorized to proceed with right-of-way negotiations on any project which will cause the relocation of any person until it has submitted specific written assurances that:

(1) *Comparable replacement housing.* Within a reasonable period of time prior to displacement comparable replacement dwellings will be available or provided (built if necessary) for each displaced person. Such assurance shall be accompanied by an analysis of the relocation problems involved and a specific plan to resolve such problems as described in § 740.12(b). Where right-of-way is acquired in hardship cases and/or for protective buying the required assurance together with an analysis of the relocation problems involved and a specific plan to resolve such problems shall be provided for each parcel or for the project.

(2) *Adequate relocation program.* The State relocation program is realistic and is adequate to provide orderly, timely and efficient relocation of displaced persons as provided in this part.

§ 740.7 Eligibility for participation of Federal-Aid Funds.

(a) *Reimbursement requirements.* Federal funds will participate only in the costs of relocating those persons in occupancy at the initiation of negotiations of the parcel or at the time written notice of intent to acquire or to vacate is issued, whichever is earlier, and to no subsequent occupants. Federal funds will participate in relocation payments to eligible persons when all of the following conditions have been met:

(1) *Program approval and authorization.* There has been approval of a Federal-aid program or project and authorization to proceed has been issued. Costs incurred at the conceptual stage may be charged to either preliminary engineering or right-of-way depending upon State procedures.

(2) *Person relocated.* When in fact a person has been or will be relocated by the project or from the right-of-way approved for such project.

(3) *Lawful costs.* When relocation costs are incurred in accordance with law.

(4) *Costs recorded as liability.* When relocation costs are recognized and recorded as a liability of the State in accounts of the State.

(5) *Project agreement executed.* After the project agreement has been executed for the particular project involved.

(b) *Interest acquired.* The type of interest acquired does not affect the eligibility of relocation costs for reimbursement provided the interest acquired is sufficient to cause displacement. In like manner, the terms under which a tenant is occupying property do not affect eligibility for Federal participation provided the tenant is actually displaced by the project and the occupancy is lawful.

(c) *Losses due to negligence.* Losses due to negligence of the relocated person, his agent or employees are not eligible for Federal participation.

(d) *Federal share.* (1) Until a State fully complies with all the provisions of this part, Federal fund participation shall be limited to the appropriate Federal share for the class of funds involved.

(2) If a State can fully comply with the provisions of this part, the Federal share of the first $25,000 of the cost of providing relocation payments made to any displaced person pursuant to this part on account of any acquisition or displacement shall be 100 percent until July 1, 1972.

(3) Federal reimbursement for the cost of relocation payments in excess of $25,000 to any one person, and for costs incurred after June 30, 1972, shall be determined in accordance with the appropriate Federal pro rata share for the class of funds involved.

(4) Federal reimbursement for the cost of providing relocation services shall be determined in accordance with the appropriate Federal pro rata share for the class of funds involved whether such services are provided by the State or by contract.

(e) *Administrative costs.* Only those costs directly chargeable to the highway project are eligible for Federal participation. The administrative and central office expenses of the State and any political subdivision or local public authorities under contract to perform certain phases of relocation services, payments or surveys are not eligible for Federal participation. The policies and procedures governing reimbursement for employment of public employees on Federal-aid projects are contained in Part 115 of this title.

(f) *Refusal of assistance.* A displaced person can refuse relocation services and still be eligible for payments. There is no requirement that he accept the services if he wants to relocate on his own. However, it would be necessary that he meet the decent, safe, and sanitary requirements and make application within the time limits to qualify for replacement housing payments.

(g) *Property not incorporated into right-of-way.* If a relocation is made necessary by an acquisition for the project, even though the property acquired is not incorporated within the final right-of-way, Federal funds may participate in relocation payments.

(h) *Advisory services to adjacent property.* Federal funds are authorized to participate in the cost of furnishing relocation advisory services to any person occupying property immediately adjacent to property acquired for a highway project when the head of the relocating agency determines that such person is caused substantial economic injury because of the acquisition.

§ 740.8 Organization requirements for administration of relocation assistance programs.

(a) *State organization and procedures.* Each State highway department shall have an individual whose primary responsibility is the administration of the State's relocation assistance program. The organization and procedures of the State agency which administers the relocation program shall provide as a minimum that:

(1) *Responsibility assigned on project basis.* Each right-of-way project where relocations will occur, shall have assigned to it one or more individuals whose primary responsibility is to provide relocation assistance. These individuals may have responsibility for more than one project where reasonable.

(2) *Local relocation office.* A local relocation office shall be established which is reasonably convenient to public transportation or within walking distance of each project when the State determines that the volume of work or the needs of the displaced persons are such as to justify the establishment of such an office. The determination whether or not to establish a local relocation office shall be made on an individual project basis and submitted to the division engineer for his approval or disapproval. These offices shall be open during hours convenient to the persons to be relocated, including evening hours when necessary. Consideration should be given to the employment of people in the local relocation office who are familiar with the problems of the area.

(3) *Information to be maintained on a project basis.* The following shall be maintained and provided for each project:

(i) Current and continuing lists of replacement dwellings available to persons without regard to race, color, religion, or national origin drawn from various sources, suitable in price, size, and condition for displaced persons to the extent they are available.

(ii) Current and continuing lists of comparable commercial properties and locations for displaced businesses.

(iii) Current data for such costs as security deposits, closing costs, typical downpayments, interest rates, and terms.

(iv) Maps showing the location of schools, parks, playgrounds, shopping, and public transportation routes in the area where applicable.

(v) Schedules and costs of public transportation where applicable.

(vi) Copies of the State's brochure explaining its relocation program, local ordinances pertaining to housing, building codes, open housing, consumer education literature on housing, shelter costs, and family budgeting.

(vii) Subscriptions for apartment directory services, neighborhood and metropolitan newspapers, etc. In addition, multiple listing services shall be maintained where available.

(4) *Contact with and exchange of information with other agencies.* Relocation officials shall maintain personal contact and shall exchange information with other agencies providing services useful to persons who will be relocated

(i) Such agencies may include but not be limited to social welfare agencies, urban renewal agencies, redevelopment authorities, public housing authorities, the Department of Housing and Urban Development, Veterans' Administration and Small Business Administration.

(ii) Personal contact shall be maintained with local sources of information on private replacement properties, including real estate brokers, real estate boards, property managers, apartment owners and operators, and homebuilding contractors.

(iii) The Department of Housing and Urban Development and Veterans' Administration procedures which provide for making properties acquired by them available for direct sale to persons to be relocated as a result of governmental action.

(iv) It is expected that in the application of these programs, to specific projects, the State will coordinate their actions with the local agencies responsible for administering these and other Federal programs.

(b) *State policy and procedure statement or manual—(1) Policy and procedure statement.* The State highway department shall provide and submit, under Point 31 of its policy and procedural statement, or in a manual form that accomplishes the same objective, the following information:

(i) *Organization.* The office in the State highway department which has statewide responsibility for implementing the relocation program, the director of that office and the State agency which will administer the relocation program.

(ii) *Number of personnel and job titles.* The estimated number and job titles of personnel having responsibilities for providing relocation payments and services in the central office and field offices as applicable. Indicate the title of the district office relocation assistance supervisor and show to whom he reports and his relationship to the district engineer and to the central office.

(iii) *Job descriptions and qualifications.* In the submission, the State highway department shall attach as exhibits the job descriptions and qualifications for each job title for both supervisory and field personnel unless otherwise submitted. The job classifications should provide a career ladder so that, as an employee gains experience and training, advancement can be made.

(2) *Contracts with other agencies.* The State highway department shall indicate to what extent it expects to contract with other Federal, State, or local agencies to carry out the requirements of this part.

(3) *Relocation assistance and payments procedures.* The State highway department shall submit a complete description of the procedures followed for furnishing relocation services and for making relocation payments. The procedures, as a minimum, should include a description or explanation of the following items:

(i) Citation and effective date of the applicable law enabling the State to fully comply or a statement of the extent of the State's ability to comply with the relocation provisions of 42 U.S.C. 4601–4655 (Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970) applicable to Federal and Federal-aid projects financed in any part by Federal funds.

(ii) Indicate the standards for accessibility of the relocatees to the relocation assistance offices, their office hours and the type of lists, maps, and other information to be maintained. Indicate the extent to which project or field offices will be used.

(iii) Indicate when and by whom personal contacts with owner-relocatees and tenants will be made.

(iv) Indicate the personnel, timing, methods, and procedures to be used for the preliminary investigations of approximate number of relocatees, availability of decent, safe, and sanitary replacement housing as provided in § 740.11.

(v) Indicate the personnel, methods, timing, and procedures to be used as provided in § 740.12(b) for obtaining an inventory of available housing; for correlating the needs of the relocatees with available housing; and for developing a relocation plan for the specific project.

(vi) Describe the procedures to be used by the State in providing public information through brochures, public hearings, newspapers, radio, television, and written descriptions of available assistance and payments for owners, tenants, businesses, farms, and nonprofit organizations. Attach a copy of brochures used by the State.

(vii) Describe the procedures for determining moving cost payments and/or schedules to which both owners and tenants are entitled. Attach fixed schedules as exhibits, where applicable.

(viii) Describe the procedures that will be followed in making replacement housing payment to owner-occupants and tenants. Indicate who is responsible for determining replacement housing payments. Explain eligibility requirements. Indicate time limits and methods of applying for payments.

(ix) Describe the closing expenses that are payable. Attach a copy of a typical closing statement indicating such closing payments.

(x) Describe the method of computing increased interest cost.

(xi) Describe procedures utilized to assure that to the greatest extent practicable owners and tenants are not required to move without at least 90 days'

written notice and when such written notice is given. Submit copy of notice.

(xii) Describe appeal procedures available to relocatees.

(xiii) Attach a copy of the assurances required by § 740.6(a).

(xiv) Attach a copy of all forms developed for carrying out the relocation program.

(4) *Duplicate payments under State eminent domain law prohibited.* The State highway department shall submit citation of applicable State legislation if, under the State law of eminent domain, the relocatee is entitled to receive any payment designed to have substantially the same general purpose and effect as the payments described in this part and for which Federal reimbursement is otherwise available. The Federal Highway Administrator's determination as to the purpose and effect of a State law shall govern Federal participation in such costs.

§ 740.9 Relocation contract procedures.

(a) *Relocation functions performed by another agency.* In order to prevent unnecessary expense and duplication of functions and to promote uniform and effective administration of relocation assistance programs for displaced persons, the FHWA or a State may enter into contracts with any individual, firm, association, or corporation for services in connection with such programs, or may carry out its functions under this part through any Federal or State agency having an established organization for conducting relocation assistance programs.

(b) *Agencies providing relocation assistance.* The State highway department shall furnish the following information concerning the agency, if other than the State highway department, which will provide the relocation assistance required by this part.

(1) *Name.* The name and location of the agency.

(2) *Qualifications.* An analysis of the agency's present workload and of its ability to perform the requirements of this part.

(3) *Personnel.* The estimated number and the job titles of relocation personnel of the agency that will provide the relocation assistance for the project.

(c) *Contracting procedures.* Where a State highway department elects to have the relocation services and payments required under this part administered by another Federal, State, local governmental, or private agency having an established organization, it shall enter into a written contract or agreement to that effect with the agency it selects. The contract or agreement shall have prior approval by the division engineer and shall conform with the following:

(1) *Perform services and make payments.* Obligate the agency to perform the relocation assistance advisory services and make the relocation payments in accordance with the regulations of this part.

(2) *Retention of records.* Provide that the records required by § 740.14 will be retained by the agency administering the relocation program or turned over to the State highway department. The records shall be retained for a period of not less than 3 years after payment of the final voucher on each project, regardless of which agency retains them.

(3) *Available for inspection.* The records shall be available for inspection by representatives of the Federal Government at any reasonable hour.

(4) *Specify financial responsibilities.* Where the contract is with a public agency administering another Federal grant program, the contract shall specify the financial responsibilities of each to finance the relocation program required by this part.

(5) *Administrative costs.* Only those costs directly chargeable to the highway project are eligible for Federal participation.

(6) *Civil rights.* Contain the clauses set forth in 49 CFR Part 21.

(7) *Changes.* Provisions that would permit the negotiations for mutual acceptance of major changes in the scope, character, or estimated total cost of the work to be performed if such changes become necessary.

(8) *Revision or amendment of existing agreement or contracts.* Agreements or contracts in existence with local agencies on the effective date of this part must be revised or amended to include the additional requirements set forth herein and to provide for all the services and payments required by this part. If the terms of the existing agreement or contract do not permit such revision or amendment, supplementary contracts shall be executed to provide such requirements.

(9) *Adequate staff.* The division engineer in reviewing any such contract or agreement for approval shall give special attention to ascertain if the agency does in fact have a staff to adequately and properly perform the functions required by the contract or agreement.

(d) *Lands acquired by local public agency.* The provisions of this paragraph govern the application of relocation procedures where lands are acquired by a local public agency.

(1) *Lands acquired and cleared prior to location of highway.* Where lands are acquired and cleared by the local public agency prior to the receipt of written advice from the State highway department concerning the location of a proposed highway or a request for reservation or conveyance for highway purposes, the provisions of this part will not apply. In such cases, relocations would be handled under the local public agency procedures and Federal participation would be limited to the applicable pro rata amount of the fair market value as determined by mutually acceptable appraisal of the bare land or cost of the local public agency as provided in FHWA right-of-way regulations and procedures. Authorization by the FHWA to acquire the right-of-way from the local public agency should not be given until the applicable public hearing requirements have been met. Where work is undertaken under the TOPICS program which requires the relocation of any person the provisions of this part shall apply.

(2) *Lands acquired and cleared subsequent to location of highway.* Where lands are acquired and cleared by the local public agency subsequent to its receipt of written advice from a State highway department giving the location of the proposed highway or a request for reservation or conveyance for highway purposes, relocation shall be handled under the provisions of this memorandum. Federal participation would be at the applicable pro rata amount of the cost of the local public agency. Since the FHWA cannot authorize right-of-way acquisition until after the design hearing, with the exception of those instances provided for in Part 790 of Title 23, Code of Federal Regulations, there should be no overall agreement with the local public agency until after the design hearing. A limited agreement could be entered into with the local public agency to allow it to acquire parcels permitted under the provisions of part 790 and handle relocation under the provisions of this part.

§ 740.10 Public information.

(a) *General requirements.* In order to assure that the public has adequate knowledge of the relocation program the State shall present information and provide opportunity for discussion of relocation services and payments at public hearings, prepare a relocation brochure and give full and adequate public notice of the relocation assistance program.

(b) *Corridor public hearings.* The discussion shall include but not necessarily be limited to the following:

(1) The availability of relocation assistance and services, eligibility requirements, and payment procedures.

(2) The estimated number of individuals, families, businesses, farm, and nonprofit organizations that are to be relocated by each of the alternatives under consideration at the hearings.

(3) The studies that have been or will be made and the methods that will be followed to assure that housing needs of the relocatees will be met.

(c) *Highway design public hearings.* The discussion shall include but not necessarily be limited to the following:

(1) The eligibility requirements and payment procedures including:

(i) Eligibility requirements and payment limits for moving costs.

(ii) Replacement housing payment eligibility requirements and payment limits.

(iii) Mortgage interest rate differential eligibility requirements and payment.

(iv) Payment of closing costs incident to the purchase of a replacement dwelling.

(v) Appeal procedures.

(2) Discussion of the services available under the State's relocation assistance advisory program. The address and telephone number of the local relocation office and the name of the relocation officer in charge.

(3) The estimated number of individuals or families to be relocated.

(4) The estimated number of dwelling units presently available that meet replacement housing requirements.

(5) An estimate of the time necessary for relocation and of the number of dwelling units meeting the replacement housing requirements that will become available during that period.

(6) The depth of presentation would be influenced by the comprehensiveness of the brochure. If the brochure covers a particular item in sufficient detail, it would be satisfactory to highlight what the brochure contains without going into any great detail. If a particular item is not applicable to the project it would not be necessary to discuss the item beyond the mere mention that the law makes provision for such item.

(d) *Brochure.* The State shall prepare a brochure adequately describing its relocation program and distribute the same without cost at all public hearings and to all other individuals and organizations as appropriate. The brochure shall state where copies of any State regulations implementing the relocation assistance program can be obtained. In order to give proper information and assistance to relocatees every effort should be made to communicate with them in their language. Where a language other than English is predominant it might be well to also publish the brochure in such language.

(e) *Public announcements.* In addition to the public hearing notices required by Part 790 the State shall within 15 days after initiation of negotiations on the project provide public announcements of the relocation services to be provided, payments that can be made and where the State's brochure can be obtained. Such public announcements shall consist of the utilization of any combination of mass media which will provide full and adequate notice to the public. The mass media used could be: local newspaper(s), radio, television, local meetings, and posted notices. Federal funds may participate in such expenditures but the costs should be reasonable. Particular emphasis should be given to utilizing the media that is read, looked at, or listened to the most by residents on the project. The public announcements shall:

(1) State the date of initiation of negotiations established for the project. For this purpose, the date of initiation of negotiations for the project means the date the acquiring agency makes the first personal contact with the owner of any property on the Federal or Federal-aid project or his designated representative where price is discussed except where such contact is made solely for protective buying or because of hardship. The control date thus established shall be documented in the project file of the acquiring agency.

(2) Define the area of the project.

(3) Advise occupants of such area of their eligibility for and the requirements to receive moving and replacement housing payments.

(4) Advise that any occupant contemplating moving should, to insure eligibility for moving and replacement housing payments, notify the State before moving.

(5) Advise that owner-occupants in order to be eligible for relocation benefits must sell to the State.

(6) State where the State's brochure describing the relocation program can be obtained.

(f) *Department of Transportation order on replacement housing.* The replacement housing policy contained in the DOT Order 5620.1, dated June 24, 1970 shall be:

(1) Discussed at highway design public hearings under paragraph (c) of this section.

(2) Described in the State's brochure required by paragraph (d) of this section.

(3) Included in public announcements required by paragraph (e) of this section.

§ 740.11 Relocation program plan at conceptual stage.

(a) *General requirements.* A project will be considered to be in this stage until such time as the final location is approved. The cost incurred in connection with securing the information described in paragraph (b) of this section is chargeable to either preliminary engineering or right-of-way. Prior to the completion of this stage and prior to the corridor public hearing, the State shall make preliminary investigations which will furnish the necessary information to meet the corridor public hearing requirements as provided in § 740.10(b).

(b) *Information to be obtained.* The information to be developed at this time would be in the form of an estimate to determine:

(1) The estimated number of individuals, families, businesses, farms, and nonprofit organizations that are to be relocated by each of the alternatives under consideration.

(2) The probable availability of decent, safe, and sanitary replacement housing within the financial means of the individuals and families affected by each of the alternatives under consideration.

(c) *Basis of information obtained.* The basis upon which the above findings were made and a statement relative to the relocation problems involved in each location along with possible solutions shall be submitted by the State to the FHWA prior to the corridor public hearing.

§ 740.12 Relocation program at right-of-way stage.

(a) *General requirements.* The division engineer shall not authorize the State to proceed with negotiations on any project which will cause the relocation of any person until the State has submitted and he has approved the project assurances as provided for in § 740.6(b) and the relocation plan required by paragraph (b) of this section.

(b) *Relocation plan*—(1) *Inventory of individual needs.* The State shall prepare an inventory of the characteristics and needs of individuals and families to be displaced based on the standard of comparable replacement housing. This inventory may be based upon a sampling survey process rather than a complete occupancy survey. A State may utilize recent census or other valid recent survey data to assist in preparing the inventory. However, any sampling survey process must be to the depth necessary to be fully representative of the characteristics and needs of the relocatees.

(2) *Inventory of available housing.* The State shall develop a reliable estimate of currently available comparable replacement housing. The estimate shall set forth the type of buildings, state of repair, number of rooms, adequacy of such housing as related to the needs of the persons or families to be relocated (based on standards outlined in § 740.4), type of neighborhood, proximity of public transportation and commercial shopping areas, and distance to any pertinent social institutions, such as church, community facilities, etc. The use of maps, plats, charts, etc., would be useful at this stage. This estimate should be developed to the extent necessary to assure that the relocation plan can be expeditiously and fully implemented.

(3) *Analysis of inventories.* The State shall prepare an analysis and correlation of the above information so as to develop a relocation plan which will:

(i) Outline the various relocation problems.

(ii) Provide an analysis of current and future Federal, State, and community programs currently in operation in the project areas, and nearby areas affecting the supply and demand for housing including detailed information on concurrent displacement and relocation by other governmental agencies or private concerns.

(iii) Provide an analysis of the problems involved and the method of operation to resolve such problems and relocate the relocatees in order to provide maximum assistance.

(iv) Estimate the amount of leadtime required and demonstrate its adequacy to carry out a timely, orderly, and humane relocation program.

§ 740.13 Relocation program at construction stage.

(a) *Authorization for construction.* (1) To comply with the DOT Order 5620.1, dated June 24, 1970, the division engineer shall verify the fact that adequate replacement housing is in place and has been made available to relocatees prior to authorizing advertising for physical construction bids.

(2) The division engineer shall not authorize advertising for physical construction bids unless all of the applicable

provisions of this part have been complied with.

(b) *Adequate replacement housing.* For the purposes of DOT Order 5620.1, the term "adequate replacement housing" means a dwelling which is:

(1) Decent, safe, and sanitary.

(2) Fair housing—open to all persons regardless of race, color, religion, sex, or national origin and consistent with the requirements of 42 U.S.C. 3601–3619 and 3631.

(3) In areas not generally less desirable than the dwelling to be acquired in regard to:

(a) Public utilities.

(b) Public and commercial facilities.

(4) Within the financial means of the displaced family or individual.

(5) Reasonably accessible to the relocatee's place of employment, public services, and commercial facilities.

(6) Adequate to accommodate the relocatee.

(c) *Available replacement housing.* "Made Available" shall mean that the affected person has either by himself obtained and has the right of possession of replacement housing or the State has offered him decent, safe, and sanitary replacement housing which is available for immediate occupancy. A State will be in compliance with the offer requirement when it can be shown that it has:

(1) Determined that decent, safe, and sanitary housing that is in an area not less desirable in regard to public utilities and public and commercial facilities, in the same general area from which he is being displaced and reasonably accessible to the relocatee's place of employment and adequate to accommodate the relocatee, is available and has informed the relocatee of its availability and location.

(2) Informed the relocatee of the amount, if any, of supplemental payments available to him. In hardship cases, assured the relocatee that an advance of funds will be made should it become necessary.

(3) Provided the relocatee sufficient time to negotiate for and obtain possession of the housing.

(4) Determined that the available housing is within the financial means of the relocatee.

(5) Determined that the replacement housing offer is fair housing—open to all persons regardless of race, color, religion, sex, or national origin.

(d) *Verification of adequate replacement housing.* The verification that adequate replacement housing is in place and has been made available to displacees will be accomplished by spot check field reviews by the division engineer to the depth necessary to provide sufficient evidence that there has been full compliance with DOT Order 5620.1.

§ 740.14 Records.

(a) *Relocation records—General.* The State agency shall maintain relocation records showing:

(1) State and Federal project and parcel identification.

(2) Names and addresses of displaced persons and their complete original and new addresses and telephone numbers (if available after reasonable effort to obtain where relocatee moved without assistance).

(3) Personal contacts made with each relocated person, including for each relocated person:

(i) Date of notification of availability of relocation payments and services.

(ii) Name of the official offering or providing relocation assistance.

(iii) Whether the offer of assistance in locating or obtaining replacement housing was declined or accepted and the name of the individual accepting or declining the offer.

(iv) Dates and substance of subsequent followup contracts.

(v) Date on which the relocated person was required to move from the property acquired for the project.

(vi) Date on which actual relocation occurred and whether relocation was accomplished with the assistance of the State agency, referral to other agencies, or without assistance. If the latter, an approximate date for actual relocation is acceptable.

(vii) Type of tenure before and after relocation.

(4) For displacements from dwelling:

(i) Number in family.

(ii) Type of property (single detached, multifamily, etc.).

(iii) Value, or monthly rent.

(iv) Number of rooms occupied.

(5) For relocated businesses:

(i) Type of business.

(ii) Whether continued or terminated.

(iii) If relocated, distance moved (estimate acceptable).

(6) For relocated farms:

(i) Whether continued or terminated.

(ii) If relocated, distance moved (estimate acceptable).

(b) *Moving expense records.* The State agency shall maintain records containing the following information regarding moving expense payments:

(1) The date the removal of personal property was accomplished.

(2) The location from which and to which the personal property was moved.

(3) If the personal property was stored temporarily, the location where the property was stored, the duration of such storage, and justification for the storage and storage charges.

(4) Itemized statement of the costs incurred supported by receipted bills or other evidence of expense.

(5) Amount of reimbursement claimed, amount allowed and an explanation of any differences.

(6) Data supporting any determination that a business cannot be relocated without a substantial loss of its existing patronage and that it is not part of a commercial enterprise having at least one other establishment not being acquired by the State or the United States.

(7) When an in lieu payment is made to a business or farm operation, data showing how the payment was computed.

(8) When moving expense payments are made in accordance with a schedule, the data called for in paragraphs (b)(3) and (b)(4) of this section need not be maintained. Instead records showing the basis on which payment was made shall be maintained.

(c) *Replacement housing payment records.* The State agency shall maintain records containing the following information regarding replacement housing payments:

(1) The date of the State agency's receipt of each application for such payments.

(2) The date on which each payment was made or the application rejected.

(3) Supporting data explaining how the amount of the supplemental payment to which the applicant is entitled was calculated.

(4) A copy of the closing statement to support the purchase or downpayment, and incidental expenses when replacement housing is purchased.

(5) A copy of the truth in lending statement or other data including computations to support the increased interest payment.

(6) The individual responsible for determining the amount of the replacement housing payment shall place in the file a signed and dated statement setting forth.

(i) The amount of the replacement housing payments.

(ii) His understanding that the determined amount is to be used in connection with a Federal-aid highway project.

(iii) That he has no direct or indirect present or contemplated personal interest in this transaction nor will derive any benefit from the replacement housing payment.

(7) A statement by the State agency that in its opinion the relocated person has been relocated into adequate replacement housing.

(d) *Records available for inspection.* The relocation records must be available at reasonable hours for inspection by representatives of the Federal Government who have an interest or responsibility in matters relative thereto.

§ 740.15 Reports.

(a) *Annual report.* Form PR–1228, Relocation Assistance and Payment Statistics (RCS HRW–20–03), will be submitted annually for the period ending June 30, showing the information requested thereon. Form PR–1228 and instructions for its preparation are available from FHWA in accordance with 49 C.F.R. Part 7. The reports shall be furnished within 30 days after the end of the fiscal year which the report covers: A separate report should be submitted for the rural and urban portion of each system. The reports shall be forwarded to the Office of Right-of-Way, Relocation Assistance Division, through the division and regional offices.

(b) *Reporting to management.* The States are encouraged to establish a reporting procedure which will keep management advised as to the status of relocation of relocatees and its effect on

scheduling of construction projects. For example:

(1) The total number of persons to be relocated on the project initially (reported by individuals, families, businesses and nonprofit organizations).

(2) The total number of persons displaced, relocated this reporting period (reported by individuals, families, businesses and nonprofit organizations).

(3) The total number of persons displaced, relocated to date (reported by individuals, families, businesses, and nonprofit organizations).

(4) The analysis of problem cases encountered or anticipated.

(5) The method proposed for resolving problem cases.

(6) A progress analysis of relocating the remaining occupants as compared to the remaining leadtime.

§ 740.16 Relocation program on projects affected by a major disaster.

(a) *General.* The policies and procedures contained in this part, as modified by this paragraph, are applicable to relocation programs on projects in areas that are designated by the President as major disaster areas.

(b) *Tenture of occupancy.* (1) Individuals and families whose homes have been damaged or destroyed by a major disaster and who have not been able to reoccupy their homes by the start of negotiations for the parcel may be considered to be in constructive occupancy and Federal funds may participate in relocation payments to such individuals and families: provided that location approval for the project had been given by the FHWA prior to the major disaster.

(2) If location approval was not given by the FHWA prior to the major disaster, Federal funds may not participate in relocation payment to such individuals and families.

(c) *Computation of replacement housing payment for owner-occupant of 180 days or more who purchases*—(1) *Fair market value of acquired residence.* The fair market value of damaged or destroyed residences will be as of the usual date of valuation for a highway project.

(2) *Computation.* The replacement housing payment will be the amount, if any, which when added to the amount for which the State acquired the damaged or destroyed dwelling equals the lesser of:

(i) The actual cost the owner is required to pay for a decent, safe and sanitary dwelling; or

(ii) The amount determined by the State as necessary to purchase a comparable dwelling.

(3) *Payment in excess of $15,000.* If the replacement housing payment to which the displacee would be entitled will exceed $15,000, the utilization of last resort housing will be necessary.

(4) *Duplicate payments.* Any proceeds received by the relocatee for payment of damages to his residence as a result of the major disaster, from any source, such as flood insurance or cancellation of a portion of a Small Business Administration (SBA) loan is to be deducted from the replacement housing payment for which the relocatee is eligible.

(d) *Requirement to receive replacement housing payment.* A displaced person will be eligible to receive a replacement housing payment providing he occupies a decent, safe and sanitary dwelling as provided in § 740.72(b); except that:

(1) If the relocatee enters into a contract to purchase or construct a replacement dwelling; or

(2) The State under last resort housing procedures enters into a contract to purchase or construct replacement housing for the relocatee, the date of the contract will be considered the occupancy date.

(e) *Relocation services*—(1) *Tenants.* Within 7 days after the initiation of negotiations for the purchase of the dwelling unit they occupy or are considered to be in constructive occupancy of, as above, tenants shall be provided either by personal contact or certified mail mailed within the said 7 days, a written statement which includes:

(i) The date of initiation of negotiations for the parcel.

(ii) An explanation of the eligibility requirements to receive a rental replacement housing payment, and of his option to receive a downpayment and incidental expenses for the purchase of replacement housing including the matching requirements. In addition, the relocatee shall be provided an explanation of the relocation services available, unless such explanations are adequately covered in the brochure. Emphasis should be placed on the fact that eligibility is not complete until the property is acquired. Each relocatee shall be provided a subsequent notice when he is fully eligible and such notice shall be given prior to the 90-day notice to vacate.

(iii) The brochure.

(iv) If the initial information is given by certified mail as allowed above, there shall be a personal contact with the tenant within 30 days of the initiation of negotiations for the parcel to furnish any additional explanations necessary. Such contact shall be made prior to the 90-day notice to vacate.

(f) *Replacement housing payment to tenant-occupant for not less than 90 days*—(1) *Time of computation.* The maximum replacement housing payment for which a displaced tenant is eligible will be computed near the time he will be actively looking for replacement housing.

(2) *Notification as to payment.* (i) The tenant will be informed in writing of the amount of the maximum replacement housing payment for which he is eligible and of the applicable requirements to receive such payment.

(ii) The information in paragraph (f)(2)(i) of this section is to be given to the tenant at such time as will allow him ample time to find replacement housing but, in any event, must be given prior to the issuance of a 90-day notice to vacate.

(c) If the information in paragraph (f)(2)(i) of this section is requested by the tenant prior to it being provided him, the information shall be provided within a reasonable time after such request.

Subpart B—Relocation Services

§ 740.31 Scope.

This subpart prescribes requirements for providing relocation services to those relocated as a result of Federal and Federal-aid highway programs.

§ 740.32 Relocation assistance advisory services.

(a) *General.* States shall establish a relocation assistance advisory services program in order to provide the maximum assistance possible to persons required to relocate because of a Federal or Federal-aid highway program. The services required herein are intended as a minimum to assist persons in relocating to decent, safe, and sanitary housing that meets their needs. The services shall be provided by personal contact. If such personal contact cannot be made, the State shall document the file to show that reasonable efforts were made to achieve the personal contact.

(b) *Eligibility.* Relocation assistance advisory service shall be offered to:

(1) All persons occupying property to be acquired.

(2) All persons occupying property immediately adjacent to the real property acquired when the State determines that such person or persons are caused substantial economic injury because of the acquisition.

(3) All persons who, because of the acquisition of real property used for a business or farm operation moves from other real property used for a dwelling, or moves his personal property from such other real property.

(c) *Minimum advisory service requirements.* (1) The State relocation assistance advisory service program as required herein shall include as a minimum such measures, facilities or services as may be necessary or appropriate to:

(i) Discuss and explain the services available, relocation payments and the eligibility requirements therefor and assist in completing any applications or other forms required.

(ii) Determine the need, if any, of displaced persons, for relocation assistance.

(iii) Provide current and continuing information on the availability, prices and rentals of comparable decent, safe, and sanitary sales and rental housing, and of comparable commercial properties and locations for displaced businesses.

(iv) Assist a person displaced from his business or farm operation in obtaining and becoming established in a suitable replacement location.

(v) Supply information concerning Federal and State housing programs, disaster loan programs, and other Federal or State programs offering assistance to displaced persons.

(vi) Provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to a new location.

(2) The amount of the advisory services and extent shall be administered on a reasonable basis commensurate with the relocatees' needs.

(d) *Coordination of relocation activities.* The State shall contact other Federal, State, and local governmental agencies to determine the extent of present and proposed actions which will affect its relocation program and the availability of housing resources. Where other agencies are involved positive action shall be taken to assure maximum coordination of relocation activities. To assure simplification and coordination in administering relocation activities, the State should consider contracting with a single agency to assure full responsibility for providing relocation services and assistance in a given community or area.

§ 740.33 Written notices.

The following written notices must be furnished each displaced person to insure that he is fully informed of the benefits and services available to him:

(a) *Notice of intent to acquire.* (1) This notice shall be furnished to owners and tenants, along with the brochure as described in § 740.10(d) when the State determines to establish eligibility for relocation benefits prior to the initiation of negotiations for acquisition of the parcel. This notice shall not be issued prior to the division engineer authorizing the institution of negotiations on the project or authorizing acquisition of individual parcels solely for protective buying or because of hardship.

(2) The notice shall contain the statement of eligibility and any restrictions thereto, the anticipated date of the initiation of negotiations for acquisition of the property and how additional information pertaining to relocation assistance payments and services can be obtained.

(3) If a notice of intent to acquire is furnished an owner, it must also be furnished to his tenants within 15 days.

(4) If a notice of intent to acquire is furnished a tenant, the owner must be simultaneously notified of such action.

(b) *Notice of Displacement.*—(1) *Owner-occupants of more than 180 days.* At the initiation of negotiations for the parcel, the owner shall be furnished:

(i) A written explanation of the eligibility requirements to receive payments for replacement housing, increased interest costs, incidental expenses, and of his option to rent replacement housing unless such explanations are adequately covered in the brochure. In addition, the relocatee shall be provided an explanation of the relocation services available and where they may be obtained.

(ii) The brochure.

(2) *Owner-occupants of less than 180 days but not less than 90 days.* At the initiation of negotiations for the parcel, the owner shall be furnished:

(i) A written explanation of the eligibility requirements to receive payments for replacement housing and of his option to receive a downpayment and incidental expenses to purchase replacement housing and the requirements therefore, and of his option to rent replacement housing unless such explanations are adequately covered in the brochure. In addition, the relocatee shall be provided an explanation of the relocation services available and where they may be obtained.

(ii) The brochure:

(3) *Tenants.* Within 7 days of the initiation of negotiations for the purchase of the dwelling unit occupied, the tenant shall be furnished, either by certified mail or personal contact, a written statement which includes:

(i) The date of initiation of negotiations for the parcel.

(ii) An explanation of the eligibility requirements to receive a rental replacement housing payment, and of their option to receive a downpayment for the purchase or replacement housing including incidental expenses and matching requirements therefor unless such explanations are adequately covered in the brochure. In addition, the relocatees shall be provided an explanation of the relocation services available and where they may be obtained. Emphasis should be placed on the fact that eligibility is not complete until the property is purchased. Each tenant relocatee shall be provided a subsequent notice when the State has control of the property so that he can be assured of his eligibility to receive relocation payments.

(iii) The brochure.

(iv) If the initial information is given by certified mail as allowed above, there shall be a personal contact with the tenant within 30 days of the initiation of negotiations for the parcel to furnish any additional explanations necessary, Such contact shall be made prior to the 90-day notice to vacate.

(4) *Notice of replacement amounts.* (i) In order to provide a positive understanding by the displaced person, the amount of the replacement housing payment to which he is entitled and the pertinent eligibility requirements therefor shall be furnished the displaced person in writing.

(ii) The amount shall be computed in accordance with the appropriate instructions and shall be for a replacement dwelling unit comparable to that from which he was displaced. It is the State's responsibility to make available a comparable replacement dwelling unit and relocate the displaced person to his original ownership or tenancy status if this is his desire. If alternate or optional housing or ownership/tenancy status is desired by the displacee, the State will be expected to make a reasonable effort to accede to such desire. If such optional housing is available, the replacement housing amount, if any, will be based on the specified option. The maximum amount of such payment, however, will be limited to that amount based on a replacement comparable dwelling.

(ii) The computation for and the amount of the replacement housing payment shall be made and the displacee so informed at a time which will accomplish the following purposes:

(A) That the housing units used to determine the replacement housing amount are to be selected near the time the displaced person will be actively looking for a replacement dwelling.

(B) That the amount be computed in a timely manner and given the displacee within a reasonable period of time of the displacee's request, if any.

(C) In any event, the displacee will be informed of the maximum amount to which he is entitled at least 90 days prior to the time he is required to vacate.

(c) *Ninety-day notice to vacate.* (1) The construction or development of a Federal or Federal-aid highway shall be so scheduled that to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling, or to move his business or farm without at least 90 days written notice of the intended vacation date from the agency having responsibility for such acquisition. Exceptions to this provision should be made only in the case of very unusual conditions.

(i) The 90-day notice shall not be given until such time as the State has control of the property.

(ii) The 90-day notice shall give a firm specific date by which the relocatee must vacate the property. This date may be extended when conditions warrant, but any extension must be in writing and must give another specific date by which the property must be vacated.

(iii) A notice is not required if an occupant moves on his own volition prior to the time the State gives the 90-day notice.

(2) As an alternate to paragraph (c) (1) of this section a State may adopt the following procedure:

(i) The 90-day notice may be given on or after the initiation of negotiations for the parcel and shall include a statement that the relocatee will not be required to move from a dwelling, or to move his business or farm before 90 days from the date of the notice. Such notice shall inform the relocatee that he will be given a 30-day written notice specifying the date by which the property must be vacated.

(ii) The 30-day notice shall not be given until such time as the State has control of the property.

(iii) Notices are not required if an occupant moves on his own volition prior to the time such notices are given.

(d) *Notice of right to appeal.* All eligible relocatees shall be furnished a written notice of their right to appeal, as provided in § 740.34 and the procedures for making such appeal. Such notification may be provided by the brochure if such procedures are adequately covered therein.

§ 740.34 Appeals.

(a) *State to establish procedures.* The head of the State agency shall establish procedures, consistent with applicable State law, for his review of appeals under this memorandum. The procedures should provide for possible resolution of an appeal at an echelon below the head of the State agency with a final appeal to the head of the State agency. As a minimum such procedures shall provide that:

(1) Any person making an appeal shall be given a full opportunity to be heard.

(2) A decision will be reached promptly on the basis of evidence submitted and the relocatee notified of such decision.

(3) The result reached will be supported by the necessary computations and rationale and documented in the parcel file.

(b) *Notification of appeal rights and procedures.* At such time as a relocatee indicates he is dissatisfied with a determination as to his eligibility for a payment or of an amount of payment offered under this part he shall be promptly furnished the necessary forms and notified of the procedures to be followed in making an appeal.

Subpart C—Moving Payments

§ 740.51 Scope.

This subpart prescribes requirements for payment of moving and related expenses to those relocated as a result of Federal and Federal-aid highway programs.

§ 740.52 Moving and related expense payments—general provisions for all relocated individuals, families, businesses and farms.

(a) *General.* (1) Any individual, family, business, or farm operator is eligible to receive payment for the reasonable expenses of moving his personal property when:

(i) He is in occupancy at the initiation of negotiations for the acquisition of the real property in whole or in part.

(ii) He is in occupancy at the time he is given a written notice by the State that it is their intent to acquire the property by a given date.

(iii) He moves from the real property or moves his personal property from the real property subsequent to the earliest date established in §§ 740.52(a)(1)(i) and 740.53(a)(1)(ii).

(iv) The real property is subsequently acquired.

(v) If the move occurs after a written order to vacate is issued the occupant is eligible even though the property is not acquired.

(2) Where the acquisition of real property used for a business or farm operation which is eligible for a payment under paragraph (a)(1) of this section causes a person to vacate a dwelling or other real property not acquired or move his personal property from other real property not acquired, the additional expenses of moving such personalty are eligible for the appropriate moving payments under §§ 740.53, 740.54(b), (c), and (d), 740.55(a), and 740.56.

(3) Federal funds will generally not participate in more than one move of a displaced person; however, where it is shown to be in the public interest the division engineer may give prior approval to more than one move. Federal funds will not participate in the moving expenses of occupants who succeed a displaced person in occupancy at the time of initiation of negotiations or who has been given a written notice of intent to acquire.

(b) *Distance of move.* There is no limitation on the distance a relocatee moves either interstate or intrastate. Federal participation is limited to moving expenses not to exceed a 50-mile move either interstate or intrastate except in the case of a business or farm when the State determines that relocation cannot be accomplished within the 50-mile area. Such exceptions may only be allowed to the nearest adequate and available site.

(c) *Where moved to.* Federal funds may participate in a payment for relocating personal property of a relocatee that is moved onto remaining or other lands owned by the relocatee or his landlord.

(d) *Advertising for bids.* The expenses incurred in advertising for packing, crating, and transportation are reimbursable when the State determines that such advertising is necessary. Such advertising should be limited to complicated or unusual moves where advertising is the only method of securing bids.

(e) *Cost of moving bids.* The expenses incurred by the State of obtaining bids or estimates of moving expenses are reimbursable, not to exceed two bids per move.

(f) *Direct payment to mover.* By written prearrangement between the State, the relocatee, and the mover, the relocatee may present an unpaid moving bill to the State for direct payment.

(g) *Contract with movers.* A State may enter into a contract with independent movers on a schedule basis and furnish a relocatee with a list of movers he may choose from to move his property. In such instances the State would pay the mover.

(h) *Hardship.* In hardship cases arrangements may be made for payment of moving expenses in advance.

(i) *Storage.* When an actual expense basis is used and the State determines that it is necessary for a relocated person to store his personal property for a reasonable time, not to exceed 6 months, the cost of such storage shall be eligible for Federal participation as a part of the moving expenses. Storage of personal property on the property being acquired or on other property owned by the relocatee is not eligible for Federal participation.

(j) *Insurance.* The cost of insurance premiums covering loss and damage of personal property while in storage or transit is eligible for Federal participation. Such insurance coverage shall not exceed the reasonable replacement value of the personal property.

(k) *Losses in moving.* The reasonable replacement value of property lost, stolen or damaged (not caused by the fault or negligence of the displaced person, his agent or employee) in the process of moving is reimbursable, where insurance to cover such loss or damage is not available.

(l) *Removal and reinstallation expenses.* The expenses of removal, reinstallation, and reestablishment of machinery, equipment, appliances, and other items which are not acquired, including reconnection of utilities to such items, which do not constitute an improvement (except when required by law) to the replacement site are eligible for reimbursement. Such costs are not applicable to items classified by the State as real property and retained by the owner through the owner retention process. Prior to payment of any expenses for removal and reinstallation of such property, the owner and the State shall agree in writing that the property is personalty and that the State is released from any payment for the property as realty.

(m) *Owner retention.* When an owner retains his dwelling, the cost of moving it onto remainder or replacement land is not eligible for reimbursement as a part of the cost of moving personal property. However, if he chooses to use his dwelling as a means of moving personal property the cost of moving personal property may be considered eligible for Federal participation. Payment in these cases would be on a fixed-schedule basis.

(n) *Delivery of payment checks.* The person or persons who establish the moving cost payment shall not deliver the payment to the relocatee. This also is applicable to situations where such payments and services are being administered by another Federal, State, or local agency under authority of a contract or agreement.

(o) *Claims.* In order to obtain a moving expense payment, a relocated person must file a written claim with the State agency on a form provided by the agency for that purpose within a reasonable time limit determined by the State. The moving expense payment should be made only after the move has been accomplished except as noted in paragraph (h) of this section.

(p) *Exclusions on moving expenses and losses.* The following expenses are considered ineligible for Federal participation as "actual moving expenses":

(1) Additional expenses incurred because of living in a new location.

(2) Cost of moving structures, improvements or other real property in which the displaced person reserved ownership.

(3) Improvements to the replacement site, except when required by law.

(4) Interest on loans to cover moving expenses.

(5) Loss of goodwill.
(6) Loss of business and/or profits.
(7) Loss of trained employees.
(8) Personal injury.
(9) Cost of preparing the application for moving and related expenses.
(10) Modification of personal property to adapt it to replacement site except when required by law.

(q) *Moving of personal property.* Whenever it is necessary to move personal property located within the acquired right-of-way as the result of a highway taking. Federal funds may participate in such cost.

§ 740.53 Moving payments to individuals and families.

(a) *General.* A displaced individual or family eligible under § 740.52(a)(1) is entitled to receive a payment for moving his personal property, himself and his family. The relocatee has the option of payment on the basis of actual, reasonable moving expenses, or a moving expense schedule.

(b) *Actual reasonable moving expenses*—(1) *Commercial moves.* (i) A relocated individual or family may be paid the actual, reasonable cost of a move accomplished by a commercial mover. Such expense will be supported by receipted bills.

(ii) The State may contract with independent movers on a schedule basis and furnish the relocatee with a list of movers he may choose from to move his property. In such instances the State would pay the mover.

(2) *Self-moves.* In the case of a self-move the relocated individual or family may be paid his actual moving costs, supported by receipted bills or other evidence of expenses incurred but such payment may not exceed the estimated cost of moving commercially. The estimated cost may be prepared by a commercial moving company or by a qualified State employee.

(3) *Cost of transportation.* The costs of transportation of individuals and families to the new location are also eligible. Such costs may be on a mileage basis, not to exceed 10 cents per mile, or reasonable actual fees if commercial transport is used and may include special services such as the cost of an ambulance to transport invalid relocatees. The actual reasonable costs of meals and lodging, when the State determines that such costs are required because of unforeseen circumstances or practical necessities of the moving operation, are also eligible.

(c) *Moving expense schedule.* (1) A relocated individual or family is eligible to receive a moving expense allowance, not to exceed $300, determined according to schedules established by the State and approved by the Federal Highway Administrator plus a dislocation allowance of $200. The schedules are to be prepared to provide adequacy of reimbursement in every locality and shall be graduated in relation to the number of rooms in dwellings and the square footage area in mobile homes and house trailers. The schedule shall cover four types of occupants:

(i) *Schedule A.* Occupants of unfurnished dwelling units.

(ii) *Schedule B.* Occupants of furnished dwelling units (including sleeping room tenants).

(iii) *Schedule C.* Occupants of mobile homes who move the mobile home and the personal property.

(iv) *Schedule D.* Occupants of mobile homes who move only the personal property.

(2) The schedules are to be submitted to the Washington Headquarters on a standardized format as shown in appendix A. When revisions are considered, they shall be submitted on the same format for approval at least 60 days prior to the effective date of the revised payments.

(d) *Owner-occupants of multifamily dwellings.* In addition to the payment for the moving of personal property, himself and his family from his dwelling unit in accordance with the provisions of this paragraph, the owner-occupant of a multifamily dwelling is also eligible to receive moving payments under § 740.54 for the other units of the multifamily dwelling.

§ 740.54 Moving payments to businesses.

(a) *General.* (1) The owner of a displaced business eligible under § 740.52(a)(1) is entitled to receive a payment for actual reasonable moving and related expenses which include:

(i) Actual reasonable expenses in moving his business or other personal property as provided in paragraph (d) of this section.

(ii) Actual direct losses of tangible personal property in moving or discontinuing his business, as provided in paragraph (c) of this section.

(iii) Actual reasonable expenses in searching for a replacement business, as provided in paragraph (d) of this section.

(2) In lieu of the payment for actual expenses and losses as specified in paragraph (a)(1) of this section, a relocated business may be eligible for a fixed payment as provided in paragraph (e) of this section.

(b) *Actual reasonable moving expenses*—(1) *Commercial moves.* The owner of a business may be paid the actual reasonable cost of a move accomplished by a commercial mover. Such expenses will be supported by receipted bills.

(2) *Self-moves.* (i) In the case of a self-move the owner of a relocated business may be paid an amount to be negotiated between the State and the business not to exceed the lower of two firm bids or estimates obtained by the State from qualified moving firms.

(ii) If such bids or estimates cannot be obtained, the owner may be paid his actual, reasonable moving costs supported by receipted bills or other evidence of expenses incurred.

(iii) A State may adopt a procedure by which a qualified State employee, other than the employee handling the claim, makes a moving expense finding not to exceed $1,000. The amount of such moving expense finding may be paid the owner of the business upon completion of the move without supporting evidence of actual expenses incurred.

(3) *Alternate payments.* (i) The provisions of paragraph (c) of this section contain the criteria under which reimbursement is based for personal property which is not moved to the new site.

(ii) When personal property which is used in connection with the business to be moved is of low value and high bulk and the estimated cost of moving would be disproportionate in relation to the value, the State may negotiate with the owner for an amount not to exceed the difference between the cost of replacement of comparable item(s) on the market and the amount which would probably have been received for the item(s) on liquidation.

(c) *Actual direct losses of tangible personal property.* Actual direct losses of tangible personal property are allowed when a person who is displaced from his place of business is entitled to relocate such property in whole or in part but elects not to do so. Payments for actual direct losses may only be made after a bona fide effort has been made by the owner to sell the item(s) involved. When the item(s) is sold the payment will be determined in accordance with paragraph (c)(1) or (c)(2) of this section. If the item(s) cannot be sold the owner will be compensated in accordance with paragraph (c)(3) of this section. The sales prices, if any, and the actual, reasonable costs of advertising and conducting the sale shall be supported by a copy of the bills of sale or similar documents and by copies of any advertisements, offer to sell, auction records, and other data supporting the bona fide nature of the sale.

(1) If the business is to be reestablished and an item of personal property which is used in connection with the business is not moved but promptly replaced with a comparable item at the new location, the reimbursement shall be the lesser of:

(i) The replacement cost minus the net proceeds of the sale.

(ii) The estimated cost of moving the item.

(2) If the business is being discontinued or the item is not to be replaced in the reestablished business the payment will be the lesser of:

(i) The difference between the depreciated value of the item in place and net proceeds of the sale.

(ii) The estimated cost of moving the item.

(3) If a bona fide sale is not effected under paragraph (c)(1) or (c)(2) of this section, because no offer is received for the property the owner shall be entitled to the reasonable expenses of the sale and the estimated cost of moving the item. The claimant should arrange to have the personality removed from the premises at no cost by a junk dealer, etc. If this fails the State shall remove the item in the most economical manner.

(4) When personal property is abandoned with no effort being made by the owner to dispose of such property by

sale or by removal at no cost as specified in the above paragraphs, the owner will not be entitled to moving expenses, or losses, for the items involved.

(d) *Actual reasonable expenses in searching for a replacement business.* (1) The owner of a displaced business may be reimbursed for the actual reasonable expenses in searching for a replacement business, not to exceed $500. Such expenses may include transportation expenses, meals, lodging away from home and the reasonable value of time actually spent in search, including the fees of real estate agents or real estate brokers. In exceptional cases, and with prior approval of the division engineer, an amount greater than $500 may be authorized when circumstances so require.

(i) *Receipted bills.* All expenses claimed except value of time actually spent in search must be supported by receipted bills.

(ii) *Time spent in search.* Payment for time actually spent in search shall be based on the applicable hourly wage rate for the person(s) conducting the search but may not exceed $10 per hour. A certified statement of the time spent in search and hourly wage rate(s) shall accompany the claim.

(e) *In lieu of actual moving expenses.* In lieu of the payments described in paragraphs (b), (c), and (d) of this section an owner of a discontinued or relocated business is eligible to receive a payment equal to the average annual net earnings of the business except that such payment shall be not less than $2,500 nor more than $10,000 providing the following requirements are met:

(1) *State must determine.* For the owner of a business to be entitled to this payment, the State must determine that:

(i) The business cannot be relocated without a substantial loss of its existing patronage. Such determination shall be made by the State only after consideration of all pertinent circumstances, including but not limited to the following factors:

(A) The type of business conducted by the displaced concern.

(B) The nature of the clientele of the displaced concern.

(C) The relative importance of the present and proposed location to the displaced business.

(ii) The business is not part of a commercial enterprise having at least one other establishment which is not being acquired by the State or the United States and which is engaged in the same or similar business.

(iii) The business contributes materially to the income of the displaced owner. A part-time individual or family occupation in the home which does not contribute materially to the income of the displaced owner is not eligible for this payment.

(2) *Payment determination.* The term "average annual net earnings" means one-half of any net earnings of the business before Federal, State, and local income taxes, during the 2 taxable years immediately preceding the taxable year in which the business is relocated. "Average annual net earnings" include any compensation paid by the business to the owner, his spouse, or his dependents during the 2-year period. Such earnings and compensation may be established by Federal income tax returns filed by the business and its owner, his spouse and his dependents during the 2-year period. In the case of a corporate owner of a business, earnings shall include any compensation paid to the spouse or dependents of the owner of a majority interest in the corporation. For the purpose of determining majority ownership, stock held by a husband, his wife, and their dependent children shall be treated as one unit.

(3) *In business less than 2 years.* If the business affected can show that it was in business 12 consecutive months during the 2 taxable years prior to the taxable year in which it is required to relocate, had income during such period and is otherwise eligible, the owner of a business is eligible to receive the in lieu of payment. Where the business was in operation for 12 consecutive months or more but was not in operation during the entire 2 preceding taxable years, the payment shall be computed by dividing the net earnings by the number of months the business was operated and multiplying by 12. A taxable year is defined as any 12-month period used by the business in filing income tax returns.

(4) *Owner must provide information.* For the owner of a business to be entitled to his payment, the business must provide information to support its net earnings. City, county, State, or Federal tax returns for the tax years in question are the best source of this information and would be accepted as evidence of earnings. Any commonly acceptable method could be accepted such as certified financial statements or an affidavit from the owner stating his net earnings providing it grants the State the right to review the records, and accounts of the business. The owner's statement alone would not be sufficient.

§ 740.55 Moving payments to farm operators.

(a) *General.* The owner of a displaced farm operation eligible under § 740.52 (a)(1) is entitled to receive payments for actual reasonable moving expenses, actual direct losses of tangible personal property and actual reasonable expenses in searching for a replacement farm in accordance with paragraphs (b), (c), and (d) of § 740.54.

(b) *In lieu of actual moving expenses.* In lieu of the payments described in paragraphs b, c, and d of 740.54, any owner of a displaced farm operation is eligible to receive a payment equal to the average annual net earnings of the farm operation except that such payments shall be not less than $2,500 nor more than $10,000 and providing the following requirements are met:

(1) *State must determine.* For the owner of a displaced farm operation to be entitled to this payment, the State must determine that:

(i) The farm operator has discontinued or relocated his entire farm operation at the present location; and

(ii) In the case of a partial taking the property remaining after the acquisition is no longer an economic unit as determined by the State during its appraisal process.

(2) *Payment determination.* Same as § 740.54(e)(2).

(3) *In operation less than 2 years.* Same as § 740.54(e)(3).

(4) *Owner must provide information.* Same as § 740.54(e)(4).

§740.56 Moving payments—nonprofit organizations.

(a) *General.* (1) A displaced nonprofit organization is eligible to receive payments for actual reasonable moving expenses, actual direct losses of tangible personal property and actual reasonable expenses in searching for a replacement site in accordance with paragraphs b, c, and d of § 740.54.

(2) A displaced nonprofit organization is not eligible for the "in lieu" payment.

§ 740.57 Advertising signs.

(a) *General.* (1) The owner of a displaced advertising sign is eligible to receive a payment for actual reasonable moving and related expenses which include:

(i) Actual reasonable expenses in moving his advertising sign as provided in paragraph (b) of this section.

(ii) Actual direct losses of tangible personal property as provided in paragraph (c) of this section.

(iii) Actual reasonable expenses in searching for a replacement sign site as provided in paragraph (d) of this section.

(2) An advertising sign that is otherwise eligible for moving payments will not be eligible when it is moved to a site in violation of State, Federal, or local regulations.

(3) The provisions of this paragraph do not apply separately to an advertising sign owned by and located on the business or farm being displaced. Such signs including those eligible under § 740.52(a)(2) are to be considered items of the business or farm and included under the provisions of § 740.54.

(b) *Actual reasonable moving expenses.* The owner of a displaced sign may be reimbursed for his actual, reasonable moving expenses in accordance with the provisions of paragraphs (b)(1) and (b)(2) of § 740.54.

(c) *Actual direct losses of tangible personal property.* The owner of a sign may be reimbursed for actual direct losses when he is entitled to relocate the sign but does not do so. The amount of such loss will be the lesser of:

(1) The depreciated reproduction cost of the sign as determined by the State.

(2) The estimated cost of moving the sign.

(d) *Actual reasonable expenses in searching for a replacement sign site.* The owner of a displaced advertising sign may be reimbursed for his actual

reasonable expense in searching for a replacement sign site not to exceed $100. Such expenses may include transportation expenses, meals, lodging away from home and the reasonable value of time actually spent in search, including the fees of real estate agents or brokers. In exceptional cases, and with prior approval of the division engineer, an amount greater than $100 but not more than $500, may be authorized when circumstances so require.

(1) *Receipted bills.* All expenses claimed except value of time actually spent in search must be supported by receipted bills.

(2) *Time spent in search.* Payment for time actually spent in search shall be based on the applicable hourly wage rate for the person(s) conducting the search but may not exceed $10 per hour. A certified statement of the time spent in search and hourly wage rate(s) shall accompany the claim.

Subpart D—Replacement Housing Payments

§ 740.71 Scope.

This subpart prescribes requirements for payment of replacement housing payments to those relocated as a result of Federal and Federal-aid highway programs.

§ 740.72 Replacement Housing payments—general.

(a) *General provisions.* (1) In addition to other payments authorized by this part, individuals and families displaced from a dwelling, including condominium or cooperative apartments, acquired for a Federal or Federal-aid highway project are eligible for replacement housing payments in accordance with this memorandum.

(2) The displaced individual or family is not required to relocate to the same occupancy (owner or tenant) status but has other options according to his ownership status and tenure of occupancy as described in sections 740.73 through 740.79.

(3) Federal funds will not participate in more than one replacement housing payment for each dwelling unit except in the case of multifamily occupancy of a single family dwelling as shown in paragraph (j) of this section.

(b) *Requirement to receive payments.* (1) In addition to the tenure of occupancy provisions the displaced person is otherwise eligible for the appropriate payments when he relocates and occupies a decent, safe, and sanitary dwelling within a 1-year period beginning on the later of the following dates:

(i) The date on which the owner received from the State final payment for all costs of the acquired dwelling in negotiated settlements; or in the case of condemnation, the date on which the State deposits the required amount in court for the benefit of the owner.

(ii) The date on which he is required to move by the State's written notice to vacate.

(iii) The date on which he moves, if earlier than the date on which he is required to move.

(2) A displaced person who has entered into a contract for the construction or rehabilitation of a replacement dwelling and, for reasons beyond his reasonable control, cannot occupy the replacement dwelling within the time period shown above shall be considered to have purchased and occupied the dwelling as of the date of such contract. The replacement housing payments under these conditions would be deferred until actual occupancy was accomplished.

(c) *State inspection for decent, safe, and sanitary housing.* Before making payment to the relocatee the State must have inspected the replacement dwelling and determined that it meets the standards for decent, safe, and sanitary housing. The State may utilize the services of any public agency ordinarily engaged in housing inspection to make the inspection. Such determination by the State that a dwelling meets the standards for decent, safe, and sanitary housing is made solely for the purpose of determining the eligibility of relocated individuals and families for payments under this memorandum and is not a representation for any other purpose.

(d) *Statement of eligibility to lending agency.* Where a relocatee otherwise qualifies for the replacement housing payments except that he has not yet purchased or occupied a suitable replacement dwelling, the State, after inspecting the proposed dwelling and finding that it meets the standards set forth in § 740.4, for decent, safe, and sanitary dwellings, shall upon the purchaser's request, state to any interested party, financial institution or lending agency, that the relocatee will be eligible for the payment of a specific sum provided he purchases and occupies the inspected dwelling within the time limits specified in paragraph (b) of this section.

(e) *Application for replacement housing payments*—(1) *General requirements.* Application for replacement housing payments shall be in writing on a form provided by the State. The application shall be filed no later than 6 months after the expiration of the 1-year period specified in paragraph (b) of this section, except that, in condemnation cases, such period shall be extended to 6 months after final adjudication.

(2) *Decent, safe, and sanitary housing.* In the application, the individual or family must indicate that, to the best of their knowledge and belief, the replacement dwelling meets the standards for decent, safe, and sanitary housing established in § 740.4, and that they are eligible for the payment requested. Before any such payments are made to the relocatee the State must have made the determination that the dwelling is decent, safe, and sanitary as required by paragraph (c) of this section.

(3) *To whom payments made.* The payments described in this paragraph may be made directly to the relocated individual or family, or upon written instruction from the relocated individual or family, directly to the lessor for rent or the seller for use towards the purchase of a decent, safe, and sanitary dwelling. In cases where an applicant otherwise qualifies for replacement housing payments, and upon his specific request in the application, the State may make such payments into escrow prior to the relocatee's moving.

(f) *Advance replacement housing payments in condemnation cases.* No property owner should be deprived of the earliest possible payment of the replacement housing amounts to which he is rightfully due. An advance replacement housing payment can be computed and paid to a property owner if the determination of the State's acquisition price will be delayed pending the outcome of condemnation proceedings. Since the amount of the replacement housing payment cannot be determined due to the pending condemnation proceedings, a provisional replacement housing payment may be calculated by deeming the State's maximum offer for the property as the acquisition price. Payment of such amount may be made upon the owner-occupant's agreement that:

(1) Upon final determination of the condemnation proceedings the replacement housing payment will be recomputed using the acquisition price determined by the court as compared to the actual price paid or the amount determined by the State necessary to acquire a comparable, decent, safe, and sanitary dwelling.

(2) If the amount awarded in the condemnation proceeding as the fair market value of the property acquired plus the amount of the provisional replacement housing payment exceeds the price paid for, or the State's determined cost of a comparable dwelling, he will refund to the State, from his judgment, an amount equal to the amount of the excess. However, in no event, shall he be required to refund more than the amount of the replacement housing payment advanced. If the property owner does not agree to such adjustment, the replacement housing payment shall be deferred until the case is finally adjudicated and computed on the basis of the final determination, using the award as the acquisition price.

(g) *Ownership of replacement dwelling prior to displacement.* Any person who has obtained legal ownership of a replacement dwelling or land upon which his replacement dwelling is constructed, either before or after displacement, and occupies the replacement dwelling after being displaced but within the time limit specified in paragraph (b)(1) of this section, is eligible for replacement housing payment if the replacement dwelling, meets the requirements of § 740.4. The cost of the land and dwelling at the time of purchase by the displaced person will constitute the "actual cost" in the replacement housing payment determination.

(h) *Partial take.* (1) Where a dwelling is located on a tract normal for residential use in the area, the maximum replacement housing payment shall be determined by subtracting the "before value" of the property from the estimated selling price of a comparable dwelling on a lot typical for the area.

(2) Where a dwelling is located on a tract larger than normal for residential use in the area, the maximum replacement housing payment shall be determined by estimating the value of the dwelling at the present location on a homesite typical in size for the area and deducting this amount from the selling price of a comparable dwelling on a site typical for the area.

(i) *Dwelling on land with higher and better use.* Where a dwelling is located on a tract where the fair market value is established on a higher and better than residential use, the maximum replacement housing payment shall be determined by estimating the value of the dwelling at the present location on a homesite typical for the area and zoned for residential use and deducting this amount from the selling price of a comparable dwelling on a typical residential homesite for the area.

(j) *Multiple occupancy of same dwelling unit.* (1) *Families.* If two or more eligible families occupy the same single-family dwelling unit, each family is eligible for a replacement housing payment if they relocate to separate dwelling units.

(2) *Individuals.* If two or more eligible individuals with no identifiable head of household occupy the same single family dwelling unit they are to be considered as one "family" for replacement housing payment purposes. When all individuals do not relocate to decent, safe, and sanitary housing the State shall determine and pay those individuals who do relocate into decent, safe, and sanitary housing a pro rata share of the appropriate payment that would have been received if all individuals had relocated together in the same ownership or rental status as they had at the time of initiation of negotiations.

(k) *Joint residential and business use.* (1) Where displaced individuals or families occupy living quarters on the same premises as a displaced business, farm, or nonprofit organization, such individuals or families are separate displaced persons for purposes of determining entitlement to relocation payments.

(2) The procedure for computing replacement housing payment amounts to owners of multi-family dwellings who occupy one unit is as follows:

(i) *Comparability.* The comparable dwelling should be the same as that acquired; i.e., if the acquired property is a triplex, then the comparable should be a triplex. If comparables are not available, then structures of the next lowest density must be used. If there are not any available comparable multi-family structures to be found, then the comparison of the owner's living unit would be to a single family residence. A higher density structure should never be used as a comparable.

(ii) *Payment determination.* The value of the owner's unit is to be used as the base for the replacement housing payment determination—not the entire fair market value of the subject property. The replacement housing payment determination is that difference, if any, between the value of the owner's living unit and the value of a living unit on the most comparable available property. If the comparable is a triplex, the replacement housing payment is based on the value of only one of the three units; if a duplex, the payment is based on only one of the two units; if a single family dwelling, the payment is based on the entire value of the dwelling. The other living units of a multi-family dwelling cannot be included in the value of a comparable because these are considered as income producing and not part of the owner's personal living area.

(l) *Delivery of payment checks.* The person or persons who establish the estimate of the value of replacement housing payment shall not negotiate for the parcel nor deliver the payment to the relocatee. This also is applicable to situations where such payments and services are being administered by another Federal, State, or local agency under authority of a contract or agreement.

§ 740.73 Replacement housing payments for owner-occupant for 180 days or more who purchases.

(a) *General.* (1) A displaced owner-occupant of dwelling may receive additional payments, the combined total of which may not exceed $15,000, for the additional cost necessary; to purchase replacement housing; to compensate the owner for the loss of favorable financing on his existing mortgage in the financing of replacement housing; to reimburse the owner for incidental expenses incident to the purchase of replacement housing when such costs are incurred as specified herein.

(2) The owner-occupant is eligible for such payments when:

(i) He is in occupancy at the initiation of negotiations for the acquisition of the real property, in whole or in part.

(ii) He is in occupancy at the time he is given a written notice by the State that it is their intent to acquire the property by a given date.

(iii) Such occupancy has been for at least 180 consecutive days immediately prior to the date of vacation or initiation of negotiations whichever is earlier.

(iv) The property was acquired from him by the State.

(e) He purchased and occupied a decent, safe, and sanitary dwelling within the time period specified in § 740.72(b).

(3) If otherwise eligible under paragraph (a)(2) of this section the owner-occupant may receive these payments if the State issues an order to vacate even though the property is not acquired.

(b) *Replacement housing payment—*(1) *Amount of payment.* The replacement housing payment is the amount, if any, when added to the amount for which the State acquired his dwelling, equals the actual cost which the owner is required to pay for a decent, safe, and sanitary dwelling or the amount determined by the State as necessary to purchase a comparable dwelling, whichever is less.

(2) *State determination of amount necessary to purchase—*(i) *Schedule.* The State may establish a schedule of probable selling prices of comparable dwellings in the various types of dwellings being acquired. Such schedule will be prepared from an analysis of the probable selling prices of dwellings available on the market and periodically updated to reflect current probable selling prices. Such schedules shall be coordinated with other governmental agencies causing displacement in the same community or area so as to assure uniformity to the maximum extent possible.

(ii) *Three comparable methods.* The State may determine the probable selling price of a comparable dwelling by analyzing at least three comparable dwellings representative of the dwelling unit to be acquired which are available on the private market and meet the criteria in § 740.3(g). Less than three comparables may be used for this determination when additional comparable dwellings are not available and the State documents the parcel file to this effect. Selection of comparables and computation of the payment must be by a qualified State employee other than the appraiser or review appraiser on the parcel involved. The selected comparables must be the most nearly comparable and equal to or better than the subject property.

(A) *Adjustment of asking price.* No adjustment will be made to the asking price of the selected comparables. Where a dwelling is obviously overpriced in relation to other comparables, it may not be used in the replacement housing computation.

(iii) *Alternate method.* As an alternate method to paragraph (b)(a)(i) and (ii) of this section the State may develop a different method of determining the probable selling price of comparable dwellings and submit it to the Regional Federal Highway Administrator for his prior approval.

(3) *Revisions to replacement housing amount.* If the relocatee requests assistance in finding replacement housing he must be offered housing which is comparable and available for purchase within the offered amount. When such housing is no longer available, the State will determine a new replacement housing amount based on available housing which is equal or better and meets the other comparable criteria.

(c) *Increased interest payments—*(1) *General.* (i) Increased interest payments are provided to compensate a displaced person for the increased interest costs he is required to pay for financing a replacement dwelling.

(ii) The increased interest payment shall be allowed only when both of the following conditions are met:

(A) The dwelling acquired by the State was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than 180 days prior to the established eligibility date under § 740.73 (a)(2).

(B) The mortgage on the replacement dwelling bears a higher rate of interest than the mortgage interest rate on the acquired dwelling.

(iii) The increased interest payment will be based on and limited to the lesser of the following amounts:

(A) The present worth of the right to receive the monthly difference in mortgage payments on the existing mortgage using the old and new interest rates.

(B) The present worth of the right to receive the monthly difference in mortgate payments on the new mortgage using the old and new interest rates.

(2) *Payment computation.* The amount of increased interest payment will be computed as shown in appendix B and in accordance with the following procedures:

(i) The monthly principal and interest payment difference caused by the change in interest rates is computed for both the existing mortgage and new mortgage for their respective remaining terms and amounts. The old and new interest rates are used in each case.

(ii) The present worth of the monthly interest differences found in paragraph (c)(2)(i) of this section is computed for each mortgage by discounting the annual difference (the sum of the monthly difference for 1 year) at the savings deposit interest rate for the remaining term of each mortgage. The lesser of the amounts so derived is the increased interest payment.

(iii) To the amount so derived above will be added the amount actually paid by the purchaser as points on the amount refinanced but not to exceed an amount which would have been paid if the original mortgage balance was refinanced, and/or a fee actually charged as an origination or services fee (not to exceed 1 percent of the mortgage amount as shown above) if such fees are normal to real estate transactions in the area.

(3) *Interest rate of replacement dwelling mortgage.* The interest rate on the mortgage for the replacement dwelling to be used in the computation shall be the actual rate but may not exceed the prevailing interest rate currently charged by mortgage lending institutions in the vicinity.

(4) *Discount rate.* The discount rate shall be the prevailing rate of interest paid on passbook savings account deposits by commercial banks in the general area in which the replacement dwelling is located.

(5) *To whom payment made.* The payment described in this paragraph may be made directly to the relocated individual or family, or upon written instruction from the relocated individual or family, directly to the mortgagee of the replacement dwelling. In cases where an applicant otherwise qualifies for an interest payment, and upon his specific request, the State may make an advance payment into escrow prior to the relocatee's moving.

(6) *Partial acquisition.* (i) Where the dwelling is located on a tract normal for residential use in the area, the interest payment shall be reduced to the percentage ratio that the acquisition price bears to the before value; except, the reduction shall not apply when the mortgagee requires the entire mortgage balance to be paid because of the acquisition and it is necessary to refinance.

(ii) Where a dwelling is located on a tract larger than normal for residential use in the area, the interest payment shall be reduced to the percentage ratio that the value of the residential portion bears to the before value. This reduction shall apply whether or not it is required that the entire mortgage balance be paid.

(7) *Multiuse properties.* The interest payment on multiuse properties shall be reduced to the percentage ratio that the residential value of the multiuse property bears to the before value.

(8) *Other highest and best use.* If a dwelling is located on a tract where the fair market value is established on a higher and better than residential use, and if the mortgage is based on residential value, the interest payment shall be computed as provided in the appropriate paragraphs above. If the mortgage is obviously based on the higher use, however, the interest payment shall be reduced to the percentage ratio that the estimated residential value of the parcel has to the before value.

(d) *Incidental expenses*—(1) *Amount of payment.* The incidental expenses payment is the amount necessary to reimburse the homeowner for the actual costs incurred by him incident to the purchase of the replacement dwelling, but not for prepaid expenses. Such costs may include the following item if normally paid by the buyer:

(i) Legal, closing, and related costs including title search, preparing conveyance contracts, notary fees, surveys, preparing drawings, or plats and charges paid incident to recordation.

(ii) Lenders, FHA or VA appraisal fee.

(iii) FHA or VA application fee.

(iv) Certification of structural soundness when required by lender, FHA or VA.

(v) Credit report.

(vi) Owner's title policy or abstract of title.

(vii) Escrow agent's fee.

(viii) State revenue stamps.

(ix) Sales or transfer taxes.

(x) No fee, cost, charge or expense is reimbursable as incidental expenses which is determined to be a part of the debt service, or finance, charge under 15 U.S.C. 1631–1641 and regulation Z issued pursuant thereto by the Board of Governors of the Federal Reserve System.

(e) *Combined payments not to exceed $15,000.* If an owner-occupant is otherwise qualified for a payment but has previously received a payment under § 740.74, the amount of such payment received under § 740.74 shall be deducted from the amount to which he is entitled under this section. In no event may the combined payments exceed $15,000.

(f) *Owner retention.* The owner shall be allowed the option of retaining his dwelling in accordance with FHWA right-of-way procedures. The replacement housing payment in cases of owner retention shall be computed in accordance with paragraph (f)(1), (2), and (3) of this section.

(1) *Dwelling is decent, safe, and sanitary.* The payment, if any, shall be the amount by which the costs to relocate the retained dwelling exceeds the acquisition price of the dwelling. The costs to relocate may include the reasonable costs of acquiring a new site and other expenses incident to retaining, moving the dwelling and restoring it to a condition comparable to that before the move.

(2) *Dwelling is not decent, safe, and sanitary.* The payment shall be computed as shown above except that the costs to cure the decent, safe and sanitary deficiencies shall be included in the costs to relocate.

(3) *Limitations.* The payment so computed under paragraph (f)(1) or (2) of this section may not exceed the amount which the owner would have obtained under paragraph (b)(1) of this section or, if no comparables are available on which to make such a determination, the cost of a new dwelling adequate to accommodate the relocatee.

§ 740.74 Rental replacement housing payments to owner-occupant for 180 days or more who rents.

(a) *General.* An owner-occupant eligible for a replacement housing payment under § 740.73(a) who elects to rent a replacement dwelling is eligible for a rental replacement housing payment not to exceed $4,000.

(b) *Computation and disbursement of payment.* The payment shall be computed and disbursed in accordance with the provisions of § 740.77 (b), (c), and (d) except that the present rental rate shall be economic rent as determined by market data.

§ 740.75 Replacement housing payments to owner-occupant for less than 180 days but not less than 90 days who purchases.

(a) *General.* A displaced owner-occupant otherwise eligible under § 740.73(a) except that he has owned and occupied the dwelling for less than 180 days but not less than 90 days may receive an amount, not to exceed $4,000, to enable him to make a downpayment on the purchase of a replacement dwelling and reimbursement for actual expenses incident to such purchase; or for additional costs to relocate his retained dwelling in accordance with the following.

(b) *Computation of downpayment and incidental costs.* (1) The amount of the downpayment shall be determined by the State as the amount required as a

typical downpayment on a comparable dwelling if such purchase was financed with a conventional loan plus the amount required to be paid by the purchaser as points and/or an origination or loan services fee (not to exceed 1 percent), if such fees are normal to real estate transactions in the area.

(2) The expenses incident to the purchase of replacement housing are described in § 740.73(d).

(3) Upon purchase and occupancy of a decent, safe and sanitary dwelling by the relocatee within the time limits specified by § 740.72(b) the relocatee may be reimbursed:

(i) The full amount of the downpayment determined in paragraph (b)(1) of this section and the eligible incidental expenses if such total amount does not exceed $2,000; or if more than $2,000.

(ii) $2,000, plus 50 percent of the amount in excess of $2,000 providing the relocatee contributes 50 percent of the amount in excess of $2,000. Federal funds may participate in these payments but not to exceed $4,000.

(4) The full amount of the downpayment must be applied to the purchase price and such downpayment and incidental costs claimed must be shown in the closing statement.

(c) *Owner retention of dwelling.* The owner may retain his dwelling and the replacement housing payment, if any, will be determined in accordance with the provisions of § 740.73(f) (1) and (2) but in no event will such payment exceed $4,000.

(d) *Combined payments not to exceed $4,000.* If an owner-occupant is otherwise qualified under this paragraph but has previously received a payment under § 740.76, the amount of such payment made under § 740.76 shall be deducted from the amount to which he is entitled under this section. In no event may the combined payments exceed $4,000.

§ 740.76 Rental replacement housing payments to owner-occupant for less than 180 days but not less than 90 days who rents.

(a) *General.* A displaced owner-occupant otherwise eligible under § 740.73(a) except that he has owned and occupied the dwelling for less than 180 days but not less than 90 days and elects to rent a replacement dwelling is eligible for a rental replacement housing payment not to exceed $4,000.

(b) *Computation and Disbursement of Payment.* The payment will be computed and disbursed in accordance with the provisions of paragraphs § 740.7 (b), (c), and (d) except that the present rental rate shall be economic rent as determined by market data.

§ 740.77 Rental replacement housing payments to tenant-occupant for not less than 90 days who rents.

(a) *General.* A displaced tenant is eligible for a rental replacement housing payment, not to exceed $4,000, when:

(1) He is in occupancy at the beginning of negotiations for the acquisition of the real property, in whole or in part.

(2) He is in occupancy at the time he is given a written notice by the State that it is their intent to acquire the property by a given date.

(3) Such occupancy has been for at least 90 consecutive days immediately prior to the date of vacation or initiation of negotiations, whichever is earlier.

(4) The property was subsequently acquired.

(5) He rented and occupied a decent, safe, and sanitary dwelling within the time period specified in § 740.72(b).

(6) If otherwise eligible, the tenant may receive this payment if the State issues an order to vacate even though the property is not acquired.

(b) *Computation of payment.* (1) Except as provided in paragraph (b)(2) of this section, the payment, not to exceed $4,000, shall be determined by subtracting from the amount which the tenant actually pays for a replacement dwelling or, if lesser, the amount determined by the State as necessary to rent a comparable dwelling for the next 4 years the following amount:

(i) Forty-eight times the average monthly rental paid by the relocated individual or family during the last 3 months or such other appropriate time as may be proper; or

(ii) If such average monthly rental is not reasonably equal to market rentals for similar dwellings, the economic rent as established by the State shall be used.

(iii) The "monthly rental paid" shall include any rent supplements supplied by others except when, by law, such supplement is to be discontinued upon vacation of the property.

(2) When the average monthly rental being paid by the relocatee, not including supplemental rent by public agencies, exceeds 25 percent of the monthly gross income of such individual or family, the payment, not to exceed $4,000, shall be determined by subtracting 12 times the average monthly income of the relocatee from:

(i) Forty-eight times the monthly rental the tenant actually pays for his replacement unit or, if lesser, the amount determined by the State as necessary to rent a comparable dwelling if he relocates into private housing; or

(ii) Forty-eight times the monthly rental the relocatee is required to pay if he relocates in a comparable unit of public subsidized rental housing.

(iii) When a rental replacement housing payment computed under this criteria exceeds $4,000, the selected replacement dwellings may not be classed as comparable. Housing must be made available which is within the financial means of the relocatee.

(c) *State's determination of amount necessary to rent.* The State may determine the rental rates of comparable housing by a schedule, three comparable methods or an approved alternate in accordance with the principles set forth in § 740.73(b)(2) of this memorandum, except with regard to adjustments of asking price.

(d) *Disbursement of rental replacement housing payments.* (1) All rental replacement housing payments in excess of $2,000 will be made in four equal installments on an annual basis.

(2) If the total payment is less than $2,000, the payment may be made in four annual installments if the displaced person so requests.

(3) Prior to receiving each installment payment, the tenant must certify that, in his opinion, he is occupying decent, safe, and sanitary housing.

(i) The State shall review on a sample basis the certifications of relocatees who have moved from the original replacement dwelling unit or in other situations as deemed necessary.

(ii) The denial of a rental payment shall not be made until the displacee has been notified of the possible disallowance and given at least 60 days in which to occupy a decent, safe, and sanitary unit. The utilization of the provisions of § 740.4(d), should be considered prior to any denial.

§ 740.78 Replacement housing payments to tenant-occupant for not less than 90 days who purchases.

(a) *General.* A displaced tenant eligible for a rental replacement housing payment under § 740.77 who elects to purchase a replacement dwelling is eligible to receive an amount, not to exceed $4,000, to enable him to make a downpayment on the purchase of a replacement dwelling including the expenses incident to such purchase.

(b) *Computation of payment.* The payment shall be computed in accordance with § 740.5(b).

§ 740.79 Replacement housing payments to tenant of a sleeping room for not less than 90 days.

(a) *General.* A displaced tenant of a sleeping room who is eligible for a replacement housing payment under § 740.77(a) may receive an amount, not to exceed $4,000, as a rental replacement housing payment or to enable him to make a downpayment on a replacement dwelling in accordance with the following paragraphs.

(b) *Rental replacement housing payment.* (1) The payment, not to exceed $4,000, shall be determined by subtracting from the amount which the tenant actually pays or, if lesser, the amount determined by the State as necessary to rent a comparable sleeping room for the next 4 years the following amount:

(i) Forty-eight times the average monthly rental paid by the displaced tenant during the last 3 months.

(ii) If such average monthly rental is not reasonably equal to market rentals for similar sleeping rooms, the economic rent as established by the State.

(2) The State's determination of the amount necessary to rent and the disbursement of the rental replacement housing payments shall be as provided in § 740.77 (c) and (d).

(c) *Downpayment.* The downpayment amount including the expenses incident to purchase of the replacement dwelling are to be computed in accordance with the provisions of § 740.75(b).

Subpart E—Mobile Homes

§ 740.91 Scope.

This subpart prescribes requirements for providing moving and related expenses and replacement housing payments to those relocated as a result of Federal and Federal-aid highway programs.

§ 740.92 Mobile homes—general.

(a) *Federal participation—real property.* Federal funds will be eligible for participation in the cost of acquiring a mobile home when they are considered realty under State law.

(b) *Federal participation—personal property acquired.* Federal funds will be eligible for participation in the cost of acquiring a mobile home when it is considered personally under State law under the following conditions:

(1) The structural condition of the mobile home is such that it cannot be moved without substantial damage or unreasonable cost.

(2) The mobile home is not considered to be a decent, safe, and sanitary dwelling unit. A mobile home is considered to be decent, safe, and sanitary if it meets the standards set forth in § 740.4 except that the space requirements are reduced to a minimum of 150 square feet of habitable floor space for the first occupant and a minimum of 70 square feet of habitable floor space for each additional occupant and that one means of egress is acceptable.

(c) *Partial acquisition of mobile home park.* Where the State determines that a sufficient portion of a mobile home park is taken to justify the operator of such park to move his business or go out of business the owners and occupants of the mobile home dwellings not within the actual taking but who are forced to move would be eligible to receive the same payments as though their dwellings were within the actual taking.

(d) *Mobile home as replacement dwellings.* (1) A mobile home may be considered a replacement dwelling provided it substantially meets applicable State and Federal requirements for decent, safe, and sanitary dwellings.

(2) Any State which maintains that mobile homes cannot be considered as replacement housing under State law should be requested to submit an opinion from the chief legal advisor of the highway department in support of that position. The opinion should then be forwarded by the division through the region for Washington headquarters review and advice.

(e) *Computation on next highest type.* When a comparable mobile home dwelling is not available it will be necessary to calculate the replacement housing payment on the basis of the next highest type of dwelling that is available and meets the applicable requirements and standards, i.e., a higher type mobile home or a conventional dwelling.

(f) The general provisions for moving expenses and replacement housing payments of §§ 740.52 and 740.72 are also applicable to owners and tenants of mobile homes.

§ 740.93 Moving expenses—mobile homes.

(a) *General.* The eligibility requirements of § 740.52 and the provisions of §§ 740.52 and 740.53 are applicable to owners and occupants displaced from a mobile home.

(b) *Owners of mobile homes.* (1) The owner of a mobile home may be reimbursed for the actual reasonable costs of moving the mobile home and/or other personal property in accordance with the provisions of § 740.53(b).

(2) If the owner occupies the mobile home, and the mobile home is moved, he may elect to be reimbursed in accordance with schedule C, § 740.53(c)(1)(iii).

(3) If the owner occupies the mobile home, and the mobile home is not moved, he may elect to be reimbursed in accordance with schedule D, § 740.53(c)(1)(iv).

(4) The cost of moving a mobile home on an actual cost basis may include the cost of detaching and reattaching fixtures and appliances where applicable.

(c) *Tenants of mobile homes.* Tenants who are displaced from a mobile home may elect to be reimbursed for moving their personal property on an actual reasonable cost basis as specified in § 740.53(b) or in accordance with schedule D, § 740.53(c)(1)(iv).

§ 740.94 Replacement housing payments for owner-occupants of mobile homes for 180 days or more.

(a) *General.* (1) A displaced owner of a mobile home who has occupied, for at least 180 days, the mobile home on the site from which he is being displaced and who is otherwise eligible under § 740.73(a)(2) or (3), is eligible for payments, the total of which may not exceed $15,000, for:

(i) The additional costs necessary to purchase replacement housing as specified in paragraphs (b)(1), (c)(1), or (d)(1) of this section and in accordance with the principles of § 740.73(b).

(ii) An amount as determined to compensate him for the loss of favorable financing on his existing mortgage in the financing of such replacement housing under § 740.73(c).

(iii) An amount to reimburse the owner for incidental expenses incident to the purchase of such replacement housing in accordance with § 740.73(d).

(2) A displaced owner-occupant of a mobile home eligible for a replacement housing payment as shown above who elects to rent is eligible for a rental replacement housing payment, not to exceed $4,000, in accordance with paragraphs (b)(2), (c)(2), or (d)(2) of this section. Such payments will be computed and disbursed in accordance with § 740.77(b), (c) and (d).

(b) *Acquisition of mobile home and site from owner occupant*—(1) *Replacement housing payment.* The replacement housing payment will be the amount; if any, when added to the amount for which the State acquired his mobile home and site equals the lesser of:

(i) The amount the owner is required to pay for a decent, safe, and sanitary conventional dwelling or a decent, safe, and sanitary replacement mobile home and site.

(ii) The amount determined by the State as necessary to purchase a comparable mobile home and site in accordance with § 740.73(b).

(2) *Rental replacement housing payment.* (i) If the owner elects to rent, the rental replacement housing payment shall be determined by subtracting from the amount which he actually pays or, if lesser, the amount determined by the State as necessary to rent a comparable mobile home and site for a period of 4 years and 48 times the economic rent of the mobile home and site.

(ii) This rental payment may not exceed the amount determined in paragraph 5b(1)(b).

(c) *Acquisition of site only from owner-occupant of mobile home.* Upon acquisition of the site, but not the home situated upon the site and the mobile home is required to be moved, the replacement housing payment will be determined as follows:

(1) *Replacement housing payment.* The replacement housing payment will be the amount, if any, when added to the amount for which the State acquired his mobile homesite equals the lesser of:

(i) The amount the owner is required to pay for a comparable site.

(ii) The amount determined by the State as necessary to purchase a comparable mobile homesite.

(2) *Rental replacement housing payment.* (i) If the owner elects to rent, the rental replacement housing payment shall be determined by subtracting from the amount which he actually pays or, if lesser, the amount determined by the State as necessary to rent a comparable mobile homesite for a period of 4 years and 48 times the economic rent of the site acquired.

(ii) This rental payment may not exceed the amount determined by the State in paragraph (c)(1)(ii) of this section.

(d) *Acquisition of mobile home only—Owner-occupant rents site.* (1) *Replacement housing payment.* The replacement housing payment will be the amount, if any, when added to the amount for which the State acquired his mobile home equals the lesser of:

(i) The amount the owner is required to pay for a replacement dwelling.

(ii) The amount determined by the State as necessary to purchase a comparable mobile home, plus the difference in the amount determined by the State as necessary to rent a comparable mobile homesite for a period of 4 years and 48 times the rent being paid on the site acquired.

(2) *Rental replacement housing payment.* If the owner elects to rent a replacement mobile home, the rental replacement housing payment shall be the difference in the amount actually paid or, if lesser, the amount determined by the State as necessary to rent a comparable mobile home and site for a period of 4

years and 48 times the economic rent of the mobile home and actual rent of the site acquired.

§ 740.95 Replacement housing payments for owner-occupants of mobile homes for less than 180 days but more than 90 days.

(a) *General.* (1) A displaced owner of a mobile home who has occupied, for less than 180 days but more than 90 days, the mobile home on the site from which he is being displaced and who is otherwise eligible under § 740.73(a)(2) or (3) is eligible for an amount, not to exceed $4,000.

(i) To enable him to make a downpayment on the purchase of replacement housing in accordance with the provisions of paragraphs (b)(1), (c)(1) and (d)(1) of this section, and reimburse him for the actual expenses incident to such purchase.

(ii) If he elects to rent, a rental replacement housing payment shall be determined as provided in paragraphs (b)(2), (c)(2), (d)(1)(ii), and (d)(2) of this section. Such payments are to be computed and disbursed in accordance with the principles of § 740.77 (b), (c), and (d).

(b) *Acquisition of mobile home and site from owner-occupant*—(1) *Replacement housing payment.* If the owner purchases a replacement dwelling, the replacement housing payment will be determined in accordance with § 740.75 (b), exept that the amount of the downpayment shall be determined by the State as the amount required as a downpayment on the purchase of a comparable mobile home and site.

(2) *Rental replacement housing payment.* If the owner elects to rent, the rental replacement housing payment shall be the difference in the amount actually paid or, if lesser, the amount determined by the State as necessary to rent a comparable mobile home and site for a period of 4 years and 48 times the economic rent of the mobile home and site.

(c) *Acquisition of site only from owner-occupant of mobile home*—(1) *Replacement housing payment.* If the owner purchases conventional replacement housing or a site to which the mobile home is moved, the replacement housing payment will be an amount determined in accordance with § 740.75 (b), except that the amount of the downpayment shall be determined by the State as the amount required as a downpayment on the purchase of a comparable site.

(2) *Rental replacement housing payment.* If the owner elects to rent, the rental replacement housing payment shall be the difference in the amount actually paid or, if lesser, the amount determined by the State as necessary to rent a comparable site for a period of 4 years and 48 times the economic rent of the site acquired.

(d) *Acquisition of mobile home only—Owner-occupant rents site*—(1) *Replacement housing payment.* If the owner purchases replacement housing the replacement housing payment will be:

(i) An amount determined in accordance with § 740.75(b), except that the amount of the downpayment shall be determined by the State as the amount required as a downpayment on the purchase of a comparable mobile home.

(ii) The difference in the amount the owner actually pays or, if lesser, the amount determined by the State as necessary to rent a comparable mobile homesite for a period of 4 years and 48 times the rent being paid on the site acquired.

(2) *Rental replacement housing payment.* If the owner elects to rent, the rental replacement housing payment shall be determined by subtracting from the amount the owner actually pays or, if lesser, the amount determined by the State as necessary to rent a comparable mobile home and site for a period of 4 years and 48 times the economic rent of the mobile home and actual rent of the site acquired.

§ 740.96 Replacement housing payments to tenants of mobile homes for 90 days or more.

(a) *General.*

(1) A displaced tenant of a mobile home who has occupied for at least 90 days the mobile home on the site from which he has been displaced and who is otherwise eligible under § 740.77 (a), is eligible for a replacement housing payment, not to exceed $4,000.

(A) To enable him to make a downpayment on the purchase of a decent, safe, and sanitary dwelling and to reimburse him for the expenses incident to such purchase in accordance with § 740.95(b)(1).

(B) If he elects to rent, the rental replacement housing payment will be determined in accordance with § 740.95 (b)(2), except that actual rent being paid for the mobile home and site will be used in the computation. The payment will be computed and disbursed in accordance with the principles of § 740.77 (b), (c), and (d).

Subpart F—Replacement Housing as Last Resort

§ 740.111 Scope.

(a) *General.* This subpart prescribes requirements for the construction of replacement housing as last resort when it is determined that a Federal or Federal-aid project cannot proceed to actual construction because comparable decent, safe and sanitary replacement sale or rental housing is not available for highway displacees and cannot otherwise be made available.

(b) *Implementation.* It is also the purpose of this subpart to allow broad latitude in methods of implementation by the States, subject to the requirements set forth herein. The State may enter into cooperative agreements with any other Federal, State or local agency or contract with any individual, firm, association or corporation for services in connection with these activities. It is expected that the State will, to the greatest extent practicable, utilize the services of Federal, State or local housing agencies, or other agencies having experience in the administration or conduct of similar housing assistance activities.

§ 740.112 General requirements.

(a) *Rights of the displaced person.* The provisions contained herein are not intended to deprive any displaced person of his rights to receive relocation assistance, moving costs or replacement housing payments for which he may be otherwise eligible nor of his freedom of choice in the selection of replacement housing. The State may not require a displaced person, without his written consent, to accept a dwelling provided by the State under these procedures in lieu of his acquisition payment, if any, for the real property from which he is displaced or the replacement housing payments for which he may be eligible under 42 U.S.C. 4623 or 4624. However, the State's obligation of providing comparable replacement housing will have been discharged when such housing has been made available to the displaced person in compliance with the Uniform Act.

(b) *Consequential displacement.* Any person displaced because of the acquisition of real property for a last resort housing project under the State's power of eminent domain (including amicable agreements under the threat of such power) is entitled to all benefits for which he is eligible under the relocation assistance provisions, except:

(1) This provision is not applicable to an owner-occupant who voluntarily acts to sell his property to the State for last resort housing; and

(2) The owner-occupant so certifies in a statement maintained in the State's files.

(c) *Compliance with other statutes.* The develoment and implementation of last resort housing projects shall be in compliance with the applicable provisions of the following, including the amendments and regulations issued pursuant thereto:

(1) Section 1 of the Civil Rights Act of 1966 (42 U.S.C. 1982).

(2) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 1972, 1975 and 2000 a-h-6; 23 U.S.C. 1447).

(3) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.).

(4) The National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347).

(5) Executive Order 11063 (Equal Opportunity in Housing) 3 CFR Comp. 1959–1963, page 652.

(6) Executive Order 11246 (Equal Employment Opportunity) 3 CFR Comp. 1964–1965, page 339 or Federal Laws, Regulations and Materials Relating to the Federal Highway Administration, page IV–41.

(7) Executive Order 11625 (Minority Business Enterprise) 3 CFR Comp. 1971, page 213.

§ 740.113 Applicability.

(a) *General.* Federal-aid funds may only be programmed for a last resort

housing project when there are or will be other Federal funds involved on that project. If other Federal funds subsequently are not programmed, Federal-aid funds which have been expended will be refunded to the project.

(b) *Utilization of last resort housing.*—Replacement housing may be provided when:

(1) Comparable decent, safe and sanitary housing is not available for the displaced person.

(2) Comparable decent, safe and sanitary housing is available for the displaced person within his financial means but the sales price or rental rates exceed the applicable $15,000 or $4,000 limitation of 42 U.S.C. 4623 and 4624. However, a displaced person eligible for a downpayment under 42 U.S.C. 4624 must equally match any amount over $2,000 required for the downpayment and incidental expenses of the purchase. Such displaced person may contribute labor and materials as part or all of his matching funds.

(c) *Replacement housing costs in excess of $15,000 for an owner of more than 180 days.*—The 180-day owner in accordance with 42 U.S.C. 4623, is eligible for increased interest costs, closing costs and a replacement housing payment. When the sum of these items is estimated to exceed the $15,000 maximum allowed under 42 U.S.C. 4623, the last resort housing provisions are applicable. Any replacement housing payment in excess of the $15,000 maximum may not be paid to the dislocatee.

(d) *Rent supplement costs in excess of $4,000 for an owner of more than 90 days but less than 180 days or for a tenant of more than 90 days.* A 90-day owner or a tenant, in accordance with 42 U.S.C. 4624, is eligible for a rent supplement. When this payment is expected to exceed the $4,000 maximum allowed under 42 U.S.C. 4624, the provisions of 42 U.S.C. 4626 are applicable. Any replacement housing payment in excess of the $4,000 maximum may not be applied to the dislocatee.

(e) *Nonavailability of comparable housing.*—When comparable decent, safe and sanitary housing is not available and cannot otherwise be made available, the State may provide such housing by methods which include but are not limited to the following:

(1) The purchase of land and/or existing dwellings. The procedure for such acquisitions shall be in compliance with requirements and procedures of the Federal Highway Administration concerning appraisal, appraisal review, and negotiations.

(2) The rehabilitation of existing dwellings to meet decent, safe and sanitary requirements. No existing dwellings may be acquired as replacement housing if the cost of acquisition and/or rehabilitation exceeds the estimated cost of constructing a new comparable dwelling meeting the decent, safe and sanitary requirements of the relocatees that can be constructed on a timely basis.

(3) The relocation and, if necessary, the refurbishing or rehabilitation of dwellings purchased by the State for right-of-way purposes.

(4) The construction of new dwellings.

(5) The transfer from the General Services Administration to the State of any real property surplus to the needs of the United States. Such transfer shall be subject to such terms and conditions as the General Services Administration determines necessary to protect the interest of the United States and may be made without monetary consideration, except that the State shall pay to the United States all amounts received by the State from any sale, lease, or other disposition of such property used for replacement housing purposes.

(f) *Ownership or tenancy status.* It is the responsibility of the State to provide a replacement dwelling which places the displacee in the same ownership or tenancy status as he had prior to displacement. The State is not obligated to provide a dwelling which changes the ownership or tenancy status of the relocatee unless such a dwelling is available or can be provided more economically.

(g) *Owner retention.* The last resort housing procedures are generally not applicable when comparable housing meeting decent, safe and sanitary requirements is obtained by the relocatee through owner retention if the estimated replacement housing payment for which he is eligible is within the $15,000 or $4,000, for the 180- or 90-day owner respectively. If the estimated replacement housing payment exceeds these limits, the owner retention method may be utilized providing such method is shown to be more economical than last resort housing.

§ 740.114 Programming and authorization.

(a) All of the following activities shall be programmed and authorized as a last resort housing project:

(1) *Preliminary study.* When the relocation information required for the corridor public hearing, the environmental impact statement, or any information developed at a later date, indicates that a sufficient supply of comparable replacement housing may not be available for all residents on the approved location, the State may submit a request for program approval to proceed with preliminary studies as required by § 740.116. Either at time of program approval or subsequently, the division engineer may issue a letter of authorization to the State to proceed with the studies.

(2) *Plan.* If the analysis of the preliminary studies indicates that a last resort housing plan is required, and FHWA concurs, the development of a replacement housing plan shall be authorized in accordance with the requirements of § 740.117.

(3) *Construction.* Upon approval of the last resort housing plan, FHWA may authorize the State to proceed with the proposed construction.

§ 740.115 Federal participation.

(a) *Eligible costs.* Federal-aid funds will participate in the actual costs incurred by the State in providing last resort housing when incurred in accordance with this subpart. Such costs include but are not limited to:

(1) The acquisition price of land and/or dwellings and costs incidental thereto.

(2) Moving of houses.

(3) Site development.

(4) Architect and engineering fees.

(5) Landscaping.

(6) Rehabilitation.

(7) Construction of new housing.

(8) Reasonable legal fees and expenses.

(9) Other reasonable expenditures necessary to produce dwelling units which are compatible with other dwellings in the neighborhood in which they are constructed and acceptable to general real estate market.

(10) Any direct costs of providing last resort housing incurred by a State highway department, political subdivision, or local public agency.

(b) *Federal share.* Federal reimbursement for the costs of last resort housing shall be determined in accordance with the appropriate Federal pro-rata share of funds involved or the maximum reimbursement prescribed by the Federal law in effect when the project costs were obligated. Federal-aid funds will not participate until the State is in compliance with provisions of the current governing FHWA relocation assistance and payments policies and procedures.

§ 740.116 Preliminary housing studies.

(a) *Inventory of replacement housing.*—Whenever, in connection with the planning, development or execution of a Federal or federally assisted project, it appears that a sufficient supply of comparable decent, safe and sanitary replacement housing may not be available to satisfy the requirements of 42 U.S.C. 4601 et seq., or that such housing is not available on a nondiscriminatory or fair housing basis, the State shall undertake the following, using existing data and supplementing it where necessary, to ascertain more precisely the need to construct housing:

(1) Prepare an inventory of the characteristics and relocation needs, desires and intentions of the families and individuals to be displaced.

(2) Prepare an inventory of available housing which shall include:

(i) Currently available comparable decent, safe and sanitary replacement sale and rental housing; and

(ii) Housing planned to be constructed or rehabilitated and which will be available as comparable replacement housing.

(iii) The inventories under paragraph (a)(2) (i) and (ii) of this section shall not include housing planned to be removed or demolished by the highway project or by governmental or private agencies.

(3) In preparing such inventories, the State shall consult Federal, State or

local agencies which may be able to provide such housing or are knowledgeable with respect to housing programs. In order to avoid reliance by more than one displacing agency on the same replacement housing resource, the State shall coordinate with the other displacing agencies with respect to the utilization and allocation of these resources. The timing of the highway project must also be taken into consideration in preparing the inventories.

(b) *Analysis of inventories.* The State shall correlate and analyze the information contained in the above inventories. If last resort housing funds are to be utilized, this analysis must reasonably show that the project cannot proceed to actual construction because comparable replacement or rental of decent, safe and sanitary housing is not reasonably anticipated to be available and cannot be made available.

§ 740.117 Replacement housing plan.

(a) *Plan requirements.* If the analysis of the information gathered in accordance with § 740.116 indicates that the construction of last resort housing is necessary, the State shall develop or cause to be developed such a plan designed to produce comparable decent, safe and sanitary replacement housing. In the development of the plan, innovative approaches and methods for the provision of suitable replacement housing are encouraged. A detailed analysis of the needs of each displacee shall be considered when planning the type of housing necessary to meet these needs. The plan shall include:

(1) A statement that the methods proposed in the plan to provide comparable decent, safe and sanitary replacement housing can be legally accomplished in accordance with State law.

(2) How, when and where housing will be provided.

(3) The environmental suitability of the location of the proposed housing.

(4) The environmental impact of the proposed housing.

(i) Where the replacement housing plan shows that not more than 100 units of last resort housing must be provided the discussion of the environmental effects of such housing in the replacement housing plan would ordinarily support a negative declaration under Federal Highway Administration environmental requirements that the proposed housing project does not significantly affect the quality of the human environment unless the project is controversial.

(ii) Housing projects of more than 100 units may significantly affect the quality of human environment and hence may require an environmental impact statement as required by Federal Highway Administration Environmental requirements. If the proposed housing project does not significantly affect the human environment, the discussion and analysis of the environmental impact in the replacement housing plan would be sufficient to support a negative declaration. If the proposed housing project does significantly affect the human environment an environmental impact statement must be prepared for the housing project or the highway project environmental impact statement may be supplemented.

(iii) The size of the last resort housing project should be used merely as a guide and not as an absolute in determining whether or not an environmental impact statement must be prepared. The Federal Highway Administration environmental requirements must be followed in any environmental discussion or in preparing a negative declaration or an environmental impact statement.

(5) How it will be financed and the amount of project funds to be diverted to such housing:

(i) By contractual arrangement with State and local housing agencies.

(ii) By contractual arrangement with HUD or the Farmers Home Administration.

(iii) Contract with nonprofit or for profit organizations experienced in the development of housing.

(iv) Interest subsidy payments.

(v) Direct construction by the State.

(6) The prices within the financial means of the families and individuals to be displaced at which the housing will be rented or sold.

(7) The arrangements for maintaining rent levels appropriate for the persons to be rehoused.

(8) The arrangements for rental housing management.

(9) The disposition of the proceeds from rental, sale or resale of such housing.

(10) How the construction will be monitored.

(11) Any other comments pertinent to providing replacement housing.

(b) *Consultation.* From the inception of the last resort housing plan and continuing during the course of its development, the State shall consult with HUD (or the Farmers Home Administration) where appropriate and with the residents to be displaced or their representatives.

(c) *25 units or less.* If the total need for replacement housing to be provided under 42 U.S.C. 4626 by a single last resort housing project (or in the case of joint development with other agencies, by several projects) is for 25 dwelling units or less, the State may plan and provide such housing without the assistance of an advisory committee or review by other agencies. The plan must be reviewed and approved by the division engineer as specified in § 740.114. The State shall be guided by the HUD project selection criteria and minimum property standards (see subdivision (e)(1)(ii) of this section) for comparable Federal housing programs and shall comply with the policies, requirements and procedures specified in § 740.112(c).

(d) *More than 25 units.* Where the construction of replacement dwellings involves more than 25 units on a single last resort housing project the State shall appoint an Advisory committee which shall consult with and provide assistance to the State, or its selected organization, in the development of the plan.

(1) The advisory committee shall include representatives of the following:

(i) The State and its selected organization, if any.

(ii) The chief executive officer of the jurisdiction in which displacement will occur.

(iii) State and local agencies knowledgeable regarding housing in the area, including but not limited to the local housing authority, local redevelopment agency, and centralized relocation agency, if any.

(iv) In addition, the committee should include representatives of other appropriate public (e.g., local and areawide planning agencies) and private groups knowledgeable regarding housing and the problems of housing discrimination as well as representatives of affected residents to be displaced.

(v) The failure of any person to participate on the committee shall not preclude the committee from satisfying the requirement of this paragraph.

(2) If the State elects not to develop a replacement housing plan with its own forces, it shall engage a State or local housing agency, or other agency or organization having experience in the administration or conduct of housing programs to develop the last resort housing plan. In such cases, the State shall appoint an advisory committee to work with the agency or organization so engaged. The advisory committee shall be constituted and shall function as under the provisions of subparagraph (d)(1) above.

(e) *Submission of the last resort housing plan for review.* Where more than 25 dwelling units are to be constructed, the State shall submit the replacement housing plan to HUD (or the Farmers Home Administration, where appropriate) and the Regional and State Clearinghouses designated pursuant to OMB Circular No. A-95.

(1) HUD (or the Farmers Home Administration, where appropriate) shall review and comment on the plan with respect to:

(i) Plan feasibility.

(ii) Project selection criteria in determining priority of funding projects under Sections 235(i) and 236 of the National Housing Act (12 U.S.C. 17z and 17z-1), rent supplement projects and low-rent housing assistance applications under the U.S. Housing Act of 1937 (42 U.S.C. 1401 et seq.).

(iii) Minimum property standards for:

(A) One- and two-family dwellings (FHA No. 300).

(B) Multi-family housing (FHA No. 2600).

(C) Nursing homes (FHA No. 4514.1).

(D) Housing for elderly (HUD PG 46).

(iv) Environmental standards and procedures as provided in paragraph (a)(3) of this section.

(v) Compatibility with local and areawide housing plans, provided that such plans are in compliance with § 740.112(c).

(vi) Compliance with the Civil Rights Acts and Executive Orders specified in § 740.112(c).

(2) The Regional and State Clearinghouses shall review and comment on the plan with respect to its compatibility with the areawide housing plan or strategy developed or being developed by the Regional Planning Agency.

(3) HUD (or the Farmers Home Administration, where appropriate) and the Regional and State Clearinghouses shall review the plan and submit comments to the State within 30 calendar days after receipt of the plan. If necessary for the timely implementation of the plan or execution of the projects, the State may shorten the time allowed for review and comment to some reasonable period less than 30 days.

(f) *Revision of last resort housing plan after review.* Upon receipt and consideration of the comments on the plan, the State shall revise the plan, if deemed necessary by the State, to correct negative comments resulting from the above reviews.

(g) *Review of substantial modifications.* Any substantial modifications in the plan, except those made in accord with such comments, should be resubmitted for review and comments unless time does not permit. Whenever an amended plan is resubmitted for review and comment, a copy may also be provided to the advisory committee for simultaneous review.

(h) *State determination of compliance.* Subsequent to receipt of review comments and modification of the plan, if deemed necessary, or if the 30-day review period has passed without receiving any comments, the State shall make a determination that the plan is in substantial compliance with paragraph (e) of this section, and shall submit it to the division engineer for his approval or disapproval.

(i) *Aggregate housing under jointly financed programs.* Where several agencies are administering programs resulting in residential displacement, opportunities shall be sought out for joint development and financing in order to aggregate their resources to provide replacement housing in sufficient quantity to satisfy the aggregate needs of such programs.

§ 740.118 Implementation of housing plan.

(a) *Use of other agencies.* Whenever practicable, the State may utilize the services of Federal, State or local housing agencies, or other agencies, groups or individuals having experience in the administration or conduct of similar housing programs.

(b) *Inspection of construction.* The State shall monitor, with its own forces or qualified fee personnel, the construction of replacement housing to assure that it is in accordance with the last resort housing plan. A final inspection shall be made and the signed certification of acceptability of the construction shall be in the State files.

(c) *Utilization of small and minority firms.* The use of small and minority firms and firms located in or near the project area, and the employment of residents of the project area, are encouraged.

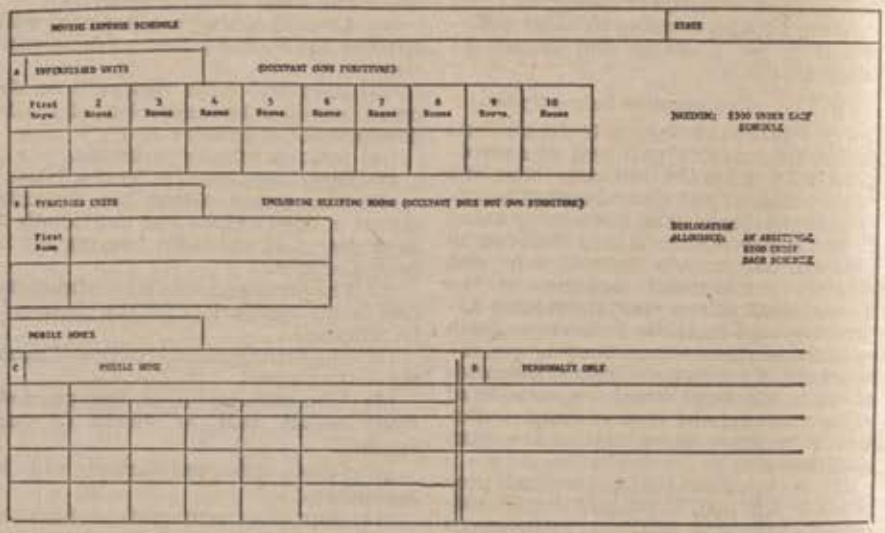
§ 740.119 Advice and technical assistance by HUD and other Federal agencies.

Throughout the entire planning, development and implementation process, the HUD Area or Insuring Office Director shall provide the State with advice, technical assistance and general information requested by the State. HUD shall also review pending applications for housing subsidy assistance or mortgage insurance to determine the effect on any estimated replacement housing deficit and keep the State advised as applications are received or commitments are made that are likely to affect any estimated deficit. Where appropriate, the Farmers Home Administration shall provide the State with similar assistance.

Issued on October 18, 1973.

R. R. BARTELSMEYER,
Deputy Federal Highway Administrator.

Appendix A – Moving Expense Schedule Form



APPENDIX B—COMPUTATION OF INCREASED INTEREST COST

Example No. 1

	Mortgage data	
	Existing mortgage	New mortgage
Interest rate	6 percent	8 percent
Remaining term	10 years	10 years
Remaining principal balance	$7,295.93	$10,000.00
Monthly principal and interest payment	81.02	121.32
Existing mortgage computation (maximum payment):		
Monthly P&I payment—$7,295.93 for 10 years at 8 percent	88.57	
Monthly P&I payment—$7,295.93 for 10 years at 6 percent	81.02	
Monthly interest difference	7.55	
Present worth of $7.55 monthly for 10 years discounted at 5 percent savings deposit rate ($7.55 x 94.281) (The factor 94.281 is obtained from the present worth of one per period table.)	711.82	
New mortgage computation: [1]		
Monthly P&I payment—$10,000 for 10 years at 8 percent		121.32
Monthly P&I payment—$10,000 for 10 years at 6 percent		111.02
Monthly interest difference		10.30
Present worth of $10.30 monthly for 10 years discounted at savings deposit rate ($10.30 x 94.281)		971.09
Amount of interest payment		711.82

Example No. 2

Interest rate	6 percent	8 percent
Remaining term	10 years	5 years
Remaining principal balance	7,295.93	6,000.00
Monthly principal and interest payment	81.02	121.65
Existing mortgage computation (maximum payment):		
Monthly P&I payment—$7,295.93 for 10 years at 8 percent	88.57	
Monthly P&I payment—$7,295.93 for 10 years at 6 percent	81.02	
Monthly interest difference	7.55	

	Mortgage data	
	Existing mortgage	New mortgage
Present worth of $7.55 monthly for 10 years discounted at 5% savings deposit rate ($7.55x94.281)	711.82	
New mortgage computation:		
Monthly P&I payment—$6,000 for 5 years at 8 percent		121.65
Monthly P&I payment—$5,000 for 5 years at 6 percent		115.99
Monthly interest difference		5.66
Present worth of $5.66 monthly for 5 years discounted at 5% savings deposit rate ($5.66x52.991)		299.93
Amount of interest payment		299.93

[1] New mortgage computation not necessary if new mortgage is for the same amount and term of the old mortgage. The Financial Compound Interest and Annuity Tables used for these computations.

[FR Doc.73-22926 Filed 10-30-73;8:45 am]

Title 7—Agriculture

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

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—Regulations [1]

BASIS FOR CHARGES

The Agricultural Marketing Act of 1946 authorizes official inspection and certification of fresh fruits and vegetables and other products.[2] Such inspection and certification is voluntary and is made available only upon request of financially interested parties and upon payment of a fee. The Act requires such fees to be reasonable and, as nearly as possible, to cover the cost of rendering the service.

STATEMENT OF CONSIDERATIONS LEADING TO AMENDMENT OF REGULATIONS

The rising costs of maintaining the inspection service in destination markets have made it necessary to increase inspection fees charged for major categories of inspections. The current fees for small lots (such as for export to Canada or delivery to institutions) and the base fee for peanuts, pecans or other nuts will remain unchanged.

In order to more nearly recover costs of rendering the service the following adjustments have been made in the inspection schedule of fees and charges applicable in destination markets:

1. For quality and condition inspections: Fees are raised from $20 to $21 when more than a half-carlot equivalent is involved, from $17 to $18 for a half-carlot equivalent or less, and the maximum fee per carlot equivalent, when more than one kind of product is involved, is raised from $40 to $42.

2. For condition only inspections: Fees are raised from $17 to $18 when more than a half-carlot equivalent is involved, from $15 to $16 for a half-carlot equivalent or less, and the maximum fee per carlot equivalent, when more than one kind of product is involved, is raised from $34 to $36.

3. The regular hourly rate, where applicable, is increased from $10 to $11.

4. The additional hourly charge for overtime or holiday work is increased from $4 to $5.

Pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U.S.C. 1621 et seq.), § 51.38 *Basis for charges* of the Subpart—Regulations governing inspection, certification and standards for fresh fruits, vegetables, and other products, is hereby amended to read as follows:

§ 51.38 Basis for charges.[3]

(a) The fee for each lot of products inspected by an inspector acting exclusively for the Department, except for peanuts, pecans or other nuts, shall be on the following basis:

(1) Quality and condition inspections:

(i) $21.00 for each over one-half carlot equivalent of an individual product up to a full carlot.

(ii) $18.00 for each half-carlot equivalent or less of an individual product.

(iii) $42.00 maximum for inspection of each carlot equivalent when more than one kind of product is involved.

(2) Condition inspection only:

(i) $18.00 for each over one-half carlot equivalent of an individual product up to a full carlot.

(ii) $16.00 for each half-carlot equivalent or less of an individual product.

(iii) $36.00 maximum for inspection of each carlot equivalent when more than one kind of product is involved.

(3) When any lot involved is in excess of a carlot equivalent, the quantity shall be calculated in terms of carlot and fractions thereof of the customary carlot quantity for such carlots and carlot inspection fee rates: *Provided*, That such fractions shall be calculated in terms of fourths, or next higher fourths.

(b) The base fee for peanuts (shelled), pecans or other nuts shall be 90 cents per ton: *Provided*, That the minimum fee shall be $12.00 per lot, the different grades and varieties of peanuts shall be considered separate lots, and the fee for Farmers' Stock peanuts (unshelled) shall be $1.80 per ton.

(c) When inspections are made and the products inspected cannot readily be calculated in terms of carlots, or when the services rendered are such that a charge on the carlot or other unit basis would be inadequate or inequitable, charges for inspections may be based on the time consumed by the inspector in connection with such inspections, computed at the rate of $11.00 per hour.

(d) Notwithstanding the fee rates prescribed in the preceding paragraphs, fees and charges for the inspection of small lots where detailed reports of inspection are not normally required,[4] the following rates may be applied:

1 to 25 packages inclusive	$3.25
26 to 50 packages inclusive	4.25
51 to 150 packages inclusive	6.00
151 to ½ customary carlot equivalent	9.00

(e) Whenever inspections are performed at the request of the applicant during periods which are outside the inspector's regular scheduled workweek, a charge for overtime or holiday work shall be made at the rate of $5 per hour or portion thereof in addition to the regular commercial lot or hourly fees specified in this subpart. Holidays are those specified in title 5, U.S.C., section 6103 (a).

Notice of proposed rulemaking, public procedure thereon, and the postponement of the effective time of this action later than November 11, 1973 (5 U.S.C. 553) are impracticable, unnecessary, and contrary to the public interest in that (1) the Agricultural Marketing Act of 1946 provides that the fees charged shall be reasonable and, as nearly as possible, cover the cost of the service rendered; (2) the increases in fee rates set forth herein are necessary to more nearly cover such cost including, but not limited to, Federal employee salary adjustments; (3) it is imperative that these increases in fee rates become effective in time to cover such increased costs; and (4) additional time is not required by users of the inspection service to comply with this amendment.

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

Dated October 25, 1973, to become effective at 12:01 a.m., November 11, 1973.

E. L. PETERSON,
Administrator.

[FR Doc.73-23151 Filed 10-30-73;8:45 am]

[1] None of the requirements in the regulations of this subpart shall excuse failure to comply with any Federal, State, county, or municipal laws applicable to products covered in the regulations in this subpart.

[2] Among such other products are the following: Raw nuts, Christmas trees and evergreens; flowers and flower bulbs; and onion sets.

[3] Carlot equivalent shall be based on the customary quantity of a product loaded in common carrier rail cars.

[4] For example, the inspection of small lots for export to Canada or delivery to private and public institutions.

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 73-1601]

PART 525—ADVANCES

Short Term Advances

OCTOBER 25, 1973.

The Federal Home Loan Bank Board considers it desirable to amend § 525.32 of the Regulations for the Federal Home Loan Bank System (12 CFR 525.32) for the purpose of deleting the clause at the end of the second sentence relating to the two options of lending Banks upon maturity of unsecured advances. It is intended thereby to provide added flexibility for such Banks. Accordingly, on the basis of such consideration, the Board hereby amends said § 525.32 to read as set forth below, effective October 25, 1973.

The present § 525.32 requires either payment or refunding with eligible collateral of unsecured advances at their maturity. As a result of the amendment, instead of being limited solely to the options just referred to, lending Banks, for example, if circumstances justify such action, could elect at any maturity to renew an unsecured advance for an additional period not to exceed five years.

Since the above amendment relieves restriction, the Board hereby finds that notice and public procedure with respect to said amendment is unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendment would in the opinion of the Board likewise be unnecessary for the same reason, the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

§ 525.32 Short term advances.

In addition to unsecured or secured advances with a maturity of not to exceed one year which may be made under the provisions of § 11(g)(4) of the act, advances on an unsecured basis or on any kind of security that may be readily available may be made to members under the provisions of § 11(g)(3) of the act. Such advances must have been unanimously approved by the executive committee of the Bank or by a majority of the directors or by 2 officers of the Bank. Except with the prior approval of the Board, the resulting aggregate of advances made under this section, together with the unpaid principal of any other advances having an unexpired maturity of more than 30 days, excluding advances made in accordance with or secured as provided in § 525.10, § 525.25 or § 525.26, shall not exceed 5 per centum of the member's withdrawable accounts.

(Secs. 10, 17, 47 Stat. 731, 736, as amended (12 U.S.C. 1430, 1437); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943-48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.73-23212 Filed 10-30-73;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

[13th Gen. Rev. Export Regs., Amdt.]

PART 379—TECHNICAL DATA

Revision of General License GTDR

The provisions of General License GTDR are hereby revised in the manner indicated below:

A. *Written assurance required.* Before exporting technical data relating to certain materials and equipment under the provisions of General License *GTDR*, the exporter must obtain from the importer a written assurance that neither the technical data nor the direct product thereof is intended to be shipped, directly or indirectly, to a destination in Country Group Q, W, Y or Z.

The list of materials and equipment subject to this requirement for a written assurance is revised to include technical data relating to certain artificial graphite and products thereof as follows: (1) Other artificial graphite, whether or not coated or composited with other materials to improve its performance at elevated temperatures or to reduce its permeability to gases, having an apparent relative density of 1.70 or greater when compared to water at 60°F (15.5°C), and with a particle grain size of less than 0.001 inch (1 mil) (ECC No. 59); (2) Other artificial graphite products, n.e.c., including refractory, whether or not coated or composited with other materials to improve their performance at elevated temperatures or to reduce their permeability to gases, having an apparent relative density of 1.70 or greater when compared to water at 60°F (15.5°C), and with a particle grain size of less than 0.001 inch (1 mil) (ECC No. 66); and (3) Other electrodes and electrical carbons made of artificial graphite, whether or not coated or composited with other materials to improve their performance at elevated temperatures or to reduce their permeability to gases, having an apparent relative density of 1.70 or greater when compared to water at 60°F (15.5°C), and with a particle grain size of less than 0.001 inch (1 mil) (ECC No. 7299).

Effective date of action: October 29, 1973.

B. Written assurance no longer required. 1. Before exporting technical data relating to certain materials and equipment under the provisions of General License *GTDR*, the exporter must obtain from the importer a written assurance that neither the technical data nor the direct product thereof is intended to be shipped, directly or indirectly, to a destination in Country Group Q, W, Y, or Z.

The list of materials and equipment subject to this provision is revised so that a written assurance is no longer required for the following:

(a) Cementing equipment; sidewall coring equipment; blowout preventers; fishing tools incorporating integral moving parts, casing cutters, and casing pullers; drilling control and surveying instruments; safety joints; jars, back-off tools, slip or telescopic joints; pipe and casing tongs, power type; percussion or vibratory attachments for rotary drilling; and drawworks and rotary tables designed for an input of 150 hp and over (ECC No. 718);

(b) Rotary drill rigs incorporating rotary tables and with drawworks designed for an input of 150 hp and over (other than truck-mounted drill rigs incorporating rotary tables with drawworks designed for an input of up to 900 horsepower), work-over rigs and drift indicators containing gyroscopes or cameras (ECC Nos. 718 and 732);

(c) Casing head and Christmas tree assemblies, over 10,000 psi, chokes and components; perforating equipment; formation and production testers, and packers; gas lift equipment; bottom hole pumps; and work-over rigs (ECC Nos. 7192, 71980, 7199, and 732);

(d) Well logging instruments and equipment, and seismograph equipment (ECC No. 7295);

(e) Filament winding machines, n.e.c., designed for or modified for the manufacture of rigid structural forms by precisely controlled tensioning and positioning of filament yarns, tapes, or rovings; and specially designed parts, controls, and accessories, n.e.c. (ECC No. 71980);

(f) Silicon carbide, 99 percent purity and over (ECC No. 514);

(g) Other hot or cold isostatic presses, n.e.c.; and specially designed parts and accessories (ECC No. 71980);

(h) Pyromellitic acid and dianhydrides (ECC No. 512);

(i) Polyimide-polyamide resins, n.e.c., and products made therefrom (ECC Nos. 53, 581, 59, 66, and 89300);

(j) Bonded, brazed, or welded structural sandwich constructions, including cores, face sheets, and attachment materials, manufactured in whole or in part from precipitation hardened stainless steel, beryllium, molybdenum, niobium (columbium), tantalum, titanium, tungsten, and their alloys, or any combination of such materials (ECC Nos. 691 and 6989);

(k) Proton magnetometers, n.e.c. (ECC No. 7295);

(l) Nickel-based alloys (i.e., containing a higher percentage, by weight, of nickel than any other element), including scrap, tube fittings, and pipe fittings thereof, containing: (i) 3 to 11 percent (by weight) of titanium and/or aluminum in any combination; or (ii) more than 8 percent (by weight) of molybdenum, tungsten, and/or niobium in any combination (ECC Nos. 28, 683, 6988, 6989, 723, and 7299);

(m) Cobalt-based alloys (i.e., containing a higher percentage, by weight, of cobalt than any other element), including scrap thereof, containing: (i) more than 5 percent (by weight) of tungsten and/or molybdenum, separately or in any combination; and (ii) not more than 1 percent (by weight) of carbon (ECC Nos. 6895, 6988, and 6989); and

(n) Magnetic materials, other than those specified in Interpretation 6, that meet all of the following: (i) consist principally of aluminum, nickel, and cobalt; (ii) are capable of an energy product in the range of 4.0 times 10^6 gauss-oersteds; and (iii) have a coercive force in the range of from 1,500 oersteds up to and including 1,800 oersteds (ECC Nos. 28, 683, 6895, 6989, and 7299).

In addition, those entries identified by the code letter "A" following the ECC number on the Commodity Control List are deleted from this list. Technical data relating to these commodities are subject to the provisions of § 379.4(b)(2)(i)(c).

2. Before exporting technical data relating to certain materials and equipment listed in § 379.4(e)(1)(v) under the provisions of General License *GTDR*, the exporter was previously required to obtain from the importer a written assurance that neither the technical data nor the direct product thereof is intended to be shipped, directly or indirectly, to a destination in Country Group W, Y, or Z.

The list of materials and equipment subject to this provision is now being deleted since a written assurance applicable to Country Group W, Y, or Z is no longer required for technical data relating to: (a) activated carbon catalysts usable in petroleum and chemical processing operations (ECC No. 59) and catalysts usable in petroleum and chemical processing operations, except hydrocracking catalysts and catalysts usable in the ultrapurification of hydrogen (ECC Nos. 512, 513, and 514); (b) fractionating columns having, or having provisions for, 25 or more trays, and parts, n.e.c. (ECC Nos. 7191 and 71980); (c) pipe valves specially designed for use in the processing of petroleum, petrochemicals, natural gas, or their fractions (ECC No. 7199); and (d) pipe valves incorporating 90 percent or more tantalum, titanium, or zirconium, either separately or combined, and parts, n.e.c. (ECC No. 7199).

3. Before exporting technical data relating to certain commodities usable in the following processes: (1) alkylation of isobutane, (2) catalytic cracking, and (3) hydro-cracking, under the provisions of General License *GTDR*, the exporter is required to obtain from the importer a written assurance that neither the technical data nor the direct product thereof is intended to be shipped, directly or indirectly, to a destination in Country Group Q, W, Y, or Z.

The list of commodities subject to this provision is now being revised to delete the following commodities usable in these treatment processes: (1) pumps (ECC No. 7192), (2) valves (ECC No. 7199), and (3) parts and accessories for these pumps and valves. Therefore, a written assurance is no longer required for the export of technical data relating to these commodities. However, the written assurance requirement for technical data relating to "processing vessels (such as reactors and regenerators) and parts and accessories (ECC No. 7191)" remains in effect under this provision.

Effective date of action: October 15, 1973.

Accordingly, § 379.4(e)(1) of the Export Control Regulations (15 CFR Part 379) is amended to read as follows:

§ 379.4 General license GTDR: Technical data under restriction.

* * * * *

(e) *Written assurance requirements*—(1) *Requirement of written assurance for certain data, services, and materials.* No export of technical data of the kind described in paragraph (e)(1)(i), (ii), and (iii) of this section, may be made under the provisions of this General License GTDR until the exporter has received written assurance from the importer that neither the technical data nor the direct product[3] thereof is intended to be shipped, either directly or indirectly, to Country Group Q, W,[4] Y, or Z, except as provided in paragraph (e)(1)(iv) of this section. The required assurance may be in the form of a letter or other written communication from the importer evidencing such intention, or a licensing agreement that restricts disclosure of the technical data to use only in a country other than Country Group Q, W, Y, or Z, and prohibits shipment of the direct product[3] thereof by the licensee to Country Group Q, W, Y, or Z. An assurance included in a licensing agreement will be acceptable for all exports made during the life of the agreement. If such assurance is not received, this general license is not applicable and a validated export license is required. An application for such validated license shall include an explanatory statement setting forth the reasons why such assurance cannot be obtained. In addition, this general license is not applicable to any export of technical data of the kind described in paragraph (d)(1)(i), (ii), and (iii) of this section if, at the time of export of the technical data from the United States, the exporter knows or has reason to believe that the direct product to be manufactured abroad by use of the technical data is intended to be exported or reexported, directly, or indirectly, to Country Group Q, W, Y, or Z.

(i) Technical data and services listed in paragraph (*a*) below for the plants, processes, and equipment listed in paragraph (*b*) below:

(*a*) Types of technical data and services:

(*1*) Proprietary research and the results therefrom;

(*2*) Processes developed pursuant to research (including technology with regard to component equipment items);

(*3*) Catalyst production, activation, utilization, reactivation, and recovery;

(*4*) Plant and equipment design and layout to implement the processes; and

(*5*) Construction and operation of plant and equipment.

(*b*) Types of plants and processes:

The following plants or processes usable in the treatment of petroleum or natural gas fractions or of products derived directly or indirectly therefrom:[5]

(*1*) Alkylation of isobutane;

(*2*) Catalytic cracking; and

(*3*) Hydrocracking.

(ii) Technical data relating to processing vessels (such as reactors and regenerators) and parts and accessories (ECC No. 7191) usable in processes listed in § 379.4(e)(1)(i)(*b*) above.

(iii) Technical data relating to the following materials and equipment:

(*a*) Other artificial graphite, and electrodes, electrical carbons, and other products made thereof, whether or not coated or composited with other materials to improve its performance at elevated temperatures or to reduce its permeability to gases, having an apparent relative density of 1.70 or greater when compared to water at 60° F. 15.5° C.), and with a particle grain size of less than 0.001 inch (1 mil) (ECC Nos. 59, 66, and 7299);

(*b*) Electric furnaces specially designed for the production or processing of vapor deposited (pyrolytic) graphite or doped graphites whether as standing bodies, coatings, linings or substrates (ECC No. 7299);

(*c*) Other gravity meters (gravimeters); and parts and accessories, n.e.c. (ECC No. 8619);

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[3] The term "direct product," as used in this sentence and in this context only, is defined to mean the immediate product (including processes and services) produced directly by use of the technical data, except that petroleum or chemical products other than molecular sieves or catalysts are not included in this definition. The coverage of the term does not extend to the results of the use of such "direct product." An example of the direct product of technical data is reforming process equipment designed and constructed by use of the technical data exported, but the aromatics produced by the reforming process equipment are not immediate or direct products of these technical data. However, if the technical data are a formula for producing aromatics, the aromatics, although they are immediate products of the data, are not included in this definition of direct product, since they are petroleum products. Conversely, if the technical data are a formula for producing either molecular sieves or catalysts, the foreign-produced molecular sieves and catalysts are included in the definition of direct product.

[4] Effective April 26, 1971, Country Group W no longer includes Romania. For purposes of assurances executed prior to that date, however, all references to Country Group W continue to apply to Romania as well as to Poland, and all conditions and responsibilities undertaken with respect to Romania remain unchanged.

[5] This includes plants or processes for the production, extraction, and purification of petroleum products, and products derived therefrom.

(*d*) Other transonic, supersonic, hypersonic and hypervelocity wind tunnels and devices; and parts and accessories, n.e.c. (ECC Nos. 71980, 7295, 8618, and 8619);

(*e*) Off-shore drilling platforms (except fixed, non-floating types); specially designed parts and components (Export Control Commodity No. 735)[2];

(*f*) Watercraft of 65 feet and over in overall length, designed to include motors or engines of 600 horsepower or over and greater than 45 displacement tons (Export Control Commodity No. 735)[2];

(*g*) Methyl methacrylate, cross-linked, hot stretched, clear, film, sheeting, or laminates (Export Control Commodity No. 581);

(*h*) Dopler sonar navigation systems (Export Control Commodity No. 7295);

(*i*) Aerial and instrumentation film and plates and continuous tone aerial and instrumentation duplicating film and plates, sensitized, unexposed, or exposed but not developed, n.e.c., as follows: Having a spectral sensitivity extending above 7,200 or below 2,000 Angstroms, capable of a resolution (when measured with a 1,000:1 high contrast test object) of 100 or more line pairs/mm. for aerial and instrumentation camera film and plates or more than 300 line pairs/mm. for aerial and instrumentation duplicating film and plates, or having a base thickness before coating of less than .004 inches (ECC No. 862).

(*j*) Maraging steels containing all of the following: 12 percent or more nickel, more than 3 percent molybdenum, more than 5 percent cobalt, and less than 0.5 percent carbon (ECC Nos. 28 and 67); and

(*k*) Transformation Induced Plasticity (TRIP) steels or pental-alloy ausforming stainless steels of the following composition: 8 to 14 percent chromium, 6 to 10 percent nickel, 2 to 5 percent molybdenum, 1 to 3 percent silicon, 0.75 to 3 percent manganese, and 0.15 to 0.35 percent carbon (ECC Nos. 67 and 69).

(iv) The limitations set forth in this § 379.4(e)(1) do not apply to the export of:

(*a*) Technical data included in an application for the foreign filing of a patent, provided such foreign filing of a patent application is in accordance with the regulations of the U.S. Patent Office; and

(*b*) Technical data supporting a price quotation as described in § 379.4(b)(2) above.

* * * * *

RAUER H. MEYER,
Director,
Office of Export Control.

[FR Doc.73-23183 Filed 10-30-73;8:45 am]

[2] This commodity is not listed on the Commodity Control List since it is under the export control jurisdiction of the U.S. Maritime Administration. However, technical data relating to this commodity is under the export control jurisdiction of the Office of Export Control.

Title 17—Commodities and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-10439]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Prohibition of Certain Reciprocal Portfolio Brokerage Practices

On June 27, 1973, in Securities Exchange Act Release No. 10246, (FEDERAL REGISTER of July 3, 1973, at 38 FR 17739) the Securities and Exchange Commission announced a proposal to adopt Rule 15b10-10 (17 CFR 240.15b10-10) under the Securities Exchange Act of 1934 (the Act). The Commission has considered the comments and suggestions received and has adopted the rule as set forth below effective November 30, 1973.

The rule, like subsection (k) under section 26 of Article III of the Rules of Fair Practice of the National Association of Securities Dealers, Inc. (NASD), is intended to prohibit broker-dealers, in this case nonmembers of the NASD, from favoring or disfavoring the distribution of shares of open-end investment companies on the basis of brokerage commissions received,[1] soliciting or making promises of an amount or percentage of brokerage commissions in connection with the distribution of investment company shares, and seeking orders for the execution of fund portfolio transactions on the basis of their sales of fund shares. The rule would apply to the distribution of mutual fund contractual plans and variable annuity plans organized as unit investment trusts since sales of such plans are (for purposes of this rule) indirect sales of the underlying mutual fund shares included in trust portfolios.

The reciprocal brokerage practices of investment company managers has been the concern of the Commission for a number of years. In this connection, the Commission issued on February 2, 1972, its *Statement on the Future Structure of the Securities Markets* (FEDERAL REGISTER of March 14, 1972, at 37 FR 5286) in which it discussed its extensive studies on the subject and urged the NASD to initiate measures designed to prevent such practices by its members. Subsequently, on May 14, 1973, the Commission announced that it had reviewed and did not disapprove proposed amendments to the NASD's Rules of Fair Practice prohibiting these reciprocal practices.[2] The NASD's new provisions became effective on July 15, 1973.

[1] The term "brokerage commissions" as defined in the rule, would include compensation for all types of securities transactions except, of course, for the portion of sales loads paid directly to dealers in connection with the distribution of the shares of the open-end investment company itself.

[2] See Securities Exchange Act Release No. 10147. Copies of this release may be obtained on request to the Publications Office, Securities and Exchange Commission, Washington, D.C. 20549.

1. The text of the rule, which is being adopted pursuant to the Securities Exchange Act of 1934, particularly sections 15(b)(10) and 23(a) of that Act is as follows:

§ 240.15b10-10 Execution of investment company portfolio transactions.

(a) No nonmember broker-dealer shall, directly or indirectly, favor or disfavor the distribution of shares of any open-end investment company on the basis of brokerage commissions received or excepted by such nonmember from any source, including such investment company, or any covered account.

(b) No nonmember broker-dealer shall, directly or indirectly, demand, require, or solicit an offer or promise of an amount or percentage of brokerage commissions from any source in connection with, or as a condition to, the sale of shares of an open-end investment company.

(c) No nonmember broker-dealer shall, directly or indirectly, offer or promise to another broker-dealer, or request or arrange for the direction to any broker-dealer of, an amount or percentage of brokerage commissions from any source as an inducement or reward for the sale of shares of an open-end investment company.

(d) No nonmember broker-dealer shall circulate any information regarding the amount or level of brokerage commissions received by the nonmember from any investment company or covered account to other than management personnel who are required, in the overall management of the nonmember's business, to have access to such information.

(e) Nothing herein shall be deemed to prohibit the execution of portfolio transactions of any open-end investment company or covered account by nonmember broker-dealers who also sell shares of such investment company: *Provided, however,* That such nonmembers shall seek orders for execution on the basis of the value and quality of their brokerage services and not on the basis of their sales of investment company shares.

(f) For purposes of this rule:

(1) "Covered account" shall mean (i) any other investment company or other account managed by the investment adviser of such investment company, or (ii) any other account from which brokerage commissions are received or expected as a result of the request or direction of any principal underwriter of such investment company or of any affiliated person of such investment company or of such principal underwriter, or of any affiliated person of an affiliated person of such investment company.

(2) "Brokerage commissions," as used herein, shall include all compensation paid for or in connection with the effecting of securities transactions and shall include commissions on agency transactions, underwriting discounts, or

concessions, mark-ups or mark-downs on principal transactions, and fees paid in connection with tender offers.

(3) Other terms used in this rule that are not defined in the Act or Rule 15b10–1 shall have the same meanings as in the Investment Company Act of 1940, as amended, except that the term "open-end investment company" shall not include insurance company separate accounts.

2. The introductory clause of § 240.15b10–1 is revised, pursuant to section 15(b)(10) and Section 23(a) of the Securities Exchange Act of 1934, to read as follows:

§ 240.15b10–1 Definitions.

For the purposes of all sections in §§ 240.15b10–2 through 240.15b10–10 inclusive, the following definitions shall apply except where a particular rule in such series contains a separate definition of the same term for the purposes of that rule:

* * * * *

By the Commission.

OCTOBER 19, 1973.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-23159 Filed 10-30-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart E—Listing of Color Additives for Drug Use Subject to Certification

D&C GREEN NO. 5; CONFIRMATION OF EFFECTIVE DATE OF ORDER LISTING FOR USE IN SUTURES

In the matter of listing D&C Green No. 5 as a safe and suitable color additive for use in nylon surgical sutures and subject to certification:

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c), and (d), 74 Stat. 399–403; 21 U.S.C. 376 (b), (c), and (d)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections or requests for hearing were filed in response to the order in above-identified matter published in the FEDERAL REGISTER of August 2, 1973 (38 FR 20614). Accordingly, the regulation (§ 8.4069) promulgated thereby became effective October 1, 1973.

Dated October 23, 1973.

SAM D. FINE, *Associate Commissioner for Compliance.*

[FR Doc.73-23165 Filed 10-30-73;8:45 am]

PART 8—COLOR ADDITIVES

Subpart F—Listing of Color Additives for Drug Use Exempt From Certification

Subpart H—Listing of Color Additives for Cosmetic Use Exempt From Certification

DIHYDROXYACETONE; CONFIRMATION OF EFFECTIVE DATE OF ORDER LISTING FOR USE IN DRUGS OR COSMETICS

In the matter of listing dihydroxyacetone as a safe and suitable color additive for use in externally applied drugs or cosmetics which color the human body, and exempting it from certification:

1. Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c), and (d), 74 stat. 399–403; 21 U.S.C. 376(b), (c), and (d)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections or requests for hearing were filed in response to the order in the above-identified matter published in the FEDERAL REGISTER of August 2, 1973 (38 FR 20615). Accordingly, the regulations (§ 8.6016 and § 8.8005) promulgated thereby became effective October 1, 1973.

2. Effective on October 1, 1973, § 8.501, Provisional lists of color additives, is amended in the table in paragraph (g) by deleting "Dihydroxyacetone" from the list of color additives.

Dated: October 23, 1973.

SAM D. FINE, *Associate Commissioner for Compliance.*

[FR Doc.73-23166 Filed 10-30-73;8:45 am]

Title 30—Mineral Resources

CHAPTER I—BUREAU OF MINES, DEPARTMENT OF THE INTERIOR

SUBCHAPTER O—COAL MINE HEALTH AND SAFETY

PART 75—MANDATORY SAFETY STANDARDS, UNDERGROUND COAL MINES

Miscellaneous Amendments

Background. Pursuant to the authority contained in section 101(a) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 745; 30 U.S.C. 811(a)), there was published, as proposed rulemaking, in the FEDERAL REGISTER for December 12, 1972 (37 FR 26422), §§ 75.524, 75.1001–1, 75.1003–2, 75.1101–23, 75.1600–1, 75.1600–2, and 75.1704–2 of Part 75, Subchapter O, Chapter I, Title 30, Code of Federal Regulations, setting forth mandatory standards which would: (1) Establish a requirement that electric current permitted to exist between frames of electric face equipment be limited to not more than one ampere; (2) provide for frequent testing and calibration of devices for over-current protection; (3) specify requirements for movement of off-track mining equipment in areas where energized trolley wires or trolley feeder wires are present; (4) provide for instruction in the location and use of fire fighting equipment, escapeways, exits, routes of travel and for fire drills; (5) improve two-way communication between working sections and the surface; and (6) require improved escapeways and periodic drills in their use.

Interested persons were afforded a period of 45 days following publication within which to submit to the Director, Bureau of Mines, written comments, suggestions, or objections to these proposed mandatory safety standards, stating the grounds therefor, and to request a public hearing on such objections.

Written objections were timely filed with the Director, Bureau of Mines, stating the grounds for objections and requesting a public hearing on proposed §§ 75.524, 75.1001–1, 75.1003–2, 75.1101–23, 75.1600–1, 75.1600–2, and 75.1704–2 of Part 75. In accordance with section 101 (f) of the Act, a Notice of Objections Filed and Hearing Requested was published in the FEDERAL REGISTER for March 14, 1973 (38 FR 6900).

Following this notice, there was published in the FEDERAL REGISTER for March 22, 1973 (38 FR 7465), a notice of public hearing to be held for the purpose of receiving relevant evidence on the issues raised by the objections.

The public hearing was held on April 10, 1973, in the Law Building, University of Kentucky, Lexington, Kentucky. Presentations were made by representatives of the U.S. Bureau of Mines, Bituminous Coal Operators' Association, Inc., Harlan County Coal Operators' Association, Eastover Mining Company, and North American Coal Company. The record remained open for a period of 14 days after April 10, 1973, to permit submission of additional data.

A verbatim transcript of the hearing is available for public inspection in the Office of the Deputy Administrator, Health and Safety, Room 4512, Mining Enforcement and Safety Administration, Department of the Interior, Washington, D.C. 20240.

Section 101(g) of the Act (83 Stat. 747; 30 U.S.C. 811(g)), provides, in part, that within 60 days after completion of any public hearing on proposed mandatory safety standards, the Secretary of the Interior shall make findings of fact which shall be public. On the basis of evidence presented at the hearing and on other information available to the Department, the findings of fact were made and were published in the FEDERAL REGISTER for June 27, 1973 (38 FR 16922).

Section 101(g) of the Act also provides that in the event the Secretary determines that a proposed safety standard should not be promulgated or should be modified he shall within a reasonable time publish his reasons for his deter-

mination. Reasons for modifying several of the proposed standards, as well as certain explanations of the standards not treated in the previously published findings of fact, are set forth below.

(1) While the technology is available to allow compliance with the requirement that electric current permitted to exist between frames of electric face equipment be limited to not more than one ampere as specified in § 75.524, it is not readily available to all operators. Further, it will take time for operators to secure the necessary hardware to allow compliance. Therefore, a technical report detailing how to comply with the standard will be available to the operators at all Coal Mine Health and Safety District and Subdistrict Offices of the Mining Enforcement and Safety Administration (MESA) in the near future, and operators shall have a period of 180 days from the effective date of the standard within which to acquire and install the hardware necessary to bring their equipment into compliance. During such period of 180 days operators will be advised by means of "safeguard notices" of failures to comply. After 180 days from the effective date operators who fail to comply will be subject to the issuance of notices, orders and assessment of penalties pursuant to the Act.

(2) As proposed, § 75.1003–2(f)(1) would have required that during certain off-track equipment moves electric power shall be supplied to trolley wires or trolley feeder wires only from outby the unit of equipment being moved or transported. Because this is impossible in some mines which use direct current an exception shall be permitted where direct current electric power is used and such power can be supplied only from inby the equipment being moved, provided that a miner with the means to cut off the power, and in direct communication with persons actually engaged in the moving or transporting operation, is stationed outby the equipment being moved.

(3) As proposed, § 75.1003–2(f)(3) would have required that during certain off-track equipment moves, a miner shall be stationed at the first cutout switch outby the equipment. Because use of the cutout switch could draw a large electric arc presenting burn and explosion hazards, the requirement has been modified so that the miner shall be stationed at the first automatic circuit breaker outby the equipment.

(4) As proposed, § 75.1101–23(a)(1)(i) required the evacuation of "all persons not actively engaged in firefighting activities." To better express the intent of the standard this has been changed to require the evacuation of "all miners not required for firefighting activities."

(5) As proposed, § 75.1600–1 required a telephone or equivalent two-way communication facility to be located on the surface within 200 feet of all main portals. This has been changed to within 500 feet of all main portals because this is no less safe and will allow the use of many existing facilities.

(6) As proposed, § 75.1600–2 required that telephones or equivalent two-way communication facilities provided at each working section to be located not more than 300 feet outby the last open crosscut and not more than 700 feet from the farthest point of penetration of the working places on such section. The stated distances have been changed to 500 feet and 500 feet respectively because the original distances were impractical in some mines using track haulage loops. The new distances place the communication facilities at advantageous places without any loss in safety.

(7) As proposed, § 75.1704–2(a) required that designated escapeways in mines and working sections opened on and after the effective date of this section follow the most direct route of travel to the nearest mine opening. This has been changed to require the designated escapeways to follow, as determined by an authorized representative of the Secretary, the safest, direct practical route to the nearest mine opening suitable for the safe evacuation of miners. This change was made to emphasize that not only the most direct route but also the safest route must be considered in establishing escapeways. A similar change has been made in § 75.1704–2(b) in regard to working sections in existence on the effective date of the standard.

(8) As proposed, § 75.1704–2(d) required that a map of the mine showing the escape system of the entire mine be posted at a location where all miners could acquaint themselves with the escapeway from any part of the mine. This has been changed to require that a map showing the main escape system be so posted and that a map be posted in each working section showing the designated escapeways from that section to the main escape system. This change was made to allow miners to more easily and more quickly acquaint themselves with the designated escapeways from their working sections. A map of the entire escape system might cause confusion particularly in an emergency.

(9) As proposed, § 75.1704–2(e) required that each miner travel the escapeways through his working section to the main escapeways at least once every 10 weeks. This has been changed to at least once every 90 days in order to conform to § 75.1101–23(c) regarding fire drills.

Based on evidence received at the public hearing of April 10, 1973, and in view of the foregoing reasons §§ 75.524, 75.1001–1, 75.1003–2, 75.1101–23, 75.1600–1, 75.1600–2, and 75.1704–2 are modified and revised as set forth below.

Effective date. These amendments shall be effective on January 1, 1974, provided, however that operators shall have a period of 180 days after the effective date of the amendments to § 75.524 to acquire and install equipment or devices necessary to comply with the standard.

(Sec. 101(a) Federal Coal Mine Health and Safety Act of 1969, as amended; 83 Stat. 745 (30 U.S.C. 811(a)).)

JOHN B. RIGG,
Deputy Assistant Secretary of the Interior.

OCTOBER 26, 1973.

Part 75, Subchapter O, Chapter I, Title 30, Code of Federal Regulations is amended as follows:

1. A new § 75.524 is added to Part 75 to read as follows:

§ 75.524 Electric face equipment; electric equipment used in return air outby the last open crosscut; maximum level of alternating or direct electric current between frames of equipment.

The maximum level of alternating or direct electric current that exists between the frames of any two units of electric face equipment that come in contact with each other in the working places of a coal mine, or between the frames of any two units of electric equipment that come in contact with each other in return air outby the last open crosscut, shall not exceed one ampere as determined from the voltage measured across a 0.1 ohm resistor connected between the frames of such equipment.

2. Section 75.1001–1 is amended to read as follows:

§ 75.1001–1 Devices for overcurrent protection; testing and calibration requirements; records.

(a) Automatic circuit interrupting devices that will deenergize the affected circuit upon occurrence of a short circuit at any point in the system will meet the requirements of § 75.1001.

(b) Automatic circuit interrupting devices described in paragraph (a) of this section shall be tested and calibrated at intervals not to exceed six months. Testing of such devices shall include passing the necessary amount of electric current through the device to cause activation. Calibration of such devices shall include adjustment of all associated relays to ±15 percent of the indicated value. An authorized representative of the Secretary may require additional testing or calibration of these devices.

(c) A record of the tests and calibrations required by paragraph (b) of this section shall be kept, and shall be made available, upon request, to an authorized representative of the Secretary.

3. A new § 75.1003–2 is added to Part 75 as follows:

§ 75.1003–2 Requirements for movement of off-track mining equipment in areas of active workings where energized trolley wires or trolley feeder wires are present; pre-movement requirements; certified and qualified persons.

(a) Prior to moving or transporting any unit of off-track mining equipment in areas of the active workings where energized trolley wires or trolley feeder wires are present:

(1) The unit of equipment shall be examined by a certified person to ensure that coal dust, float coal dust, loose coal, oil, grease, and other combustible materials have been cleaned up and have not been permitted to accumulate on such unit of equipment; and,

(2) A qualified person, as specified in § 75.153 of this part, shall examine the

trolley wires, trolley feeder wires, and the associated automatic circuit interrupting devices provided for short circuit protection to ensure that proper short circuit protection exists.

(b) A record shall be kept of the examinations required by paragraph (a) of this section, and shall be made available, upon request, to an authorized representative of the Secretary.

(c) Off-track mining equipment shall be moved or transported in areas of the active workings where energized trolley wires or trolley feeder wires are present only under the direct supervision of a certified person who shall be physically present at all times during moving or transporting operations.

(d) The frames of off-track mining equipment being moved or transported, in accordance with this section, shall be covered on the top and on the trolley wire side with fire-resistant material which has met the applicable requirements of Part 18 of Subchapter D of this Chapter (Bureau of Mines Schedule 2G).

(e) Electrical contact shall be maintained between the mine track and the frames of off-track mining equipment being moved in-track and trolley entries, except that rubber-tired equipment need not be grounded to a transporting vehicle if no metal part of such rubber-tired equipment can come into contact with the transporting vehicle.

(f) A minimum vertical clearance of 12 inches shall be maintained between the farthest projection of the unit of equipment which is being moved and the energized trolley wires or trolley feeder wires at all times during the movement or transportation of such equipment; provided, however, that if the height of the coal seam does not permit 12 inches of vertical clearance to be so maintained, the following additional precautions shall be taken:

(1) (i) Except as provided in paragraph (f) (1) (ii) of this section electric power shall be supplied to the trolley wires or trolley feeder wires only from outby the unit of equipment being moved or transported. (ii) Where direct current electric power is used and such electric power can be supplied only from inby the equipment being moved or transported, power may be supplied from inby such equipment provided a miner with the means to cut off the power, and in direct communication with persons actually engaged in the moving or transporting operation, is stationed outby the equipment being moved.

(2) The settings of automatic circuit interrupting devices used to provide short circuit protection for the trolley circuit shall be reduced to not more than one-half of the maximum current that could flow if the equipment being moved or transported were to come into contact with the trolley wire or trolley feeder wire;

(3) At all times the unit of equipment is being moved or transported, a miner shall be stationed at the first automatic circuit breaker outby the equipment being moved and such miner shall be: (i) In direct communication with persons actually engaged in the moving or transporting operation, and (ii) capable of communicating with the responsible person on the surface required to be on duty in accordance with § 75.1600–1 of this part;

(4) Where trolley phones are utilized to satisfy the requirements of paragraph (f) (3) of this section, telephones or other equivalent two-way communication devices that can readily be connected with the mine communication system shall be carried by the miner stationed at the first automatic circuit breaker outby the equipment being moved and by a miner actually engaged in the moving or transporting operation; and,

(5) No person shall be permitted to be inby the unit of equipment being moved or transported, in the ventilating current of air that is passing over such equipment, except those persons directly engaged in moving such equipment.

(g) The provisions of paragraphs (a) through (f) of this section shall not apply to units of mining equipment that are transported in mine cars, provided that no part of the equipment extends above or over the sides of the mine car.

4. A new § 75.1101–23 is added to Part 75 as follows:

§ 75.1101–23 Program of instruction; location and use of fire fighting equipment; location of escapeways, exits and routes of travel; evacuation procedures; fire drills.

(a) Each operator of an underground coal mine shall adopt a program for the instruction of all miners in the location and use of fire fighting equipment, location of escapeways, exits, and routes of travel to the surface, and proper evacuation procedures to be followed in the event of an emergency. Such program shall be submitted for approval to the District Manager of the Coal Mine Health and Safety District in which the mine is located no later than June 30, 1974.

(1) The approved program of instruction shall include a specific fire fighting and evacuation plan designed to acquaint miners on all shifts with procedures for:

(i) Evacuation of all miners not required for fire fighting activities;

(ii) Rapid assembly and transportation of necessary men, fire suppression equipment, and rescue apparatus to the scene of the fire; and,

(iii) Operation of the fire suppression equipment available in the mine.

(2) The approved program of instruction shall be given to all miners annually, and to newly employed miners within six months after the date of employment.

(b) In addition to the approved program of instruction required by paragraph (a) of this section, each operator of an underground coal mine shall ensure that:

(1) At least two miners in each working section on each production shift are proficient in the use of all fire suppression equipment available on such working section, and know the location of such fire suppression equipment;

(2) Each operator of attended equipment specified in § 75.1107–1(c) (1) of this subpart, and each miner assigned to perform job duties at the job site in the direct line of sight of attended equipment as described in § 75.1107–1 (c) (2) of this subpart, is proficient in the use of fire suppression devices installed on such attended equipment; and,

(3) The shift foreman and at least one miner for every five miners working underground on a maintenance shift are proficient in the use of fire suppression equipment available in the mine, and know the location of such fire suppression equipment.

(c) Each operator of an underground coal mine shall require all miners to participate in fire drills, which shall be held at periods of time so as to ensure that all miners participate in such a drill no later than January 31, 1974, and at intervals of not more than 90 days thereafter.

(1) A record of such fire drills shall be kept at the mine, and shall include the date on which the drill was held, the number of persons participating, the area of the mine involved in the drill, the procedures followed, and the equipment used.

(2) For purposes of this paragraph (c), a fire drill shall consist of a simulation of the actions required by the approved fire fighting and evacuation plan described in subparagraph (a) (1) of this section.

5. New §§ 75.1600–1 and 75.1600–2 are added to Part 75 as follows:

§ 75.1600–1 Communication facilities; main portals; installation requirements.

A telephone or equivalent two-way communication facility shall be located on the surface within 500 feet of all main portals, and shall be installed either in a building or in a box-like structure designed to protect the facilities from damage by inclement weather. At least one of these communication facilities shall be at a location where a responsible person who is always on duty when men are underground can hear the facility and respond immediately in the event of an emergency.

§ 75.1600–2 Communication facilities; working sections; installation and maintenance requirements; audible or visual alarms.

(a) Telephones or equivalent two-way communication facilities provided at each working section shall be located not more than 500 feet outby the last open crosscut and not more than 800 feet from the farthest point of penetration of the working places on such section.

(b) The incoming communication signal shall activate an audible alarm, distinguishable from the surrounding noise level, or a visual alarm that can be seen by a miner regularly employed on the working section.

(c) If a communication system other than telephones is used and its operation depends entirely upon power from the mine electric system, means shall be

provided to permit continued communication in the event the mine electric power fails or is cut off; provided, however, that where trolley phones and telephones are both used, an alternate source of power for the trolley phone system is not required.

(d) Trolley phones connected to the trolley wire shall be grounded in accordance with Subpart H of this part.

(e) Telephones or equivalent two-way communication facilities shall be maintained in good operating condition at all times. In the event of any failure in the system that results in loss of communication, repairs shall be started immediately, and the system restored to operating condition as soon as possible.

6. A new § 75.1704–2 is added to Part 75 as follows:

§ 75.1704–2 Escapeway routes; examination; escapeway maps; drills.

(a) In mines and working sections opened on and after January 1, 1974, all travelable passageways designated as escapeways in accordance with § 75.1704 shall be located to follow, as determined by an authorized representative of the Secretary, the safest direct practical route to the nearest mine opening suitable for the safe evacuation of miners. Escapeways from working sections may be located through existing entries, rooms, or crosscuts.

(b) In mines and working sections in existence prior to January 1, 1974, all travelable passageways designated as escapeways in accordance with § 75.1704 shall, no later than June 30, 1974, be located to follow, as determined by an authorized representative of the Secretary, the safest, direct practical route to the nearest mine opening suitable for the safe evacuation of miners. Escapeways from working sections may be located through existing entries, rooms and crosscuts.

(c)(1) All escapeways shall be examined in their entirety at least once each week by a certified person. Such weekly examination need not be made during any week in which the mine is idle for the entire week, except that such examination shall be made before any miner other than the certified person returns to the mine. The phrase "once each week" shall mean at intervals not exceeding seven days.

(2) The certified person making such examination shall place his initials, the date, and time at various locations along the passageways and, if any hazardous conditions are found, such conditions shall be reported promptly to the operator. The results of the examinations shall be recorded in the book specified in § 75.1801 relating to the examination of emergency escapeways. Any hazardous conditions observed shall be corrected immediately.

(d) A map of the mine, showing the main escape system, shall be posted at a location where all miners can acquaint themselves with the main escape system. A map showing the designated escapeways from the working section to the main escape system, shall be posted in each working section, in order that the miners in the section can acquaint themselves with the designated escapeways from the section to the main escape system. All maps shall be kept up to date, and any changes in routes of travel, location of doors, or direction of air-flow shall be promptly shown on the maps when the changes are made and shall be promptly brought to the attention of all miners.

(e) Practice escapeway drills shall be conducted so that all miners are kept informed of the route of escape, any necessary ventilation changes, the location of fire doors, check curtains, or smoke-retarding doors, and plans for diverting smoke from escapeways. Such practice drills shall ensure that each miner travels the escapeways through his respective working section up to the main escapeways at least once every 90 days, and that at least two miners, including the supervisor, on each producing section travel through the main escapeways up to the portal at least once every six weeks.

(f) The practice escapeway drills may be utilized to satisfy the evacuation specifications of the fire drills required by § 75.1101–23.

[FR Doc.73–23221 Filed 10–30–73;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73–126 R]

PART 110—ANCHORAGE REGULATIONS

Special Anchorage Area, Oyster Bay, New York

This amendment to the anchorage regulations establishes a special anchorage area in Oyster Bay Harbor, New York. In special anchorage areas vessels under 65 feet in length when at anchor are not required to carry or exhibit anchor lights.

This amendment is based on a notice of proposed rulemaking published in the Tuesday, June 19, 1973, issue of the FEDERAL REGISTER (38 FR 15970).

The only comment received came from the National Oceanic and Atmospheric Administration. Their comment provided corrections for errors in the coordinates of latitude. These errors were minor in nature, and the location and description of the anchorage in the notice of proposed rulemaking was otherwise sufficiently clear. The corrections to the coordinates of latitude have been incorporated in this amendment.

In consideration of the foregoing, Part 110 of Chapter I of Title 33 of the Code of Federal Regulations is amended by adding a new § 110.60(u–2) to read as follows:

§ 110.60 Port of New York and vicinity.

* * * * *

(u–2) *Harbor of Oyster Bay, Oyster Bay, New York.* The water area north of the town of Oyster Bay enclosed by a line beginning on the shoreline at latitude 40°52'35.5" N., longitude 73°32'17" W.; thence to latitude 40°52'59.5" N., longitude 73°32'18" W.; thence to latitude 40°53'00" N., longitude 73°30"53" W.; thence to latitude 40°52'39" N., longitude 73°30'54" W.; thence to the shoreline at latitude 40°52'25" N., longitude 73°31'18" W.; thence following the shoreline to the point of beginning.

* * * * *

NOTE.—An ordinance of the Town of Oyster Bay, New York prescribes rules for anchoring in this special anchorage area.

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

Effective date. This amendment shall become effective on November 30, 1973.

Dated: October 25, 1973.

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

[FR Doc.73–23131 Filed 10–30–73;8:45 am]

[CGD 73 250R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Laguna Madre, Texas

This amendment revokes the regulations for the highway bridge across Laguna Madre, Texas, because this bridge has been removed.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revoking paragraph (j)(40) of § 117.245.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4).)

Effective date. This revision shall become effective October 31, 1973.

Dated October 17, 1973.

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

[FR Doc.73–23132 Filed 10–30–73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

[FPMR Amendment D–45]

PART 101–19—MANAGEMENT OF BUILDINGS AND GROUNDS

Subpart 101–19.1—Operation and Maintenance

FIRE SAFETY

Section 101–19.109–1 is amended to change the definition of the term "noncombustible." The fire hazard rating for smoke development is increased from 100 to 150. Section 101–19.109–7(a) is revised to include a cross-reference to the definition of noncombustible.

Section 101–19.109–1 is amended to read as follows:

§ 101–19.109–1 Definitions.

* * * * *

(b) * * *

(2) Rigid materials, all surfaces of which have fire hazard ratings not exceeding 25 for flame spread and 150 for

smoke development when tested in accordance with American Society for Testing and Materials, Test E 84, Surface Burning Characteristics of Building Materials. For materials to be in the building permanently or for extended periods of time, the fire hazard rating requirements also apply to any core materials. Materials bearing the label of Underwriters' Laboratories, Inc., as having flame spread ratings of not over 25 and smoke development ratings of not over 150 meet these requirements.

* * * * *

Section 101-19.109-7(a) is revised to read as follows:

§ 101-19.109-7(a) Movable partitions.

(a) All newly installed or relocated movable partitions, including partial-height (bank-type), shall be noncombustible. (See § 101-19. 109-1.)

* * * * *

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

Effective date. This regulation is effective October 31, 1973.

Dated October 24, 1973.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.73-23136 Filed 10-30-73;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

SUBCHAPTER C—MINERALS MANAGEMENT (3000)

SUBCHAPTER I—TECHNICAL SERVICES (9000)

[Circular No. 2353]

PART 3860—MINERAL PATENT APPLICATIONS

PART 9180—CADASTRAL SURVEY

Appointment of Mineral Surveyors

On page 22897 of the FEDERAL REGISTER of August 27, 1973, there was published a notice and text of a proposed amendment to Subparts 3861 and 9185 of Title 43, Code of Federal Regulations. The purpose of the amendment is to conform the regulations to existing delegations of authority and procedures relating to the appointment of mineral surveyors, and to remove provisions of the regulations which limit surveyors to performing surveys in specific States only.

In §§ 3861.5-1 and 9185.1-3(b) of 43 CFR the references to "State Director" are changed to "Director or his delegate." Current regulations provide that State Directors of the Bureau of Land Management may appoint mineral surveyors. In addition, § 3861.5-1 sets forth procedures which limit eligibility of appointed surveyors to the region where they were appointed. This amendment removes that restriction and provides for the maintenance of a list of all eligible mineral surveyors in each State office of the Bureau of Land Management.

Interested persons were given until September 24, 1973, to submit comments, suggestions, or objections to the proposed amendment. Only one comment was received. The writer recommended that any qualified applicant be appointed a mineral surveyor to provide a larger selection from which a surveyor could be employed, thus increasing competition and lowering the cost for the service. The proposed regulation provides "the Director or his delegate will appoint only a sufficient number of surveyors for the survey of mining claims to meet the demand for that class of work. Present regulations at 43 CFR 3861.5-1 similarly restrict the appointment of surveyors to the extent needed to meet the demand therefor. Past experience has not demonstrated a need to alter this procedure. No evidence has been provided that a change would be beneficial.

The proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective December 3, 1973.

Chapter II of Title 43 of the Code of Federal Regulations is amended as follows:

1. Section 3861.5-1 of Subpart 3861 of 43 CFR Part 3860 is revised to read:

§ 3861.5-1 Appointment.

Pursuant to section 2334 of the Revised Statutes (30 U.S.C. 39), the Director or his delegate will appoint only a sufficient number of surveyors for the survey of mining claims to meet the demand for that class of work. Each appointee shall qualify as prescribed by the Director or his delegate. Applications for appointment as a mineral surveyor may be made at any office of the Bureau of Land Management listed in § 1821.2-1 of these regulations. A roster of appointed mineral surveyors will be available at these offices. Each appointee may execute mineral surveys in any State where mineral surveys are authorized.

2. Paragraph (b) of § 9185.1-3 of Subpart 9185 of 43 CFR Part 9180 is revised to read:

§ 9185.1-3 Mining claims.

* * * * *

(b) *Mineral surveyors.* See § 3861.5-1 for the appointment of mineral surveyors pursuant to section 2334 of the Revised Statutes (30 U.S.C. 39).

JACK O. HORTON,
Assistant Secretary of the Interior.

OCTOBER 24, 1973.

[FR Doc.73-23143 Filed 10-30-73;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Order Regarding Applications for Radio Stations; Correction

Amendment of Footnote U.S. 117 in Part 2 of the Commission's Rules to Require the Prior Coordination of Applications for Radio Stations in the 407-409 MHz Band in the Vicinity of the Boulder, Colorado, Solar Observatory.

In Commission Order, FCC 73-886, released August 31, 1973, and published in the FEDERAL REGISTER on September 11, 1973 (38 FR 24901), § 2.106 of the Rules was amended by adding the Boulder, Colorado Solar Observatory to the list of observatories in Footnote U.S. 117. The U.S. Department of Commerce has informed the Commission that the official name of this observatory is: Table Mountain Solar Observatory (NOAA), Boulder, Colorado. Footnote U.S. 117 is therefore amended to show the correct name and to insert it in the listing alphabetically. In addition, the next to last word for that entry is changed from "further" to "farther".

Released: October 24, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.73-23167 Filed 10-30-73;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Service Order No. 1158]

PART 1033—CAR SERVICE

Chicago and North Western Transportation Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 25th day of October 1973.

It appearing, that the Chicago and North Western Transportation Company (CNW) is unable to operate over its line between Ames, Nebraska, and Fremont, Nebraska, a distance of approximately 4.75 miles, because of track conditions; that CNW operations can be accomplished by use of tracks of the Union Pacific Railroad Company (UP) between these points; that the UP has consented to the use of such tracks by the CNW; that the operation by the CNW over the aforementioned tracks of the UP is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1158 Service Order No. 1158.

(a) *Chicago and North Western Transportation Company authorized to operate over tracks of Union Pacific Railroad Company.* The Chicago and North Western Transportation Company (CNW) be, and it is hereby, authorized to operate over tracks of the Union Pacific Railroad Company (UP) between Ames, Nebraska, and Fremont, Nebraska, a distance of approximately 4.75 miles.

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

(c) *Rates applicable.* Inasmuch as this operation by the CNW over tracks of the

UP is deemed to be due to carrier's disability, the rates applicable to traffic moved by the CNW over the tracks of the UP shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 11:59 p.m., October 26, 1973.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., April 30, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

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

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-23202 Filed 10-30-73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Wichita Mountains Wildlife Refuge, Oklahoma

The following special regulation is issued and is effective on October 31, 1973.

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

OKLAHOMA

WICHITA MOUNTAINS WILDLIFE REFUGE

Public hunting of elk on Wichita Mountains Wildlife Refuge, Oklahoma, is permitted only in the Pinchot, Graham Flat, North Mountains and Quanah-Elk Mountain Units. Hunting days will be restricted to Tuesdays, Wednesdays and Thursdays, beginning November 13 and ending December 20, 1973. The open hunting area, comprising 47,200 acres, is delineated on maps available at refuge headquarters, Cache, Oklahoma, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of elk subject to the following special conditions:

(1) No personnel of the Bureau of Sport Fisheries and Wildlife or of the Oklahoma Department of Wildlife Conservation are eligible to hunt.

(2) Except as provided in special condition (3) below, the applicable portions of the Quanah-Elk Mountain Unit will be closed to all public use except elk hunting during hunt periods.

(3) Authorized hunters may retain approved, unloaded hunting rifles and camp overnight (in Camp Doris only) during these periods when the Quanah-Elk Mountain Unit is closed to all other public use. Such camping hunters may be accompanied by, not to exceed, one camping companion who will be confined to Camp Doris or Refuge Headquarters during hunt periods unless authorized to assist with the removal of game by the Refuge Manager or his agent.

(4) Authorized hunters will comply with all official written refuge rules and regulations issued at mandatory hunter briefings.

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 20, 1973.

ROGER D. JOHNSON,
Refuge Manager, Wichita Mountains Wildlife Refuge, Cache, Oklahoma.

OCTOBER 19, 1973.

[FR Doc.73-23145 Filed 10-30-73;8:45 am]

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Del.

The following amended special regulation is issued and is effective during the period November 3, 1973, through January 16, 1974.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas amended to read as follows.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Bombay Hook National Wildlife Refuge, Delaware, is permitted on areas designated by signs as open to hunting including the South Public Hunting Area, the West Public Hunting Area, the Youth Hunt Area, and the Upland Game Hunting Area. These open areas are delineated on maps available at the refuge headquarters, Smyrna, Delaware, or from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Massachusetts 02109.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, and coots subject to the following special conditions:

(1) Hunting is permitted on the West Public Hunting Area from one-half hour before sunrise to 12 noon local standard time, Tuesdays, Thursdays, and Saturdays during the goose season.

(2) Hunting in the South, West, and Youth Hunt Public Hunting Areas shall be from existing numbered blinds. The possession of a loaded gun or shooting while outside of a blind is prohibited on these areas.

(3) No person shall have in his possession or use in one day more than 10 shells on the West Public Hunting Area.

(4) Hunting is permitted in the South Public Hunting Area during the State duck season.

(5) The necessary permit to enter the South Public Hunting Area may be obtained from one hour before shooting time until 3:00 p.m. local standard time at the checking station located at Port Mahon. The necessary permit to enter the West Public Hunting Area may be obtained by applying to the Refuge Manager for advance reservation. The permits for advance reservations will be canceled if the holder is not present one hour prior to the start of legal shooting time on the date of his reservation. These forfeited permits and permits not reserved by advance reservation will be awarded to standby hunters by lot on the morning of the hunt. All hunters will check out through the headquarters checking station prior to leaving the refuge.

(6) Each hunting permittee using the West Public Hunting Area will pay a blind fee of $5.00 on the day of the hunt. A User Fee of $1.00 per hunter will be charged on the South Public Hunting Area.

(7) Not more than four persons may occupy a blind at any one time on the West Public Hunting Area nor more than three on the South Public Hunting Area.

(8) The Youth Hunt Area will be open on Saturdays and holidays to young hunters who present evidence of having completed the prescribed training program. Two youths, accompanied by an instructor who may not discharge a firearm, may use one blind.

(9) On designated days on the South and West Public Hunting Areas, migratory waterfowl will be hunted with 12-gauge shotguns using iron shot. Ammunition will be provided by the refuge at a charge of $0.16 per round. No person shall have in his possession lead shot shells during iron shot hunt days.

(10) Hunters, when requested by federal or state enforcement officers, must display for inspection all game, hunting equipment, and ammunition.

The provisions of this special regulation supplement the regulations which govern hunting of wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 16, 1974.

ROBERT H. SHIELDS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 19, 1973.

[FR Doc.73-23185 Filed 10-30-73;8:45 am]

Proposed Rules

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 984]

WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Proposed Marketing Control Percentages for 1973–74 Marketing Year

Notice is hereby given of a proposal to establish marketable and surplus control percentages for walnuts for the 1973–74 marketing year as follows: California (District 1) 82 percent and 18 percent, respectively; and Oregon and Washington (District 2) 91 percent and 9 percent, respectively. The 1973–74 marketing year began on August 1, 1973. The proposed percentages would be established in accordance with the provisions of the marketing agreement, as amended, and Order No. 984, as amended (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon, and Washington. The amended agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Pursuant to § 984.48 of the marketing agreement and order program, the Walnut Control Board recommended to the Secretary of Agriculture a marketing policy for the 1973–74 marketing year. The Board's recommended marketing policy included its recommendation that marketable and surplus percentages be set for District 1 at 80 percent and 20 percent, respectively, and for District 2 at 90 percent and 10 percent, respectively. In recognition of marketing and production differences between California, and Oregon and Washington, the order specifies that the surplus percentage for Oregon and Washington be one-half the California percentage. The percentages recommended by the Board were based on its estimates of supply and inshell and shelled trade demands, adjusted for handler carryover, for the current marketing year. The total 1973–74 supply subject to regulation was estimated at 120.5 million pounds kernelweight. Inshell and shelled demands adjusted for handler carryover were estimated at 30.8 and 65.3 million pounds kernelweight, respectively, or a total demand of 96.1 million pounds kernelweight.

In order to make more merchantable walnuts available for domestic markets during 1973–74 than estimated by the Board, it was recommended to the Board that the marketable and surplus percentage for District 1 be 82 percent and 18 percent, respectively, and for District 2, the percentages be 91 percent and 9 percent, respectively. These are the same percentages as were in effect for the respective Districts during the 1972–73 crop year. The revised volume control percentages would make available 2.3 million pounds more than the Board's estimate. The Board consented to the revised recommended percentages.

The marketable percentage prescribes that portion of the total merchantable supply which may be handled in domestic markets. The surplus percentage prescribes that portion of the total supply subject to regulation which must be withheld as surplus and diverted to export, oil, livestock feed, or other outlets the Board finds to be noncompetitive with domestic markets.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than November 16, 1973. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 984.220 Marketable and surplus percentages for walnuts during the 1973–74 marketing year.

The marketable and surplus percentages during the marketing year beginning August 1, 1973, shall be as follows:

	California—District 1	Oregon-Washington—District 2
Marketable percentages	82	91
Surplus percentages	18	9

Dated: October 25, 1973.

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

[FR Doc.73-23150 Filed 10-30-73;8:45 am]

Agricultural Marketing Service

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Termination of Proposed Designation of Desirable Free Tonnage for Natural Thompson Seedless Raisins

Notice was published in the September 25, 1973, issue of the FEDERAL REGISTER designate a desirable free tonnage of 150,000 tons for natural Thompson Seedless raisins for the 1973–74 crop year. The proposal was unanimously recommended by the Raisin Administrative Committee, hereinafter referred to as the "Committee". The proposal was pursuant to the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), hereinafter referred to collectively as the "order", regulating the handling of raisins produced from grapes grown in California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act".

At its meeting of October 5, 1973, the Committee considered data relevant to the formulation of a marketing policy for the 1973–74 crop year, which began September 1, 1973. The Committee estimated that 184,300 tons of natural Thompson Seedless raisins and 20,000 tons of other varietal types would be produced. The Committee noted that the price for natural Thompson Seedless raisins had been set at $700 per ton between independent handlers and producer members of the Raisin Bargaining Association. Therefore, the Committee recommended that: (1) Volume regulation not be applied to the handling of raisins during the current crop year; and (2) the proposed action to designate a desirable free tonnage of 150,000 tons for natural Thompson Seedless raisins for the 1973–74 crop year be terminated.

Producer prices for varietal types of raisins other than of the natural Thompson Seedless varietal type are reported in the October 11, 1973, Dried Fruit Market News to be $700 per ton. The September 28, 1973, parity price for raisins was $517 per ton. Based upon information submitted by the Raisin Administrative Committee and other available information, it is determined that the estimated season average price to producers for raisins for the 1973–74 crop year beginning September 1, 1973, will be in excess of the parity level specified in section 2 (1) of the act.

Therefore, the proposal to designate a desirable free tonnage for natural Thompson Seedless raisins which was published in the FEDERAL REGISTER issue of September 25, 1973 (38 FR 26729; FR Doc. 73-20243) is hereby terminated.

Under § 989.61 of the order, provisions of this part (§§ 989.58, 989.59, et seq.) relating to minimum grade and condition standards and inspection requirements, within the meaning of section 2(3) of the act, and any other provisions pertaining to the administration and enforcement thereof, shall continue in effect irrespective of whether the estimated season

average price to producers is in excess of the parity level specified in section 2(1) of the act.

Dated: October 25, 1973.

/s/ CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-23217 Filed 10-30-73;8:45 am]

Agricultural Stabilization and Conservation Service

[7 CFR Part 723]

CIGAR FILLER (TYPE 41) AND MARYLAND TOBACCO

Determination Regarding Marketing Quota Regulations, 1974–75, and Subsequent Marketing Years

The Department is preparing to issue regulations governing the establishment of farm acreage allotments and normal yields for the 1974 crop of cigar-filler (type 41) and Maryland tobacco pursuant to the Agricultural Adjustment Act of 1938, as amended, (7 U.S.C. 1281 et seq.). Producers of cigar-filler (type 41) and Maryland (type 32) tobacco disapproved marketing quotas for each such kinds of tobacco for three marketing years beginning October 1, 1971 (36 FR 6733), and previously thereto had disapproved marketing quotas in referenda held in three successive years subsequent to 1952. Hence, pursuant to the provisions of section 312 of the Act, acreage allotments and marketing quotas were not determined for either kind of tobacco for the 1972 and 1973 crops. Pursuant to section 312 of the Act, the Secretary is required to proclaim not later than February 1, 1974, quotas for such kinds of tobacco for each of the three marketing years beginning October 1, 1974, and hold referendums of farmers who were engaged in the production of each kind of tobacco in 1973 to see whether such farmers favor or oppose marketing quotas. Under section 313(g) of the Act, when the national marketing quota is announced by the Secretary it will be converted into a national acreage allotment and the national acreage allotment, less a reserve not to exceed one percent thereof for new farms, for adjusting inequities in old farm acreage allotments and corrections will be apportioned to farms. Section 362 of the Act requires that notice of the farm acreage allotment for each old farm shall insofar as practicable be mailed to the farm operator in sufficient time to be received prior to the referendum.

Allotments determined under the regulations will remain in effect for the 1974 crop year whether or not marketing quotas are approved in the referendum. The proposed regulations read as follows:

GENERAL

AUTHORITY.—Secs. 301, 313, 316, 317, 363, 375, 377, 378, 52 Stat. 38, as amended, 47, as amended, 79 Stat. 118, as amended, 79 Stat. 66, 52 Stat. 63, as amended, 65, as amended, 70 Stat. 206, as amended, 72 Stat. 995, as amended, secs. 601, 602, 79 Stat. 1306, 1208; 7 U.S.C. 1301, 1313, 1314b, 1314c, 1363, 1375, 1377, 1378, 1801 note, 1838.

GENERAL

§ 723.51 Basis and purpose.

The regulations contained in §§ 723.51 through 723.66 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of farm acreage allotments and normal yields for Cigar-filler (type 41) and Maryland tobacco for the 1974–75 marketing year. The material previously appearing in these sections under Subpart—Cigar-Filler (Type 41) and Maryland Tobacco Allotment Regulations, 1971–72 marketing year remain in full force and effect for the crop to which it was applicable.

§ 723.52 Definitions.

As used in this subpart and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires. References contained herein to other parts of this chapter or title shall be construed as references to such parts and amendments now in effect or later issued.

(a) The provisions of Parts 718 and 719 of this chapter, including definitions, are hereby incorporated in the regulations of this part unless the context or subject matter or the provisions of the regulations of this part otherwise require.

(b) "Base period" means the five calendar years immediately preceding the year for which farm acreage allotments are currently being established.

(c) "Current year" means the calendar year for which acreage allotments are being established, or tobacco history acreage and normal yields are being determined.

(d) "New farm" means a farm for which a tobacco allotment is established in the current year and for which there is no tobacco history acreage in the base period.

(e) "Old farm" means a farm for which there was tobacco history acreage in one or more years of the base period.

(f) "Tobacco" means each one or both, as indicated by the context, of the kinds of tobacco listed in this paragraph, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the former Bureau of Agricultural Economics of the United States Department of Agriculture.

(1) Maryland tobacco, type 32.
(2) Cigar-filler tobacco, type 41.

§ 723.53 Extent of determinations, computations and rule for rounding fractions.

Farm acreage allotments shall be rounded to hundredths of acres in accordance with the provisions of Part 793 of this chapter.

§ 723.54 Instructions and forms.

The Director, Program Operations Division, shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions with respect to internal management as are necessary, for carrying out the regulations in this part. The forms and instructions shall be approved by and the instructions shall be issued by the Deputy Administrator, Programs, Agricultural Stabilization and Conservation Service.

TOBACCO HISTORY ACREAGE, ACREAGE ALLOTMENTS, AND NORMAL YIELDS FOR OLD FARMS

§ 723.55 Determination of tobacco history acreage for old farms.

(a) The county committee shall determine from the best available data the tobacco history acreage on each old tobacco farm for each of the five years 1969–73. Data for making such determinations shall be taken from county office records, producers' records, producers' reports, estimates of other persons having knowledge of the tobacco production on the farm, and any other source available.

(b) For the year 1971, the 1971 tobacco history acreage shall be the same as the 1971 allotment if as much as 75 percent of the 1971 allotment was planted (or considered planted under conservation programs or conservation practices (Part

719 of this chapter)). If less than 75 percent of the 1971 allotment was planted or considered planted, the 1971 history acreage shall be the acreage planted or considered planted. The tobacco history acreage for 1971 shall be zero for a farm for which no 1971 tobacco acreage allotment was determined.

(c) For years for which no allotments were established for either of such kinds of tobacco, the tobacco history acreage shall consist of (1) the acreage planted to tobacco on the farm, plus (2) the acreage considered planted to tobacco on the farm consisting of (i) tobacco acreage diverted under conservation programs or practices (if a farm was under a cropland adjustment program agreement during any year of the base period for which no tobacco acreage allotment was established, the tobacco history acreage for such year shall be the larger of: (*a*) The planted acreage, or (*b*) the nonallotment base acreage under Part 751 of this chapter designated under agreement not to exceed any tobacco acreage as determined or computed for the farm for the year immediately preceding the year of the cropland adjustment program agreement), and (ii) the allotment acreage pooled under Part 719 of this chapter.

(d) In determining the tobacco history acreage for each year of the base period, the county committee shall make due allowances for drought, flood, hail, and other abnormal weather conditions and plant bed and other diseases.

§ 723.56 Determination of preliminary acreage allotments for all farms.

(a) The preliminary allotment for an old farm shall be the larger of the following:

(1) The average tobacco history acreage on the farm during the base period (1969–73), or

(2) The average tobacco history acreage on the farm in the three preceding years (1971–73).

(b) Notwithstanding the foregoing provisions of this section, no 1974 farm tobacco preliminary allotment (or 1974 farm tobacco acreage allotment) shall be determined for any land which the county committee determines has become devoted to commercial or residential development or other nonagricultural purposes, and was not and could not have domain by the person or agency that did been acquired under the right of eminent acquire it, and is retired from agricultural production: *Provided*, That this paragraph shall not preclude the determination of a preliminary acreage allotment (or allotment) for (1) an old farm returned to agricultural production if the allotment for the retired land was not allocated to other land in farm of which the retired land was a part, or (2) a farm for which an acreage allotment may be determined under the provisions of § 723.59: *And provided further*, That the provisions of this paragraph shall not preclude the allocation of the allotment for the retired land to other land contained in the farm of which the retired land was a part pursuant to Part 719 of this chapter.

§ 723.57 Old farm tobacco acreage allotment.

The preliminary allotments calculated for all old farms pursuant to § 723.56, and including those under § 723.59(a), shall be adjusted uniformly so that the total of such allotments plus the acreage available pursuant to §§ 723.58 and 723.62 shall not exceed the national acreage allotment: *Provided*, That for Cigar-filler (type 41) tobacco if the acreage allotment determined for any farm (except farms operated, controlled, or directed by a person who also operates, controls, or directs another farm on which tobacco is produced) is less than that acreage which, with the normal yield for the farm, would produce 2,400 pounds of tobacco, then such acreage allotment shall be increased to the smaller of (a) 120 percent thereof, or (b) that acreage which, with the normal yield for the farm, would produce 2,400 pounds of tobacco.

§ 723.58 Correction of errors and adjusting inequities in acreage allotments for old farms.

(a) Notwithstanding the limitations contained in any other section of this subpart, the farm acreage allotment for each kind of tobacco established for an old farm may be increased to correct an error or adjust an inequity if the county committee determines, with the approval of a representative of the State committee, that the increase is necessary to establish an allotment for such farm which is fair and equitable in relation to the allotment for other old farms in the county in which the farm is located. An acreage not to exceed one percent of the national acreage allotment for each kind of tobacco minus that part of the national reserve set aside for establishing new farm allotments shall be made available for adjusting inequities and for correcting errors. The amount of the national reserve acreage available for correcting errors and for adjusting inequities will be announced at the same time the national quota is proclaimed. The reserve acreage for old farms will be allocated to each State based on the relation of the preliminary acreage allotment in that State to the national preliminary allotment.

(b) Acreage increases to adjust inequities in acreage allotments shall be made on the basis of the past farm acreage and past farm acreage allotments of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The total of all adjustments in old farm allotments under this paragraph shall not exceed the acreage allocated for such purpose.

(c) The allotment for a farm under a cropland conversion program agreement or land under a cropland adjustment agreement shall be given the same consideration under this section as the allotment for any other old farm.

(d) Acreage approved for a farm under this section becomes a part of the farm acreage allotment.

§ 723.59 Reallocation and release and reapportionment of allotments determined for farms acquired by an agency having the right of eminent domain.

(a) The determination of allotments for farms acquired by an agency having the right of eminent domain, the transfer of such allotment to a pool and reallocation from the pool shall be administered as provided in Part 719 of this chapter. The normal yield for each farm to which a reallocation is made as provided in this paragraph shall be determined as provided in § 723.61. For a farm for which allotment acreage was placed in a pool, the allotment remaining in the pool shall be the 1974 preliminary allotment.

(b) The displaced owner of a farm may, not later than May 1 of the current year, release in writing to the county committee for the year 1974 all or part of the acreage for the farm in a pool under Part 719 of this chapter for reapportionment for 1974 by the county committee to other farms in the county having allotments for the same kind of tobacco. The county committee may reapportion, not later than June 1 of the current year, the released acreage or any part thereof to other farms in the county on the basis of the past farm acreage and past farm acreage allotments of the same kind of tobacco, land, labor, equipment available for the production of such kind of tobacco, crop rotation practices, and soil and other physical factors affecting the production of such kind of tobacco. The allotment acreage released shall, for tobacco acreage history and future allotment purposes, be considered to have remained in the pool as though it had not been released therefrom. The acreage reapportioned to a farm under this paragraph shall be reduced, where applicable, so as not to exceed the acreage by which the 1974 final tobacco acreage on the farm, determined pursuant to Part 718 of this chapter, exceeds the 1974 allotment prior to being increased by reapportionment.

§ 723.60 Farms divided or combined.

Allotments for farms reconstituted for 1974 shall be determined in accordance with Part 719 of this chapter.

§ 723.61 Determination of normal yields for old farms.

The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the period, not less than the base period, for which data are available; (b) the soil and other physical factors affecting the production of tobacco on the farm; and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 723.62 Determination of acreage allotments for new farms.

The acreage allotment, other than an allotment made under § 723.59(a), for a new farm shall be that acreage which the county committee, with approval of the State committee determines is fair and reasonable for the farm, taking into consideration the past tobacco experience of the farm operator, the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That, the acreage allotment so determined shall not exceed 50 percent of the average of the acreage allotments established for two or more but not more than five old farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco: *And provided further*, That, if the acreage planted to tobacco on a new tobacco farm is less than 75 percent of the tobacco acreage allotment otherwise established for the farm pursuant to this section, such allotment shall be automatically reduced to the sum of the tobacco planted acreage and the prevented planted tobacco acreage as determined under Part 718 of this chapter for the farm.

(a) *Written application.* The farm operator must file an application for a new farm allotment at the office of the county committee where the farm is administratively located on or before February 15 of the year for which the new farm allotment is requested.

(b) *Eligibility requirements for operator.* A new farm allotment may be established if each of the following conditions is met:

(1) *Owner and operator of the farm.* The operator shall be the sole owner of the farm. For the purpose of applying this subparagraph (1) a person who owns only part of a farm cannot be considered the owner of the farm except that both husband and wife shall be considered the owner and operator of a farm which they jointly own.

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

(3) *Availability of equipment and facilities.* The operator must own, or have readily available, adequate equipment and any other facilities of production necessary to the production of tobacco on the farm.

(4) *Income requirement.* The operator must expect to obtain during the current year more than 50 percent of his income from the production of agricultural commodities or products.

(i) *Computing operator's income.* The following shall be considered in computing operator's income:

(a) *Income from farming.* Income from farming shall include the estimated return from home gardens, livestock and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm(s). The estimated return from the production of the requested new farm allotment shall not be included.

(b) *Income from nonfarming.* Nonfarming income shall include but shall not be limited to salaries, commissions, pensions, social security payments, and unemployment compensations.

(c) *Spouse's income.* The spouse's farm and nonfarm income shall be used in the computation.

(ii) *Operator a partnership.* If the operator is a partnership, each partner must expect to obtain more than 50 percent of his current year income from farming.

(iii) *Operator a corporation.* If the operator is a corporation, it must have no major corporate purpose other than ownership or operation of the farm(s). Farming must provide its officers and general manager with more than 50 percent of their expected income. Salaries and dividends from the corporation shall be considered as income from farming.

(iv) *Special provision for low-income farmers.* The county committee may waive the income provisions in this section provided they determine that the farm operator's income, from both farm and nonfarm sources, is so low that it will not provide a reasonable standard of living for the operator and his family, and a State committee representative approves such action. In waiving the income provisions the county committee must exercise good judgment to see that their determination is reasonable in the light of all pertinent factors, and that this special provision is made applicable only to those who qualify. In making their determination, the county committee shall consider such factors as size and type of farming operations, estimated net worth, estimated gross family income, estimated family off-farm income, number of dependents, and other factors affecting the individual's ability to provide a reasonable standard of living for himself and his family.

(5) *Experience.* Operator must have had experience in producing, harvesting, and marketing the kind of tobacco requested. Such experience must have been gained: by being a sharecropper, tenant, or farm operator (bona fide tobacco production experience gained by a person as a member of a partnership shall be accepted as experience gained in meeting this requirement) during at least two of the five years immediately preceding the year for which the new farm allotment is requested. If the operator was in the armed services during the five-year period, the period shall be extended one year for each year of military service during the five years. The experience must have been gained on a farm having a tobacco allotment for such years for the kind of tobacco requested in the application.

(c) *Eligibility requirements for the farm.* A new farm allotment may be established if each of the following conditions is met:

(1) *Current allotment or quota.* The farm must not have on the date of approval of a new farm acreage allotment an allotment or quota for any kind of tobacco.

(2) *Available land, type of soil, and topography.* The available land, type of soil, and topography of the land on the farm must be suitable for tobacco production. Also continuous production of tobacco must not result in an undue erosion hazard.

(3) *Downward adjustment.* The acreage allotment established as provided in this section for each kind of tobacco shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms.

(4) *False information.* Any new farm acreage allotment which was determined by the county committee on the basis of incomplete or inaccurate information knowingly furnished by the applicant shall be canceled by the county committee as of the date the allotment was established. When incomplete or inaccurate information was unknowingly furnished by the applicant, the allotment shall be canceled effective for the current crop year except where the provisions of § 723.64(d) apply.

§ 723.63 Determination of normal yields for new farms.

The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

MISCELLANEOUS

§ 723.64 Approval of determinations made under §§ 723.51 through 723.63 and notices of farm acreage allotment.

(a) All farm acreage allotments and yields shall be determined by the county committee of the county in which the farm is located and shall be reviewed by a representative of the State committee. The State committee may revise or require revision of any determination made under §§ 723.51 through 723.63. All acreage allotments and yields shall be approved by a representative of the State committee, and no official notice of acreage allotment shall be mailed to a farm operator until such allotment has been so approved, except that revised acreage allotment notices without such prior approval may be mailed in cases resulting from reconstitutions that do not involve the use of additional acreage.

(b) An official notice of the farm acreage allotment and marketing quota shall be mailed to the operator of each farm shown by the records of the county committee to be entitled to an allotment. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper are interested in

the farm for which the allotment is established. Insofar as practical, all allotment notices shall be mailed in time to be received prior to the date of any tobacco marketing quota referendum. A copy of such notice containing thereon the date of mailing, shall be maintained for not less than 30 days in a conspicuous place in the county office and shall thereafter be kept available for public inspection in the office of the county committee. A copy of such notice certified as true and correct shall be furnished without charge to any person interested in the farm for which the allotment is established.

(c) If the records of the county committee indicate that the allotment established for any farm may be changed because of (1) removal of the farm from agricultural production, (2) division of the farm, or (3) combination of the farm, the mailing of the notice of such allotment may be delayed: *Provided*, That the notice of allotment for any farm shall be mailed no later than May 1 of the current year.

(d) If the county committee determines with the approval of the State executive director, that (1) the official written notice of the farm acreage allotment issued for any farm erroneously stated the acreage allotment to be larger than the correct allotment, and (2) the error was not so gross as to place the operator on notice thereof, and that the operator, relying upon such notice and acting in good faith (i) materially changed his position to enable him to produce the allotment crop (for example obligated expenditures of funds for land preparation, additional equipment and labor) or (ii) has planted an acreage of tobacco in excess of the correct farm acreage allotment, the acreage allotment shown on the erroneous notice shall be deemed to be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the current year.

§ 723.65 Application for review.

Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm may, within 15 days after mailing of the official notice of the farm acreage allotment and marketing quota, file application in writing with the county ASCS office to have such allotment reviewed by a review committee. The procedure governing the review of farm acreage allotments and marketing quotas is contained in Part 711 of this chapter.

§ 723.66 Lease and transfer of tobacco acreage allotments.

(a) *Farms eligible.* Subject to the limitations provided in this section, the owner and operator (acting together if different persons) of any farm for which an old farm tobacco acreage allotment is established for the current year may lease and transfer all or any part of the farm acreage allotment established for such farm to any other owner or operator of a farm in the same county with a current year's allotment (old or new farm) for the same kind of tobacco for use on such farm. The lease and transfer of an acreage allotment shall be recognized and considered valid by the county committee subject to the conditions set forth in this section.

(b) *Maximum period.* Transfer of allotments by lease shall not exceed five years.

(c) *Filing and approval of transfer agreement*—(1) *Filing transfer agreement.* The lease and transfer of any allotment or any part thereof from the farm for which the allotment was established to another tobacco farm shall not become effective until a copy of the transfer agreement, determined by the county committee to be in compliance with the provisions of this section, is filed with the county committee not later than June 1, except that a lease shall be effective if the county committee, with the approval of a State committee representative, finds that the producer was prevented from timely filing the transfer agreement due to reasons beyond his control. The county committee may redelegate authority to approve leasing agreements to the county executive director. The filing of a properly executed Form ASCS–375, Record of Transfer of Allotment or Quota, will be considered to meet the requirements of this paragraph (c)(1).

(2) *Record of transfer on ASCS–375.* No lease and transfer of any allotment under this section shall become effective until a record of the transfer has been executed on Form ASCS–375 and filed with the county committee by the parties to the transfer. If the owner and operator of the farm from which transfer by lease is to be made are different persons, both owner and operator shall execute the record of transfer; however, only the owner or operator of the receiving farm is required to sign the transfer. A county committee member or employee must witness the signature of either the owner or operator of the transferring farm and the owner or operator of the receiving farm. If such signatures cannot be witnessed in the county office where the farm is administratively located, they may be witnessed in any county office convenient to the owner's or operator's residence. The requirement that signatures be witnessed for producers who are ill, infirm, reside in distant areas, or are in similar hardship situations may be met by mail, provided a request is made by the receiving producer.

(d) *Normal yields.* The county committee shall determine a normal yield per acre, in accordance with the provisions of § 723.61 in the case of old farms, and, in the case of new farms, § 723.63 for each farm from which, and for each farm to which, a tobacco acreage allotment or any part thereof is leased. If the normal yield determined by the county committee for the farm to which the allotment acreage is transferred does not exceed the normal yield determined by the county committee for the farm from which the allotment acreage is transferred by more than 10 percent, the lease and transfer shall be approved acre for acre. If the normal yield determined by the county committee for the farm to which the allotment acreage is transferred exceeds the normal yield for the farm from which the allotment is transferred by more than 10 percent, the county committee shall make a downward adjustment in the amount of the allotment acreage transferred by multiplying the normal yield established for the farm from which the allotment acreage is transferred by the acreage being transferred and dividing the result by the normal yield established for the farm to which the allotment acreage is transferred. In the case of transfers of allotments for two or more years, the productivity adjustment and amount of allotment so transferred shall be redetermined by the county committee each year the transfer remains in effect.

(e) *Allotment acreage considered fully planted.* The amount of allotment acreage which is leased from a farm (prior to any reduction made under this section) shall be considered for the purpose of determining future allotments (and tobacco history acreage) to have been planted to tobacco on such farm. The amount of allotment acreage which is leased and transferred to a farm shall not be taken into account in establishing allotments for subsequent years for such farms.

(f) *Limit on acreage transferred.* The total acreage allotted to any farm after the transfer by lease of tobacco acreage allotment to the farm (the sum of its own allotment and acreage leased and transferred to it after any adjustment in normal yield) shall not exceed 50 percent of the acreage of cropland in the farm.

(g) *New farm allotment.* A new farm allotment shall not be leased or transferred.

(h) *Farms under long-term land-use programs.* A transfer of an allotment to or from a farm covered by a Cropland Adjustment Program agreement shall not be approved if the transferring or receiving farm has the allotment base designated under such program agreement.

(i) *Transfer from the pool.* Allotments in a pool pursuant to Part 719 of this chapter may be eligible for lease and transfer during the three-year life of the pooled allotment. An agreement to lease and transfer shall not serve to extend the life of such pooled allotment.

(j) *Subleasing and limitation on lease and transfer to and from a farm*—(1) *No subleasing.* No transfer shall be made from a farm receiving allotment under a transfer agreement for the term of the transfer agreement.

(2) *Limitation on lease and transfer to and from a farm for the same crop year.* If a lease and transfer agreement is in effect for any farm, no transfer of allotment shall be made (i) from such farm receiving allotment by transfer or, (ii) to

served with the airport notice or application for permission to use an airport or for change in service pattern, a memorandum in opposition to, or in support of, such notice or application within 15 days such farm which had allotment transferred from it.

(k) *Revised notices.* A form ASCS–375 showing the allotment acreage after lease and transfer shall be issued by the county committee to each of the operators of all farms from which or to which a tobacco allotment acreage is leased under this section.

(l) *Tobacco acreage allotment.* Except with respect to the erroneous allotment notice provisions in § 723.64 and the provisions for review in § 723.65, the term "tobacco acreage allotment" as used herein shall mean the allotment without regard to the application of the provisions of this section.

(m) *Zero allotment farm.* If the allotment for a farm for the current year is reduced to zero, no tobacco allotment acreage for such kind of tobacco may be leased to such farm for the current year.

(n) *Approval after review period.* No lease shall be approved by the county committee for any farm involved in a lease and transfer of allotment acreage until the time of filing an application for review, as shown on the original allotment notice for the farm, has expired. If an application for review is filed for a farm involved in a lease and transfer agreement, such agreement shall not be approved by the county committee until the allotment for such farm is finally determined pursuant to Part 711 of this chapter.

(o) *Acreage allotment after lease and transfer.* The acreage allotment finally determined (after lease and transfer) for a farm under the provisions of this section shall be the allotment for such farm for the current year only for the purpose of determining (1) excess acreage, (2) the amount of penalty to be collected on marketings of excess tobacco including absorption of carryover penalty tobacco, (3) eligibility for price support, and (4) the farm marketing quota and the percentage reduction for a violation in the allotment for the farm.

(p) *Cancellation, dissolution, or revision of transfer*—(1) *Cancellation.* Any transfer of allotment under this section which was approved by the county committee in error or on the basis of incorrect information furnished by the parties to the agreement shall be cancelled by the county committee. Such cancellation shall be effective as of the date of approval for purposes of determining eligibility for price support and marketing quota penalties except that such cancellation shall not be effective for the current marketing year for price support and marketing quota penalty purposes if: (i) The transfer approval was made in error or on the basis of incorrect information unknowingly furnished by the parties to the leasing agreement; and (ii) the parties to the leasing agreement were not notified of the cancellation before the tobacco was planted. The provisions of this paragraph (p)(1) shall not preclude application of the erroneous notice provisions under § 723.64 where such provisions are applicable.

(2) *Dissolution or revision.* A transfer agreement made be dissolved or minor revisions made where a request by all parties to the agreement is made in writing to the county committees. Such written notification shall be filed prior to planting the tobacco. A late filed request to dissolve or revise the transfer may be effective for the current year if the county committee with approval of a State committee representative determines that the producer was prevented from timely filing for reasons beyond his control.

(q) *Reconstituted farm.* The allotment for a farm being divided or combined in the current year shall be the allotment after lease and transfer has been made. Notwithstanding the above, in the case of a division, the county committee shall allocate the acreage that was transfered by lease to the tracts involved in the division as the parent farm owners and operators designate in writing. In the absence of such designation, the county committee shall apportion the leased acreage.

(r) *Consent of lienholder.* No transfer of allotment other than by annual lease shall be made from a farm subject to a mortgage or other lien unless the transfer is agreed to in writing by the lienholder.

(s) *Federally owned land.* No transfer under this section shall be made from any land owned by the United States, or any agency or instrumentality wholly owned by the United States, except that the transfer may be approved in cases where the land is leased back with uninterrupted possession to the former owner after acquisition under right of eminent domain. For such transfers, the Government agency or instrumentality is not required to sign the record of transfer.

Prior to the issuance of the proposed change in the regulation, data, views or recommendations pertaining thereto which are submitted to the Director, Program Operations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, will be given consideration. To be sure of consideration, such submission should be postmarked not later than November 30, 1973. All written submissions made pursuant to this notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m. Monday thru Friday, in Room 3629 South Building, 14th and Independence Avenue SW., Washington, D.C.

Signed at Washington, D.C. on October 24, 1973.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-23218 Filed 10-30-73;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 202]

[Docket No. 26039; EDR–256]

INTERSTATE AND OVERSEAS ROUTE AIR TRANSPORTATION

Terms, Conditions and Limitations of Certificates of Public Convenience and Necessity

OCTOBER 25, 1973.

Notice is hereby given that the Civil Aeronautics Board has under consideration an amendment to Part 202 of its Economic Regulations which would amend the provisions of § 202.4, so as to enable local service carriers to apply for a reduction in service frequency to conserve fuel. The amendment is discussed in the attached Explanatory Statement.

The amendment is proposed under authority of sections 204(a) and 401 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754 (as amended by 76 Stat. 143, 82 Stat. 867; 49 U.S.C. 1324, 1371).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material in communications received on or before November 26, 1973, will be considered by the Board before taking final action upon the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

EXPLANATORY STATEMENT

On April 30, 1973, the Economic Stabilization Act of 1970 was amended by Public Law 93–28 to give the President (or his delegate) the power to allocate petroleum products, including crude oil. Pursuant thereto, the Energy Policy Office, by Order issued October 12, 1973, has adopted a mandatory fuel allocation program which, *inter alia*, imposes controls on "middle distillate fuels" including airline turbine fuel. See Energy Policy Office Reg. 1, 38 FR 28660 (October 16, 1973).

By Order 73–10–50, October 12, 1973, the Board authorized all certificated route and supplemental carriers to engage in discussions to consider adjusting their schedules to the extent necessary to accommodate the President's fuel allocation program. This authority bears a 90-day expiration date.

While we believe that the major possibilities for fuel saving will be felt in these larger competitive markets, we have tentatively concluded that significant prospects for fuel savings may be

afforded by numerous local service markets which are either noncompetitive or not highly competitive and generate relatively little traffic relative to the number of scheduled flights. One of the reasons why some of these markets are served by a larger number of scheduled flights than warranted by traffic demand is that the certificates of the local service carriers contain a "skip-stop" condition which has been imposed by the Board. Under this condition, a carrier is prohibited from overflying an intermediate point included in a linear route description unless it has provided a minimum level of service—usually two daily round trips—to the point.[1] This legal requirement has the practical effect of requiring a minimum level of service at the majority of intermediate points on the carrier's route regardless of the actual traffic needs for such service. At many of these stations there is a very small amount of traffic on certain days of the week—usually on weekends—which results in the operation of large aircraft at extremely low load factors. The elimination of some of these flights could obviously have a beneficial effect upon the fuel situation which, although less substantial than that offered by capacity reduction in major markets, might nonetheless be of a significant magnitude in view of the current fuel crisis. The Board's existing regulations provide for a relaxation of the skip-stop requirements upon application by a carrier.[2] In view of the impending fuel emergency, we find and conclude that it would be in the public interest to modify the existing regulation to provide for a simplified procedure for authorizing a relaxation of the skip-stop provision, in order to permit local service carriers to reduce service to two round trips five days per week at those intermediate points which they are currently required to serve on a daily basis pursuant to the skip-stop condition.

In our judgment, the proposed change in the existing regulations for obtaining relief from the frequency of scheduled service required by the skip-stop condition contained in local service carrier certificates, could have a significant favorable impact upon the nation's fuel conservation efforts which, for the present and near future, will outweigh any inconvenience to the traveling public. We believe that a phased systematic reduction should be initiated in order to inconvenience as few passengers as possible and we would expect the affected carriers to exercise sound judgment in determining which schedules they shall propose for elimination. In other words, we would anticipate that local service carriers would base their requests upon a careful analysis of individual markets, rather than requesting an across-the-board decrease in weekly frequencies. Flights on specific days (not necessarily weekends) which are underutilized in comparison with flights in the same markets on other days should be the first subject of application under the new rule.[3] Our evaluation of carrier applications will reflect this view. We wish to emphasize, however, that our proposed change in the regulations is not designed primarily to free aircraft for employment in other markets. While we appreciate that there may be some reallocation of equipment when scarce fuel resources are channeled into markets which require additional services, any large-scale increases in capacity—whether through a shifting of freed aircraft or otherwise—into markets already amply served would be wholly inconsistent with the broad purpose of our proposed rulemaking, which is to bring about a favorable contribution to the nation's fuel conservation efforts.[4]

We have tentatively decided not to place a definite expiration date upon our proposed rule. It appears from available data that the fuel shortage will extend at least through the first quarter of 1974; however, the period is likely to be longer. We intend to monitor and reassess the situation continuously but we believe that the proposed rule should remain effective until further order of the Board.

Finally, we do not by our conclusions herein intend to express any change in established Board policy nor are we amending existing certificate conditions by implication. Accordingly, we expect the carriers to remain in a position to reinstitute such service as fuel availability warrants.

PROPOSED RULE

It is proposed to amend Part 202 of the Economic Regulations (14 CFR Part 202), as follows:

1. Amend § 202.4 by inserting, following paragraph (b), a new paragraph to read as follows:

§ 202.4 Service pattern change.

* * * * *

(b-1) *Application by local service carrier for change in service frequency, to conserve fuel resources.* If at any time a local service carrier holding such a certificate desires to establish a service pattern reducing the frequency of service to one or more of the points served or required to be served pursuant to such condition of the certificate by omitting such service during no more than two days of the week, the holder shall make written application to the Board for approval thereof. Such application shall be conspicuously entitled Local Service Carrier Application for Change in Service Frequency to Conserve Fuel, and shall set forth the facts relied upon to establish that the proposed service is in the public interest and consistent with the holder's performance of a local air transportation service and the fuel conservation program. Such application shall contain a statement of matters which the applicant desires the Board to officially notice and a detailed analysis of the anticipated effect of such authorization on the operating results of the holder and the fuel resources likely to be conserved, including, but not limited to, the following data on a monthly basis:

(1) Present and proposed schedules, by type of aircraft;

(2) Number of departures, plane-miles, passengers and passenger-miles;

(3) Existing segment load factors (on-board and reserved seat) to and from the point or points proposed to be omitted, including existing segment load factors on the days of the week on which service is proposed to be omitted;

(4) Estimate of total financial impact of the proposal and any related schedule adjustments (i.e., new service in those markets on the carrier's route which will receive increased service once the intermediate point is omitted);

(5) The number of gallons of fuel which will be conserved as a result of the omission of the intermediate point and the disposition of the fuel (or reductions in purchases) which would otherwise have been utilized in serving the intermediate point.

The application shall also contain a notice to the persons served that they may, within 10 days of the date the application was filed, file and serve memoranda in support of, or in opposition to, the application. The change in service pattern may be inaugurated 30 days after the filing of such notice, unless the Board notifies the holder within said 30-day period that it appears to the Board that such change in service pattern may adversely affect the public interest, in which event such change in service pattern shall not thereafter be inaugurated (except as may be expressly permitted by such notification from the Board) unless and until the Board finds, pursuant to this paragraph, that the public interest would not be adversely affected by such service pattern. The Board will grant such application to such extent, and for such periods of time, and subject to such conditions as the Board deems proper and adequate, if it finds that such conditions and the proposed service pattern are in the public interest and consistent with the holder's performance of a local air transportation service and the fuel conservation program.

* * * * *

2. Amend § 202.5(b) to read as follows:

§ 202.5 Filing and service of documents; procedure thereon; petitions for reconsideration.

* * * * *

(b) *Pleadings by interested persons.* Any interested person may file and serve upon the air carrier, and those persons required by §§ 202.3 and 202.4 to be

[1] See, *e.g.*, Application of Hughes Airwest, Order 72-4-140, April 26, 1972, note 3, and condition (3) of the attached certificate of public convenience and necessity.

[2] Sec. 202.4 of the Board's Economic Regulations. See, by way of example, Application of North Central Airlines, Order 71-5-16, May 5, 1971.

[3] We would also expect, in this connection, that carriers will submit detailed statements setting forth their individual fuel requirements and any problems which they now have or anticipate with regard to the acquisition and utilization of fuel.

[4] The Director, Bureau of Operating Rights, holds delegated authority to approve or disapprove applications filed under § 202.4. See Organizational Regulation 385.13(m). This delegation would extend to applications filed under the proposed amendment to § 202.4.

served with the airport notice or application for permission to use an airport or for change in service pattern, a memorandum in opposition to, or in support of, such notice or application within 15 days of the filing of airport notices, within 20 days of the filing of an application for permission to use an airport or change of service pattern under § 202.4(b), and within 10 days of the filing of an application by a local service carrier for change in service frequency to conserve fuel resources under § 202.4(b-1). Such memoranda shall set forth in detail the reasons for the position therein taken, with a statement of economic data and other matters which it is desired that the Board shall officially notice. An executed original and three copies in the case of airport notices, 19 copies in the case of applications for permission to use an airport or change of service pattern, shall be filed with the Docket Section of the Board. In the case of an airport notice, such memoranda shall be marked for the attention of the Director, Bureau of Operating Rights. Unless ordered by the Board upon application or upon its own motion, further pleadings will not be entertained.

* * * * *

[FR Doc.73-23208 Filed 10-30-73;8:45 am]

[14 CFR Part 399]

[Docket No. 25875; PSDR-37B]

U.S./EUROPE CHARTER SERVICE

General Rate Policy; Extension of Time for Comments

OCTOBER 25, 1973.

By notice of proposed rulemaking PSDR-37, dated September 7, 1973 and published at 38 FR 25453, the Board gave notice that it had under consideration an amendment to Part 399 of its Statements of General Policy (14 CFR Part 399) to add a new policy statement concerning rates for charter services between the United States and Europe. Interested persons were invited to participate in the proceeding through submission of twelve (12) copies of written data, views or arguments pertaining thereto to the Docket Section of the Board on or before October 12, 1973. Responsive comments were to be filed on or before October 29, 1973. By supplemental notice of proposed rulemaking PSDR-37A the the time for filing comments was extended to October 29, 1973, and for filing responsive comments to November 13, 1973.

Counsel for a consortium of tour operators has requested an additional extension of time of two weeks for filing comments. He states that, due to a convention which will be held in Mexico this week, the tour operators will not have adequate time under the present deadlines to give this matter their full attention.

Although some further extension of time is warranted in view of the interest of the tour operators in this matter, it is believed that two weeks is excessive under the circumstances, and considering the need for a prompt disposition of this proceeding. Therefore, the undersigned finds that good cause has been shown for an extension of time for filing comments to November 2, 1973, and for filing responsive comments to November 19, 1973.

Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's Organization Regulations, the undersigned hereby extends the time for submitting comments to November 2, 1973, and for submitting responsive comments to November 19, 1973.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324.)

[SEAL] SIMON EILENBERG,
Acting Associate General Counsel, Rules and Rates.

[FR Doc.73-23209 Filed 10-30-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19810]

TELEVISION BROADCAST STATIONS

Proposed Table of Assignments, Myrtle Beach, S.C.; Extension of Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.606(b), *Table of assignments*, Television Broadcast Stations. (Myrtle Beach, South Carolina) Docket No. 19810, RM-2153.

1. On September 6, 1973, the Commission adopted a notice of proposed rulemaking in the above-captioned proceeding. Publication was given in the FEDERAL REGISTER on September 17, 1973, 38 FR 26008. Comment and reply comment dates are presently designated as October 23 and November 1, 1973.

2. On October 19, 1973, J. Richard Carr of the firm of Dempsey and Koplovitz, requested that the time for filing comments and reply comments be extended to October 30 and November 8, 1973, respectively. Mr. Carr states that he is in the process of preparing comments on the above-captioned proposal, but will be unable to complete said comments by the deadline date.

3. It appears that the requested extension is warranted. *Accordingly, it is ordered*, That the dates for filing comments and reply comments are extended to and including October 30 and November 8, 1973, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: October 24, 1973.

Released: October 25, 1973.

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

[FR Doc.73-23168 Filed 10-30-73;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 541, 545]

[No. 73-1511]

FEDERAL SAVINGS AND LOAN SYSTEM

Flexible Payment Loans

Correction

In FR Doc. 73-22470 appearing at page 29233 in the issue for Tuesday, October 23, 1973, make the following changes: The reference at the end of the fifteenth line of the first paragraph, reading "§ 545.14,", should read "§ 541.-14,"; and the subdivisions appearing on pages 29234 and 29235 as subdivisions (ii), (iii), and (iv) of § 545.6-1(a)(7) should appear as subdivisions (ii), (iii), and (iv) of § 545.6-1(a)(5).

Notices

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

DEPARTMENT OF STATE

Agency for International Development

ENGINEERING, ARCHITECTURAL AND CONSTRUCTION INDUSTRY ADVISORY COMMITTEE

Notice of Public Meeting

Pursuant to sec. 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given of a meeting of the Engineering, Architectural and Construction Industry Advisory Committee of the Agency for International Development (AID) to be held in Room 1105, Department of State, 22d and C Streets (Diplomatic Entrance), Washington, D.C. 20523, on November 5, 1973, at 10:00 A.M. This meeting will be open to the public, however, all attendees much check in with the receptionist, receive a visitors pass and remain in the visitors area for a courier. The courier will escort Committee members and members of the public to the Conference Room.

The purpose of the subject Committee is to provide for a systematic, regularized dialogue between officials of AID and representatives of the engineering, construction, and architectural industry, or their alternates, in the interests of improved policy and procedures and improved industry performance relating to AID-financed activities.

The membership of the subject Committee is as follows:

William Marshall, Jr., representing American Institute of Architects. Franklyn C. Rogers, representing American Institute of Consulting Engineers. Charles B. Molineaux, representing American Society of Civil Engineers. L. G. Wilder, representing Associated General Contractors of America. Allen M. Acheson, representing National Constructors Association. Robert L. Nichols, representing National Society of Professional Engineers. Jesse Taylor, representing National Constructors Association.

The agenda for the November 5 meeting of the subject Committee to be held as aforesaid, shall be as follows:

1. Implementation of the Brooks Bill (Public Law 92-582) and related matters, including contractor selection.

2. Current up-dating and application of AID's guidelines, procedures and requirements regarding procurement of engineering, architectural and construction services by AID and by the developing country recipients of AID loans and grants.

3. AID's new Requirements Contracts which will replace the Basic Ordering Agreements.

4. AID's operational concerns such as cost estimating, preparation of IFBs, competitive bidding, contract terms.

5. Industry's problems and concerns.

6. Industry's expansion of services overseas.

MERTEN M. VOGEL,
Director, Office of Engineering, Agency for International Development.

OCTOBER 19, 1973.

[FR Doc.73-23147 Filed 10-30-73;8:45 am]

HOUSING GUARANTIES

Prescription of Rate

Pursuant to section 223(f) of the Foreign Assistance Act of 1961 as amended (the Act), contracts of guaranty to be entered into for loan investments in housing under Section 221 and Section 222 of the Act will be subject to the following restriction:

The maximum allowable rate of interest to an eligible U.S. investor shall not exceed nine per centum (9%) per annum.

This prescription of rate shall be effective immediately.

Dated October 12, 1973.

JAMES F. CAMPBELL,
Assistant Administrator, Bureau for Program and Management Services.

[FR Doc.73-23146 Filed 10-30-73;8:45 am]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES OF THE FIFTH NATIONAL BANK REGION

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Comptroller of the Currency's Regional Advisory Committee on Banking Policies and Practices of the Fifth National Bank Region will be held at 9 a.m., on November 9 and 10, 1973, at Mid Pines, North Carolina.

The purpose of this meeting is to assist the Regional Administrator and Comptroller of the Currency in a continuing review of bank regulations and policies. The meeting will also apprise agency officials of current conditions and problems banks are experiencing in the Fifth National Bank Region.

It is hereby determined pursuant to section 19(d) of Public Law 92-463 that the meeting is concerned with matters listed in section 552(b) of Title 5 of the United States Code and particularly with exceptions (3), (4), and (8) thereof, and is therefore exempt from the provisions of section 10(a)(1) and (a)(3) of the Act (Public Law 92-463) relating to open meetings and public participation therein.

Dated October 24, 1973.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.73-23214 Filed 10-30-73;8:45 am]

REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES OF THE SIXTH NATIONAL BANK REGION

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Comptroller of the Currency's Regional Advisory Committee on Banking Policies and Practices of the Sixth National Bank Region will be held at 9 a.m., on Thursday, November 15, 1973, at The Cloister, Sea Island, Georgia.

The purpose of this meeting is to assist the Regional Administrator and Comptroller of the Currency in a continuing review of bank regulations and policies. The meeting will also apprise agency officials of current conditions and problems banks are experiencing in the Sixth National Bank Region.

It is hereby determined pursuant to section 19(d) of Public Law 92-463 that the meeting is concerned with matters listed in section 552(b) of Title 5 of the United States Code and particularly with exceptions (3), (4), and (8) thereof, and is therefore exempt from the provisions of section 10(a)(1) and (a)(3) of the Act (Public Law 92-463) relating to open meetings and public participation therein.

Dated October 26, 1973.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.73-23215 Filed 10-30-73;8:45 am]

Internal Revenue Service

SPECIAL SERVICE STAFF, COLLECTION DIVISION

Organization and Functions; Revocation

The Special Service Staff, Collection Division, Office of Assistant Commissioner (ACTS), was abolished August 13, 1973. The functional statement for the

Special Service Staff, 1113.654, published at 37 FR 20972, is revoked.

Dated: October 24, 1973.

[SEAL] DONALD C. ALEXANDER,
Commissioner.

[FR Doc.73-23216 Filed 10-30-73;8:45 am]

Office of the Secretary

[Public Debt Series—No. 8-73]

7 PERCENT TREASURY NOTES OF SERIES H-1975

Supplement to Department Circular

OCTOBER 29, 1973.

Dated and bearing interest from November 15, 1973; due December 31, 1975.

Pursuant to the provision of section I of Department Circular—Public Debt Series—No. 8-73, dated October 25, 1973, the Secretary of the Treasury announced on October 29, 1973, that the interest rate on the notes described in the circular will be 7 percent per annum. Accordingly the notes are hereby redesignated 7 percent Treasury Notes of Series H-1975. Interest on the notes will be payable at the rate of 7 percent per annum.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.73-23300 Filed 10-30-73;8:45 am]

[Public Debt Series—No. 9-73]

7 PERCENT TREASURY NOTES OF SERIES C-1979

Supplement to Department Circular

OCTOBER 29, 1973.

Dated and bearing interest from November 15, 1973; due November 15, 1979.

Pursuant to the provision in section I of Department Circular—Public Debt Series—No. 9-73, dated October 25, 1973, the Secretary of the Treasury announced on October 29, 1973, that the interest rate on the notes described in the circular will be 7 percent per annum. Accordingly, the notes are hereby redesignated 7 percent Treasury Notes of Series C-1979. Interest on the notes will be payable at the rate of 7 percent per annum.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.73-23301 Filed 10-30-73;8:45 am]

DEPARTMENT OF JUSTICE

[Order No. 550-73]

DRUG ENFORCEMENT ADMINISTRATION

Establishment of Official Seal

By virtue of the authority vested in me by section 509 of Title 28 and section 301 of Title 5 of the United States Code, I hereby establish the attached seal, designed and executed by Mrs. Suzanne Rice and the Drug Enforcement Administration graphics staff, as the official seal of the Drug Enforcement Administration.

The seal for the Drug Enforcement Administration is bold and contemporary in design, reflecting the Administration's approach to the world of today. The words radiating around the outside show the U.S. Department of Justice on top, and the Drug Enforcement Administration underneath.

The symbolism intended in the Drug Enforcement Administration Seal is simply the traditional surveillance implied by use of the American Bald Eagle. The green earth and the blue sky represent the eagle's domain.

Dated: October 19, 1973.

ELLIOT RICHARDSON,
Attorney General.

[FR Doc.73-23059 Filed 10-30-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

BLACKWATER NATIONAL WILDLIFE REFUGE

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (P.L. 88-577:78 Stat. 890-896: 16 U.S.C. 1131-1136), that a public hearing will be held beginning at 9 a.m. on December 19, 1973, at the Visitor Center, Blackwater National Wildlife Refuge, Route 1, Cambridge, Maryland, on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including a portion of the Blackwater Refuge within the National Wilderness Preservation System. The wilderness study included the entire acreage within Blackwater National Wildlife Refuge, which is located in Dorchester County, State of Maryland.

A study summary containing a map and information on the Blackwater Wilderness proposal may be obtained from the Refuge Manager, Blackwater National Wildlife Refuge, Route 1, Box 121, Cambridge, Maryland 21613, or the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormick Post Office and Courthouse, Boston, Massachusetts 02109.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by January 21, 1973.

LYNN A. GREENWALT,
Acting Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 25, 1973.

[FR Doc.73-23144 Filed 10-30-73;8:45 am]

Bureau of Land Management

COLORADO

Notice of Office Location Changes

Northeast Resource Area Headquarters. Notice is hereby given that the Northeast Resource Area Headquarters, Canon City District, formerly located in the Colorado State Office, Denver, Colorado, has moved to new facilities located at Golden, Colorado. The new mailing address of the Northeast Resource Area Headquarters is: Bureau of Land Management, Northeast Resource Area Headquarters is: Bureau of Land Manageagement, Northeast Resource Area Headquarters, 1010 Tenth Street, Golden, Colorado 80401.

White River Resource Area Headquarters. Notice is hereby given that the White River Resource Area Headquarters, Craig District, formerly located in the Oldland Building, 594 Main Street, Meeker, Colorado, has moved to new facilities located ¼ mile east on State Highway 13, Meeker, Colorado. The new mailing address of the White River Resource Area Headquarters is: Bureau of Land Management, White River Resource Area Headquarters, P.O. Box 467, Meeker, Colorado 81641.

DALE R. ANDRUS,
State Director.

[FR Doc.73-23142 Filed 10-30-73;8:45 am]

Office of the Secretary

ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT PETROLEUM ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given that the Petroleum Advisory Committee of the Organization for Economic Cooperation and Development will meet at 9:30 a.m., on November 2, 1973, in Room 5061, Department of the Interior, Washington, D.C.

The Petroleum Advisory Committee of the OECD was formally established in October 1962 (USDI Departmental Manual 521 DM1), in order that the Department of the Interior, the Department of State, and the United States Delegate to the OECD Oil Committee might obtain the views of the oil industry.

The purpose of the meeting is to provide advice on the international aspects of the oil industry to the U.S. delegate to the Special Committee for Oil of the OECD and to consider preparation of United States positions in connection with a meeting of the Oil Committee to be held in Paris on November 20–21, 1973.

The meeting will not be open to the public because the discussions will deal with matters listed in section 552(b) of title 5, United States Code. Specifically, these matters are related to matters that are specifically required by Executive Order to be kept secret in the interest of national defense or foreign policy.

Dated: October 29, 1973.

STEPHEN A. WAKEFIELD,
Assistant Secretary of the Interior.

[FR Doc.73-23308 Filed 10-30-73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

OFFICE OF EXPORT ADMINISTRATION

Notice of Redesignation

Notice is hereby given that the "Office of Export Control," Bureau of East-West Trade, has been redesignated as the "Office of Export Administration," Bureau of East-West Trade. Accordingly, the "Export Control Regulations" and "Export Control Bulletins" heretofore issued by said Office are redesignated respectively as the "Export Administration Regulations" and the "Export Administration Bulletins", and all references relating to said Office, Regulations, and Bulletins are hereby amended to reflect the above changes in designations.

Dated: October 26, 1973.

STEVEN LAZARUS,
Deputy Assistant Secretary for East-West Trade, U.S. Department of Commerce.

[FR Doc.73-23134 Filed 10-30-73;8:45 am]

Domestic and International Business Administration

SEMICONDUCTOR MANUFACTURING AND TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given that a meeting of the Production Equipment Subgroup of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee will be held Thursday, November 8, 1973, at 9 a.m. at Texas Instruments Co., 13500 North Central Expressway, Dallas, Texas.

Members advise the Office of Export Control, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to semiconductor manufacturing and test equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Opening remarks and review of purpose of subgroup by Howard Steenbergen, Chairman.
2. Presentation of papers or comments by public.
3. Item by item review of each major category of production equipment used in semiconductor manufacture.
4. Executive session:
   a. Review of production equipment capabilities of Communist countries.
   b. Item by item review of each major category of production equipment used in semiconductor manufacture.
   c. Generation of Final Report of Subgroup for the next meeting of the Committee.
5. Adjournment.

The public will be permitted to attend the discussion of agenda items 1–3, and a limited number of seats will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the subgroup. Interested persons are also invited to file written statements with the subgroup.

With respect to agenda item 4, "Executive session," the Assistant Secretary of Commerce for Administration, on August 9, 1973, determined, pursuant to section 10(d) of Public Law 92–463, that this agenda item should be exempt from the provisions of sections 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552(b)(1).

Further information may be obtained from Howard Steenbergen, Chairman of the subgroup, Wright-Patterson Air Force Base, Ohio 45433 (A/C 513 + 255-3802).

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: October 25, 1973.

STEVEN LAZARUS,
Deputy Assistant Secretary for East-West Trade, U.S. Department of Commerce.

[FR Doc.73-23182 Filed 10-30-73;8:45 am]

National Oceanic and Atmospheric Administration

COASTAL ZONE MANAGEMENT ADVISORY COMMITTEE

Notice of Public Meeting

Pursuant to section 10(a)(2) of Public Law 92–463, notice is hereby given of the meeting of the Coastal Zone Management Advisory Committee on Thursday, November 15, 1973. The meeting will commence at 9:30 a.m. at the Department of Commerce Building, 14th Street between E and Constitution Avenue NW., Washington, D.C., in Room 6802.

The items for discussion at the meeting will include the following:

9:30 a.m.:
- Call to Order and Welcome.
- Swearing-In Ceremony.
- NOAA[1] and Its Relation to Coastal Zone Management—An Overview.

10:15 a.m.:
- The Coastal Zone Management Act of 1972—Purposes and Provisions:
  - Legislative History and Purpose.
  - Program Development Grants.
  - Plan Administration Grants.
  - Estuarine Sanctuaries.
  - Funding and Appropriations.

11:00 a.m.:
- Status of Act Implementation
  - Actions and Activities to Date.
  - Program Development Grant Guidelines.
  - First National Conference.
  - Grant Application Processing System.
  - Evaluation Criteria Development.
  - Estuarine and Marine Sanctuaries.

11:45 a.m.: Lunch.

1:15 p.m.:
- Status of the States in Coastal Zone Management.
  - Overflow of the States.
  - Designated State Contacts and Their Functions.
  - Information Needed by States and The Sources.
  - Expected Requests from States.

1:45 p.m.:
- Mechanics of Committee Operations.
  - Mode of Committee Operations.
  - Agenda Development Process.
  - Locations and Timing of Meetings.
  - Legal Guidelines in Operations.
  - Questions Regarding Committee Administration.

2:25 p.m.:
- Development of Agenda Items for Future Meetings.
  - Topics of Interest to NOAA.
  - Topics of Interest to Committee Members.

3:30 p.m.: Agenda Items Suggested by Committee Members.

4:30 p.m.: Adjourn.

Dated: October 24, 1973.

ROBERT M. WHITE,
Administrator, National Oceanic and Atmospheric Administration.

[FR Doc.73-23140 Filed 10-30-73;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the GSA Patent Licensing Regulations.

Copies of Patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22151, at the prices cited. Requests for copies of patent applications must include the PAT-APPL number and the title. Requests for licensing information should be directed to the address cited with each copy of the patent application.

Paper copies of patents cannot be purchased from NTIS but are available from

[1] NOAA—The National Oceanic and Atmospheric Administration of the Department of Commerce.

the Commissioner of Patents, Washington, D.C. 20231, at $0.50 each. Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF THE INTERIOR; Branch of Patents; 18th and C Streets NW., Washington, D.C. 20240.

Patent 3,755,106: Electrolytic Oxidation of S b^3 S^5; filed May 15, 1972, patented August 28, 1973; not available NTIS.

U.S. DEPARTMENT OF THE NAVY; Assistant Chief for Patents; Office of Naval Research; Code 302; Arlington, Va. 2217.

Patent 3,627,578: Method of Making a Photelectrolytic Imaging Devise; filed November 5, 1969, patented December 14, 1971; not available NTIS.

U.S. ATOMIC ENERGY COMMISSION; Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent 3,723,193: Process for Producing a Fine-Grained 316 Stainless Steel Tubing Containing a Uniformly Distributed Intragranular Carbide Phase; filed October 27, 1970, patented March 27, 1973; not available NTIS.

Patent 3,725,661: Electromagnetic Disturbance Neutralization Radiation Detectors; filed September 1, 1971, patented April 3, 1973; not available NTIS.

Patent 3,726,956: Method for Dissolving Molybdenum and Tungsten; filed February 23, 1972, patented April 10, 1973; not available NTIS.

Patent 3,727,027: Method of Balancing Very Small Rotating Objects Using Air Jet Acceleration; filed March 25, 1971, patented April 10, 1973; not available NTIS.

Patent 3,731,523: Hydrogen Activity Meter; filed February 23, 1971, patented May 8, 1973; not available NTIS.

Patent 3,736,411: Graphics Display System; filed May 17, 1971, patented May 29, 1973; not available NTIS.

Patent 3,736,794: Apparatus for Testing Ductility of Sheets; filed April 2, 1946, patented June 5, 1973; not available NTIS.

Patent 3,737,211: Ferroelectric Type Optical Filter; filed December 1, 1971, patented June 5, 1973; not available NTIS.

Patent 3,378,392: Gas Leak Valve; filed December 1, 1971, patented June 12, 1973; not available NTIS.

Patent 3,741,627: Strain Biased Ferroelectric Electro-Optics; filed December 1, 1971, patented June 26, 1973; not available NTIS.

U.S. DEPARTMENT OF THE ARMY; Chief, Patents Division; Office of the Judge Advocate General; Patent Division Rm. 2c-455; Pentagon; Washington, D.C. 20310.

Patent 3,618,249: Pivotally Mounted Stock for Firarms; filed August 1, 1969, patented November 9, 1971, not available NTIS.

Patent 3,618,861: Diverter Valve Flow Throttle; filed January 14, 1970, patented November 9, 1971; not available NTIS.

Patent 3,620,578: Method of Retaining Inner Race of Bearing For Lubricated Pin Track; filed November 26, 1969, patented November 16, 1971; not available NTIS.

Patent 3,620,939: Coating for Magnesium and Its Alloys and Method of Applying; filed March 17, 1969, patented November 16, 1971; not available NTIS.

Patent 3,621,258: Peltier Controlled Bolometer Temperature Reference Technique; filed March 18, 1970, patented November 16, 1971; not available NTIS.

Patent 3,621,461: Self-Pumped Electroadiabatic Laser; filed September 9, 1969, Patented November 16, 1971; not available NTIS.

Patent 3,624,095: 4 Cyanoformyl 1 Alkyl Pyridinium Halide Oxime and Its Derivatives; filed September 11, 1962; patented November 30, 1971; not available NTIS.

Patent 3,625,907: Corrosion Inhibited Paint Removing Composition; filed December 1, 1969, patented December 7, 1971; not available NTIS.

Patent 3,628,633: Linear and Angular Velocity Brake; filed February 25, 1970, patented December 21, 1971; not available NTIS.

Patent 3,628,638: Hydraulic Mitigator; filed February 2, 1970, patented December 21, 1971; not available NTIS.

Patent 3,628,868: Laser Boresighting Method and Apparatus; filed September 9, 1969, patented December 21, 1971; not available NTIS.

Patent 3,629,007: Reserve Battery Electrodes Using Bonded Active Materials; filed August 6, 1969, patented December 21, 1971; not available NTIS.

Patent 3,629,016: Method of Making an Insulated Gate Field Effect Device; filed March 5, 1970, patented December 21, 1971; not available NTIS.

Patent 3,629,100: Optical Shutter Composition and Method of Producing Same; filed October 10, 1969, patented December 21, 1971; not available NTIS.

Patent 3,629,410: Alpha Adrenergic Blocking Agents; filed May 23, 1969, patented December 21, 1971; not available NTIS.

Patent 3,629,591: Protective Light Image Translating System; filed February 14, 1969, patented December 21, 1971; not available NTIS.

Patent 3,629,602: Parametric Optical System; filed May 15, 1970, patented December 21, 1971; not available NTIS.

Patent 3,629,639: Measuring Instrument; filed July 16, 1969, patented December 21, 1971; not available NTIS.

Patent 3,629,698: Mesocavity Specular Integrator Refractometer; filed April 21, 1970, patented December 21, 1971; not available NTIS.

Patent 3,629,735: Waveguide Power Limiter Comprising a Longitudinal Arrangement of Alternate Ferrite Rods and Dielectric Spacers; filed October 1, 1969, patented December 21, 1971; not available NTIS.

Patent 3,633,575: Folded Lightweight Mask; filed March 20, 1970, patented January 11, 1972; not available NTIS.

Patent 3,634,098: Fresh Apricot Flavor Additive Composition and Method of Enhancing the Flavor of Freeze-Dehydrated Apricots; filed May 27, 1969, patented January 11, 1972; not available NTIS.

Patent 3,634,265: Skin Cleaner Requiring no Addition of Water for Cleaning Therewith; filed November 27, 1968, patented January 11, 1972; not available NTIS.

Patent 3,634,636: Automatic Circuit Control Switch; filed September 9, 1970, patented January 11, 1972; not available NTIS.

Patent 3,634,829: Resolution of Address Information in a Content Addressable Memory; filed October 8, 1970, patented January 11, 1972; not available NTIS.

Patent 3,634,840: High Temperature Warning System; filed December 19, 1969, patented January 11, 1972; not available NTIS.

Patent 3,636,192: Meningococcal Polysaccharide Vaccines; filed January 13, 1970, patented January 18, 1972; not available NTIS.

Patent 3,640,859: Grease Compositions; filed September 24, 1969, patented February 8, 1972; not available NTIS.

Patent 3,641,869: Cartridge Chamber Structure to Compensate for Variable Headspace; filed June 9, 1970, patented February 15, 1972; not available NTIS.

Patent 3,642,631: Substituted Bithiophenes; filed November 24, 1970, patented February 15, 1972; not available NTIS.

Patent 3,642,332: Track Pad Retention Device; filed February 24, 1970, patented February 15, 1972; not available NTIS.

Patent 3,645,206: Ammunition Cartridge; filed February 19, patented February 29, 1972; not available NTIS.

Patent 3,645,810: Solid Fuel Composition; filed June 14, 1955, patented February 29, 1972; not available NTIS.

Patent 3,646,263: Semi-automatic Television Tracking System; filed January 4, 1971, patented February 29, 1972; not available NTIS.

Patent 3,656,983: Shell Mold Composition; filed October 14, 1970, patented April 18, 1972; not available NTIS.

Patent 3,665,514: Low Profile Size Adjustable Protective Helmet; filed September 22, 1970, patented May 30, 1972; not available NTIS.

Patent 3,665,857: Base Ejecting Ordnance Projectile; filed November 23, 1970, patented May 30, 1972; not available NTIS.

Patent 3,667,040: Sensor for Detecting Radio Frequency Currents in Carbon Bridge Detonator; filed September 28, 1970, patented May 30, 1972; not available NTIS.

Patent 3,667,343: Means for Attaching Barrel to Crossover Slide for Quick Replacement; filed December 30, 1969, patented June 6, 1972; not available NTIS.

Patent 3,671,968: Two Channel Direction Finder; filed January 26, 1970, patented June 20, 1972; not available NTIS.

Patent 3,673,041: Heat Sealer; filed September 8, 1970, patented June 27, 1972; not available NTIS.

Patent 3,673,362: Electric Impact Switch; filed May 14, 1971, patented June 27, 1972; not available NTIS.

Patent 3,673,492: Voltage Controlled Hybrid Attenuator; filed July 27, 1971, patented June 27, 1972; not available NTIS.

Patent 3,673,570: Combination Emitter Follower Digital Line Driver/Sensor; filed September 11, 1969, patented June 27, 1972; not available NTIS.

Patent 3,691,478: Laser Energy Monitor and Control; filed November 9, 1970, patented September 12, 1972; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION; Assistant General Counsel for Patent Matters; NASA—Code GP-2; Washington, D.C. 20546

Patent application 361,906: Rotary Solenoid Shutter Drive Assembly and Rotary Inertia Damper and Stop Plate Assembly; filed May 21, 1973; PC $3.00/MF $1.45.

Patent application 362,145: Vehicle Locating System Utilizing AM Broadcasting Station Carriers; filed May 21, 1973; PC $4.00/MF $1.45.

Patent application 362,146: Peak Holding Circuit for Extremely Narrow Pulses; filed May 21, 1973; PC $3.00/MF $1.45.

Patent application 365,544: Holographic Device; filed May 31, 1973; PC $3.00/MF $1.45.

Patent application 367,292: Electrostatic Entrained Material Measurement System; filed June 5, 1973; PC $3.00/MF $1.45.

Patent application 367,294: Determining Particle Density Using Known Material Hogoniot Curves; filed June 5, 1973; PC $3.75/MF $1.45.

Patent application 367,267: Quiet Jet Transport Aircraft; filed June 5, 1973; PC $3.00/MF $1.45.

Patent application 367,268: High Lift Aircraft; filed June 5, 1973; PC $3.00/MF $1.45.

Patent application 367,606: Self-Energized Plasma Compressor; filed June 6, 1973; PC $3.00/MF $1.45.
Patent application 370,255: Electrostatic Measurement System; filed June 15, 1973; PC $3.00/MF $1.45.
Patent application 370,505: Stable Supply Oscillator; filed June 15, 1973; PC $3.00/MF $1.45.
Patent application 370,582: Spacecraft Docking and Alignment System; filed June 15, 1973; PC $3.00/MF $1.45.
Patent application 370,872: Tool for Use in Lifting Pin Supported Objects; filed June 18, 1973; PC $3.00/MF $1.45.
Patent application 371,322: Covered Silicon Solar Cells; filed June 18, 1973; PC $3.00/MF $1.45.
Patent application 372,142: Graded Bandgap al(X)ga (1-X)a S-Gas Solar Cell; filed June 21, 1973; PC $3.00/MF $1.45.
Patent application 372,149: Combined Pressure Regulator and Shutoff Valve; filed June 21, 1973; PC $3.00/MF $1.45.
Patent application 373,587: Pulse Stretcher for Narrow Pulses; filed June 25, 1973; PC $3.00/MF $1.45.
Patent application 373,588: Random Pulse Generator; filed June 25, 1973; PC $3.25/MF $1.45.
Patent 3,730,287: Vehicle for Use in Planetary Exploration; filed May 17, 1971, patented May 1, 1973; not available NTIS.
Patent 3,732,409: Counting Digital Filters; filed March 20, 1972, patented May 8, 1973; not available NTIS.
Patent 3,733,424: Electronic Strain-Level Counter; filed July 8, 1971, patented May 15, 1973; not available NTIS.
Patent 3,733,463: Temperature Control System with a Pulse Width Modulated Bridge; filed December 24, 1970, patented May 15, 1973; not available NTIS.
Patent 3,736,607: Life Raft Stabilizer; filed November 30, 1971, patented June 5, 1973; not available NTIS.
Patent 3,736,764: Temperature Controller for a Fluid Cooled Garment; filed April 25, 1972, Patented June 5, 1973; not available NTIS.
Patent 3,736,849: On-Film Optical Recording of Camera Lens Settings; filed March 17, 1971, patented June 5, 1973; not available NTIS.
Patent 3,736,956: Floating Baffle to Improve Efficiency of Liquid Transfer from Tanks; filed September 16, 1971, patented June 5, 1973; not available NTIS.
Patent 3,737,117: Docking Structure for Spacecraft; filed July 6, 1971, patented June 5, 1973; not available NTIS.
Patent 3,737,121: Dual-Fuselage Aircraft Having Yawable Wing and Horizontal Stabilizer; filed December 9, 1971, patented June 5, 1973; not available NTIS.
Patent 3,737,181: Disconnect Unit; filed February 24, 1971, patented June 5, 1973; not available NTIS.
Patent 3,737,217: Visual Examination Apparatus; filed July 6, 1971, patented June 5, 1973; not available NTIS.
Patent 3,737,231: High Pulse Rate High Resolution Optical Radar System; filed November 13, 1970, patented June 5, 1973; not available NTIS.
Patent 3,737,237: Monitoring Deposition of Films; filed November 18, 1971, patented June 5, 1973; not available NTIS.
Patent 3,737,639: Derivation of a Tangent Function Using an Integrated Circuit Four Quadrant Multiplier; filed May 17, 1972, patented June 5, 1973; not available NTIS.
Patent 3,737,676: Low Phase Noise Digital Frequency Divider; filed November 18, 1971, patented June 5, 1973; not available NTIS.
Patent 3,737,757: Parasitic Suppressing Circuit; filed May 15, 1972, patented June 5, 1973; not available NTIS.
Patent 3,737,776: Two Carrier Communication System with Single Transmitter; filed June 9, 1971, patented June 5, 1973; not available NTIS.
Patent 3,737,815: High-Q Bandpass Resonators Utilizing Bandstop Resonator Pairs; filed November 27, 1970, patented June 5, 1973; not available NTIS.
Patent 3,737,824: Twisted Multifilament Superconductor; filed August 11, 1972, patented June 5, 1973; not available NTIS.
Patent 3,737,905: Method and Apparatus for Measuring Solar Activity and Atmospheric Radiation Effects; filed March 31, 1970, patented June 5, 1973; not available NTIS.
Patent 3,737,912: Collapsible High Gain Antenna; filed September 16, 1971, patented June 5, 1973; not available NTIS.
Patent 3,740,725: Automated Attendance Accounting System; filed June 16, 1971, patented June 19, 1971; not available NTIS.

[FR Doc.73-23058 Filed 10-30-73;8:45 am]

Office of the Secretary

[Department Organization Order 40-1; Amdt. 3]

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Organization and Functions

This order, effective October 26, 1973, further amends the material appearing at 37 FR 25557 of December 1, 1972; 38 FR 12145 of May 9, 1973; and 38 FR 26476 of September 21, 1973.

Department Organization Order 40-1, dated November 17, 1972, is hereby further amended as follows:

1. SEC. 9. *The Bureau of East-West Trade.* The Office of Export Control is renamed the Office of Export Administration. Paragraph .04 is amended to read as follows:

".04 The Office of Export Administration shall administer and, in conjunction with the Departmental Office of General Counsel, enforce the regulations and programs required to carry out the Departmental responsibilities under the Export Administration Act of 1969, as amended and extended by the Equal Export Opportunity Act; develop policies and measures for the administration of U.S. exports of commodities and technical data; seek, in collaboration with other Federal agencies, the adoption by foreign countries of such controls over their exports as will assist the policies of the United States with respect to trade between the free world and the specified countries and areas, and with such other areas as national security and foreign policy may require; and provide secretariat and support services to the Advisory Committee on Export Policy and the Export Administration Review Board."

2. On the DIBA organization chart dated August 24, 1973, which is Exhibit 1 to the order, the name of the Office of Export Control should be pen-and-ink corrected to read Office of Export Administration.

Issued: October 26, 1973.

Effective date: October 26, 1973.

DAVID S. NATHAN,
Acting Assistant Secretary for Administration.

[FR Doc.73-23204 Filed 10-30-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FAP 3B2899]

CIBA-GEIGY CORP.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 3B2899) has been filed by Ciba-Geigy Corp., Ardsley, NY 10502, proposing that § 121.2566 *Antioxidants and/or stabilizers for polymers* (21 CFR 121.2566) be amended to provide for the safe use of octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate as an antioxidant and/or stabilizer in acrylonitrile-butadiene-styrene copolymer used in the manufacture of articles or components of articles that contact food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated October 19, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-23164 Filed 10-30-73;8:45 am]

Office of the Secretary

BOARD OF ADVISORS TO THE FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION

Notice of Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), that a meeting of the Board of Advisors to the Fund for the Improvement of Postsecondary Education will be held on November 13, 1973 beginning at 7:30 p.m.; November 14 beginning at 11:00 a.m.; and on November 15 beginning at 9:00 a.m. The meeting of the Board will be held

at the Air Host Inn, Atlanta Airport, Atlanta, Georgia.

The purpose of the meeting is to consider program priorities and major activities of the program of support for Improvement of Postsecondary Education authorized by section 404 of the General Education Provisions Act.

The meeting shall be open to the public. Records shall be kept of all proceedings and shall be available for public inspection at the Fund for the Improvement of Postsecondary Education, 400 Maryland Avenue, S.W., Room 3139, Washington, D.C. 20202, telephone number (202) 962-3704.

Signed at Washington, D.C. on October 19, 1973.

VIRGINIA B. SMITH,
Director, Fund for the Improvement of Postsecondary Education.

[FR Doc.73-23211 Filed 10-30-73;8:45 am]

OFFICE OF NATIVE AMERICAN PROGRAMS

Statement of Organization and Functions

Part I of the statement of organization and function for the Department of Health, Education, and Welfare, Office of the Secretary, is amended to add the following new sub-chapter, IR91, "Office of Native American Programs" which reads as follows:

IR91.00 Mission. The Office of Native American Programs (ONAP) provides Departmental focus for concerns for Indian and Alaskan natives, hereinafter referred to as Indians.

The Office, through the Office of Assistant Secretary for Human Development, has primary responsibility for developing policy, legislative proposals and guidance, and for providing staff advice through ASHD, to OS/DHEW on matters of poverty situations of Indians on Indian reservations and in urban areas with Indian population. It administers a grant program to eligible Indian tribes and groups with funds allocated under sections 222a and 232 of the Economic Opportunity Act, 1964, as amended.

In conjunction with the Office of the Assistant Secretary for Human Development, ONAP provides the Departmental liaison with other Federal agencies on Indian affairs.

Through its policy, liaison and granting functions, ONAP encourages increased involvement of the private sector in economic development programs on reservations, explores new program concepts and new methods for increasing Indian self-determination, assures that information about Departmental service benefits and eligibility criteria is conveyed to Indians, and fosters opportunity for the exercise of Indian leadership and the operation of Indian business enterprises on reservations and in urban areas.

IR91.10 Organization. ONAP consists of the Office of the Director, the Field Operations Division, and the Research and Planning Division. The office is under the direction and guidance of the Director who reports to the Assistant Secretary for Human Development.

IR91.20 Functions. The functions necessary to implement the mission are enumerated as follows:

A. *Office of the Director.* This Office is responsible for the overall direction and management of the Office of Native American Programs, providing programmatic and financial policy, undertaking intra and inter-agency coordination, and serving as a principal representative of and liaison with the Indian community in the United States. This Office has authority for the final approval of all Office of Native American Programs grants, and for final recommendations for approval of contracts and other expenditures.

B. *Research and Planning Division.* Formulates ONAP forward plans for Operational Planning System; coordinates unit planning with appropriate HD planning offices; assists Field Operations Division in developing local level planning capability. Develops projects in fields of economic development, manpower and other areas which promise potential for replication; determines research needs; recommends R&D plans for ONAP. Develops grantee self-evaluation processes; selects projects for and conducts special cross-cutting studies of program effectiveness and participates in evaluative efforts of other HD units relevant to Indians; conducts evaluations of programs to measure the extent to which objectives are being achieved and performs special studies and analyses on a broad range of issues and activities relating to programs for Indians. Develops internal ONAP budget procedures funding allocation formulae for tribal grantees and other organizations; assists OAM/HD in tracking and reviewing audits; provides financial data of a wide variety to Director; coordinates with appropriate HD units in implementing financial policies and procedures; furnishes assistance to grantees in financial systems development. Through ASH/HD and the ONAP Director, arranges for the disposition of all audit matters related to Sections 222a and 232 of the Economic Opportunity Act as they pertain to Native American Programs. Develops with OAM/HD procedures for retrieval of field and user data; compiles statistics on populations served; prepares informational material and maintains records pertaining to programs, grants and correspondence of Indian programs and related materials; develops comparative systems of information, gathered from sources within and outside of the Department, which are required for planning and evaluating programs pertaining to Indians.

C. *Field Operations Division.* Provides direct assistance to tribes in developing and securing funds for local self-determination programs; performs on-site monitoring of funded reservation projects; conducts reviews of grantee program progress, and acts as resource to and liaison with Tribes. Assists off-reservation Indian groups in developing service delivery programs; monitors program activities; and participates in Government-wide efforts in this area. Furnishes training and technical assistance support for special programs aimed at equipping Indian tribes and groups with needed technical skills in areas of program operation and monitors technical assistance activities. This includes Technical Assistance projects in housing, education and Indian demonstration and pilot programs.

Dated: October 24, 1973.

STUART H. CLARKE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.73-23210 Filed 10-30-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

OKLAHOMA HIGHWAY DEPARTMENT

Notice of Proposed Action Plan

The Oklahoma Department of Highways has submitted to the Federal Highway Administration of the U.S. Department of Transportation a proposed Action Plan as required by Policy and Procedure Memorandum 90-4 issued on June 1, 1973. The Action Plan outlines the organizational relationships, the assignments of responsibility, and the procedures to be used by the State to assure that economic, social and environmental effects are fully considered in developing highway projects and that final decisions on highway projects are made in the best overall public interest, taking into consideration: (1) Needs for fast, safe and efficient transportation; (2) public services; and (3) costs of eliminating or minimizing adverse effects.

The proposed Action Plan is available for public review at the following locations:

1. Oklahoma Department of Highways
   Jim Thorpe Building
   2101 North Lincoln Boulevard
   Room 460
   Oklahoma City, Oklahoma 73105
2. Oklahoma Division Office—FHWA
   2409 North Broadway Street
   Oklahoma City, Oklahoma 73103
3. FHWA Regional Office—Region 6
   819 Taylor Street
   Fort Worth, Texas 76102
4. U.S. Department of Transportation
   Federal Highway Administration
   Environmental Development Division
   Nassif Building, Room 3246
   400—7th Street S.W.
   Washington, D.C. 20590

Comments from interested groups and the public on the proposed Action Plan are invited. Comments should be sent to the FHWA Regional Office shown above before November 30, 1973.

Issued on October 26, 1973.

R. R. BARTELSMEYER,
Deputy Federal Highway Administrator.

[FR Doc.73-23226 Filed 10-30-73;8:45 am]

TEXAS HIGHWAY DEPARTMENT

Notice of Texas' Proposed Action Plan

The Texas Highway Department has submitted to the Federal Highway Administration of the U.S. Department of

Transportation a proposed Action Plan as required by Policy and Procedure Memorandum 90-4 issued on June 1, 1973. The Action Plan outlines the organizational relationships, the assignments of responsibility, and the procedures to be used by the State to assure that economic, social and environmental effects are fully considered in developing highway projects and that final decisions on highway projects are made in the best overall public interest, taking into consideration: (1) Needs for fast, safe, and efficient transportation; (2) public services; and (3) costs of eliminating or minimizing adverse effects.

The proposed Action Plan is available for public review at the following locations:

1. District No. 1—Mr. J. W. Cravens
1365 North Main Street
Paris, Texas 75460
2. District No. 2—Mr. J. R. Stone
2501 Southwest Loop
Ft. Worth, Texas 76133
3. District No. 3—Mr. R. H. Schleider, Jr.
1601 Southwest Parkway
Wichita Falls, Texas 76302
4. District No. 4—Mr. Charles W. Smith
5715 Canyon Drive
Amarillo, Texas 79110
5. District No. 5—Mr. George C. Wall, Jr.
601 Slaton Road
Lubbock, Texas 79412
6. District No. 6—Mr. Paul H. Coleman
U.S. 80 (East)
Odessa, Texas 79760
7. District No. 7—Mr. J. A. Snell
Loop 306 & Knickerbocker Road
San Angelo, Texas 76901.
8. District No. 8—Mr. J. C. Roberts
Old Anson Road & U.S. 83
Abilene, Texas 79603
9. District No. 9—Mr. Elton B. Evans
100 South Loop Drive
Waco, Texas 76704
10. District No. 10—Mr. W. W. Potter
2709 West Front Street
Tyler, Texas 75701
11. District No. 11—Mr. Frank D. Gallaway
North Timberland Drive
Lufkin, Texas 75901
12. District No. 12—Mr. Omar F. Poorman
7721 Washington
Houston, Texas 77007
13. District No. 13—Mr. Carl V. Ramert
Loop 51—600 Huck Street
Yoakum, Texas 77995
14. District No. 14—Mr. Travis A. Long
7901 Interregional Highway
Austin, Texas 78753
15. District No. 15—Mr. R. O. Lytton
4615 North West Loop 410
San Antonio, Texas 78229
16. District No. 16—Mr. Roger Q. Spencer, Jr.
South Padre Island Drive at Greenwood Drive
Corpus Christi, Texas 78416
17. District No. 17—Mr. Joe G. Hanover
1300 North Texas Avenue
Bryan, Texas 77801
18. District No. 18—Mr. John G. Keller
8600 East U.S. 67
Dallas, Texas 75218
19. District No. 19—Mr. L. L. Jester, Jr.
FM 249 & Park Street (FM 251)
Atlanta, Texas 75551
20. District No. 20—Mr. Franklin C. Young
8350 U.S. 69
Beaumont, Texas 77708
21. District No. 21—Mr. R. E. Stotzer, Jr.
600 West U.S. 83 Exp.
Pharr, Texas 78577
22. District No. 22—Mr. Fred W. Clark, Jr.
300 East Gibbs Street
Del Rio, Texas 78840
23. District No. 23—Mr. E. M. Pritchard
U.S. 183 (Northeast)
Brownwood, Texas 76801
24. District No. 24—Mr. Joe M. Battle
212 North Clark Drive
El Paso, Texas 79905
25. District No. 25—Mr. V. J. McGee
1700 Avenue F—NW.
Childress, Texas 79201
26. Urban Project Engineer—Manager
Mr. William V. Ward
6810 Katy Road
Houston, Texas 77024
27. Texas Division Office—FHWA
826 Federal Office Building
300 East 8th Street
Austin, Texas 78701
28. FHWA Regional Office—Region 6
819 Taylor Street
Fort Worth, Texas 76102
29. U.S. Department of Transportation
Federal Highway Administration
Environmental Development Division
Nassif Building—Room 3246
400 – 7th Street SW.
Washington, DC. 20590

Comments from interested groups and the public on the proposed Action Plan are invited. Comments should be sent to the FHWA Regional Office shown above before November 23, 1973.

Issued on October 25, 1973.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.73-23227 Filed 10-30-73;8:45 am]

Federal Railroad Administration

[Docket No. RST-1, Waiver Petition No. 17; Notice 3]

PENN CENTRAL TRANSPORTATION CO.

Petition for Waiver of Certain Track Safety Standards; Public Hearing, Extension of Time To Comment

On October 10, 1973, the Penn Central Transportation Company (Penn Central) filed a petition requesting the Federal Railroad Administration (FRA) to waive compliance with § 213.63 and § 213.109 of the Track Safety Standards (49 C.F.R. Part 213) for 6,901 miles of track that do not meet the minimum safety requirements prescribed by those sections.

After filing the petition, Penn Central indicated that it might halt operations over large portions of the substandard track on October 16, 1973 (the date sections 213.63 and 213.109 became effective) to avoid incurring civil penalties. Because of the adverse effect that such a large cessation of operations would have on commerce, the FRA responded promptly by issuing a notice on October 12, 1973, setting the matter for early hearing on October 16, 1973, in Washington, D.C. The purpose of this hearing was to receive comments from interested persons primarily on the issue of whether or not Penn Central should be granted interim relief pending a final decision on the petition (38 FR 28604, corrected at 38 FR 29241). The notice provided that additional oral hearings would commence on October 23, 1973, to assist in determining whether granting of the petition in whole or in part would be in the public interest and consistent with railroad safety. The notice also provided that written data, views, or comments received before October 24, 1973, would be considered before making a final decision on the petition.

On October 16, 1973, Penn Central halted operations on approximately 2,800 miles of track involved in the petition. It continued operations on the remainder in accordance with § 213.11 of the Track Safety Standards which allows operation under certain conditions where there is continuous supervision by qualified personnel. Following the October 16 hearing and pending a final decision on the petition, FRA granted Penn Central an interim waiver, subject to certain conditions; and the track over which operations were halted was returned to service. A notice containing the interim waiver and an explanation of the reasons therefor is published at 38 FR 29241.

One of the conditions for operating under the interim waiver requires Penn Central to file with the FRA by November 16, 1973, a plan for restoration of certain track identified in the petition so as to meet the minimum requirements to which the waiver applies. The plan of restoration to be proposed by Penn Central may have significant effect on the outcome of a final decision in this proceeding, and interested persons may wish to comment on the plan or propose an alternative one. Therefore, the FRA will hold an additional public hearing commencing at 10 a.m., on November 29, 1973, in Room 2230, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590, where interested persons may express their views orally or in writing on the plan, or provide the FRA with any other information relevant to a final decision. All statements will become part of the record of the hearing and be included in the public docket. Participants should refer to the original notice (38 FR 28609) for a brief statement of the procedures to be followed at the hearing. Interested persons may obtain a copy of the proposed plan of restoration from the Penn Central Transportation Company, 1836 Six Penn Center, Philadelphia, Pennsylvania 19104.

In addition, the deadline for filing written comments is extended to November 30, 1973. Comments received after that date will be considered only so far as practicable.

(Sec. 202, 84 Stat. 971 (45 U.S.C. 431); and § 1.49(n) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n)).

Issued in Washington, D.C. on October 29, 1973.

DONALD W. BENNETT,
Chief Counsel.

[FR Doc.73-23273 Filed 10-30-73;8:45 am]

[Docket No. RST-1, Waiver Petition No. 17; Notice 4]

PENN CENTRAL TRANSPORTATION COMPANY

Second Interim Order for Waiver of Certain Track Standards

The initial interim order in this proceeding issued on October 16, 1973, granted a limited interim waiver of the provisions of 49 CFR 213.63 and 213.109, of the FRA Track Safety Standards with respect to 6,901 miles of track of the petitioner Penn Central Transportation Company. The interim waiver was subject to nine terms and conditions. A telegram to the petitioner dated October 19, 1973, amended condition number 6 of the first interim order to permit the transportation of hazardous materials under certain conditions.

Following additional hearings on October 23, 1973, and further consideration of the matters, the prior order is hereby modified as follows.

A. Condition number 6 of the first interim order and the telegram of October 19, 1973, with respect to the movement of hazardous materials, are revoked and superseded by the following.

The Penn Central is authorized to move cars carrying commodities covered by the Hazardous Materials Regulations in 49 CFR Parts 170–189, over track identified in the petition that does not comply with Class 1 standards. The movement of freight cars transporting hazardous materials requiring placards is subject to the following terms and conditions:

(1) Cars transporting a hazardous commodity shall be routed over track that complies with the track safety standards, including track of another railroad, to minimize mileage of operation over substandard track that does not comply with Class 1 standards. This is to be done regardless of the number of additional movement miles which might be required over track which complies with the track safety standards. The movement of hazardous materials shall be made over the physical route which provides the least total movement miles over the substandard track. In no case may a car loaded with hazardous materials be moved if the shipper requires a route which will increase the total movement of that car over substandard track when compared with any alternate route.

(2) Daily or prior to each movement over track that does not comply with Class 1 standards, a person designated under 49 CFR 213.7(a) must inspect that track and certify in writing his opinion that the track is safe for movement of hazardous materials at the maximum allowable operating speed of 8 or 6 m.p.h., as the case may be under clause (4) of the first interim order.

(3) A car whose total weight, when loaded with a hazardous material, is more than 263,000 pounds, may not be operated over track that does not comply with Class 1 standards unless:

(a) the movement does not exceed 6 m.p.h.,

(b) the track is inspected immediately prior to each movement and certified in writing safe for the intended movement, and

(c) all movements on adjacent tracks are stopped until the passage of placard cars is completed.

(4) Each movement must comply in all other respects with the terms and conditions of the first interim order.

(5) The Associate Administrator for Safety is authorized to issue special approvals and impose additional conditions for all other movements of hazardous materials upon request. A request must set forth the nature of the relief requested, the circumstances of the intended movement, and describe any additional operating restrictions considered necessary for safe transportation.

B. Condition number 2 of the first interim order provides in the first sentence:

> Within 30 days, all track classified in the petition as mainline track handling over 10 million gross ton miles per mile of line per annum and all track over which passenger trains are operated, shall be restored to compliance with Class 1 standards.

This condition of the first interim order applies to all lines included in the petition over which over 10 million gross ton miles per mile of line per annum is handled including lines designated by Penn Central as main, branch or secondary. It was not intended to limit the application of this condition to those lines titled main lines by the Penn Central or to the 1971 traffic data submitted with the petition. The current traffic data should be utilized for this purpose. The Penn Central shall promptly notify the FRA of the lines and track that is to be restored under this condition.

This order shall be effective immediately.

DONALD W. BENNETT,
Hearing Officer, Chief Counsel, Federal Railroad Administration.

[FR Doc.73-23274 Filed 10-30-73;8:45 am]

National Highway Traffic Safety Administration

NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL

Notice of Public Meeting

On November 7 and 8, 1973, the National Motor Vehicle Safety Advisory Council will hold open meetings in the DOT Headquarters Building, 400 Seventh Street, SW., Washington, D.C. The Advisory Council is composed of 22 members, a majority of whom are representatives of the general public, including representatives of State and local governments, with the remainder including representatives of motor vehicle manufacturers, motor vehicle equipment manufacturers, and motor vehicle dealers. The Secretary of Transportation consults with the Advisory Council on motor vehicle safety standards promulgated under the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.).

The following meetings are subject to the approval of the Secretary of Transportation.

On November 7 at 9 a.m. in room 4238 the Accident Avoidance and Operating Systems Committee will meet with the following agenda:

Application of Standards to Multipurpose Vehicles and Light Trucks
Review of Safety Defects Conference and Recommendations
New Business

At 2 p.m. on November 7 in room 4238 the Executive Committee will meet with the following agenda:

Review and Coordination of Council Plans and Activities
New Business

On November 8 at 9 a.m. in room 4238 the full Council will meet with the following agenda:

Report of the Executive Committee
Occupational Safety & Health Administration Programs and Highway Safety
Report of Accident Avoidance and Operating Systems Committee
Report on Second International Congress on Automotive Safety—Recreational Vehicle and Motorcycle Safety
Status of Safety Belt Interlock Evaluation
New Business

This notice is given pursuant to section 10(a)(2) of Public Law 92-463, Federal Advisory Committee Act (FACA) effective January 5, 1973.

For further information, contact the NHTSA Executive Secretary, Room 5215, 400 Seventh Street SW., Washington, D.C., telephone 202-426-2872.

Issued on October 26, 1973.

CALVIN BURKHART,
Executive Secretary.

[FR Doc.73-23219 Filed 10-30-73;8:45 am]

YOUTHS HIGHWAY SAFETY ADVISORY COMMITTEE

Notice of Public Meeting

On November 10–11, 1973, the Youths Highway Safety Advisory Committee will hold an open meeting at the Sheraton Plaza Hotel, Boston, Massachusetts. The Committee is composed of persons appointed by the National Highway Traffic Safety Administrator to consult with and advise him concerning programs and activities to attract and sustain the participation of young people in the national effort to combat highway deaths and injuries.

The meeting will be in session from 9:00 a.m. to 5:00 p.m. on November 10 and from 9:00 a.m. to 12:00 noon on November 11. The agenda is as follows:

Report from Membership Subcommittee on National Conference.
Developing plans for the National Conference:
  (1) Speakers
  (2) Workshops
  (3) Agenda, etc.
Phase II Report on Public Information and Education.
Regional Reports from members.

This notice is given pursuant to Section 10(a)(2) of Public Law 92-462, Federal Advisory Committee Act (FACA) effective January 5, 1973.

For further information, contact Executive Secretariat, Room 5215, 400 Seventh Street, SW., Washington, D.C., telephone 202-426-2872.

Issued on October 25, 1973.

CALVIN BURKHART,
Executive Secretary.

[FR Doc.73-23220 Filed 10-30-73;8:45 am]

ADVISORY COUNCIL ON HISTORIC PRESERVATION

NOTICE OF MEETING

Notice is hereby given in accordance with the Federal Advisory Committee Act (PL 92-463) that the regular meeting of the Advisory Council on Historic Preservation will be held on November 7 and 8, 1973 at 9:30 a.m. in Room 7200, Department of Transportation Building, 400 7th Street, SW., Washington, D.C.

The Advisory Council was established by the National Historic Preservation Act of 1966 (PL 89-665) to comment upon Federal, federally assisted, and federally licensed undertakings having an effect upon properties listed in the National Register of Historic Places and to generally advise the President and Congress on matters relating to historic preservation. The Council's members are the Secretary of the Interior, the Secretary of Housing and Urban Development, the Secretary of the Treasury, the Secretary of Commerce, the Attorney General, the Secretary of Transportation, the Secretary of Agriculture, the Administrator of the General Services Administration, the Secretary of the Smithsonian Institution, the Chairman of the National Trust for Historic Preservation, and ten citizens appointed by the President.

At its meeting, the Council will, in accordance with section 106 of the National Historic Preservation Act, consider the effect of an urban renewal project, financially assisted by the Department of Housing and Urban Development, upon the Herkimer County Trust Company Building in Little Falls, N.Y., a property listed on the National Register of Historic Places. The Council will receive reports and statements on the undertaking in open session and then consider its comments in executive session. The executive session will be closed to the public, as it has been determined to fall within exemption 5 of 5 U.S.C. section 552(b) and to be essential to protect the free exchange of internal council views. The remainder of the meeting will be open to the public and will involve reports of the Council staff on various matters relating to historic preservation.

Agenda and additional information concerning the meeting are available from the Executive Secretary, Advisory Council on Historic Preservation, Suite 430, 1522 K Street, NW., Washington, D.C. 20005.

Dated: October 26, 1973.

ROBERT R. GARVEY, Jr.,
Executive Director.

[FR Doc.73-23222 Filed 10-30-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25940]

AMERICAN AIRLINES, INC., ET AL.

Notice of Assignment of Administrative Law Judge Regarding Container Loading and/or Unloading Charges

This investigation, instituted by Order 73-10-5, dated October 1, 1973, is hereby assigned to Administrative Law Judge Milton H. Shapiro. Future communications should be addressed to Judge Shapiro.

Dated at Washington, D.C., October 25, 1973.

ROBERT L. PARK,
Associate Chief Administrative Law Judge.

[FR Doc.73-23105 Filed 10-30-73;8:45 am]

[Docket No. 23333; Order 73-10-59]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority October 16, 1973.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA) and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names three additional specific commodity rates as set forth in the attachment hereto, reflecting reductions from general cargo rates; and was adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated October 2, 1973.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act: *Provided*, That approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered, That:

1. Agreement C.A.B. 23978, R-1 through R-3 be and hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained herein for purposes of tariff publication: *Provided further*, That tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing; and

2. The findings and approval herein shall not be deemed to modify the findings and Order of the Board in its decision in "Agreements Adopted by IATA Relating to North Atlantic Cargo Rates", Order 73-2-24 of February 6, 1973, Order 73-7-9 of July 5, 1973, and Order 73-9-109 of September 28, 1973, and are subject to all the provisions of such orders.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

Agreement	Specific commodity item No.	Description and rate
CAB 23978:		
R-1	0670	Horse Flesh, 45 cents per kg., minimum weight 5,000 Kgs. From New York to Amsterdam/Brussels/Parris. 49 cents per kg., minimum weight 5,000 Kgs. From New York to Vienna. 47 cents per kg., minimum weight 5,000 Kgs. From New York to Frankfurt.
R-2	4747	Construction and Mining Machinery, 227 cents per kg., minimum weight 500 Kgs. From New York to Lusaka.
R-3	9242	Parachutes and Drogues, 222 cents per kg., minimum weight 100 Kgs. From Johannesburg to New York.

[FR Doc.73-23103 Filed 10-30-73;8:45 am]

[Docket No. 18078; 17909; Order 73-10-86]

SERVICE MAIL RATES

Order on Reconsideration and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of October 1973.

By Order 73-8-31, dated August 7, 1973, the Board (1) established, effective August 12, 1969, certain standard mileages for The Flying Tiger Line Inc. (FTL), for the carriage of mail in transpacific service; (2) assigned for hearing the issue of the standard mileage for FTL between Seattle and Tokyo and to all points affected by this mileage for the period August 12, 1969, through March 31, 1972; and (3) amended Order 68-9-8, dated September 4, 1968, to provide that, for the purpose of computing the compensation for transportation of Military Ordinary Mail (MOM) between San Francisco, California, Portland, Oregon, and Seattle, Washington, on the one hand, and Tokyo, Japan, on the other, the mileage would be based on the great-circle mileage between Seattle and Tokyo.

Petitions for reconsideration of the order were filed by the Postmaster General (PMG) and Northwest Airlines, Inc. (Northwest), and FTL filed an answer in support of the PMG's petition. In his petition, the PMG indicates that the Postal Service and FTL have reached an agreement resolving the controversy over the issue of standard mileages for FTL's transpacific service and requests that the Board rescind Order 73-8-31 in-

sofar as it established standard mileages for FTL's transpacific service. In its petition, Northwest requests that the Board adopt a voluntary rather than a mandatory common-rating provision for the transportation of MOM between the West Coast and Tokyo.

Subsequent to filing the petition for reconsideration, the PMG petitioned for the establishment of the standard mileages for the transpacific carriage of mail, agreed to by the Postal Service and FTL for the period prior to April 1, 1972.[1] The PMG indicates that the proposed mileages would result in neither a reduction nor an increase in postal revenues paid to other transpacific carriers during this period and would provide FTL with the identical revenue on a competitive segment and the same ton-mile yield on a noncompetitive segment as other transpacific carriers received for the same volume and category of mail. By a late-filed answer, FTL supports the PMG's petition for the establishment of standard mileages and requests that the Board expedite the proceeding by the issuance of a final order establishing the proposed mileages.[2] No other answers were filed.

Upon consideration of the pleadings of the PMG and FTL, the apparent agreement of the parties to settlement of a long-standing dispute, and other relevant matters, we tentatively find that the mileages proposed in the petition of the PMG are fair and reasonable. We therefore propose to rescind that part of Order 73-8-31 which established certain standard mileages for FTL's transpacific service and to issue an order adopting the standard mileages set forth in the PMG's petition of August 31, 1973.

We will deny Northwest's request that the MOM rate order be amended to provide for a voluntary rather than a mandatory common-rating provision for the transportation of MOM between the West Coast and Tokyo.[3] The sole basis for the proposal is that such a provision would be consistent with the objection of the PMG to Show Cause Order 69-12-31, dated December 5, 1969. However, the PMG's position was that the Board should continue to specify a common mileage for MOM, and he only suggested a voluntary provision if the Board should delete the specified mileage as proposed. The Board decided not to adopt the proposed deletion because of objections of the parties. Northwest now appears, by petition for reconsideration, to seek an amendment of the provisions of the MOM rate order that has not been proposed in this proceeding, and we will deny the request.[4]

Upon consideration of the foregoing and all other relevant matters, we propose to issue an order making final the following findings and conclusions:

(1) The standard mileages for The Flying Tiger Line Inc., which were established by Order 73-8-31 should be rescinded.

(2) Effective August 12, 1969, Order 68-9-9, dated September 4, 1968, as amended by Order 69-7-11, dated July 2, 1969, should be amended by adding to page 4 of Appendix A of Order 69-7-11 the standard mileages for The Flying Tiger Line Inc., which are appended to this order.

(3) The investigation of the issue of the standard mileage for The Flying Tiger Line Inc., between Seattle and Tokyo and to all points affected by this mileage for the period August 12, 1969, through March 31, 1972 assigned for hearing by Order 73-8-31 should be dismissed.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and the Board's Regulations 14 CFR Part 302.

It is ordered, That:

1. Except to the extent granted herein the petitions for reconsideration filed by the Postmaster General and Northwest Airlines, Inc., are denied;

2. The motion of The Flying Tiger Line Inc., for leave to file a late answer is granted;

3. All interested parties, and particularly The Flying Tiger Line Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., and the Postmaster General are directed to show cause why the Board should not issue a final order adopting the proposed findings and conclusions specified herein;

4. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the findings and conclusions proposed herein, notice thereof shall be filed within 8 days after the date of service of this order and, if notice is filed, written answer and supporting documents shall be filed within 15 days after date of service of this order;

5. If notice of objection is not filed within 8 days or if notice is filed and answer is not filed within 15 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order making final the findings and conclusions proposed herein;

6. If answer is filed presenting issues for hearing, the issues involved shall be limited to those specifically raised by the answer except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

7. This order will be served on the Postmaster General, The Flying Tiger Line Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., American Airlines, Inc., Continental Air Lines, Inc., and Trans World Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

APPENDIX

THE FLYING TIGER LINE INC.

Between	Miles	
	Airmail—MOM	SAM
BKK—DAD	524	524
HKG	1,065	1,065
MNL	1,462	1,462
OKA	1,936	1,936
SEA	7,767	9,440
SEL	3,638	3,638
SFO	7,767	9,158
SGN	460	460
TPE	1,560	1,560
TYO	2,902	2,902
VCR	652	652
DAD—HKG	784	784
MNL	1,376	1,376
OKA	1,825	1,825
SEA	7,623	9,329
SEL	3,527	3,527
SFO	7,656	8,836
SGN	374	374
TPE	1,449	1,449
TYO	2,791	2,791
VCR	280	280
HKG—MNL	1,943	1,943
OKA	2,755	2,755
SEA	6,654	6,654
SEL	2,525	2,525
SFO	6,654	8,045
SGN	941	941
TPE	3,131	3,131
TYO	1,789	1,789
VCR	1,133	1,133
MNL—OKA	929	929
SEA	6,745	6,745
SEL	2,616	2,616
SFO	6,745	7,709
SGN	1,002	1,002
TPE	1,318	1,318
TYO	1,880	1,880
VCR	810	810
OKA—SEA	5,831	5,831
SEL	1,702	1,702
SFO	5,831	7,222
SGN	1,724	1,724
TPE	389	389
TYO	966	966
VCR	1,336	1,336
SEA—SEL	5,601	5,601
SGN	7,747	9,173
TPE	6,207	6,207
TYO	4,865	4,865
VCR	7,367	9,040
SEL—SGN	3,425	3,425
TPE	2,078	2,078
TYO	736	736
VCR	3,238	3,238
SFO—SEL	5,601	6,992
SGN	7,747	8,891
TPE	6,207	7,508
TYO	4,865	6,035
VCR	7,367	8,537
SGN—TPE	1,348	1,348
TYO	2,600	2,600
VCR	192	192
TPE—TYO	1,342	1,342
VCR	1,160	1,160
TYO—VCR	2,502	2,502
JFK—HKG	8,833	10,632
TYO	7,044	7,681
LAX—HKG	8,203	8,203
TYO	6,522	6,522
ORD—TYO	6,461	6,461

[FR Doc.73-23104 Filed 10-30-73;8:45 am]

[1] In some cases the standard mileages proposed for SAM are different from those proposed for priority and MOM, since SAM is not subject to election to common-rate and no other carrier in transpacific service elected to equalize charges for SAM.

[2] FTL's answer was accompanied by a motion to file a late answer. The motion will be granted. Since the proposed mileages have not been subject to notice and opportunity for objection, we will follow the usual show-cause procedure. We are, however, providing for an expedited procedure.

[3] Since we propose to dismiss the FTL mileage investigation, we need not deal with Northwest's request for clarification of Order 73-8-31.

[4] If Northwest desires to renew its request, it may file a petition in accordance with the Board's Rules of Practice.

[Docket No. 26039; Order 73-10-94]

LOCAL SERVICE CARRIERS

Order Granting Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of October 1973. By companion notice of rulemaking, the Board has proposed to modify its existing regulations with respect to applications for a change in service plan so as to provide more simplified procedures for the processing of certain types of schedule changes which are designed to conserve fuel resources. For reasons set forth in that notice of rulemaking (which are incorporated by reference herein), it is of paramount importance that air carriers make a major effort toward the conservation of airline turbine fuel consistent with their obligations to provide essential services in conformity with their currently effective certificates of public convenience and necessity. It is also important that the industry's response to the fuel emergency begin as soon as possible. Consequently, we have determined to grant a limited exemption to all local service carriers in order to permit them to reduce service to two round trips five days per week at those intermediate points which they are currently required to serve on a daily basis pursuant to the skip-stop conditions contained in their certificates.

We have concluded that it is in the public interest to exempt the local service carriers on a limited, interim basis from the terms, conditions, and limitations of their certificates, the provisions of section 401 of the Federal Aviation Act, and the requirements of Part 202 of the Economic Regulations. We note, to begin with, that there is no existing requirement that local service carriers provide two daily round trips to all intermediate points. Thus, a carrier may, consistent with its current certificate responsibilities, discontinue service to particular points on particular days, subject only to the adequacy of service provisions of section 404 of the Act and the requirement that the carrier not overfly the point. As a practical matter, however, we appreciate that the skip-stop condition may necessitate the maintenance of a two-daily round-trip pattern of service at a majority of intermediate points—regardless of traffic demand. The continuation of this pattern of service with respect to certain low traffic-generating points, and the resultant expenditure of fuel resources, appears to us to be at odds with the national goals with regard to emergency fuel conservation.

We also believe that a prompt response to the swiftly evolving fuel emergency is required. Current developments suggest that procedures under Part 202 of the Board's Regulations may not be the most expeditious way to meet immediate problems resulting from the projected fuel shortage, particularly if, as seems probable, the emergency will affect a substantial number of the local service carriers. We believe that a limited exemption, coupled with a more deliberative and selective long-range approach, will best meet the national need. For the brief period during which the exemption will be effective, we anticipate that carriers will exercise sound judgment in determining which schedules must be eliminated.[1]

Enforcement of section 401 of the Act, the terms, conditions, and limitations of the certificates of the local service carriers, and the existing provisions of Part 202 of the Board's Regulations, insofar as they would prevent the limited change in each carrier's skip-stop requirement proposed herein, would constitute an undue burden on the carriers by reason of the limited extent of and unusual circumstances affecting their operations and would not be in the public interest. The impending fuel emergency, of course, represents a highly unusual circumstance which could affect the systemwide operations of all carriers, including the local service carriers. Requiring each local service carrier to file a formal application for a change in service pattern under existing procedures, coupled with the time necessary for the implementation of any schedule changes which might be approved, would also have the effect of foreclosing the prompt action which we believe is required. The exemption authority will also be extremely limited in duration since it is the Board's intention to process the proposed notice of rule making as expeditiously as possible consistent with the need to adequately review and analyze the submissions of the parties. This exemption will expire at such time as the Board makes its final determination with respect to the companion proposed notice of rulemaking.[2]

We believe that the effect of this exemption will be almost wholly beneficial to the environment. Most importantly, the exemption is likely to result in fuel savings at a time when the nation's fuel reserves are being seriously taxed and such savings can be deemed to be of substantial benefit to the quality of the human environment.[3] Moreover, we anticipate that the exemption will result in a decrease in aircraft operations on the part of the local service carriers and that, in turn, can have a salutary impact on noise pollution and air pollutants in and around the airports involved. The only significant adverse effect—a secondary effect—could be an increase in the number of persons traveling by surface vehicle. However, since the local service carriers may only reduce service on two of the seven days of the week, and since it is our intention that they do so only on days when they do not generate significant traffic, we do not believe that a substantial increase in vehicular traffic will result. Any environmental effect—negative or positive—will be of extremely limited duration and any delay by the Board in issuing the exemption in order to prepare, circulate and finalize an environmental statement could itself have a deterimental impact on the environment.

Finally, we wish to reiterate that the exemption granted herein is not intended primarily to free aircraft for employment in other markets. Thus any large-scale increases in capacity—whether through a shifting of freed aircraft or otherwise—into markets already amply served would be wholly inconsistent with the essential purpose of this exemption, which is to bring about a favorable contribution to the nation's fuel conservation efforts. Similarly, any market reduction in service to small communities unrelated to traffic requirements will be looked upon with disfavor. The Board reserves the right to withdraw this exemption at any point or for any carrier upon a proper showing that service reductions are excessive or that essential service to a particular community has been impaired.

Accordingly, it is ordered, That:

1. Allegheny Airlines, Inc., Frontier Airlines, Inc., Hughes Airwest, North Central Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., and Texas International Airlines, Inc., be and they hereby are exempted from the provisions of section 401 of the Federal Aviation Act, the terms, conditions, and limitations of their respective certificates of public convenience and necessity, and Part 202 of the Board's Economic Regulations, insofar as they would otherwise prevent the carriers from omitting service to all intermediate points named in their respective certificates after the holder has scheduled at least two round trips five days per week over such segment on which the intermediate point is named, or over any other segment if such point or points are on more than one segment.

2. This exemption granted herein shall be effective immediately and shall expire

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[1] See, by way of comparison, the discretion now vested with a carrier to determine when an emergency disruption in service results from conditions or events which the carrier cannot reasonably be expected to foresee or control, subject to the filing of a notice with the Board outlining the reasons for the disruption. Economic Regulation 205.8.

[2] Should the rule be adopted substantially as proposed, local service carriers will be accorded 30 days in which to file formal applications to continue the changes in service instituted pursuant to this exemption. In the event the proposed notice of rulemaking is not adopted, it is our intention to accord the carriers 60 days to resume any service which may have been discontinued.

[3] 38 F.R. 10856 (May 2, 1973).

60 days after final Board decision with regard to the notice of proposed rule making issued concurrently herewith, EDR–256.

3. The exemption granted herein may be amended or revoked at any time in the discretion of the Board without hearing, as to any carrier or any point.

4. Copies of this order shall be served upon all scheduled certificated air carriers, and upon the Department of Transportation, Department of the Interior, and the U.S. Postal Service.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73–23206 Filed 10–30–73;8:45 am]

CITIZENS' ADVISORY COUNCIL ON THE STATUS OF WOMEN

NOTICE OF PUBLIC MEETING

Notice is hereby given of a meeting to be held by the Citizens' Advisory Council on the Status of Women established by Executive Order 11126 of November 1, 1963.

The meeting will begin on November 9, 1973, at 9:30 a.m., in room 6211 of the New Executive Office Building, 726 Jackson Place, NW., Washington, D.C. The meeting will reconvene at 9:30 a.m. on November 10 in the District Room of the Washington Hotel, 15th and Pennsylvania Avenue, NW., Washington, D.C.

During the course of the meeting the following subjects will be discussed in the following order: International Women's Year, Women As Veterans, Rape, "No Fault" Divorce, and Recommendations and Future Program.

Members of the public are invited to attend the proceedings.

Any written data, views or arguments received by the Council's executive secretary concerning the subjects to be considered on or before November 5, 1973, together with 25 duplicate copies will be provided to the members and will be included in the minutes of the meeting.

Interested persons wishing to address the Council at the meeting should submit a request to be heard to the executive secretary no later than November 5, 1973, stating the nature of their intended presentation and the amount of time they will need. At the commencement of the meeting the chairman will announce the extent to which time will permit the granting of such requests.

Communications to the executive secretary should be addressed as follows:

Catherine East, Executive Secretary
Citizens' Advisory Council on the Status of Women
Room 1336, Department of Labor Building
Washington, D.C. 20210

Signed at Washington, D.C., this 25th day of October 1973.

CATHERINE EAST,
Executive Secretary.

[FR Doc.73–23160 Filed 10–30–73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

PANEL 3 (RECEIVERS); CABLE TELEVISION TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

OCTOBER 25, 1973.

The Panel 3 Committee of the Cable Television Technical Advisory Committee will hold an open meeting on Wednesday, November 14, 1973, at 10 a.m. The meeting will be held at the FCC Annex, Room A–110, 1229 20th Street NW., Washington, D.C. 20554. The agenda has five items:

(1) Status Report EIA–R4.2.
(2) Status Report EIA–CTSC.
(3) Report of subcommittee on adjacent channel interference measurement technique.
(4) Panel objectives and direction.
(5) Other business.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.73–23172 Filed 10–30–73;8:45 am]

[Report 671]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

OCTOBER 23, 1973.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to §§ 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

10965–C2–AL–74—RCA Corporation. Consent to Assignment of License from RCA Corporation, ASSIGNOR, to National Broadcasting Company, Inc., ASSIGNEE. Station: (KH8071), New York, New York.

10966–C2–TC–74—South Shore Broadcasting Company. Consent to Involuntary Transfer of Control from James D. Asher, Deceased, TRANSFEROR, to Ruth S. Asher, Executrix, TRANSFEREE. Station: KG4299, Quincy, Massachusetts.

20419–C2–P–74—The Mountain States Telephone and Telegraph Company (KSV917). C.P. for test facilities and add antenna system to operate on 459.700 MHz to be located at 103 North Durbin Street, Casper, Wyoming.

20420–C2–P–(4)–74—General Communications Service, Inc. (KSW213) (Air-Ground). C.P. for additional facilities to operate 454.675 MHz and change antenna location operating on 454.725, 454.775, and 454.825 MHz to be located at 955 Spring Street NW., Atlanta, Georgia.

20422–C2–TC–(2)–74—Empire Dispatch, Inc. Consent to Transfer of Control from Kenneth H. Cooper, TRANSFEROR, to Irene Eleanor Cooper, Executrix of Estate of Kenneth Hawn Cooper, TRANSFEREE. Stations: KRS659, Fort Collins, Colorado, and KAA279, Greeley, Colorado.

20423–C2–P–(2)–74—General Telephone Company of the Southwest (KLF564). C.P. for additional facilities to operate on 152.81 MHz; replace transmitter and change antenna system operating on 152.24 MHz located 4.4 miles NW. of Kingsland, Texas.

20424–C2–AL–(2)–74—Ratel Communications Company. Consent to Assignment of License from Ratel Communications Company, ASSIGNOR, to Texoma Mobilfone, Inc., TRANSFEREE. Stations: KLF523, Gainesville, Texas, and KUO582, Denison, Texas.

20425–C2–P–74—Airsignal International, Inc. (KOA796). C.P. to add antenna location #4 to operate on 35.580 MHz at Bald Peak, Bald Peak State Park, 2 miles SE. of Laurelwood, Oregon.

20426–C2–P–74—Airsignal International, Inc. (KIE953). C.P. to add antenna location #5 to operate on 35.58 MHz at 4848 Austell Road, Austell, Georgia.

29427–C2–P–74—Mobilphone-Paging Radio Corporation (KRS653), C.P. for additional facilities to operate on 158.70 MHz at a new site described as Loc. #2: 314 St. Louis Avenue, East Woonsocket, Rhode Island.

20428–C2–P–(2)–74—Central Mobile Radio Phone Service (KUO557). C.P. to change antenna location operating on 152.24 and 158.70 MHz to Fibre Glass Tower, 1 Levis Square, Toledo, Ohio.

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (pt. 21 of the rules).

20429–C2–P–74—Henderson Cooperative Telephone Company (NEW). C.P. for a new 1-way station to operate on 158.10 MHz to be located 1.15 miles SE. of Henderson, Nebraska.

20430–C2–P–(4)–74—Airsignal International, Inc. (KAA285). C.P. for additional facilities to operate on 454.125, 454.174, 454.275, and 454.325 MHz at Loc. #1: 1821 University Avenue, St. Paul, Minnesota.

20431–C2–P–74—The Ringsted Telephone Company (NEW). C.P. for a new 2-way station to operate on 152.72 MHz to be located Out Lot D–5, Emmet Street, Ringsted, Iowa.

20432–C2–P–(3)–74—High Sierra Mobilfone (NEW). C.P. for a new 2-way station to operate on 152.030 MHz with repeater facilities operating on 459.025 MHz to be located at Silver Canyon Peak, 12 miles ENE. of Bishop, California, and control facilities to operate on 454.025 MHz to be located at 151 S. Main Street, Bishop, California.

20433–C2–P–74—The Ohio Bell Telephone Company (KQK594). C.P. to change antenna system and location and change transmitter location operating on 35.42 MHz to a new Loc. #2: 1295 South Main Street, North Canton, Ohio.

20421–C2–AL–(3)–74—Telephone Answering Exchange. Consent to Assignment of License from Telephone Answering Exchange, ASSIGNOR, to Mobilfone of Northeastern Pennsylvania, Inc., ASSIGNEE. Stations: KGC400, KGC404, and KG1781, Scranton, Pennsylvania.

20434–C2–P–(3)–74—Michigan Bell Telephone Company (KQA767). C.P. for additional base facilities to operate on 454.575 and 454.425 MHz at Loc. #6: 25189 Lahser Road, Southfield, Michigan, and additional test facilities to operate on 459.575 and 459.425 MHz at Loc. #1: 1365 Cass Avenue, Detroit, Michigan.

20435–C2–P–74—Telephone Answering Service, Inc. (KSA265). C.P. for additional facilities to operate on 152.12 MHz at Loc. #4: Grossenback Hill Road, 2 miles East of Peoria, Illinois.

20436–C2–AL–74—Quad City Dispatch. Consent to Assignment of License from Otis J. Stanley, ASSIGNOR, to Gary R. Stanley, Executor of the Estate of Otis J. Stanley, deceased, ASSIGNEE. Station: KAF642, Davenport, Iowa.

Renewal of Licenses expiring July 1, 1973, TERM: July 1, 1973, to July 1, 1978.

Licensee	*Call sign*
People's Telephone Co.	KOK418 (This application timely filed).

Informative

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding ex parte presentations by reason of potential electrical interference.

TEXAS

Charles H. Beard d.b.a. Granbury Communications Co. (NEW), 2344–C2–P–73.

Jim Bob Measures d.b.a. Mobilfone (NEW), 4186–C2–P–73.

RURAL RADIO SERVICE

60076–C6–AL–74—Telephone Answering Exchange. Consent to Assignment of License from Telephone Answering Exchange, ASSIGNOR, to Mobilfone of Northeastern Pennsylvania, Inc., ASSIGNOR. Stations: KGN24, Temporary-Fixed.

60077–C6–P–74—The Mountain States Telephone and Telegraph Company (NEW). C.P. for a new rural subscriber station to operate on 157.89 MHz to be located 45 miles SE. of Rock Springs, Wyoming.

60078–C6–P–74—The Mountain States Telephone and Telegraph Company (NEW). C.P. for a new rural subscriber station to operate on 157.95 MHz to be located 21.1 miles NE. of Rock Springs, Wyoming.

60079–C6–P–74—General Telephone Company of California (NEW). C.P. for a new rural subscriber station to operate on 158.04 MHz to be located 9.1 miles South of Lompoc, California.

Renewal of Licenses expiring November 1, 1973, TERM: November 1, 1973 to November 1, 1978.

Licensee	*Call sign*
Mogollon Mountains Telephone Co.	KLV35
Port Arthur Mobile Phone	WSN42

POINT-TO-POINT MICROWAVE RADIO SERVICE

1172–C1–P–74—Illinois Bell Telephone Company (KKU37), 1414 W. Jefferson, Joliet, Illinois. Lat. 41°31'20" N., Long. 88°06'58" W. C.P. to change antenna system, antenna location, and change freqs. from 10,735 and 10,895 MHz to 6330.7V and 10,795V MHz toward a new point of communication at Lorenzo, Ill., on azimuth 221°32'.

1173–C1–P–74—Same (KYC83), 3.5 Miles NW. of Lorenzo, Illinois. Lat. 41°23'15" N., Long. 88°16'28" W. C.P. to change antenna system and antenna location on freqs. 6049.0V and 11,245V MHz toward a new point of communicaion at Joliet West, Ill., on azimuth 41°26'.

1174–C1–P–74—The Mountain States Telephone & Telegraph Company (KBD67), 921 Grand Ave., Glenwood Springs, Colorado. Lat. 39°32'40" N., Long. 107°19'28" W. C.P. to add antenna and add freqs. 11,305H and 11,625H MHz toward Lookout Point, Colo., via Passive Repeater.

1175–C1–P–74—Same (New), 1.4 Miles East of Glenwood Springs, Colorado. Lat. 39°32' 35" N., Long. 107°17'50" W. C.P. for a new station on freqs. 10,815V and 11135V MHz toward Glenwood Springs, Colo., via Passive Repeater; freq. 2168.4H MHz toward Castle Peak, Colo., on azimuth 55°47'.

1176–C1–R–74—New York Telephone Company (KEH95). Application for Renewal of License for Term: 11–12–73 to 11–12–74.

1177–C1–P–74—American Telephone and Telegraph Company (New), 7.0 Miles West of Inverness, California. Lat. 38°05'31" N., Long. 122°57'16" W. C.P. for a new station on freqs. 3750V and 4150V MHz toward Cazadero, Calif., on azimuth 340°58'.

1178–C1–P–74—American Telephone and Telegraph Company (KRS91), 3.5 Miles SW. of Jasper, Alabama. Lat. 33°47'48" N., Long. 87°20'32" W. C.P. to add freq. 3790H MHz toward Wiley, Ala., on azimuth 197°03'.

1179–C1–P–74—Same (KSQ56), 1 Mile SE. of Wiley, Alabama. Lat. 33°31'06" N., Long. 87°26'39" W. C.P. to add freq. 3830H MHz toward Jasper, Ala., on azimuth 17°00'; freq. 3830V MHz toward Coker, Ala., on azimuth 216°49'.

1180–C1–P–74—Same (KSQ57), 3.3 Miles SSW. of Coker, Alabama. Lat. 33°12'32" N., Long. 87°43'10" W. C.P. to add freq. 3790V MHz toward Wiley, Ala., on azimuth 36°40'; freq. 3790V MHz toward Akron, Ala., on azimuth 174°16'.

1181–C1–P–74—Same (KSQ58), 5.2 Miles SE. of Akron, Alabama. Lat. 32°49'49" N., Long. 87°40'28" W. C.P. to add freq. 3830V MHz toward Coker, Ala., on azimuth 354°18'; freq. 3830V MHz toward Marion, Ala., on azimuth 119°29'.

1182–C1–P–74—American Telephone and Telegraph Company (KSQ59), 2 Miles North of Marion, Alabama. Lat. 32°40'06" N., Long. 87°20'12" W. C.P. to add freq. 3790V MHz toward Akron, Ala., on azimuth 299°40'; freq. 3790V MHZ toward Orrville, Ala., on azimuth 161°31'.

1183–C1–P–74—Same (KSQ60), 4.5 Miles SE. of Orrville, Alabama. Lat 32°16'10" N., Long. 87°10'47" W. C.P. to add freq. 3830V MHz toward Marion, Ala., on azimuth 341°36'; freq. 3830V MHz toward Oak Hill, Ala., on azimuth 163°59'.

1184–C1–P–74—Same (KSQ61), 1.6 Miles North of Oak Hill, Alabama. Lat. 31°56'33" N., Long. 87°04'11" W. C.P. to add freq. 3790V MHz toward Orrville, Ala., on azimuth 344°03'; freq. 3790V MHz toward Georgiana, Ala., on azimuth 122°23'.

1185–C1–P–74—Same (KSQ62), 6.5 Miles NNE. of Georgiana, Alabama. Lat. 31°43'44" N., Long. 86°40'36" W. C.P. to add freq. 3830V MHz toward Oak Hill, Ala., on azimuth 302°35'; freq. 3830V MHz toward Rosehill, Ala., on azimuth 137°35'.

1186–C1–P–74—Same (KSQ63), 1.6 Miles SW. of Rosehill, Alabama. Lat. 31°26'06" N., Long. 86°21'50" W. C.P. to add freq. 3790V MHz toward Georgiana, Ala., on azimuth 317°45'; freq. 3790V MHz toward Victoria, Ala., on azimuth 78°49'.

1187–C1–P–74—Same (KSQ64), 1.8 Miles South of Victoria, Alabama. Lat. 31°30'13" N., Long. 85°57'17" W. C.P. to add freq. 3830V MHz toward Rosehill, Ala., on azimuth 259°02'; freq. 3830V MHz toward Pinckard, Ala., on azimuth 120°06'.

1188–C1–P–74—Same (KSQ65), 1.6 Miles West of Pinckard, Alabama, Lat. 31°18'53" N., Long. 85°34'35" W. C.P. to add feq. 3790V MHz toward Victoria, Ala., on azimuth 300°18' freq. 3790V MHz toward Tumbleton, Ala., on azimuth 70°06'.

1189–C1–P–74—Same (KSV22), 4.1 Miles NE., of Tumbleton, Alabama. Lat. 31°25'51" N., Long. 85°12'02" W. C.P. to add freq. 3830V MHz toward Pinckard, Ala., on azimuth 250°18'; freq. 3830V MHz toward Blakely, Ga., on azimuth 102°04'.

1190–C1–P–74—Same (KSV23), 7.1 Miles East of Blakely, Georgia. Lat. 31°21'30" N., Long. 84°48'31" W. C.P. to add freq. 3790V MHz toward Tumbleton, Ga. on azimuth 282°16'; freq. 3790V MHz toward Newton, Ga., on azimuth 101°43'.

1191–C1–P–74—Same (KSV24), 4.5 Miles West of Newton, Georgia. Lat. 31°17'14" N., Long. 84°24'47" W. C.P. to add freq. 3830V MHz toward Blakely, Ga., on azimuth 281°56'; freqs. 3810H and 3890H MHz toward Bridgeboro, Ga., on azimuth 71°31'.

1192–C1–P–74—American Telephone and Telegraph Company (KSV25), 1.0 Mile North of Bridgeboro, Georgia. Lat. 31°24'50" N., Long. 83°58'07" W. C.P. to add freqs. 3850H and 3930H MHz toward Newton, Ga., on azimuth 251°45'; freqs. 3850H and 3930H MHz toward Norman Park, Ga., on azimuth 120°41'.

1193–C1–P–74—Same (KSV26), 1.8 Miles SE. of Norman Park, Georgia. Lat. 31°15'08" N., Long. 83°39'08" W. C.P. to add freqs. 3810H and 3890H MHz toward Bridgeboro, Ga., on azimuth 300°51'; freq. 3810H and 3890H MHz toward Morven, Ga., on azimuth 155°17'.

1194–C1–P–74—Same (KSV27), 2 Miles North of Morven, Georgia. Lat. 30°58'13" N., Long. 83°30'06" W. C.P. to add freqs. 3850H and 3930H MHz toward Norman Park, Ga., on azimuth 335°22'; freqs. 3850H and 3930H MHz toward Clyattville, Ga., on azimuth 150°56'.

1195–C1–P–74—Same (KSV28), 0.5 Mile South of Clyattville, Georgia. Lat. 30°41'00" N., Long. 83°19'02" W. C.P. to add freqs. 3810H and 3890H MHz toward Morven, Ga., on azimuth 331°02'; freq. 3810H and 3890H MHz toward Day, Fla., on azimuth 182°20'.

1196–C1–P–74—Same (KSV29), 8.9 Miles North of Day, Florida. Lat. 30°19'03" N., Long. 83°20'04" W. C.P. to change freq. from 3710V MHz to 3850H and 3930H MHz toward Clyattville, Ga., on azimuth 2°20'; change freq. from 3710V MHz to 3850H and 3930 MHz toward Mayo, Fla., on azimuth 142°33'.

1197–C1–P–74—Same (KSV30), 4.3 Miles East of Mayo, Florida. Lat. 30°02'44" N., Long. 83°05'43" W. C.P. to change freq. from 3750V MHz to 3810H MHz toward Day, Fla.; add freq. 3890H MHz toward Day, Fla., on azimuth 322°41'; change freq. from 3710V MHz to 3810H MHz toward Bell, Fla.; add freq. 3890H MHz toward Bell, Fla., on azimuth 138°05'.

1198–C1–P–74—Same (KSV31) 4.8 Miles North of Bell, Florida. Lat. 29°49'24" N., Long. 82°52'00" W. C.P. to change freq. from 3710V MHz to 3850H MHz toward Mayo, Fla.; add freq. 3930H MHz toward Mayo, Fla., on azimuth 318°12'; change freq. from 3750V MHz to 3850H MHz toward Chiefland, Fla.; add freq. 3930H MHz toward Chiefland, Fla., on azimuth 172°43'.

1199–C1–P–74—Same (KSV32), 3.8 Miles North of Chiefland, Florida. Lat. 29°31'50" N., Long. 82°49'26" W. C.P. to change freq. from 3710V MHz to 3850H MHz toward Bell, Fla.; add freq. 3890H MHz toward Bell, Fla., on azimuth 352°44'; change freq. from 4130V MHz to 3710H MHz toward Gulf Hammond, Fla.; add freqs. 3790H and 3870H MHz toward Gulf Hammond, Fla., on azimuth 159°28'.

1200–C1–P–74—American Telephone and Telegraph Company (KSV33), 1.1 Miles NE. of Gulf Hammond, Florida. Lat. 29°15'41" N., Long. 82°42'32" W. C.P. to change freq. from 4170V MHz to 3750H MHz toward Chiefland, Fla.; add freqs. 3830H and 3910H MHz toward Chiefland, Fla., on azimuth 339°31'; change freq. from 4170V MHz to 3750V MHz toward Dunnellon, Fla.; add freqs. 3830V and 3910V MHz toward Dunnellon, Fla., on azimuth 138°00'.

1201–C1–P–74—Same (KSV34), 2.7 Miles South of Dunnellon, Florida. Lat. 29°00'30" N., Long. 82°27'00" W. C.P. to change freq. from 4130V MHz to 3710H MHz; change from 3970V MHz to 3790H MHz toward Gulf Hammond, Fla.; add freq. 3870H MHz toward Gulf Hammond, Fla., on azimuth 318°08'; change freq. from 4130V MHz to 3710H; change from freq. 3970V MHz to 3790H MHz toward Floral City, Fla.; add freq. 3870H MHz toward Floral City, Fla., on azimuth 161°45'.

1203–C1–P–74—Same (KSV36), 1.8 Miles North of Dade, Florida. Lat. 28°24'33" N., Long. 82°11'44" W. C.P. to change freq. from 4130V MHz to 3710H MHz; change from 3970V MHz to 3790H MHz toward Floral City, Fla.; add freq. 3870H MHz toward Floral City, Fla., on azimuth 337°20'; change freq. from 4130V MHz to 3710H MHz; change freq. from 3970V MHz to 3790H MHz toward Polk City, Fla.; add freq. 3870H MHz toward Polk City, Fla., on azimuth 109°48'.

1204–C1–P–74—Same (KJC99), 7.5 Miles North of Polk City, Florida. Lat. 28°17'38" N., Long. 81°50'07" W. C.P. to change freq. from 4170V MHz to 3750H MHz; change freq. from 4010V MHz to 3830H MHz toward Dade City, Fla.; add freq. 3910H MHz toward Dade City, Fla., on azimuth 289°58'.

1205–C1–P–74—Alabama Microwave, Inc. (New), On Chimney Peak, 2.3 Miles NE. of Jacksonville, Alabama. Lat. 33°50'15" N., Long. 85°43'59" W. C.P. for a new station on freq. 10,755V MHz toward Bruton Gap, Ala., on azimuth 313°55'.

1206–C1–P–74—Same (New), Bruton Gap, 2.3 Miles North of Gadsden, Alabama. Lat. 34°05'05" N., Long. 86°02'32" W. C.P. for a new station on freq. 11,485H MHz toward Gadsden, Ala., on azimuth 128°06'; freq. 11,485V MHz (via power split) toward Negro Mountain, Ala., on azimuth 321°40'.

1207–C1–P–74—Same (New), Negro Mountain, 1.4 Miles South of Guntersville, Alabama. Lat. 34°20'14" N., Long. 86°16'59" W. C.P. for a new station on freq. 11,685V MHz toward Huntsville, Ala., on azimuth 331°40'.

1208–C1–P–74—Same (New), 2.7 Miles East of Huntsville, Alabama. Lat. 34°43'10" N., Long. 86°32'20" W. C.P. for a new station on freq. 10,715H MHz toward Capshaw Mountain, Ala., on azimuth 301°04'.

1209–C1–P–74—Alabama Microwave, Inc. (KJJ57), Capshaw Mountain, Alabama. Lat. 34°49'05" N., Long. 86°44'16" W. C.P. to add freq. 11,405V MHz toward Rogersville, Ala., on azimuth 273°29'.

1210–C1–P–74—Same (KJW67) 1.5 Miles NE. of Rogersville, Alabama. Lat. 34°50'38" N., Long. 87°16'30" W. C.P. to add freq. 10,875H MHz toward Florence, Ala., on azimuth 264°41'.

1211–C1–P–74—Mountain Microwave Corp. (New), 1660 Lincoln St., Denver, Colorado. Lat. 39°44'35" N., Long. 104°59'07" W. C.P. for a new station on freqs. 5945.2V, 5974.8H, 6034.2H, 6093.5H, and 6123.1V MHz toward Colorow Hill, Colo., on azimuth 266°53'.

1212–C1–P–74—Same (KOB37), rural Colorow Hill, 2 Miles SW. of Golden, Colorado. Lat. 39°43'54" N., Long. 105°14'58" W. C.P. to add freq. 6345.5V MHz toward Denver TOC, Colo., on azimuth 86°43'; freqs. 6197.2V, 6256.5V, 6315.9V, 6345.5H, and 6375.2V MHz toward Almagre Mtn., Colo., on azimuth 168°06'.

1213–C1–P–74—Same (KB122), rural Almagre Mountain, 8.0 Miles West of Broadmore, Colorado. Lat. 38°46'25" N., Long. 104°59'30" W. C.P. to add freq. 5945.2V MHz toward Colorow Hill, Colo., on azimuth 348°16'; freqs. 6019.3H, 6049.0V, 6108.3V, 6137.9H, 5974.8V, 10,975V, 10,735V, 10,895V, and 11,135V MHz toward Monarch Pass, Colo., on azimuth 255°28'; freqs. 10,975V, 10,735V, 10,895V, and 11,135V MHz toward Methodist Mtn., Colo., on azimuth 248°50'.

1214–C1–P–74—Same (KB167), rural Monarch Pass, 17 Miles West of Salida, Colorado. Lat. 38°29'46" N., Long. 106°19'01" W. C.P. to add freq. 6375.2H MHz toward Almagre Mtn., Colo., on azimuth 74°38'; freqs. 6226.9V, 6271.4H, 6301.0V, 6360.3V, 6390.0H, 11,665H, 11,425H, 11,585H, and 11,345H MHz toward Waterdog Peak, Colo., on azimuth 264°37'.

1215–C1–P–74—Same (KB168), rural Waterdog Peak, 1.3 Miles SE. of Montrose, Colorado. Lat. 38°23'15" N., Long. 107°40'26" W. C.P. to add freq. 6167.6H MHz toward Monarch Pass, Colo., on azimuth 83°46'; freqs. 5945.2H, 6049.0V, 6078.6H, 6108.3V, 6167.6V, 10,975V, 10,735V, 10,895V, 11,135V, and 10,815V MHz toward Grand Jct., Colo., on azimuth 313°01'; freqs. 10,975V, 10,735V, 10,895V, 11,135V, and 10,815V MHz toward Montrose, Colo., on azimuth 300°56'; freqs. 10,975V, 10,735V, and 10,895V, 11,135V, and 10,815V MHz toward Delta, Colo., on azimuth 320°11'; freq. 10,975V MHz toward Umcompagre, Colo., on azimuth 260°06'.

1216–C1–P–74—Same (KPP90), rural Roan Cliffs, 24.5 Miles North of Westwater, Utah. Lat. 39°26'10" N., Long. 109°10'12" W. C.P. to change antenna system, replace transmitter, and add freq. 6093.5H MHz toward Grand Jct., Colo., on azimuth 130°18'; freqs. 5974.8V, 6004.5H, 6034.2V, 6063.8H, and 6093.5V MHz toward Bruin Point, Utah, on azimuth 252°41'.

1217–C1–P–74—Mountain Microwave Corporation (KVD95), 2.5 Miles SW. of Grand Junction, Colorado. Lat. 39°03'31" N., Long. 108°36'04" W. C.P. to change antenna system, replace transmitter, and add freq. 6301.0H MHz toward Waterdog Peak, Colo., on azimuth 132°27'; freqs. 6256.5H, 6286.2V, and 6315.9H MHz toward KREX–TV, Colo., on azimuth 43°48'; freqs. 6226.9V, 6256.5H, 6286.2V, 6315.9H, and 6345.5V MHz toward Roan Cliffs, Utah, on azimuth 310°39'.

1218–C1–P–74—Same (KPP89), Rural Bruin Point, 7 Miles NNE, of Dragerton, Utah. Lat. 39°38'40" N., Long. 110°20'50" W. C.P. to change antenna system, replace transmitter, and add freq. 6375.2V MHz toward Roan Cliffs, Utah, on azimuth 71°57; freqs. 6197.2H, 6286.2V, 6315.9H, 6345.5V, and 6404.8V MHz toward Jones Ridge, Utah, on azimuth 285°20'.

1219–C1–P–74—Same (KPP88), Rural Jones Ridge, 16 Miles NNE. of Fairview, Utah. Lat. 39°50'53" N., Long. 111°19'47" W. C.P. to change antenna system, antenna location, replace transmitter, and add freqs. 6093.5H, 6004.5V, 5974.8H, 5945.2V, and 6063.8V MHz toward a new point of communication at Bruin Point, Utah, on azimuth 104°43'; freqs. 5960.0H, 6019.3H, 6049.0V, 6078.6H, and 6108.3V MHz toward Nelson Peak, Utah, on azimuth 320°24'.

1220–C1–P–74—Same (New), Rural Nelson Peak, 18 Miles SW. of Salt Lake City, Utah. Lat. 40°36'28" N., Long. 112°09'27" W. C.P. for a new station on freqs. 6182.4V, 6271.4H, 6301.0V, 6360.3V, and 6330.7H MHz toward Jones Ridge, Utah, on azimuth 139°52'; freqs. 11,245.0H, 11,285.0V, 11,365.0V, 11,405.0H, and 11,565.0H MHz toward Salt Lake City, Utah, on azimuth 51°50'.

1221–C1–P–74—Same (New), University Club Bldg., 136 E. South Temple St., Salt Lake City, Utah. Lat. 40°46'09" N., Long. 111°53'12" W. C.P. for a new station on freq. 10,715H MHz toward Nelson Peak, Utah, on azimuth 232°01'.

1222–C1–P–74—KHC Microwave, Inc. (New), 3.5 Miles North of Liberty Hill, Louisiana (Jordan Mountain). Lat. 32°23'17" N., Long. 92°54'16" W. C.P. for a new station on freqs. 6226.9H and 6286.2H MHz toward Eros, La., on azimuth 91°08'.

1223–C1–P–74—Same (New), 2½ Miles SW. of Eros, Louisiana. Lat. 32°22'48" N., Long. 92°28'03" W. C.P. for a new station on freqs. 5974.8H and 6034.2H MHz toward Corey, La., on azimuth 128°09'.

1224–C1–P–74—Same (New), 5½ Miles NW. of Columbia, Louisiana. Lat. 32°09'51" N., Long. 92°08'42" W. C.P. for a new station on freq. 6256.5V MHz toward Monroe, La., on azimuth 357°26'; freq. 6197.2V MHz toward Bushes, La., on azimuth 83°54'.

1225–C1–P–74—KHC Microwave, Inc. (New, 4¼ Miles SW. of Bushes, Louisiana. Lat. 32°12'22" N., Long. 91°40'25" W. C.P. for a new station on freq. 6093.5H MHz toward Quimby, La., on azimuth 75°35'.

1226–C1–P–74—Same (New, 6 Miles SW. of Tallulah, Louisiana (Quimby. Lat. 32°18'-10" N., Long. 91°13'38" W. C.P. for a new station on freq. 6315.9V MHz toward Rocky Springs, Miss., on azimuth 118°48'.

1227–C1–P–74—Same (New), 1¾ Miles NE. of Rocky Springs, Mississippi, Lat. 32°05'59" N., Long. 90°47'42" W. C.P. for a new station on freq. 6004.5V MHz toward Bolton, Miss., on azimuth 49°47'.

1228—C1–P–74—Same (New), 3 Miles SW. of Bolton, Mississippi. Lat. 32°19'02" N., Long. 90°29'30" W. C.P. for a new station on freq. 6197.2H MHz toward Jackson, Miss., on azimuth 78°52'. (NOTE.—A waiver of Section 21.701(l) is requested by KHC Microwave Corporation.)

1229-C1-P-74—United Telephone Company of Ohio (KQN64), Corner of Canal & Third Streets, Delphos, Ohio. Lat. 40°50'37" N., Long. 84°20'28" W. C.P. to change antenna system on freqs. 6286.2H and 6404.8H MHz toward Lima, Ohio, on azimuth 122°00'.

1230-C1-P-74—South Central Bell Telephone Company (KZS26), 105 East Muir Avenue, Bardstown, Kentucky. Lat. 37°48'21" N., Long. 85°28'01" W. C.P. to change antenna system, antenna location, and relocate transmitters on freqs. 10,795H, and 11,035V MHz toward East Bardstown, Ky., on azimuth 52°58'.

1231-C1-P-74—Same (KZS27), 4.1 Miles East of Bardstown, Kentucky. Lat. 37°50'32" N., Long. 85°24'22" W. C.P. to change antenna system and reorient antenna on freqs. 11,245H and 11,485V MHz toward Bardstown, Ky., on azimuth 233°00'.

1232-C1-P-74—The Mountain States Telephone and Telegraph Company (KKA65), 5.3 Miles NNW. of Bernalillo, New Mexico. Lat. 35°22'22" N., Long. 106°34'15" W. C.P. to change antenna system, power, and add freqs. 3730V and 3890V MHz toward a new point of communication at Jemez, N. Mex., on azimuth 324°02'.

1233-C1-P-74—Same (KLD48), 12 Miles NW. of Jemez, New Mexico. Lat. 35°41'43" N., Long. 106°51'29" W. C.P. to change antenna system, power, and add freqs. 3770V and 3930V MHz toward a new point of communication at Bernalillo, N. Mex., on azimuth 143°52'.

1234-C1-P-74—The Pacific Telephone and Telegraph Company (KNL75), 1.2 Miles WNW. of Lodi, California. Lat. 38°08'31" N., Long. 121°18'58" W. C.P. to add freq. 6004.5V MHz toward Farmington, Calif., on azimuth 121°19'.

1235-C1-P-74—The Pacific Telephone and Telegraph Company (WJM30), 3.6 miles NNE. of Farmington, California. Lat. 37°58'08" N., Long. 120°58'08" W. C.P. to add freq. 6256.5H MHz toward Lodi, Calif., on azimuth 301°32'; freq. 6256.5V MHz toward Patterson, Calif., on azimuth 200°26'.

1236-C1-P-74—Same (WJM31), 4.6 miles WSW. of Patterson, California. Lat. 37°26'48" N., Long. 121°12'54" W. C.P. to add freq. 6004.5H MHz toward Farmington, Calif., on azimuth 20°17'; freq. 6004.5V MHz toward Pacheco Pass, Calif., on azimuth 177°02'.

1237-C1-P-74—Same (WJM32), Pacheco Pass, 8.8 Miles NE. of Bell (Merced), California. Lat. 37°07'29" N., Long. 121°11'40" W. C.P. to add freq. 6256.5H MHz toward Patterson, Calif., on azimuth 357°02'; freq. 11,385H MHz toward Hogsback, Calif., on azimuth 281°53'.

1238-C1-P-74—Same (WJM33), Hogsback, 6.8 Miles NE. of Morgan Hill, California. Lat. 37°11'05" N., Long. 121°33'13" W. C.P. to change alarm center location and add freqs. 10,775H, 10,935H, 11,015H, and 11,095H MHz toward a new point of communication at San Jose, Calif. (WJK94), to replace Station KMN91; add freq. 10,975V MHz toward Pacheco Pass, Calif., on azimuth 101°41'.

1239-C1-P-74—Same (WJK94), Within San Jose, California. Lat. 37°17'07" N., Long. 121°51'24" W. C.P. to add antenna and freqs. 11,126V, 11,425V, 11,505V., and 11,665V MHz toward a new point of communication at Hogsback, Calif., on azimuth 112°27'.

1240-C1-AP-(40)-74—MCI St. Louis-Texas, Inc. Consent to assignment of radio station construction permit from MCI St. Louis-Texas, Inc., ASSIGNOR, to MCI Telecommunications Corporation, ASSIGNEE, for stations: WOF85—St. Louis, Mo.; WOF86—St. Louis, Mo.; WOF87—Jefferson, Mo.; WOF88—Franklin, Mo.; WOF89—Gasconde, Mo.; WOF90—Maries, Mo.; WOF91—Pulaski, Mo.; WOF92—Laclede, Mo.; WOF93—Webster, Mo.; WOF94—Greene, Mo.; WOF95—Greene, Mo.; WOF96—Lawrence, Mo.; WOF97—Lawrence, Mo.; WOF98—Newton, Mo.; WOF99—Jasper, Mo.; WOJ20—Tulsa, Okla.; WOJ21—Osage, Okla.; WOJ22—Rawnee, Okla.; WOJ24—Logan, Okla.; WOJ25—Logan, Okla.; WOJ26—Canadian, Okla.; WOJ27—Oklahoma City, Okla.; WOJ28 — Grady, Okla.; WOJ29—McClain, Okla; WOJ30—McClain, Okla.; WOJ31—Garvin, Okla.; WOJ32—Stephens, Okla.; WOJ33—Jefferson, Okla.; WOJ34—Montague, Tex.; WOJ35—Cooke, Tex.; WOI94—Cherokee, Mo.; WOI95—Labette, Kans.; WOI96—Craig, Okla.; WOI97—Craig, Okla.; WOI98—Wagoner, Okla.; WOI99—Rogers, Okla.; WPE20—Denton, Tex.; WPE21—Denton, Tex.; WPE22—Dallas, Tex.; and WPE23—Dallas, Tex.

1106-C1-MP-74—The Mountain States Telephone and Telegraph Company (WPX84), Ord Street & Cheyenne Avenue, Grover Colorado. Lat. 40°52'06" N., Long. 104°13'28" W. Mod. of C.P. to change polarization from V to H on freq. 2112.0 MHz toward Briggsdale, Colo.

1241-C1-P/ML-74—American Telephone and Telegraph Company (KED51), 400 Hamilton Avenue, White Plains, New York. Lat. 41°02'08" N., Long. 73°45'59" W. C.P. and Mod. of License to add freq. 3850H MHz toward Plainview, N.Y., on azimuth 136°20'; add (1) Western Electric, TD-2 transmitter.

1242-C1-P/ML-74—Same (KEB47), Plainview, 1.7 Miles SW. of Melville, New York. Lat. 40°46'34" N., Long. 73°26'28" W. C.P. and Mod. of License to add freq. 3810H MHz toward White Plains, N.Y., on azimuth 316°32'; add (1) Western Electric, TD-2 transmitter.

Informative

It appears that the following sets of applications may be mutually exclusive and subject to the Commission's rules regarding ex-parte presentations, reasons of potential electrical interference and economic competition:

Alabama

Newhouse Alabama Microwave, Inc., File Nos. 376 through 381-C1-P-74, Public Notice 8-13-73.

Alabama Microwave, Inc., File Nos. 1205 through 1210-C1-P-74, Public Notice 10-23-73.

MAJOR AMENDMENTS

1123-C1-P-73—American Television & Communications Corp. (New), 1.0 Mile West of Delray Beach, Florida. Lat. 26°27'04" N., Long. 80°16'21" W. Application amended (a) to change station location to foregoing; (b) to change point of communication to Riviera Beach, Florida; and (c) to change frequency from 6197.2H MHz to 6256.5H MHz toward Riviera Beach on new azimuth 03°00'.

1124-C1-P-73—Same (New), Riviera Beach, Florida. Lat. 26°47'19.5" N., Long. 80°05'01" W. Application amended (a) to change station location to foregoing and (b) to change frequency from 6226.9H MHz to 6375.2V MHz toward Stuart, Florida, on new azimuth 335°52'.

47-C1-P-74—United States Transmission Systems, Inc. (New), World Trade Center, New York, New York. Increase transmitter output power to 10 watts.

83-C1-P-74—Same (New), Highway 37, 3.5 Miles North of Summerfield, Alabama. Change latitude to 32°34'14" N.

94-C1-P-74—Same (New), Highway 35, 6 Miles East of Clinton, Louisiana. Change freq. 6345.2H to 6345.5H MHz.

5289-C1-P-71—American Satellite Corporation (Formerly Fairchild Hiller Corp.). Change freq. toward Zafra, Oklahoma, from 11,855 to 10,855V MHz.

5295-C1-P-71—Same (New). Change freq. toward Paris, Oklahoma, from 10,885V to 10,855V MHz. (All other particulars same as reported in Public Notice #539, dated April 12, 1971, and #542, dated May 5, 1971.)

[FR Doc.73-23173 Filed 10-30-73;8:45 am]

[Docket No. 19325; FCC 73-995]

ITU WORLD ADMINISTRATIVE RADIO CONFERENCE

Second Report Regarding U.S. Proposals

1. On June 13, 1973, the Commission adopted its Third Notice of Inquiry in this proceeding, preparatory to a World Administrative Radio Conference for Maritime Mobile Telecommunications (WARC-MAR) to be convened April 22, 1974, and requested comments to be filed on or before July 16, 1973, and reply comments on or before July 25, 1973. By Order released July 6, 1973, in response to a pleading filed by the Radio Technical Commission for Marine Services, the Commission extended each date by one week to July 23 and August 1.

2. Comments were timely filed by the Radio Technical Commission for Marine Services (RTCM), Communications Satellite Corporation (COMSAT), American Telephone and Telegraph Company (AT&T), Aeronautical Radio, Inc. (ARINC), Association of American Railroads (AAR), American Institute of Merchant Shipping (AIMS), Lake Carriers' Association, North Pacific Marine Radio Council (NPMRC), William N. Krebs, Northern California Marine Radio Council (NCMRC), the land mobile section of the Electronic Industries Association (EIA), American Waterways Operators, Inc. (AWO), the Central Committee on Communication Facilities of the American Petroleum Institute (API), National Marine Electronics Association, Inc., Tug Communications, Inc., Northwest Towboat Association, and the Hawaiian Marine Radio Council. Additionally, comments which were timely filed by the NPMRC in response to the Commission's Second Notice of Inquiry in this proceeding, but which through inadvertence were not properly associated with the other comments, have been considered. Timely reply comments were filed by counsel for the Associated Public Safety Communications Officers, Incorporated (APCO). Reply comments were filed late by the Hawaiian Marine Radio Council and the Southern California Marine Radio Council. However, both address *in toto* subjects treated in other comments.

3. Like the earlier Preliminary Views, the Draft Proposals of the U.S. for the WARC-MAR which were attached to the Third Notice of Inquiry in this proceeding were afforded wide distribution abroad through the Department of State in order to elicit the views of other administrations.

4. The comments filed by AT&T addressed only the matter of operation on 2182 kHz, with particular reference to the period commencing with the coming into force date of the Final Acts of the referenced conference and ending with the completed conversion to single sideband radiotelephony operation. The working group within which AT&T continues to be a participant had concluded subsequent to the completion of the Draft Proposals that an adjustment to the proposed modifications to MOD No. 984, MOD No. 992, MOD No. 996 and MOD No. 1323 should be made to facilitate operation in the interim period. While the AT&T filing treats only the first three Radio Regulations cited above, we are suitably modifying our proposals for all four to coincide with those recommended by the working group and, coincidentally, by AT&T's comments.

5. Appendix 19B of the Draft Proposals included a requirement for on-board communications facilities that it shall be possible to reduce, readily, the transmitter carrier power to 50 milliwatts. Such a requirement does not accord with the Commission's proceeding in Docket No. 19665. The EIA filing was devoted only to this matter and contained a statement that this requirement would obsolete all existing portables from use in this connection. API similarly stated *inter alia* that this requirement would obsolete much existing equipment. AIMS afforded what it described as its strong feeling that this provision is both unreasonable and not economically feasible, and would obsolete much existing equipment. The Commission concurs that much existing equipment would be obsoleted, and the 50 milliwatt proposal is withdrawn from consideration in connection with our preparatory work. In its stead and in consonance with Docket No. 19665 we propose internationally that control and telemetry signals emitted by on-board facilities shall be coded in such a manner as to minimize the possibility of false response to interfering signals. The benefits of excluding false responses are immediately evident upon considering the anchor control function of two nearby vessels, one of which may be under way. Lastly, since no Appendix 19A has been proposed, Appendix 19B is renumbered Appendix 19A and consequential editorial changes are being made.

6. The RTCM recommended that former Appendix 19B be expanded to insure that the receivers operating thereunder meet certain technical criteria so as to minimize harmful interference which might otherwise be caused to adjacent and co-channel users of the frequencies made available to on-board facilities. The last paragraph in the revision of Appendix 19A proposed by the RTCM states:

> Receiver characteristics shall otherwise conform to those in Appendix 19.

However, all relevant receiver characteristics are specified prior to that paragraph which is therefore considered unnecessary. Otherwise, for the reasons specified by the RTCM, the modifications it has proposed to Appendix 19B will be incorporated into the U.S. Proposals.

7. In filings by API and the NPMRC (as well as the NPMRC filing in response to the Second Notice of Inquiry in the Docket), attention was drawn to what were thought to be the difficulties and dangers attendant to a geographical distress signal. NPMRC points to the possibility of a distressed vessel being near the boundary of a given area while the nearest vessels are in the adjacent area. Secondly, the possibility of human error in setting the associated decoders exists. Either circumstance could result in otherwise available aid not being furnished the stricken vessel. The NPMRC comments were supported by Tug Communications, Inc., and by Northwest Towboat Association. Further, AIMS views this provision as being neither practical nor realistic. We find these arguments persuasive. The proposal that the digital distress call shall be confined to the geographical area in which the ship is operating is withdrawn by suitable modifications of ADD No. 999I.3.

8. AAR supported the proposal given in the Draft Proposals at MOD No. 287, and agrees that MOD No. 287 as shown in the Preliminary Views should be the subject of a separate rulemaking proceeding. On the other hand, the NCMRC and the NPMRC opted for the Preliminary Views version which would eventually require land mobile and remote pickup stations to vacate the bands given in the second paragraph of MOD No. 287, which in turn contain the frequencies appearing in Appendix 18 of the international Radio Regulations. As noted in the Third Notice of Inquiry, and in response to AAR, APCO, NAB and the Public Safety Communications Council (PSCC), the Commission confirms that a draft NPRM dealing with the national use of the Appendix 18 frequencies is already in preparation, will be released as a separate matter from this Docket as soon as practicable and will deal with their concerns. Further, the national implementation of the results of the 1974 WARC related to this matter, will be treated in separate rulemaking, as necessary. In connection with the second paragraph of No. 287 MAR, certain of the specific frequencies shown therein require editorial correction as noted earlier by the NPMRC so as to correspond to channel edges rather than channel centers, and the requisite correction will be incorporated into the Proposals. The frequency 162.025 MHz is assignable to U.S. Government stations, and through coordination with the Government Agencies, this frequency is being corrected to 162.0375 MHz for editorial purposes only.

9. Provision has been made in the Preliminary Views and subsequently the Draft Proposals to make 8 UHF channels available for on-board communications. This represents a growth factor of 4 over the 2 channels now appearing in the international Radio Regulations for internal operational communications onboard ships. No dissent from the proposed users has been received as regards these 8 channels. Those users with which the channels would be shared presently experience sharing. Certain tests have suggested that UHF may provide a superior service, particularly below deck. Unlike UHF, the separation of only 100 kHz between VHF Channels 15 and 17 removes the possibility of improving the on-board facility's performance by using a repeater. Thus, as regards the comments by API, AIMS and Tug Communications, Inc., we find for the foregoing reasons that the on-board proposals given in the Draft Proposals will be incorporated into the Proposals and ADD No. 39A has been modified. As regards the statement by AIMS that it has petitioned the Commission to permit usage of these two VHF channels for on-board communication purposes, no petition has been received although the aforementioned fourfold growth factor will accommodate any foreseeable expansion. We note too that Tug Communications, Inc., by inference from its support of the NPMRC comments which seek the reinstatement of the proposed modification of No. 287 given in the Preliminary Views is the only commenter seeking to make additional primary channels available to the maritime mobile service which would have the effect of replacing those which would be made available under its comment which would provide VHF channels for on-board facilities. The need for additional channels under these circumstances would perhaps appear to be contrived.

10. Mr. Krebs proposes that, "Narrow-band frequency modulation be authorized for use on any frequency of the maritime mobile service below 30 MHz under such conditions as each administration shall decide for itself, solely for determining the relative effectiveness of this class of emission, upon the express condition that such use of narrow-band frequency modulation shall not at any time create harmful interference to any station of this service or any other radio service or any other radio service authorized by the Radio Regulations". The Commission will introduce this matter into the national CCIR preparatory forum inasmuch as this proposal would lack acceptance by the 1974 WARC without the prior endorsement of the CCIR.

11. COMSAT continues its support, nothing that the Draft Proposals continue with the objective of providing a flexible preparatory framework. ARINC comments that the concerns of the aviation community have been substantially accommodated, but reiterates its position that representatives of aviation interests should be included in the United States Delegation to the Conference. The composition of that Delegation will, as in the past, be a matter for the Department of State to decide.

12. Paragraph 1 of the Third Notice of Inquiry in this proceeding indicated that the NPMRC's comments filed in response to the Second Notice were not properly associated with other comments

received. The question raised in that filing as regards MOD No. 287 has been treated in paragraph 8 *supra*. The NPMRC recommended the suppression of No. 287A Spa. The reasons advanced by the NPMRC for this recommendation are conjectural in nature and lack supporting evidence. Additionally, adoption of this recommendation appears unwarranted in view of the proposals. The NPMRC comments directed to restricting aircraft power to one watt, as opposed to the recommendatory nature of ADD No. 952B, would work an unwarranted hardship on the numerous existing stations fitted with five watt equipments. The requirement that a power of one watt or less shall be used to the maximum extent possible appears reasonable, noting the other restrictions proposed to be levied additionally upon potential aircraft station users.

13. The NPMRC contends that use of the words "THIS IS" in radiotelephony procedure is unnecessary and may be omitted. The question of the possible attendant confusion, noting that possible correspondents may not be of the same mother tongue or that conditions may be difficult, versus the small saving in time involved appears resolvable only in favor of retaining the requirement to use the phrase "THIS IS". This appears especially true where a possible distressed vessel or where newer operators or both may be involved.

14. With respect to NPMRC's comments regarding the digital selective calling proposals, there appears to be concern as to the possibility of too many ancillary features being mandatorily imposed. It is assumed that the NPMRC here refers to the basic capability set forth in ADD Article 28B. The proposed basic capability is intended to provide the minimum essential capability that would eventually permit discontinuance of aural watch on voluntarily fitted vessels. This would be at some future time when it may become practicable to make the digital system mandatory if radiotelephone is fitted on such vessels. In such cases any vessel fitting radiotelephone would become a part of the safety system, as is now the case where any vessel fitting radiotelephony must guard channel 16 aurally, and also 2182 kHz if medium frequency equipment is installed. We, therefore, find that an abridged system would not be acceptable. Similarly, as regards the parallel aural and digital selective calling watches that would be kept during the transition period obtaining until all vessels fitted with radio also are fitted with the digital system, we find it will be necessary that the present aural watch safety system be maintained. The digital system would, nonetheless, permit the discontinuance of aural watch on working frequencies in many instances, and improve watchkeeping moreover on frequencies where an aural watch is now maintained as use of the digital system grows. The NPMRC comments as regards a possible inconsistency involving the use of an area digital distress call following an all ships distress call by other than digital selective calling is met by the modification to the proposed ADD No. 999I.3 treated in paragraph 7 *supra*. In commenting on the language of ADD No. 999G.7 of the Draft Proposals, the NPMRC requests clarification as regards the reset feature of the digital selective calling system decoder. To provide clarity, new proposals ADD No. 999G.9 and ADD No. 999G.10 are adopted which respectively provide that distress calls shall be retained in the decoder display and the aural alarm shall continue until the decoder is manually reset and further that calls other than distress stored in a decoder shall not prevent reception and display of distress calls. With respect to the clarification sought by the NPMRC as regards ADD No. 999I of the Draft Proposals, it should be noted that ADD No. 999I is constructed as a conditional regulation for vessel stations inasmuch as the requirements for international watch maintenance are prescribed under the International Convention for the Safety of Life at Sea (London, 1960) and national requirements by the administration within whose waters a ship may be operating. The International Telecommunication Union does not have the prerogative to establish which ships shall be fitted mandatorily with radio for distress purposes. With regard to the NPMRC comment that the aural alarm signifying distress should be distinguishable from that for urgency and safety, we find that the distress alarm should be separate to be consistent with present distress autoalarm systems and practices. Paragraphs ADD No. 999G.7 and ADD No. 999G.8 of the Draft Proposals are being correspondingly revised.

15. NPMRC notes that some administrations assign half of a duplex pair given in Appendix 18 for simplex operation, and recommends that, when this is done, the letter "A" be suffixed to the channel designator if the lower half of a duplex pair is used or the letter "B" if the upper half is used. The NPMRC believes that such a proposal is worthy of consideration in the international forum because it believes confusion arises between stations of different nationalities, including ship stations, where a duplex pair is not being used by both stations in the manner indicated in Appendix 18. We tend to disagree. Appendix 18 presently prescribes the international usage format contemplated. It would apparently seem inappropriate, therefore, to modify that Appendix to reflect national usage which does not fully accord with the international plan.

16. The NPMRC also take note of the fact that the frequency 160.9 MHz is not dedicated within Appendix 18, even though it is fully within the designated band limits, and recommends that it replace environmental transmissions now appearing on channel 15 thereby relieving the latter channel for two-way use. The frequency 160.9 MHz is not regularly assignable by the Commission. However, the frequencies 160.890 and 160.905 MHz are regularly assigned in many states in the Railroad Radio Service noting that railroad rights-of-way may tend to parallel navigable inland waterways, and both of these channels would overlap a channel centered on 160.9 MHz. Additionally, the conversion from channel 15 to 160.9 MHz would be expensive and time-consuming, and an interim procedure would have to be developed with the attendant risk of loss of important environmental bulletins by potential users. For these reasons, we have not adopted the NPMRC suggestion.

17. The API sought the replacement of the proposal that on-board communication stations not use a carrier power in excess of 2 watts by the constraint that effective radiated power of such a station not exceed 2 watts. This would accommodate, according to API, the use of so-called "lossy" antenna systems such as distributed coaxial cable as regards the below-deck operations of on-board stations. Taking note of these comments together with our action recently in Docket No. 19665, we are amending the Appendix 19A proposals such that the transmitter power of the on-board stations shall not exceed 4 watts carrier and 2 watts ERP.

18. The Final Acts of the World Administrative Telegraph and Telephone Conference (WATTC), Geneva, 1973, reflect action taken by that duly authorized body which impinge on the accuracy of current provisions of Article 40 and Appendix 22 of the Radio Regulations. As has been the custom in the past, actions must be taken to conform pertinent provisions of the two international agreements. The proposals that we have adopted as regards Article 40 recognize that the accounting procedure formally fixed by the provisions of the Telegraph Regulations is now the subject of Recommendations of the C.C.I.T.T. The proposed revision of Article 40 is editorial, but recognizes the recommendatory nature of the C.C.I.T.T. provisions. Appendix 22, concerning the payment of balance of accounts, also requires modification to align it with the provisions of Appendix 1 to the Final Acts of the World Administrative Telegraph and Telephone Conference. Our proposals for Appendix 22 is designed to bring about that alignment.

19. The Ship Navigation Service evoked considerable comments, mostly constructive. It would appear that the proposal for this Service may not have been fully understood by those offering comments. Nevertheless, with the general comment being that too many channels would be designated for a safety service with possibly attendant adverse effects on the access to these channels by non-safety services, the Ship Navigation Service is being restyled. As was the case in our Preliminary Views, no change is proposed regarding No. 37, the definition of the present Port Operations Service, and the major column heading in Appendix 18 as regards single frequency and two frequency operation will be "Port Operations". Concerning the notes

referring to the table therein, we do not now propose to change footnote b) in comparison to the existing footnote. Footnote k) is proposed to be added against channels 11 through 14 and is proposed to be worded as follows:

The Ship Navigation Service (see ADD No. 37A) will use channels 11 through 14. Administrations may designate additional such channels for this purpose. Frequencies of this service not designated for this use in a particular area may be used by the port operations service.

ADD No. 37A is proposed to read as shown below:

Ship Navigation Service: A martime mobile safety service between coast stations and ship stations or between ship stations for advising or controlling the movement of vessels. Messages which are of a public correspondence nature shall be excluded.

In all other respect, except other consequential editorial amendments, the Draft Proposals as regards the Ship Navigation Service will be incorporated into the U.S. Proposals. We believe that the foregoing responds appropriately to the comments received in light of the existing situation.

20. As stated earlier in this Docket, this is not a rulemaking proceeding. Its purpose has been to serve as a means for eliciting public comment in the development of the United States Proposals which will be subject to change up to and during the WARC to be convened next year. The United States Proposals are herewith adopted and are attached hereto.[1]

Adopted: September 26, 1973.

Released: October 23, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-23169 Filed 10-30-73;8:45 am]

[Docket No. 19836; File No. BLCT-2237]

PANHANDLE BROADCASTING CO., INC.

Memorandum Opinion and Order; Correction

In re application of Panhandle Broadcasting Company, Inc. (WDTB-TV), Panama City, Florida, application for license.

The Memorandum Opinion and Order, FCC 73-1025, in the above-entitled matter, released October 12, 1973 (38 FR 28696, 10-18-73), is corrected in footnote 4, referenced at "FEDERAL COMMUNICATIONS COMMISSION", above the signature, to read "Commissioner Robert E. Lee absent; Commissioner Johnson dissenting and issuing a statement; Commissioners H. Rex Lee, and Hooks concurring in the result."

Released: October 12, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]
VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-23170 Filed 10-30-73;8:45 am]

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[1] Filed as part of the original document.
[2] Commissioners Burch, Chairman; Johnson, Reid and Wiley concurring in the result; Commissioner Robert E. Lee absent.

FEDERAL MARITIME COMMISSION

COASTAL BARGE LINES, INC., AND PACIFIC WESTERN LINES

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 12, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Leonard H. Gross
Coastal Barge Lines, Inc.
840 West Nickerson 2
Seattle, Washington 98119

Agreement No. DC-62, between Coastal Barge Lines, Inc. and Alaska Aggregate Corporation (d/b/a Pacific Western Lines) provides that the carriers may forward each other's cargo on each other's vessels to minimize the operational costs of each and insure, for the benefit of the general public, a continuous scheduled service to and from ports in the States of Washington and Alaska that would be otherwise restricted due to seasonal variation and navigational conditions. Each party will individually solicit cargoes for its own separate account, and issue its own bill of lading for cargo shipped on the other party's vessel, who will in turn issue its bill of lading to the shipping party. Where the parties have issued or become participants in a joint tariff, the cargoes will be rated and shipped in accordance with the terms and conditions of such tariff. At ports served by the parties under their individual tariffs, each party will issue the bill of lading pursuant to the applicable tariff. During the summer navigation season, the shipping party will be allowed a reasonable percentage fee of the net difference in cargoes shipped to cover administration and collection costs. During the winter navigation season, the parties will work jointly, pooling available revenue and sharing applicable vessel and other direct voyage expenses to cover mutual obligations to third parties, including an allowance for owned equipment utilized. Revenue in excess of direct voyage expenses will be apportioned between the parties.

Dated: October 26, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-23205 Filed 10-30-73;8:45 am]

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[1] See attached Statement of Commissioner Johnson, filed as part of the original document.

FEDERAL MEDIATION AND CONCILIATION SERVICE

FMCS ARBITRATION SERVICES ADVISORY COMMITTEE

Notice of Establishment and Certification

Pursuant to section 9(a)(2) of the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776), the Federal Mediation and Conciliation Service announces the certification of the establishment of the following Public Advisory Committee:

Designation. FMCS Arbitration Services Advisory Committee

Purpose. The Committee will (1) advice the Director of FMCS on the means and methods of providing better arbitration services; (2) review and evaluate the existing criteria for determining selection of applicants to the FMCS Roster of Arbitrators; (3) advise on the promulgation of new criteria to be utilized in selecting applicants; (4) advise on means to achieve a more efficient and effective utilization of the existing Roster of Arbitrators; (5) advise the Director of Arbitration Services on ways to utilize training programs and other technical assistance to aid in improving arbitration services.

The Director of the Federal Mediation and Conciliation Service, with the approval of the Office of Management and Budget, has made a written determination that creation of this advisory committee is in the public interest. The committee will be established effective 30

days after publication of the notice of the filing of the charter in the FEDERAL REGISTER.

L. LAWRENCE SCHULTZ,
Director of Arbitration Services.

OCTOBER 23, 1973.

[FR Doc.73-23141 Filed 10-30-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. G-12273, etc.]

AUTHORIZATION TO SELL NATURAL GAS

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

OCTOBER 18, 1973.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before November 15, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

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 all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where 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 Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-12273 ..... C 10-5-73	Amoco Production Co., Security Life Bldg., Denver, Colo. 80202.	El Paso Natural Gas Co., Ballard Pictured Cliffs Field, Sandoval County, N. Mex.	[2] 28.0	15.025
CI69-1177 ..... (CI69-1240) CF 10-9-73 [3]	Mobil Oil Corp. (successor to Skelly Oil Co.), 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	Texas Eastern Transmission Corp., Main Pass Block 6 Field, offshore, Louisiana.	26.0	15.025
CI70-687 ..... E 10-1-73	Petro-Lewis Funds, Inc. (successor to Atlantic Richfield Co.), 1600 Broadway, Denver, Colo. 80202.	Southern Natural Gas Co., Breton Sound Block 32 Field, Plaquemines Parish, La.	[2] 26.875	15.025
CI74-208 ..... A 10-4-73	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Bay Lizette Area, La Fourche Parish, La.	[2] 45.0	15.025
CI74-210 ..... (G-10081) B 10-5-73	Ashland Oil, Inc., P.O. Box 1503, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Southwest Hutchins Field, Wharton County, Tex.	Depleted	.....
CI74-211 ..... (G-18189) B 10-5-73	do	Texas Eastern Transmission Corp., Mud Flats Field, Aransas County, Tex.	Depleted	..... [3]
CI74-212 ..... A 10-9-73	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Columbia Gas Transmission Corp., Lake Sand Field, St. Mary and Iberia Parishes, La.	[4] [5] 50.0	15.025
CI74-213 ..... A 10-9-73	Mobil Oil Corp.	Northern Natural Gas Co., Gomez (Ellenburger) Field, Pecos County, Tex.	[2] 35.0	14.65
CI74-214 ..... (C872-694) F 10-2-73	CRA, Inc. (successor to Darenco, Inc.), P.O. Box 7305, Kansas City, Mo. 64116.	Montana-Dakota Utilities Co., Joe Creek Gas Processing Plant, Campbell County, Wyo.	22.75	15.025
CI74-215 ..... (G-19379) B 10-2-73	Krennerman Oil & Gas Co., R.D. No. 7, Eberhart Rd., Butler, Pa. 16001.	Gas Transport, Inc., Ravenswood District and Grant District, Jackson County, W. Va.	Uneconomical	..... [3]
CI74-216 ..... (CI72-421) B 10-1-73	Perry R. Bass (Operator) et al., 1200 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.	Michigan Wisconsin Pipe Line Co., Deep Bayou Field, Cameron Parish, La.	Depleted	..... [3]
CI74-217 ..... (G-14094) F 10-4-73	Autry C. Stephens (Operator) et al., (successor to Shell Oil Co.), 4633 Princeton Ave., Midland, Tex. 79701.	El Paso Natural Gas Co., Jalmat Field, Lea County, N. Mex.	23.0	14.65
CI74-218 ..... (G-4321) B 10-10-73	H. L. Hunt, 1401 Elm St., Dallas, Tex., 75202.	Texas Eastern Transmission Corp., Whelan and North Lansing Field, Harrison County, Tex.	Uneconomical	..... [3]

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

[1] Applicant is willing to accept a certificate at an initial rate of 24 cents per Mcf, subject to upward and downward B.t.u. adjustment; however, the contract price is 28 cents per Mcf.
[2] Amendment to a pending application.
[3] Subject to upward and downward B.t.u. adjustment.
[4] Subject to downward B.t.u. adjustment.
[5] Applicant is willing to accept a certificate conditioned in accordance with Commission Opinion No. 598.

[FR Doc.73-23050 Filed 10-30-73;8:45 am]

[Docket No. RP72-6]

EL PASO NATURAL GAS CO.

Notice of Motion for Waiver of Tariff Provision

OCTOBER 23, 1973.

Take notice that on October 3, 1973, El Paso Natural Gas Company (El Paso) filed a motion requesting an order directing El Paso to waive the provisions of § 11.1(j)(ii) of the general terms and conditions contained in its FPC Gas Tariff, Original Volume No. 1, thereby permitting Del Norte Natural Gas Company (Del Norte) to continue to purchase and receive natural gas for resale to its Priority 3 customers for the remainder of the period during which the operation of El Paso's Southern Division is governed by the interim emergency curtailment plan established by the Commission's Opinion Nos. 634 and 634-A.

In support of its motion El Paso states that the curtailment rules currently in effect on its Southern Division System include "annual limitations" providing that a customer which receives its entire gas supply from El Paso shall not be entitled to purchase and receive during the effectiveness of the interim curtailment plan a quantity of gas in excess of the quantity it actually received from El Paso during the same period.

By order issued on December 29, 1965, in Docket No. CP66-105 (34 FPC 1588) the Commission authorized El Paso to sell and deliver natural gas to Del Norte for export and sale to Juarez Gas Company S. A. (Juarez) and Gas Natural de Juarez S. A. (Gas Natural) for resale and distribution in Cuidad Juarez, Chihuahua, Mexico. El Paso states that the natural gas sold by Del Norte to Juarez is sold to Priority 1 consumers and that the natural gas sold by Del Norte to Gas Natural is resold to Priority 1 consumers and one Priority 3 consumer, Comision Federal de Electricidad. El Paso states that Del Norte's right to request and receive natural gas deliveries during the interim period is limited to 2,865,486 Mcf, which represents its actual usage during the year ended June 30, 1972, plus curtailments.

El Paso further states that Del Norte has informed it that the above-mentioned volumetric limitation is not representative of Del Norte's true requirements because a major customer was not

receiving gas service for seven of the twelve month period upon which the annual limitation was based. El Paso states that based on a comparison of Del Norte's estimated daily requirements and its annual limitation, Del Norte may exceed its allotted 2,865,486 Mcf during the first half of October 1973.

El Paso states that the Priority 1 requirements of Del Norte will continue to be met pursuant to the provisio to section 11.1(j)(iii) of the general terms and conditions of El Paso's tariff which nullifies the daily and annual limitations to the extent necessary to protect Priority 1 and Priority 2 requirements.

El Paso further states that unless it is directed to waive Del Norte's annual limitation, gas for resale to Commission Federal de Electricidad may not be delivered once Del Norte reaches its annual limitation. El Paso states that the electricity generated by Comision Federal de Electricidad largely, if not entirely, goes to serve the "domestic" power needs of the citizens of Cuidad Juarez.

Any person, not already party to this proceeding, desiring to be heard or to protest said filing should file a petition to intervene 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 November 1, 1973. Additionally, persons who have heretofore been granted status as intervenors in Docket No. RP72-6, should file their comments, if any, on or before October 25, 1973. 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 are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23122 Filed 10-30-73;8:45 am]

[Project No. 1196]

ESTES BROTHERS, INC.

Issuance of Annual License

OCTOBER 24, 1973.

The Licensees for minor Project No. 1196, located on an unnamed creek, which is a tributary of Upper Trail Lake, in Seward Recording District, Third Judicial Division, Alaska and affecting lands of the United States are Robert R. Estes and Edward R. Estes, operating the project as Estes Brothers, Inc.

The license for Project No. 1196 was issued effective October 13, 1962, for a period ending October 12, 1972. In order to authorize the continued operation of the project pursuant to section 15 of the Federal Power Act, it is appropriate and in the public interest to issue an annual license to Estes Brothers, Inc. for the continued operation and maintenance of Project No. 1196.

Take notice that an annual license is issued to Estes Brothers, Inc. for the period October 13, 1973, to October 12, 1974, or until the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Project No. 1196, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23128 Filed 10-30-73;8:45 am]

[Docket No. CP73-224]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Petition To Amend

OCTOBER 23, 1973.

Take notice that on October 11, 1973, Kansas-Nebraska Natural Gas Company, Inc. (Petitioner), P.O. Box 608, Hastings, Nebraska 68901, filed in Docket No. CP73-224 a petition to amend the order issued in said docket on August 28, 1973 (50 FPC ——) pursuant to section 7(c) of the Natural Gas Act by authorizing Petitioner to provide a Winter Period Service (WPS) of up to a total of 5,484 Mcf per day of natural gas for six of its customers,[1] all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued in the instant docket Petitioner is authorized beginning the 1973-74 heating season to provide WPS to certain jurisdictional customers during the period of November 1 through the following March 31 each winter. The authorization is conditioned upon Petitioner's filing for appropriate certificate authorization for the sale of the increased quantities of natural gas resulting from the new WPS and upon Petitioner's showing of the allocations and specific uses of said gas.

In compliance with the conditions of its certificate Petitioner herein requests authorization for the sale of 5,484 Mcf per day of WPS. Petitioner states that it has required and received assurances from customers utilizing its WPS that the increased volumes so received will be used on peak days to meet only the requirements of customers designated within category numbers 1 and 2 of § 2.78(a) of the Commission's general policy and interpretations.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23126 Filed 10-30-73;8:45 am]

[1] See the following table:

Customer	Winter period demand (Mcf)
Northwestern Public Service Co.	1,000
Central Telephone & Utilities Corp.	2,476
The Nebraska Natural Gas Co.	308
City of Hastings	500
City of Alma	50
Iowa Electric Light & Power Co.	1,150

[Docket No. E-8172]

KENTUCKY UTILITIES CO.

Order Granting Application for Rehearing and Instituting a Section 206 Investigation

OCTOBER 18, 1973.

On August 22, 1973, this Commission issued an order in Docket No. E-8172 which denied-in-part and granted-in-part Kentucky Utilities (KU) motion for rehearing filed July 23, 1973. Specifically, the Commision ordered that KU's filing as to deliveries in excess of the maximum contractual commitment under the fixed rate contracts were to be treated as an initial filing and should be accepted effective August 1, 1973, and an investigation under section 206 of the Federal Power Act be instituted to determine the justness and reasonableness of the rates. With respect to the fixed rate contracts, the Commission ordered a Section 206 investigation to determine whether KU's rates were so low as to not be in the public interest.

On September 18, 1973, an application for rehearing of our August 22, 1973, order was filed by eleven municipal wholesale customers (Petitioners)[1]. In its petition, Petitioners allege that since the inception of the contracts under review, KU has been delivering to Petitioners a total kilowatt demand considerably in excess of the contractual commitment stated in the contracts. Petitioners contend that such past practice and language of the contracts requires that, as to these excess amounts, the proposed rates should not be treated as initial rates but rather as rate changes.

After review of the contracts and the language contained therein, we agree with Petitioners' position. Whether or not KU has in fact been supplying amounts of electric energy in excess of the maximum contract demand in the Company's contracts does not in any way alter the

[1] The Cities of Barbourville, Bardstown, Bardwell, Benham Corbin, Falmouth, Frankfort, Madisonville, Nicholasville, and Providence and Berea College serving the City of Berea at retail.

fact that only the Company's contracts, as filed with the Commission, along with any properly filed and accepted amendments, can be regarded as embodying the presently effective contractual rates, terms and conditions.

Each contract in question contains the following clause:

> The Customer may from time to time cause to be increased the amount of energy to be delivered stating the amount of additional energy desired, such request to be made at least 90 days prior to the time such additional energy is required by the Customer.

This language clearly shows that the Company has agreed to furnish to its customers, upon reasonable notice, their total electric service requirement without having to amend the contracts. Therefore, the amounts we consider to be in excess of the contract demand (and therefore outside the parameters of the fixed rate contract) were in fact covered by the provisions of the contract. Such a construction is compelled by the above-quoted language which clearly contemplates increases in contract demand.

Accordingly, we shall grant the Petitioners' application for rehearing of our order of August 22, 1973, and reject the rates proposed by KU in this docket as such rates would apply to the Petitioners. We shall set for investigation, under section 206 of the Federal Power Act, the rates currently being charged under these contracts in order to determine whether the rates contained therein are in the public interest.

In our order of August 22, 1973, this Commission treated the rates, as applicable to the amounts of deliveries above in each contract, as initial rates and made these rates effective August 1, 1973. Since the proposed increased rates are contractually barred under *Mobile-Sierra*,[1] KU shall be required to refund all excess amounts collected since August 1, 1973.

The Commission finds: (1) Good cause exists to grant petitioners' application for rehearing.

(2) KU's proposed increased rates with respect to the contracts of the eleven municipal wholesale should be rejected under the *Mobile-Sierra* doctrine.

(3) An investigation under section 206 of the Federal Power Act should be instituted to determine whether KU's rates with respect to Petitioners' total electric service requirements are in the public interest.

(4) Refunds should be ordered with respect to amounts collected in excess of the rates chargeable under the contracts since August 1, 1973.

The Commission orders: (A) Petitioners' application for rehearing of September 18, 1973, is hereby granted.

(B) KU's proposed rates are hereby rejected under the *Mobile-Sierra* doctrine.

(C) An investigation under section 206 of the Federal Power Act is hereby instituted, in accordance with the procedural dates set forth in our order of July 29, 1973, to determine whether KU's rates with respect to Petitioner's total service requirements are in the public interest.

(D) KU shall make refunds of all amounts collected in excess of the rates chargeable under these contracts since August 1, 1973.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-23112 Filed 10-30-73;8:45 am]

[1] *United Gas Pipeline Co. v. Mobile Gas Service Corp.*, 350 U.S. 322 (1956). *F.P.C. v. Sierra Pacific Power Co.*, 350 U.S. 348 (1956).

[Docket No. RI74-51]

MARATHON OIL CO.

Hearing on and Suspension of Proposed Change in Rate, and Rate Change To Become Effective Subject to Refund

OCTOBER 19, 1973.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

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 earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
	Marathon Oil Co.	44	[2] 10	El Paso Natural Gas Co. (Aneth Area, San Juan County, Utah and Montezuma County, Colo., Rocky Mountain Area).	.....	9-20-73	[3] 11-19-73	Accepted [4]	.....	.....	.....
	....do		11	....do	$913	9-20-73	.....	(5)	[6] 22.0	[6] 24.4807	
	....do			....do	913	9-20-73	.....	.....	[6] 22.022	[6] 24.4807	

*Unless otherwise stated, the pressure base is 15.025 p.s.i.a.
[1] Colorado sales.
[2] Utah sales.
[3] Contract amendment dated Sept. 4, 1973.
[4] Rate for all gas—subject to B.t.u. adjustment above and below 1,000 B.t.u.
[5] Accepted as of Nov. 19, 1973, insofar as proposed rate does not exceed the Opinion No. 658 ceiling rate, and suspended until Apr. 19, 1974, insofar as proposed rate exceeds the Opinion No. 658 ceiling rate.
[6] Not used.
[7] Contractual effective date.
[8] Not used.
[9] Accepted to be effective on the date shown in the "Effective Date" column.

APPENDIX A

The proposed increased rate of 24.4807¢ is subject to contractual upward and downward Btu adjustment from a base of 1,000 Btu. Under Opinion No. 658 the applicable area base rate is 24.4807¢ @ 15.025 p.s.i.a. but this rate is subject to Btu adjustment below 1,000 Btu and above 1,050 Btu. Consequently, any upward contractual Btu adjustment would result in a total rate in excess of the Opinion No. 658 ceiling and, therefore, that portion of the rate in excess of the ceiling is suspended for five months and that portion of the rate at or below the ceiling is accepted.

[FR Doc.73-23052 Filed 10-30-73;8:45 am]

[Docket No. CI74-173]

O. G. McCLAIN

Notice of Amendment to Application Requesting Special Relief

OCTOBER 23, 1973.

Take notice that on October 1, 1973, O. G. McClain (Applicant), P.O. Box 1336, Corpus Christi, Texas 78403, filed in Docket No. CI74-173 an amendment to its application filed in said docket pursuant to section 7(b) of the Natural Gas Act by requesting authorization to continue the sale of natural gas to Natural Gas Pipeline Company of America (Natural) from the Amargosa Field, Jim Wells County, Texas, at a new price pursuant to section 7(c) of the Natural Gas Act and § 2.76 of the Commission's general policy and interpretations (18 CFR 2.76)[1], all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant, holder of a small producer certificate in Docket No. CS71-279, is currently selling natural gas to Natural from the Amargosa Field at 16.72028 cents per Mcf at 14.65 psia pursuant to an expired gas purchase contract. On September 10, 1973, Applicant filed for authorization to abandon this sale to Natural. In the instant amendment, Applicant asserts that the present rate of 16.72028 cents per Mcf is grossly inadequate for this sale and that he would prefer to abandon the sale. Applicant states that he would be willing to continue the sale at a price consistent with costs and a fair return on investment in order to maximize the recovery of gas. Applicant believes that there are less than approximately 6,572,000 Mcf of gas remaining under the subject acreage of which approximately 5,040,000 Mcf may be recoverable over a period of eight years. In order to recover this gas Applicant plans to install additional compressors near the subject wells to gather and deliver the gas to a central treating and compression plant.

Applicant proposes to continue the sale of gas at a price of 75.323 cents per Mcf, representing a 36.948-cent per Mcf cost for production and a 38.375-cent per Mcf return on investment. Applicant's 36.948-cent per Mcf production cost takes into account operating and equipment costs, production, severance and production taxes, royalty payments, and a "present worth factor." Applicant's 38.375-cent per Mcf return on investment is derived from a 12 percent yield on investment compounded annually, based upon an investment value of $550,000.

Any person desiring to be heard or to make any protest with reference to said amendment to application should on or before November 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23125 Filed 10-30-73;8:45 am]

[1] Commission Order No. 481, Docket No. R-458, *Policy With Respect to Sales Where Reduced Pressures, Need for Reconditioning; Deeper Drilling or Other Factors Make Further Production Uneconomical at Existing Prices*, issued April 12, 1973 (49 FPC ——).

[Docket No. E-8439]

METROPOLITAN EDISON CO.

Notice of Proposed Tariff Change

OCTOBER 24, 1973.

Take notice that Metropolitan Edison Company (Met-Ed), on October 10, 1973, tendered for filing a proposed FPC Electric Tariff, Original Volume No. 1. Met-Ed states that the Proposed tariff would increase revenues from jurisdictional sales and service by $1,620,734 (45.8 percent) based on the 12 month period ending December 1972.

According to Met-Ed, the proposed tariff provides for a new rate for transmission voltage service, Rate "RT", to replace the currently effective Rate "RP", and for a new rate for primary voltage service, Rate "RP", to replace the currently effective Rate "RM". Met-Ed states that the affected customers and the rate schedules under which they are now served are Hershey Electric Company (FPC No. 27) and the boroughs of Goldsboro (FPC No. 34), Kutztown (FPC No. 35), Lewisberry (FPC No. 37), and Royalton (FPC No. 38). Met-Ed further states that in addition to increased rates, the proposed tariff provides for a reduction in demand and energy blocks from the present rates and a new fuel adjustment clause.

Met-Ed contends that the proposed rates would yield returns of 7.75 percent on service to Hershey Electric Company and 7.24 percent on service to the affected boroughs, substantially less than the 9.62 percent Met-Ed believes to be its fair return on a 1972 basis. Met-Ed requests that the proposed rates become effective on December 10, 1973, sixty (60) days from the filing date.

Met-Ed states that copies of the filing were served upon the public utility's jurisdictional customers that would be affected and the Pennsylvania Public Utilities Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 9, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23129 Filed 10-30-73;8:45 am]

[Project No. 469]

MINNESOTA POWER & LIGHT CO.

Notice of Issuance of Annual License

OCTOBER 23, 1973.

On October 9, 1970, Minnesota Power & Light Company, Licensee for Winton Hydro-Electric Project No. 469, located on the Kawishiwi River in Lake and St. Louis Counties, near the Village of Winton, Minnesota, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6).

The license for Winton Hydro-Electric Project No. 469 was issued effective September 5, 1924, for a period ending October 26, 1973. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Minnesota Power & Light Company for continued operation and maintenance of Project No. 469.

Take notice that an annual license is issued to Minnesota Power & Light Company (Licensee) under section 15 of the Federal Power Act for the period October 27, 1973, to October 26, 1974, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Winton Hydro-Electric Project No. 469 subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23117 Filed 10-30-73;8:45 am]

[Docket No. RP73-6]

MISSISSIPPI RIVER TRANSMISSION CORP.

Order Accepting for Filing and Suspending Tendered Tariff Sheets, Permitting Interventions, Providing for Hearing and Establishing Procedures

OCTOBER 1, 1973.

On June 14, 1973, Mississippi River Transmission Corporation (MRT) submitted for filing revised tariff sheets[1] to its presently effective FPC Gas Tariff, First Revised Volume No. 1, constituting its permanent curtailment plan. The tariff sheets were filed pursuant to the terms of the stipulation and agreement, providing for an interim curtailment plan, approved by the Commission December 20, 1972. MRT requests that the tendered sheets be permitted to be made effective without suspension on November 1, 1973, the day following the expiration of the interim curtailment plan.

In addition to the tariff sheets, MRT submitted a Statement of Reasons, which contained an explanation of the nature and reasons for the filing, and included certain end-use data with respect to MRT's customers.

In support of its tender, MRT states that the revised sheets are filed pursuant to the terms of the stipulation and agreement approved by the Commission's order. However, our order pertain sion's order. However, our order pertained to a proposed interim plan and not to a permanent plan for curtailment as is here requested. Further, subsequent to our order approving MRT's interim plan, we issued our Policy Statement in Docket No. R-469 setting forth delivery priorities applicable for interstate pipeline companies during periods of curtailment. Inasmuch as the curtailment plan submitted by MRT neither coincides with the priorities contained in Order 467-B nor provides for end-use curtailments, the tariff sheets will be accepted for filing, but suspended for five months—the maximum period permitted by the Natural Gas Act. In suspending these tariff sheets, we are cognizant that, from November 1, 1973, to April 1, 1974, (the date the suspension period ends) MRT will not have any tariff provisions effective that were adopted specifically for deliveries during periods of short supply. Accordingly, during that period, MRT will be rendering service to its customers without benefit of any specifically designated curtailment plan. MRT may tender revised substitute tariff sheets, if it chooses, to avoid this result.

Timely petitions to intervene have been received from Union Electric Company, GAF Corporation, Industrial Gas Users Conference,[2] General Motors Corporation, and Georgia-Pacific Corporation. Only GAF Corporation and General Motors specifically request a hearing. An untimely petition to intervene was filed by U.S. Reduction Company.

In addition to the petitions to intervene, statements in support of the permanent curtailment plan were filed by Laclede Gas Company and Illinois Power Company.

GAF's petition to intervene requests that the Commission either reject the curtailment plan filed by MRT or suspend the plan for the full five months and establish an arrangement for the diversion of gas from firm industrial customers with installed alternate fuel capability to interruptible customers taking less than 3,000 Mcf per day or whose alternate fuel capacity is either LPG or No. 2 fuel oil.

In response to GAF's petition, MRT asserts that rejection of the permanent plan would subvert and contravene the provisions of the agreement approved by the Commission. Further, it is stated that suspension of the new tariff sheets beyond November 1, 1973, would generate uncertainty as to which curtailment plan was operable beyond that date. Finally, MRT asserts that GAF's petition is more a claim of entitlement to special or extraordinary relief rather than a legitimate complaint.

GAF's petition to intervene will be treated as such, and not, as MRT suggests, as a petition for extraordinary relief.

The Commission finds: (1) Although the petition of U.S. Reduction Company was not timely filed, good cause exists for permitting such intervention.

(2) It may be in the public interest to allow the above-named petitioners to intervene in this proceeding, in addition to those petitions previously granted by our orders.

(3) First Revised Sheets Nos. 23 and 23A through 23H to MRT's FPC Gas Tariff, First Revised Volume No. 1 have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful under the Natural Gas Act.

(4) Good cause exists to accept for filing the tendered tariff sheets referred to in finding paragraph (3) above, that those sheets be suspended and the use thereof deferred, and that a public hearing be initiated in accordance with the procedures set forth below, all as hereinafter ordered.

The Commission orders: (A) First Revised Sheets Nos. 23 and 23A through 23H to MRT's FPC Gas Tariff, First Revised Volume No. 1 are hereby accepted for filing.

(B) The above-named petitioners are hereby permitted to intervene subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in said petitions for leave to intervene; and, *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 4, 5, and 15 thereof, and pursuant to the Commission's rules of practice and procedure and the regulations under the Natural Gas Act, a public hearing shall be convened at the offices of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 at 10 a.m. (e.s.t.) on December 11, 1973, concerning the lawfulness of the tendered tariff sheets designated in ordering paragraph (A) above.

(D) Pending such hearing and decision thereon, the tendered tariff sheets designated in ordering paragraph (A) above are hereby suspended and the use thereof deferred until April 1, 1974, and until such further time as they are made effective pursuant to the Natural Gas Act.

(E) Pursuant to the provisions of Section 1.18 of our Rules of Practice and Procedure, a prehearing conference shall be convened by the Administrative Law Judge at the Offices of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 at 10 a.m. (e.d.t.) on October 4, 1973, between all parties to this proceeding and Commission staff to discuss means to obtain data for evidentiary presentations and for expediting the decision in this proceeding.

(F) On or before October 26, 1973, MRT shall serve its case-in-chief on all be convened by the Administrative Law parties to this proceeding, including Commission staff. Answering evidence shall be served by all parties on or before November 26, 1973.

(G) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—see Delegation of Authority 18 CFR, 3.5(d)—shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

(H) Pursuant to § 2.62(c) of the Commission's rules of practice and procedure, MRT shall serve copies of its filings upon all intervenors promptly, unless such service has already been effected pursuant to Part 157 of the Commission's regulations under the Natural Gas Act.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-23113 Filed 10-30-73;8:45 am]

[Project No. 2709]

MONONGAHELA POWER COMPANY, ET AL.

Order Ruling on Motion for Extension of Time

OCTOBER 16, 1973.

In the matter of Monongahela Power Co., Potomac Edison Co., and West Penn Power Company.

[1] The tariff sheets are designated as follows: First Revised Sheet Nos. 23, 23A through 23H.

[2] Laclede Steel Company, a member of the Industrial Gas Users Conference, filed separately a letter in support of MRT's permanent curtailment plan.

By motion filed September 28, 1973, Environmental Defense Fund (Petitioner) has requested an extension of time in which to submit comments to Staff's draft environmental impact statement.

In recitation of its request, Petitioner raised the timing of the draft statement's release, coupled with the complexity of the matters involved, have made it impossible to file comments within the time allowed. Petitioners feel that an extension to October 31, 1973 is necessary for it to prepare meaningful comments on the proposed project.

Applicants reply filed October 1, 1973 opposes the requested extension on the grounds that it was not timely filed and it provided no reasonable grounds for its late filing as required by § 1.13(d) of the Commission's rules.

Staff's reply filed October 4, 1973 posed no objection to the motion being granted. Its only concern regarding this motion was that it would necessitate postponing all subsequent dates in this proceeding.

We are aware of the length of time this proceeding has been pending and we are also aware of the legal significance of the final statement. Staff has the duty of reviewing all comments made to the draft statement in order to make the necessary revisions before it can develop a final environmental statement.

The importance of assuring a complete final statement cannot be easily disregarded. The final statement not only has to satisfy the National Environmental Policy Act of 1969, it also has to satisfy the evidentiary role it plays. Section 2.81 (b) of our rules requires that the final statement is to be placed in evidence in a contested proceeding.

Reluctant as we are to waive Petitioner's non-compliance with § 1.13(d) of our rules, the necessity of assuring a full and complete final statement requires the Petitioner's motion be granted. In granting Petitioner's request for additional time we are also extending all subsequent dates in the schedule including the date set for hearing in this proceeding.[1]

The Commission finds: For reasons set forth above, Petitioner's motion for an extension of time should be granted.

The Commission orders: (A) The dates set forth in Ordering paragraph (D) of our Order of March 9, 1973, amended June 14, 1973, are changed insofar as necessary to grant Petitioner's Motion and to extend all subsequent dates as follows:

(1) All comments to the Staff's draft environmental statement shall be filed with the Secretary by October 31, 1973.

(2) On January 8, 1973, the Commission Staff and Intervenors, respectively, shall file, with the Secretary, an original and 10 copies of all direct testimony and exhibits, including qualifications of witnesses with copies served on all parties

(3) On January 8, 1973, the Commission Staff shall also file an original and 10 copies of the Commission Staff's final environmental impact statement. Copies of the final environmental impact statement shall be served on all participants.

(4) In order that the parties may have a sufficient period of time in which to prepare cross-examination on the Staff's final environmental impact statement, the hearing in this proceeding shall commence, on February 12, 1974, at least 30 days after the Commission Staff files its final environmental impact statement with the Secretary.

(B) The Commission will reserve ruling on any further motions for extension of time to file comments to the draft environmental statement, unless they request an extension beyond October 31, 1973.

By the Commission.

(SEAL) KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-23114 Filed 10-30-73;8:45 am]

NATURAL GAS PIPELINE CO. OF AMERICA

Filing of Revised Tariff Sheets

OCTOBER 23, 1973.

Take notice that on September 28, 1973, Natural Gas Pipeline Company of America (Natural) filed revised tariff sheets to reflect the 1974 Service Year gas available for sale.

Natural states that it has determined the levels of gas available for sale to each of its jurisdictional buyers in accordance with paragraph 22 of the General Terms and Conditions of its FPC Gas Tariff. This sales level is based upon a recent review of gas supply and available pipeline delivery capacity for the 1974 Service Year which covers the period beginning April 1974 through March 1975.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 9, 1973. 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 proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-23118 Filed 10-30-73;8:45 am]

[Docket No. E-8404]

NEW YORK STATE ELECTRIC & GAS CORP.

Cancellation or Rate Schedule

OCTOBER 24, 1973.

Take notice that New York State Electric & Gas Corporation (NYSE & G) on September 17, 1973, tendered for filing a notice of cancellation of its FPC Electric Rate Schedule No. 56 to become effective as of July 31, 1973.

NYSE & G states that the subject rate schedule is an agreement dated June 19, 1973, providing for the sale by NYSE & G of 32,000 KW of generating capability and related energy to Central Hudson Gas & Electric Corporation. The Schedule which became effective July 1, 1973 and expired on July 31, 1973, in accordance with its term provision, was approved on September 6, 1973.

A copy of the notice of cancellation was served upon Central Hudson Gas Electric Corporation.

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 and 1.10). All such petitions or protests should be filed on or before November 5, 1973. 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 unless such petition has been filed previously in this proceeding. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-23130 Filed 10-30-73;8:45 am]

[1] The relevant sections of the schedule prescribed by our Order of March 9, 1973, amended June 14, 1973 were:

2. At the time that the Commission Staff's draft environmental impact statement is filed with the Secretary, public notice of the availability of the Commission Staff's statement shall be made available to the parties to this proceeding, the Council on Environmental Quality, the general public and other appropriate Federal, State and local agencies. All comments shall be filed with the Secretary by October 1, 1973.

3. On December 7, 1973, the Commission Staff and Intervenors, respectively, shall file, with the Secretary, an original and 10 copies of all direct testimony and exhibits, including qualifications of witnesses with copies served on all parties.

4. On December 7, 1973, the Commission Staff shall also file an original and 10 copies of the Commission Staff's final environmental impact statement. Copies of the final environmental impact statement shall be served on all participants.

5. In order that the parties may have a sufficient period of time in which to prepare cross-examination on the Staff's final environmental impact statement, the hearing in this proceeding shall commence on January 8, 1974, 30 days after the Commission Staff files its final environmental impact statement with the Secretary.

[Project No. 233]

PACIFIC GAS AND ELECTRIC CO.

Notice of Issuance of Annual License

OCTOBER 23, 1973.

On October 28, 1971, Pacific Gas and Electric Company, Licensee for Pit No. 3, 4 and 5 Project No. 233 located on Pit River in Shasta County, California filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6).

The license for Project No. 233 was issued effective October 23, 1923, for a period ending October 22, 1973. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Pacific Gas and Electric Company for continued operation and maintenance of Project No. 233.

Take notice that an annual license is issued to Pacific Gas and Electric Company (Licensee) under section 15 of the Federal Power Act for the period October 23, 1973, to October 22, 1974, or until Federal takeover, or the issuance of a new license, whichever comes first, for the continued operation and maintenance of the Pit No. 3, 4 and 5 Project No. 233 subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23115 Filed 10-30-73;8:45 am]

[Docket No.CI74-89]

PHILLIPS PETROLEUM CO.

Order Granting Intervention, Setting Hearing Date and Prescribing Procedure

OCTOBER 18, 1973.

On August 6, 1973, Phillips Petroleum Company (Phillips) filed in Docket No. CI74-89 an application requesting issuance of a limited-term certificate of public convenience and necessity with pregranted abandonment authority, pursuant to section 7(c) of the Natural Gas Act and the Commission's regulations thereunder, for the sale of gas to Panhandle Eastern Pipe Line Company (Panhandle) from the tailgate of Phillips' Cimarron Plant, Woodward County, Oklahoma, from production in Major County, Oklahoma (Hugoton-Anadarko Area).

Specifically, Phillips proposes to sell and deliver to Panhandle approximately 30,000 Mcf per month from the tailgate of Phillips' Cimarron Plant at a proposed rate of 50.0 cents per Mcf subject to upward and downward Btu ajustment from a base of 1000 Btu's.

Phillips commenced a 60-day emergency sale to Panhandle, pursuant to § 157.29 of the regulations, on August 1, 1973. This sale expired on September 30, 1973.

A petition to intervene in support of the application was filed by Panhandle on August 27, 1973.

The application in this proceeding represents a sizeable volume of gas potentially available to the interstate market. It is of critical importance that interstate pipelines procure emergency supplies of gas to avoid disruption of service to consumers, nevertheless, we must determine whether the rate to be paid serves the public convenience and necessity. It is therefore necessary that this application be set for public hearing and expeditious determination. The hearing will be held to allow presentation, cross-examination, and rebuttal of evidence by any participant. This evidence should be directed to the issue of whether the present or future public convenience and necessity requires issuance of a limited-term certificate on the terms proposed in that application.

We take further note, however, that the Commission in a number of recent orders has already held that an emergency exists on Panhandle's system. See *Anadarko Production Co.*, —— FPC ——, Docket No. CI73-937, issued September 17, 1973. We, therefore, conclude that there is an emergency on Panhandle's system which would warrant the issuance of a certificate if the price conforms to the public convenience and necessity.

The Commission finds: (1) The intervention of Panhandle in this proceeding may be in the public interest.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

The Commission orders: (A) Panhandle is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* that the participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further,* that the admission of said intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held on November 8, 1973, at 10 a.m. (e.s.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the issue of whether certificates of public convenience and necessity should be granted as requested by the Applicants.

(C) On or before November 1, 1973, Phillips and any supporting party shall file with the Commission and serve upon all parties, including Commission Staff, their testimony and exhibits in support of their positions.

(D) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—see delegation of authority, 18 CFR 3.5(d)—shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23110 Filed 10-30-73;8:45 am]

[Docket No. E-7645]

PUBLIC SERVICE CO. OF INDIANA

Order Approving Settlement and Instituting Investigation

OCTOBER 17, 1973.

On July 9, 1971, Public Service Company of Indiana (PSI) tendered for filing proposed changes in its wholesale rates which would increase charges by $3,338,277 and $1,058,054 annually to its cooperative and municipal customers, respectively, based on sales for the twelve months ended December 31, 1970. PSI submitted a revised FPC Electric Tariff to supersede the present tariff for wholesale service to municipal utilities, a new rate, REMC–1 to supersede the company's present rates REMC–X and REMC–O applicable to 15 wholesale cooperative customers, and a revised firm power service schedule to an interconnection agreement among PSI, Southern Indiana Gas and Electric Company (SIGECO), and Indiana Statewide Rural Electric Cooperative, Inc. (Statewide). PSI stated that the proposed rates would raise its rate of return from 5.24 percent to 7.75 percent for the municipal customers and from 2.29 percent to 7.73 percent for the cooperatives. PSI requested that the Commission suspend the proposed rate schedules for only one day. PSI also requested that the proposed rate schedule changes for wholesale service to its municipal and cooperative customers be made effective September 8, 1971. Finally, PSI requested that rate REMC–1 apply to sales to Hoosier Energy Division of Statewide under the aforementioned interconnection agreement, effective March 9, 1974. In this instance PSI requested waiver of the notice requirements of § 35.3 of the regulations under the Federal Power Act.

Notice of the filing was issued on July 29, 1971, with petitions to intervene and protests due on or before August 16, 1971. On August 16, 1971, 15 REMC's (Statewide),[1] and twenty Cities (IMEA)[2] filed protests and petitions to intervene. On August 18, 1971, Counties[3] also petitioned to intervene. Statewide and Counties asked that PSI's filing be rejected insofar as it pertained to them contending that their currently effective rate

[1] Included in this group were the Indiana Statewide Rural Electric Cooperative, Inc. and 12 rural and electric cooperatives.

[2] Included in this group were the Indiana Municipal Electric Association and twenty municipalities.

[3] Included in this group were the rural electric cooperatives of Henry, Jackson, and Parke Counties, Indiana.

agreements with PSI do not provide for unilateral rate change filings by the Company and therefore such filings are invalid under the doctrine of the *Mobile*[4] and *Sierra*[5] cases. IMEA requested rejection on grounds that PSI's contracts and agreements contain anticompetitive provisions and further contended that PSCI did not have the contractual authorization under its agreements with IMEA Cities to request an effective date prior to final Commission approval of the rate increase.

In our September 7, 1971, order, we deferred actions on the petitions to reject to allow sufficient time for answers. We also denied PSI's request for waiver on the interconnection agreement, denied PSI's request for a one-day suspension and suspended the proposed rates for 5 months, until February 8, 1972, and established service and hearing dates.

On February 25, 1972, we found that the intervenors' arguments for rejection of PSI's filing were not persuasive and we denied the motion to reject. On March 27, 1972, the intervenors filed applications for rehearing of our February 25, 1972, order which were denied in our order issued May 25, 1972, herein.

Hearings in this case were conducted from June 6 through June 20, 1972, and initial briefs were filed before Presiding Administrative Law Judge on October 10 and reply briefs on December 8, 1972.

On May 9, 1973, the proposed Settlement Agreement (Settlement) was filed with the Presiding Judge who certified it to the Commission on May 24, 1973. The Settlement was noticed on June 14, 1973, with comments due on or before July 6, 1973. On July 6, 1973, Staff filed comments and on July 12, 1973, PSI filed a letter of clarification concerning the proposed settlement.

Major provisions of the Settlement include:

1. PSI shall file rate schedules in the form found in Exhibit R attached to the Settlement to govern service to the intervenors.

2. PSI shall furnish a letter to the intervenors stating that PSI will not file any new or revised rate schedules which will become effective prior to May 15, 1974.

3. PSI shall refund to its customers the difference between the amounts collected by PSI under the rate schedules which became effective February 8, 1972, and the amount PSI would have collected under the rate schedules if the Settlement schedules had been in effect on February 8, 1972, plus interest at 7 percent.

4. PSI shall enter into new power supply contracts with its customers as are found in the Settlement. Such power supply contracts shall cover service to all of the delivery points established at the date the power supply contracts are executed.

5. The intervenors shall dismiss their petitions to the U.S. Court of Appeals, for the District of Columbia Circuit to review the Commission's order in the instant docket issued on February 25, 1972, and May 25, 1972.

6. The IMEA Cities reserve the right in future proceedings to modify the power supply contracts applicable to them to provide for a 24-month cancellation notice at a time.

Staff's comments point out a clause in paragraph 1 of Second Revised Sheet No. 13 of PSI's tariff entitled "Applicability." This clause provides that serivce under Rate Schedule MUN is available "To municipal electric distributing systems for their entire requirements of electric capacity and associated energy for distribution and retail sales to ultimate users supplied direct by such systems". This language appears to prevent further wholesaling of purchased power and thereby limits the customers' use of the purchased power. In Carolina Power & Light Company (Carolina), Docket No. E-7918, issued March 12, 1973, we stated that a similar clause may not be in the public interest and initiated an investigation of the clause pursuant to section 206 of the Federal Power Act in which the Company was required to show that the clause was in the public interest. We believe that this should be done in the instant case and shall so provide.

Our review of the settlement cost-of-service reveals that the proposed settlement will reduce the amount of the proposed increase from $1,058,054 to $412,720 for the Municipals and from $3,338,277 to $2,392,018 for the REMC's based on 1970 billings. This will permit PSI a 6.10 percent rate of return as to the Municipals and 6.13 percent as to the REMC's which results in an overall jurisdictional rate of return of 6.11 percent.[6]

PSCI also proposes to reduce the monthly special facilities charge from the 1¾ percent in the filed rate schedules of July 9, 1971, to 1½ percent of the estimated installed cost of the special facilities for the MUN customers. The former tariff called for a 1¼ percent monthly facilities charges. The 1½ percent basis now proposed appears reasonable.

The Commission finds

The settlement of this proceeding on the basis of the Settlement Agreement certified by the Presiding Judge is reasonable and proper in the public interest in carrying out the provisions of the Federal Power Act and should be approved as hereinafter ordered.

The Commission orders

(A) The Settlement Agreement submitted to the Presiding Judge on May 9, 1973, is incorporated herein by reference and is approved and made effective subject to the terms and conditions of this order, as of February 8, 1972.

(B) The parties to the Agreement shall fully comply with each of the provisions of the Agreement and the Terms and Conditions of this order.

(C) Within 30 days from the issuance of this order, PSI shall file revised tariff sheets conforming to the terms and conditions of the Agreement.

(D) This order is without prejudice to any findings or orders which have been made, or may hereafter be made, by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, or any other party or person affected by this order, in any proceeding now pending or hereafter instituted by or against PSI or any other person or party.

(E) An investigation into the justness and reasonableness of the Availability clause contained in the Settlement Agreement is hereby instituted under section 206 of the Federal Power Act. Those parties wishing to file testimony and exhibits supporting or opposing these provisions shall file such testimony and exhibits on or before October 30, 1973. Cross examination of the testimony and exhibits filed shall take place on November 13, 1973, before a Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge (See Delegation of Authority, 18 CFR 3.5(d)), beginning at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[4] *United Gas Pipeline Co. v. The Mobile Gas Service Group*, 350 U.S. 332 (1956).

[5] *F.P.C. v. Sierra Pacific Power Company*, 350 U.S. 349 (1956).

[6] See Appendices A and B.

APPENDIX A—PUBLIC SERVICE COMPANY OF INDIANA, INC.

Summary Cost of Service for Municipalities and Rural Electric Membership Corporations under Rates in Effect During 1970 and under Rates Proposed to be Filed in Settling FPC Docket No. E-7645

Description	Municipal electric utilities		Rural electric membership corporations							
	Rate MUN		Rate REMC-O		Rate REMC-X		Total REMC		Total rates MUN, REMC-O and REMC-X	
	1970 rates	Proposed rates	1970 rates	Proposed rates	1970 rates	Proposed rates	1970 rates	Proposed rates	1970 rates	Proposed rates
Rate base	$19,975,895	$19,975,895	$4,840,524	$4,840,524	$25,305,130	$25,305,130	$30,145,654	$30,145,654	$50,121,549	$50,121,549
Operating revenues	5,541,311	5,954,031	1,113,902	1,501,995	5,683,490	7,687,415	6,797,392	9,189,410	12,338,703	15,143,441
Adjustment for cost of fuel	74,913		27,585		95,195		122,780		197,693	
Sub-total	5,616,224	5,954,031	1,141,487	1,501,995	5,778,685	7,687,415	6,920,172	9,189,410	12,536,396	15,143,441
Gross income taxes	(115,351)	(122,107)	(23,445)	(30,655)	(118,688)	(156,863)	(142,133)	(187,518)	(257,484)	(309,625)
Public utility fee										
Adjusted operating revenues	5,500,873	5,831,924	1,118,042	1,471,340	5,659,997	7,530,552	6,778,039	9,001,892	12,278,912	14,833,816
Operating revenue deductions	4,143,859	4,143,859	1,000,213	1,000,213	5,184,010	5,184,010	6,184,223	6,184,223	10,328,082	10,328,082
Income tax deductions	557,747	557,747	135,152	135,152	706,545	706,545	841,697	841,697	1,399,444	1,399,444
Net taxable income	799,267	1,130,318	(17,323)	335,975	(230,558)	1,639,997	(247,681)	1,975,972	551,386	3,106,290
Federal income taxes	311,187	470,091	(6,745)	162,838	(89,765)	808,101	(96,510)	970,939	214,677	1,441,030
Net operating income	1,045,827	1,217,974	124,574	308,289	565,752	1,538,441	690,326	1,846,730	1,736,153	3,064,704
Rate of return (percent)	5.24	6.10	2.57	6.37	2.24	6.08	2.29	6.13	3.46	[1] 6.11

[1] Rate of return acceptable to Public Service Company of Indiana, Inc. only for purposes of settling all issues in FPC Docket No. E-7645.

APPENDIX B

PUBLIC SERVICE COMPANY OF INDIANA, INC.

Summary of Capitalization as of December 31, 1971 Reflecting Proposed Settlement of FPC Docket No. E-7645

	Amount	Percent	Cost	Weighted cost
Long-term debt	[1] $395,000,000	58.10	5.303	3.197
Preferred stock	50,000,000	7.35	4.026	.296
Common equity	234,879,086	34.55	7.57	2.617
Total	$679,879,086			6.110

[1] Giving effect to January 1972 debt financing.

[FR Doc.73-23049 Filed 10-30-73;8:45 am]

[Docket Nos. CP73-87, CP73-162, CP73-277, and CP69-305]

SEA ROBIN PIPELINE COMPANY, ET AL.

Extension of Time and Postponement of Prehearing Conference

OCTOBER 23, 1973.

On October 16, 1973, Sea Robin Pipeline Company, United Gas Pipe Line Company and Southern Natural Gas Company filed a motion for an extension of time. The motion states that all parties, including Staff Counsel, have been contacted and no one opposes the motion.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Service of Testimony by Applicants and Persons in Support of Application, November 13, 1973.

Prehearing Conference, November 27, 1973 (10 a.m., E.S.T.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23123 Filed 10-30-73;8:45 am]

[Project No. 719]

JESSIE I. SMITH

Issuance of Annual License

OCTOBER 23, 1973.

On June 30, 1972, Jessie I. Smith, Licensee for Trinity Power Project No. 719, located in Wenatchee National Forest, Chelan County, on the James and Phelps Creeks, tributaries of the Chiwawa River in Washington, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6).

The license for Project No. 719 was issued effective November 1, 1952, for a period ending October 31, 1972. In order to authorize the continued operation of the project pursuant to section 15 of the Act, pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Jessie I. Smith for the continued operation and maintenance of Project No. 719.

Take notice that an annual license is issued to Jessie I. Smith (Licensee) under section 15 of the Federal Power Act for the period November 1, 1973, to October 31, 1974, 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. 719, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23116 Filed 10-30-73;8:45 am]

[Docket No. CI74-222]

TENNECO OIL CO.

Notice of Application

OCTOBER 23, 1973.

Take notice that on October 11, 1973, Tenneco Oil Company (Applicant), P.O. Box 2511, Houston, Texas filed in Docket No. CI74-222 an application pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's general policy and interpretations (18 CFR 2.75) for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Arkansas Louisiana Gas Company (Arkla) from the Deep Centrahoma Field, Coal County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes under the optional gas pricing procedure to sell gas to Arkla at an initial rate of 45.0 cents per Mcf at 14.65 psia pursuant to the terms of a contract dated August 23, 1973. Said contract provides for annual escalations of 1.0 cent per Mcf, for reimbursement to the seller of 75 percent of all increased taxes, and for a term of twenty years. Additionally, Applicant requests pregranted abandonment authorization for this sale of gas.

Applicant indicates that the sale of gas from a portion of the subject acreage has heretofore been covered by a contract dated September 7, 1961, on file as Applicant's FPC Gas Rate Schedule No. 12. Sales under this rate schedule were authorized in Docket No. CI 62-1253. Applicant proposes only to sell gas under the requested authorization from wells commenced after August 23, 1973.

In justification for the requested authorization, Applicant states only the following:

The contract price of 45.0 cents plus one cent annual escalations is not higher than other contract prices which have heretofore been certificated, and is lower than prices in recently executed interstate contracts. In comparison with recent intrastate contract prices, this price is very low and represents a considerable bargain for the interstate market. Arkla and its customers would be forced to pay considerably more for alternative or substitute fuels.

Any person desiring to be heard or make any protest with reference to said application should on or before November 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to

the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23127 Filed 10-30-73;8:45 am]

[Docket No. CP70-287]

TEXAS GAS TRANSMISSION CORP.

Notice of Petition to Amend

OCTOBER 23, 1973.

Take notice that on October 9, 1973, Texas Gas Transmission Corporation (Petitioner), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP70-287 a petition to amend the order of the Commission issued in said docket on August 3, 1970 (44 FPC 233), pursuant to section 7 of the Natural Gas Act by authorizing Petitioner to shift delivery of 590 Mcf of natural gas from Western Kentucky Gas Company's (Western) Zone 3 to Western's Zone 4, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued August 3, 1970, Petitioner was authorized, among other things, to sell and deliver to Western contract demand volumes of 90,000 Mcf for Zone 3 and 13,000 Mcf for Zone 4. Petitioner states Western has advised that a realignment of gas deliveries is necessary as Western lacks any storage or local production in Zone 4 and anticipates a deficiency in this area in priority 1 and 2 peak-day supply to its customers for the 1973-74 winter heating season. Applicant states that Western's Zone 3 has storage capability and local production and therefore Western has more flexibility with which to meet its peak-day requirements in that area.

Petitioner states that no new facilities are required.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23124 Filed 10-30-73;8:45 am]

[Docket No. CI74-247]

VENTURE OIL CORP.

Notice of Application

OCTOBER 23, 1973.

Take notice that on October 15, 1973, Venture Oil Corporation (Applicant), P.O. Box 1027, Jackson, Mississippi 39205, filed in Docket No. CI74-247 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company (United) from the Gwinville Field, Jefferson Davis County, Mississippi, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell natural gas to United from the Gwinville Field at 45.0 cents per Mcf at 15.025 psia for one year within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant estimates initial deliveries of gas at 15,000 Mcf per month.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before November 2, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23119 Filed 10-30-73;8:45 am]

[Docket No. RI74-42]

CHARLES B. WATSON, JR., LTD.

Petition for Special Relief

OCTOBER 23, 1973.

Take notice that on September 4, 1973, Charles B. Wilson, Jr., Ltd. (Petitioner), Westhall Building, 1616 West Loop South, Houston, Texas, filed a petition for special relief in Docket No. RI74-42, pursuant to § 2.76 of the Commission's general policy and interpretations.

Petitioner states that the Rosa B. Neff Gas Unit No. 1 Well was acquired as of October 1, 1972, and that it was apparent that a workover would be necessary to restore the well to a productive status. Since the then applicable price for the gas was not high enough to justify the necessary expenditures, Petitioner reached an agreement with Colorado Interstate Gas Company (Colorado) that the base contract would be amended to provide for a higher price for the gas in the event Petitioner undertook workover operations and such operations were successful. Petitioner states that it has worked over the well and it now appears that such well will be commercially productive if the higher price of 30.88 cents per Mcf provided for in the amendment dated July 1, 1973, between Colorado and Petitioner is approved as of May 1, 1973.

Any person desiring to be heard or to make any protest with reference to said petition should on or before November 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23120 Filed 10-30-73;8:45 am]

[Docket No. CI74-191]

VARN PETROLEUM CO.

Notice of Application

OCTOBER 24, 1973.

Take notice that on September 19, 1973, Stewart Varn, d/b/a Varn Petroleum

Company (Applicant), 502 Century Plaza Building, Wichita, Kansas 67202, filed in Docket No. CI74–191 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company from the Silva West Field, Live Oak County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 14,000 Mcf of gas per month for one year at 45.0 cents per Mcf at 14.65 psia, subject to downward Btu adjustment, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before November 2, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–23255 Filed 10–30–73;8:45 am]

FEDERAL RESERVE SYSTEM
MERCANTILE BANCORPORATION INC.
Order Approving Acquisition of Bank

Mercantile Bancorporation Inc., St. Louis, Missouri ("Applicant"), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842 (a)(3)) to acquire at least 90 percent of the voting shares, plus directors' qualifying shares, of Noland Road Bank, Independence, Missouri ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the application and comments received have been considered in light of factors set forth in section 3(c) of the Act (12 U.S.C. 1842 (c)).

Applicant, the largest banking organization in Missouri, controls ten subsidiary banks [1] with aggregate deposits of $1.3 billion, representing 9.5 percent of total commercial bank deposits in the State.[2] Acquisition of Bank, with $26.0 million in deposits, would increase Applicant's share of commercial bank deposits in the State by two-tenths of a percentage point and would not result in any significant increase in the concentration of banking resources in Missouri.

Independence is a part of the Kansas City market, and Bank holds 0.6 percent of total deposits in the market. The city of Independence has experienced substantial commercial and residential development in recent years and prospects for the area's economic growth appear favorable. Applicant presently controls two banks in the Kansas City market and plans to establish a *de novo* bank in Kansas City. Applicant's closest banking office to Bank would be approximately 10 miles away. Acquisition of Bank would have little effect on competition among banks in the Kansas City market in view of the large number of banks (over 100) and the numerous nonbank financial institutions located in the Kansas City area. Upon consummation of this proposal Applicant would control 3.0 percent of total deposits in the market.

The financial and managerial resources and prospects of Applicant, its present subsidiaries, and Bank are all regarded as satisfactory and consistent with approval of this application. There is no evidence to suggest that the major banking needs of Bank's service area are not presently being met by existing financial institutions; however, affiliation with Applicant should enable Bank to better satisfy the growing demands for commercial, industrial and trust services as population in Independence and the surrounding area expands. Thus, considerations relating to convenience and needs are consistent with approval of the application. It is the Reserve Bank's judgment that the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record as summarized above, the Federal Reserve Bank of St. Louis approves the application, provided the transaction shall not be consummated (a) before the thirtieth calendar day following the date of this Order or (b) later than three months after the date of this Order, unless such period is extended for good cause by the Board or by this Reserve Bank pursuant to delegated authority.

By order of the Federal Reserve Bank of St. Louis, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective October 18, 1973.

[SEAL] HAROLD E. UTHOFF,
Vice President.

[FR Doc.73–23137 Filed 10–30–73;8:45 am]

[1] Applicant also received Board approval to acquire Mercantile National Bank of St. Louis County, St. Louis County, Missouri, a *de novo* bank, on July 12, 1973.

[2] Banking data are as of December 31, 1972, adjusted to reflect holding company formations and acquisitions approved by the Board through September 11, 1973.

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regulations; Temporary Regulation F–195]

SECRETARY OF DEFENSE
Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in a telecommunications proceeding.

2. *Effective date.* This regulation is effective immedately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Nebraska Public Service Commission in a proceeding (Application No. 30259) involving the application of Northwestern Bell Telephone Company for an intrastate rate increase.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Administrator of General Services.

OCTOBER 24, 1973.

[FR Doc.73–23135 Filed 10–30–73;8:45 am]

ARCHIVES ADVISORY COUNCIL, REGION 1
Notice of Meeting

Notice is hereby given that the Region 1 Archives Advisory Council will meet at

the time and place indicated. Anyone who is interested in attending or wants additional information should contact the person shown below.

REGIONAL ARCHIVES ADVISORY COUNCIL

REGION 1

Meeting date: November 13, 1973.
Time: 10:00 a.m.–4:00 p.m.
Place: Reservoir Control Center, Corps of Army Engineers, Waltham Federal Center, 424 Trapelo Road, Waltham, MA 02154.
Agenda: Regional archives program in New England; plans for observance of the Bicentennial of the American Revolution.

For further information contact: Lawrence A. Carnevale, NARS Regional Commissioner, 26 Federal Plaza, New York, N.Y. 10007, 212–264–3514.

Issued in Washington, D.C., on October 23, 1973.

JAMES B. RHOADS,
Archivist of the United States.

[FR Doc.73-23184 Filed 10-30-73;8:45 am]

REGION 6 ARCHIVES ADVISORY COUNCIL

Notice of Meeting

Notice is hereby given that the Region 6 Archives Advisory Council will meet at the time and place indicated. Anyone who is interested in attending or wants additional information should contact the person shown below:

Meeting date: November 9, 1973.
Time: 1 p.m.–5 p.m.
Place: Conference Room, 2d Floor, Centennial Building, State Historical Society of Iowa, 402 Iowa Avenue, Iowa City, Iowa.

For futher information contact:

Ivan D. Eyler
NARS Regional Commissioner, GSA
819 Taylor Street
Fort Worth, Texas 76102
817–334–2759

The purpose of this meeting is to obtain support and guidance for new and on-going programs of the National Archives and Records Service, General Services Administration.

Issued in Washington, D.C.

JAMES B. RHOADS,
Archivist of the United States.

[FR Doc.73-22972 Filed 10-30-73;8:45 am]

REGION 8 ARCHIVES ADVISORY COUNCIL

Notice of Meeting

Notice is hereby given that the Region 8 Archives Advisory Council will meet at the time and place indicated. Anyone who is interested in attending or wants additional information should contact the person shown below:

Meeting date: November 2, 1973.
Time: 1 p.m.–5 p.m.
Place: Hellems Hall, Room 259, University of Colorado, Boulder, Colorado.

For further information contact:

Ivan D. Eyler
NARS Regional Commissioner, GSA
819 Taylor Street
Fort Worth, Texas 76102
817–334–2759

The purpose of this meeting is to obtain support and guidance for new and on-going programs of the National Archives and Records Service, General Services Administration.

Issued in Washington, D.C.

JAMES B. RHOADS,
Archivist of the United States.

[FR Doc.73-22973 Filed 10-30-73;8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

NOTICE OF MEETING

Notice is hereby given, PL 92–463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held at 1 p.m.–6 p.m., November 7, 1973 and from 9 a.m.–4 p.m., November 8, 1973, located at 425 Pennsylvania Building, 13th Street, NW., Room 1012, Washington, D.C.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Education Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of Disadvantaged Children.

The meeting is called to discuss the resolutions of the nonpublic school representatives to the Subcommittee on Program Development on October 25, and also to discuss the developments on H.R. 69 and the progress of Council activity through this vehicle.

Because of limited space for the public meeting of November 7 and 8 all persons wishing to attend should call for reservations at Area Code 202/382–6945 by November 7, 1973.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Council on the Education of Disadvantaged Children, located in Room 1012, 425 13th Street, NW., Washington, D.C. 20004.

Signed at Washington, D.C., on October 29, 1973.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.73-23310 Filed 10-30-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

BROKER-DEALER MODEL COMPLIANCE PROGRAM ADVISORY COMMITTEE

Notice of Public Meetings

Pursuant to section 10(a)(2) of the Federal Advisory Committee's Act, Public Law 92–463, 86 Stat. 770, the Securities and Exchange Commission announces the following public advisory committee meetings.

The Commission's Advisory Committee on a Model Compliance Program for Broker-Dealers, established on October 25, 1972 (Securities Exchange Act Release No. 9835), will hold meetings on October 31–November 3, 1973 at the Wagon Wheel Motel on State Highway 72, Rockton, Ill. The meetings will commence at 9 a.m., local time.

This Advisory Committee was formed to assist the Commission in developing a model compliance program to serve as an industry guide for the broker-dealer community. Assisted by this Committee's work, the Commission plans to publish a guide to broker-dealer compliance under the securities acts in order to advise broker-dealers of the standards to which they should adhere if investor confidence in the fairness of the market place is to be warranted and sustained. The Committee's recommendations are not intended to result in the expansion of Commission rules governing broker-dealers, but to inform broker-dealers as to the existing requirements and how they may comply with them.

The Committee's scheduled meetings will be for the purpose of reviewing drafts and proposals concerning the Committee's proposed report to the Commission on these compliance guidelines for broker-dealers.

These meetings are open to the public. Any interested person may attend and appear before or file statements with the Advisory 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 and extent permitted by the Advisory Committee.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 19, 1973.

[FR Doc.73-23158 Filed 10-30-73;8:45 am]

[File No. 7-4507]

CHESSIE SYSTEM, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 19, 1973.

In the matter of application of the Midwest Stock Exchange, Inc. for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Chessie System, Inc..... File No. 7–4507

Upon receipt of a request, on or before November 4, 1973, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the

interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-23153 Filed 10-30-73;8:45 am]

[811-2266]

CONNBIA FUND, INC.

Filing of Application for Order Declaring Company Has Ceased To Be AN Investment Company

OCTOBER 19, 1973.

Notice is hereby given that ConnBIA Fund, Inc., c/o Mr. John C. FitzGerald, 63 Stoner Drive, West Hartford, Connecticut 06107 (Applicant), a Maryland corporation registered as a diversified, open-end management investment company under the Investment Company Act of 1940 (Act), has filed an application pursant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant registered under the Act on January 28, 1972. On September 11, 1972, Applicant's Registration Statement under the Securities Act of 1933 (Securities Act) became effective. Prior to June 4, 1973, Applicant had sold approximately 26,517 shares of the 1,985,000 shares registered under the Securities Act. On June 4, 1973, Applicant's Board of Directors voted to immediately suspend the public offering and sale of Applicant's unsold shares. Applicant's shareholders were advised of this action by a letter dated June 5, 1973. Since June 4, 1973, all of Applicant's shareholders have redeemed their shares except for the two original promoters who own all of Applicant's presently outstanding securities. Applicant represents that it is not making and does not presently propose to make a public offering of its securities.

Section 3(c)(1) of the Act excepts from the definition of an investment company any issuer whose outstanding securities are beneficially owned by not more than one hundred persons and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given, that any interested person may, not later than November 12, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-23152 Filed 10-30-73;8:45 am]

[File No. 7-4448]

MERRILL LYNCH & CO., INC.

Findings and Order Granting Application

OCTOBER 19, 1973.

In the matter of application of the PBW Stock Exchange, Inc. for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Merrill Lynch & Co., Inc..... File No. 7-4448

Appropriate notice has been given by the Commission, and no request for a hearing with respect to this application has been received.

The Commission finds that the extension of unlisted trading privileges to this security on this exchange is appropriate in the public interest and for the protection of investors.

Accordingly, it is Ordered, Pursuant to section 12(f)(1)(B) of the Act, that the said application for unlisted trading privileges in the aforesaid security be and hereby is granted.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-23155 Filed 10-30-73;8:45 am]

[File No. 7-4506]

CHESSIE SYSTEM, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 19, 1973.

In the matter of application of the PBW Stock Exchange, Inc. for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

CHESSIE SYSTEM, INC.....File No. 7-4506

Upon receipt of a request, on or before November 4, 1973, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-23156 Filed 10-30-73;8:45 am]

[File No. 7-4508]

SOUTHERN NATURAL RESOURCES, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

In the matter of application of the Detroit Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Southern Natural Resources, Inc. ---------- File No. 7-4508

Upon receipt of a request, on or before November 4, 1973, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-23154 Filed 10-30-73;8:45 am]

[File No. 24D-3166]

WORLD WHOLESALE, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor and Notice of Opportunity for Hearing

OCTOBER 18, 1973.

I. World Wholesale, Inc., Suite 512, Felt Building, 341 South Main Street, Salt Lake City, Utah 84111 ("Issuer"), incorporated in the State of Utah, on July 25, 1969, filed with the Commission on December 17, 1971, a Notification on Form 1-A and an Offering Circular relating to an offering of 1,000,000 shares of its 1-cent par value common stock at 25-cents per share for an aggregate of $250,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of Section 3(b) thereof, and Regulation A promulgated thereunder. Continental Securities Co. of Omaha, Nebraska, was named as underwriter. The offering commenced on March 15, 1972 and was terminated on September 18, 1972 after selling 286,800 shares for an aggregate of $71,700.

II. The Commission has reasonable cause to believe from information reported to it by the staff that:

A. The Notification and Offering Circular of World Wholesale, Inc. contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The actual and undisclosed underwriters of the subject Regulation A offering;
2. The undisclosed promoters of the Issuer;
3. The use to be made of the proceeds of the offering;
4. The Issuer's actual business; and
5. The plan of distribution.

B. The terms and conditions of Regulation A have not been complied with in that:

1. An offering circular was not furnished by underwriters to all purchasers of Issuer's stock;
2. The offering circular failed to state accurately the use to which proceeds of the offering were to be applied;
3. The offering circular failed to accurately disclose the nature of the Issuer's business;
4. The notification and offering circular failed to disclose the names of all the Issuer's promoters;
5. The offering circular failed to disclose the actual underwriters of the Issuer's Regulation A offering;
6. The Issuer failed to disclose in its notification and offering circular the plan for the distribution of the offering; and
7. The Form 2-A report filed with the Commission falsely stated the date on which the offering was completed.

C. The offering was made in violation of section 17 of the Securities Act of 1933, as amended, by reason of the activities described above.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the World Wholesale, Inc. under Regulation A be temporarily suspended;

It is Ordered, Pursuant to Rule 261(a) of the General rules and regulations under the Securities Act of 1933, as amended, that the Regulation A exemption of World Wholesale, Inc. be, and it hereby is, temporarily suspended.

It is Further Ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the Issuer file an answer to the allegations contained in this order within thirty days of the entry thereof.

Notice is Hereby Given, That any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-23157 Filed 10-30-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Notice of Disaster Loan Area 1015; Amdt. 1]

KANSAS

Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Kansas as a major disaster area following severe storms, tornadoes, and flooding beginning on or about September 22, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following additional counties: Barber, Barton, Butler, Comanche, Dickinson, Doniphan, Douglas, Edwards, Ellsworth, Franklin, Harper, Harvey, Kingman, Kiowa, Leavenworth, Marion, Marshall, Miami, Osage, Pawnee, Pratt, Reno, Sedgwick, Stafford, Sumner and Wabaunsee, and adjacent affected areas. (See 38 FR 28333)

Applications may be filed at the:

Small Business Administration
District Office
120 South Market Street
Wichita, Kansas 67202

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 93-24.

Applications for disaster loans under this announcement must be filed not later than December 3, 1973.

Dated: October 9, 1973.

THOMAS S. KLEPPE, *Administrator.*

[FR Doc.73-23139 Filed 10-30-73;8:45 am]

[Declaration of Disaster Loan Area 1019]

OHIO

Declaration of Disaster Loan Area

Whereas, it has been reported that during the period of June 1 through October 5, 1973, because of the effects of a certain disaster, damage resulted to business and residential property located in the State of Ohio;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of Section 7(b)(1) of

the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Hamilton County, Ohio, and adjacent affected areas, suffered damage or destruction resulting from flooding and heavy rains from June 1 through October 5, 1973.

Applications will be processed under the provisions of Public Law 93-24.

Office: Small Business Administration
District Office
34 North High Street
Columbus, Ohio 43215

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to December 21, 1973.

Dated: October 19, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-23138 Filed 10-30-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V-73-33]

LOCKHEED SHIPBUILDING AND CONSTRUCTION CO.

Notice of Application for Variance and Interim Order; Grant of Interim Order

I. *Notice of application.* Notice is hereby given that Lockheed Shipbuilding and Construction Company, San Fernando Tunnel Project, 12800 Fenton Avenue, Sylmar, California 91342 has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596), and 29 CFR 1905.11 for a variance, and interim order pending a decision on the application for a variance, from the regulations prescribed in 29 CFR 1926.800(e)(viii) concerning fire-resistant hydraulic fluids in hydraulically actuated underground machinery and equipment.

The address of the place of employment that will be affected by the application is as follows:

Lockheed Shipbuilding and Construction Company
San Fernando Tunnel Project
12800 Fenton Avenue
Sylmar, California 91342

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by 29 CFR 1926.800(e)(viii) which states that approved fire resistant hydraulic fluids shall be used in hydraulically actuated underground machinery and equipment.

The applicant states that there are two types of fire resistant hydraulic fluids: oil-water emulsion and a synthetic material. Each of these causes problems which do not arise with regular hydraulic fluid, and neither gives the equivalent fire control of a fire suppression system. The oil-water emulsion fluids cause erosion of pump and control valve components that become so serious in 5000 p.s.i. systems as to render them virtually inoperable.

The applicant proposes to use regular hydraulic fluid in conjunction with a fire suppression system which meets Bureau of Mines standards, in particular, Paragraph 75.1107-1(b) of Volume 37, FEDERAL REGISTER, No. 147, Saturday, July 29, 1972. The applicant points out that regular hydraulic fluid is not highly flammable, and a fire suppression system operates to control any fire, whether hydraulic fluid is involved or not.

A copy of the application will be made available for inspection and copying upon request at the Office of Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street, NW., Room 508, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor
Occupational Safety and Health Administration
9470 Federal Building
450 Golden Gate Avenue
Box 36017
San Francisco, California 94102

U.S. Department of Labor
Occupational Safety and Health Administration
1515 Broadway (1 Astor Plaza)
New York, New York 10036

U.S. Department of Labor
Occupational Safety and Health Administration
Hartwell Building—Room 514
19 Pine Avenue
Long Beach, California 90802

U.S. Department of Labor
Occupational Safety and Health Administration
90 Church Street—Room 1405
New York, New York 10007

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than November 30, 1973. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than November 30, 1973, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Standards at the above address.

II. *Interim order.* It appears from the application for a variance and interim order, and from supporting data filed by the Lockheed Shipbuilding and Construction Company, that an interim order is necessary to prevent undue hardships to affected employers and employees. Therefore, it is ordered, pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, 29 CFR 1905.11(c) that the Lockheed Shipbuilding and Construction Company be, and it is hereby authorized to install fire suppression systems in accordance with the following conditions, in lieu of the requirements of 29 CFR 1926.800(e)(viii).

The provisions to be complied with are:

(a) *General requirements.* (1) The fire suppression system shall be a dual actuated design, having bulb type sensors that automatically actuates the system when the ambient temperature reaches 165°F and also manually actuates controls meeting the requirements of (d) of this interim order.

(2) The fire suppression devices shall be installed under the direction of U.S. Bureau of Mines and shall be approved by the U.S. Bureau of Mines prior to use of the hydraulically powered equipment.

(3) The water supply shall be disconnected only to extend the supply system while other operations are stopped.

(4) The water supply shall be unlimited as to the volume and duration of flow required to suppress a fire.

(b) *Fire suppression devices on underground equipment.* (1) Hydraulically powered equipment used underground which uses hydraulic fluid shall use approved fire-resistant hydraulic fluid unless such equipment is protected by a fire suppression device which meets the applicable requirements of this interim order.

(2) For purposes of this interim order, the following underground equipment shall be considered equipment coming under the purview of this interim order.

(i) Any machine or device regularly operated by an employee assigned to operate such machine or device.

(ii) Any machine or device which is mounted in the direct line of sight of a jobsite which is located within 500 feet of such machine or device and which jobsite is regularly occupied by an employee assigned to perform job duties at such jobsite during each shift.

(3) Machines and devices described under paragraph (b)(2) of this section must be inspected for fire and the input powerline deenergized when workmen leave the area for more than 30 minutes.

(c) *Fire suppression devices; approved components; installation requirements.* (1) The cover of hose of fire suppression devices, if used on the protected equipment shall meet the flame-resistant requirements of ASTM-D635-63, test for flammability of rigid plastic.

(2) Fire suppression devices required to be installed in accordance with the provisions of this interim order shall where appropriate be installed in accordance with the manufacturer's specifications.

(d) *Automatic fire sensors and manual actuators; installation; minimum requirements.* (1) Where fire suppression devices are installed on hydraulically powered underground equipment, one or

more point-type sensors or equivalent shall be installed for each 50 square feet of top surface area, or fraction thereof, of such equipment, and each sensor shall be designed to activate the fire suppression system and disconnect the electrical power source to the equipment protected, and, except where sprinklers are used, there shall be in addition, a manual actuator installed to operate the system. Where sprinklers are used, provision shall be made for manual application of water to the protected equipment in lieu of a manual actuator.

(2) Two or more manual actuators, where practicable, shall be installed, as provided in subdivisions (i) and (ii) of this subparagraph (2), to activate fire suppression devices on hydraulically powered equipment.

(i) Manual actuators installed on equipment regularly operated by an employee shall be located at different locations on the equipment, and at least one manual actuator shall be located within easy reach of the operator's normal operating position.

(ii) Manual actuators to activate fire suppression devices on equipment not regularly operated by an employee, as provided in (b)(2)(ii) shall be installed at different locations, and at least one manual actuator shall be installed so as to be easily reached by the employee at the jobsite or by employees approaching the equipment.

(e) *Capacity of fire suppression devices; location and direction of nozzles.* (1) Each fire suppression device shall be:

(i) Suitable in size and capacity to extinguish potential fires in or on the equipment protected; and

(ii) Suitable for the atmospheric conditions surrounding the equipment protected (e.g., air velocity, type, and proximity of adjacent combustible material); and

(iii) Rugged enough to withstand rough usage and vibration when installed on equipment.

(2) The extinguishant-discharge nozzles of each fire suppression device shall, where practicable, be located so as to take advantage of tunnel ventilation air currents. The fire suppression device may be of the internal injection, inundating, or combination type. Where fire control is achieved by internal injection, or combination of internal injection and inundation, hazardous locations shall be enclosed to minimize runoff and overshoot of the extinguishing agent and the extinguishing agent shall be directed onto:

(i) Cable reel compartments and electrical cables on the equipment which are subject to flexing or to external damage; and

(ii) All hydraulic components on the equipment which are exposed directly to or located in the immediate vicinity of electrical cables which are subject to flexing or to damage.

(f) *Water spray devices: Capacity; water supply; minimum requirements.* (1) Where water spray devices are used for inundating hydraulically powered underground equipment the rate of flow shall be at least 0.18 gallon per minute per square foot over the top surface area of the equipment (including conveyors) and the supply of water shall be adequate to provide the required flow of water.

(g) *Fire suppression devices; extinguishant supply systems.* (1) Fire suppression systems using water to protect equipment shall:

(i) Be maintained at a pressure consistent with the pipe, fittings, valves, and nozzles used in the system.

(ii) Be located so as to be protected against damage during operation of the equipment protected.

(iii) Employ liquid which is free from excessive sediment and noncorrosive to the system.

(iv) Include strainers equipped with flush-out connections or equivalent protective devices and a rising stem or other visual indicator-type shutoff valves.

(2) Water supplies for fire suppression devices installed on underground equipment shall be connected to water mains. Such water supplies shall be continuously connected to the fire suppression device whenever the equipment is connected to a power source, except for a reasonable time for changing hose connections to hydrants or extending the piping while the machine is stopped.

(h) *Fire suppression devices: Hazards; training of employees.* (1) Each operator shall instruct all employees normally assigned to the active workings of the tunnel with respect to any hazards inherent in the operation of all fire suppression devices installed in accordance with this interim order and, where appropriate, the safeguards available at each such installation.

(i) *Inspection of fire suppression devices.* (1) All fire suppression devices shall be visually inspected at least once each week by a person qualified to make such inspections.

(2) Each fire suppression device shall be tested and maintained in accordance with the requirements specified in the appropriate National Fire Code listed as follows for the type and kind of device used: National Fire Code No. 13A "Care and Maintenance of Sprinkler Systems" (NEPA No. 13A–1971). National Fire Code No. 15 "Water Spray Fixed Systems for Fire Protection" (NFPA No. 15 1969). National Fire Code No. 72A "Local Protective Signaling Systems" (NFPA No. 72A 1967). National Fire Code No. 198 "Care of Fire Hose" (NFPA No. 198–1969).

(3) A record of the inspections required by this section shall be maintained. The record of the weekly inspections shall be maintained at an appropriate location by each fire suppression device.

Lockheed Shipbuilding and Construction Company, shall give notice of this interim order to employees affected thereby, by the same means required to be used to inform them of the application for a variance.

Effective date. This interim order shall be effective upon October 25, 1973, and shall remain in effect until a decision is rendered on the application for variance by the Lockheed Shipbuilding and Construction Company.

Signed at Washington, D.C., this 25th day of October 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-23213 Filed 10-30-73;8:45 am]

[V-73-32]

VESTAL MANUFACTURING CO.

Notice of Application for Variance and Interim Order; Grant of Interim Order

I. *Notice of application.* Notice is hereby given that Vestal Manufacturing Company has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596), and 29 CFR 1905.11 for a variance, and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1910.108(c)(3) concerning bottom drains in dip tanks containing flammable or combustible liquids.

The address of the place of employment that will be affected by the application is as follows:

Vestal Manufacturing Company
P.O. Box 420
Sweetwater, Tennessee 37874

The applicant certifies that employees who would be affected by the variance have been notified by posting a copy of the application at the site of the paint tanks. In addition, it has informed its employees of their right to petition the Assistant Secretary for a hearing. A copy was also given to the Union Local President.

Regarding the merits of the application, the applicant contends that its present fire protective system provides a place of employment as safe as that required by 29 CFR 1910.108(c)(3) which requires that dip tanks over 500 gallons in liquid capacity shall be equipped with bottom drains manually and automatically arranged to quickly drain the tanks in the event of fire.

The applicant states that its dip tanks are presently protected by fusible links and a foam system. If a fire should occur, the fusible links melt causing the tank lids to close and the foam system would activate, covering the tank surface with foam and extinguishing the fire.

The applicant further states that two of its three tanks are positioned so that it is virtually impossible to install bottom drains. The alternative would be to install pumps with pipes leading from the bottom of the tank to the top and proceeding above ground to the outside holding tanks. The applicant contends that this would create additional hazards in certain situations.

A copy of the application will be made available for inspection and copying upon

request at the Office of Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Room 508, Washington, D.C. 20210, and at the following Regional and Area Offices:

Regional Office
U.S. Department of Labor
Occupational Safety and Health Administration
1375 Peachtree Street, NE.
Suite 587
Atlanta, Georgia 30309

Area Office
U.S. Department of Labor
Occupational Safety and Health Administration
1600 Hayes Street
Suite 302
Nashville, Tennessee 37203

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than November 30, 1973. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than November 30, 1973, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Standards at the above address.

II. *Interim order.* It appears from the application for a variance and interim order, that an interim order is necessary to prevent undue hardship to the applicant pending a decision on the variance. Therefore, it is ordered, pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1905.11(c) that Vestal Manufacturing Company be, and it is hereby, authorized to continue operating using the fusible link and foam system as described in its application in lieu of the bottom drains required by 29 CFR 1910.108(c)(3).

Vestal Manufacturing Company shall give notice of this interim order to employees affected thereby, by the same means required to be used to inform them of the application for a variance.

Effective date. This interim order shall be effective as of October 30, 1973, and shall remain in effect until a decision is rendered on the application for variance by Vestal Manufacturing Company.

Signed at Washington, D.C., this 24th day of October 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-23149 Filed 10-30-73;8:45 am]

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 *et seq.*), the regulation on employment of full-time students (29 CFR, Part 519), and Administrative Order No. 621 (36 FR 12819), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. While effective and expiration dates are shown for those certificates issued for less than a year, only the expiration dates are shown for certificates issued for a year. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates were issued to food stores and provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base year; or provide the same standards authorized in certificates previously issued to the establishment.

Big Apple Supermarket: Nos. 2 and 3, Reidsville, NC; 9-2-74.

Buehler Market, 2315 N Street, Amaha, NE; 9-2-74.

Buy Rite, Inc., 308 South Silver, Paola, KS; 9-2-74.

Carter's Food Center, 500 SE. Washington Boulevard, Bartlesville, OK; 9-14-74.

Charlie's Market, George, IA; 9-9-74.

Convenient Food Mart, Inc., No. 320, Parma, OH; 9-17-74.

Cooke's Food Store, Inc., 17 Broad Street SW., Cleveland, TN; 8-31-74.

Dan's Foods, Inc., 9-9-74: 3735 South Ninth East, Salt Lake City, UT; 2085 East 21st South, Salt Lake City, UT; 2266 East 33d South, Salt Lake City, UT.

Easter Super Valu, 9-9-74: 215 South Main Street, Centerville, IA; 116 Fifth Street SW., Mason City, IA; 209 North E Street, Oskaloosa, IA.

O. K. Fairbanks Co., 9-5-74: 84 Marlboro Street, Keene, NH; 480 West Street, Keene, NH.

Falls Super Market, Inc., 405 South Mill Street, Redwood Falls, MN; 9-2-74.

Food Fair, Inc., Mount Vernon, KY; 9-2-74.

Fruit & Vegetable Fair, Inc., 29220 North Campbell Road, Madison Heights, MI; 8-26-74.

Greenfield Search Food Stores, Inc., South Side, Greenfield, IL; 8-24-74.

Guerin's IGA Foodliner, Morgan, LA; 6-14-74.

H. E. B. Food Store, 9-2-73 to 8-31-74, except as otherwise indicated: No. 27, Alice, TX; No. 73, Aransas Pass, TX; Nos. 30, 31, 33, 34, 36, 45, 51, and 79, Austin, TX; No. 82, Bay City, TX; No. 10, Beeville, TX; No. 99, Bellmead, TX; No. 93, Belton, TX; Nos. 1 and 14, Brownsville, TX; Nos. 17, 18, 19, 35, 37, 46, 65, 92, 103, 107, 108, and 139, Corpus Christi, TX; No. 102, Corpus Christi, TX (9-3-73 to 8-31-74); No. 80, Cuero, TX; Nos. 88 and 95, Del Rio, TX; No. 9, Donna, TX; No. 75, Eagle Pass, TX; No. 6, Edinburg, TX; No. 78, El Campo, TX; No. 85, Falfurrias, TX; Nos. 55 and 136, Harlingen, TX; No. 112, Hondo, TX; No. 89, Kerrville, TX; No. 72, Killeen, TX; No. 26, Kingsville, TX; No. 113, Lampasas, TX; Nos. 8, 16, and 100, Laredo, TX; Nos. 7 and 84, McAllen, TX; No. 4, Mercedes, TX; No. 13, Mission, TX; No. 62, New Braunfels, TX; No. 12, Pharr, TX; No. 20, Port Lavaca, TX; No. 11, Raymondville, TX; No. 24, Refugio, TX; No. 22, Robstown, TX; No. 96, Rockport, TX; Nos. 40, 41, 42, 43, 44, 47, 48, 49, 52, 53, 57, 58, 59, 60, 66, 68, 69, 83, and 90, San Antonio, TX; No. 2, San Benito, TX; No. 63, San Marcos, TX; No. 97, Sequin, TX; No. 29, Taft, TX; No. 56, Taylor, TX; No. 71, Temple, TX; No. 74, Uvalde, TX; Nos. 25, and 28, Victoria, TX; Nos. 54, 64, 70, 76, and 87, Waco, TX; No. 140, Weslaco, TX; No. 91, Wharton, TX; No. 81, Yoakumm, TX.

Haan's Super Market, Inc., 919 36th Street, Wyoming, MI; 9-1-74.

Harry's Food Stores, Inc., 135 West Twohig, San Angelo, TX; 8-31-74.

Hi Nabor Super Market, Inc., 7201 Winbourne Avenue, Baton Rouge, LA; 8-31-74.

IGA Foodliner, 905 South Main, Carrollton, MO; 9-2-74.

K. C. Super Markets, Eighth Street & Ohio Avenue, Etowah, TN; 8-31-74.

King Mart: 1301 East Levee Street, Brownsville, TX; 9-5-74; 1552 Palm Boulevard, Brownsville, TX; 9-4-74.

Larson's Big Star, 9-17-74: No. 60, Oxford, MS; No. 114, Water Valley, MS.

Michelich Food Market, Keewatin, MN; 9-9-74.

Minimax Super Market, 2000 North 10th Street, McAllen, TX; 9-5-74.

Piggly Wiggly: No. 11, Phoenix City, AL, 8-31-74; No. 1, Panama City, FL, 9-2-74; Nos. 1 and 2, Columbus, GA, 9-2-74; Candor, NC, 8-27-73 to 8-18-74; No. 27, Holly Hill, SC; 9-17-74.

Platte Fair United Super Grocery, Platte City, MO; 8-31-74.

Pleezing Food Store, Inc., No. 3, Milton, FL; 9-13-74.

Randle's IGA, Eureka, UT; 9-9-74.

Roberts Market, Afton, WY; 7-22-74.

Roodhouse Search Food Stores, Inc., West Clay Street, Roodhouse, IL; 8-24-74.

Rusty's Food Centers, Inc., 9-2-74: Ninth and Iowa, Lawrence, KS; 620 North Second Street, Lawrence, KS.

Speckarts Fine Foods, 69 North First East, Provo, UT; 8-28-74.

Super Duper Food Center, 300 Halley Street, Sweetwater, TX; 8-31-74.

Thomas Grocery, Robbins Road & Ferry Street, Grand Haven, MI; 8-26-74.

Winegar's Wholesale Grocery, 3371 South Orchard Drive, Bountiful, UT; 9-14-74.

The following certificates issued to food stores permitted to rely on the base-year employment experience of others were either the first full-time student certificates issued to the establishment, or provide standards different from those previously authorized. The certificates permit the employment of full-time students at rates of not less than 85 percent of the applicable statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

Dan's Foods, Inc., 2019 East 7000 South, Salt Lake City, UT; courtesy clerk, bagger, bottle clerk; 24 to 37 percent; 9-4-74.

Easter Super Valu, for the occupations of stock clerk, bagger, carryout, cashier, 12 to 24 percent, 9-9-74; Town Line Road, Creston, IA; Newton Shopping Center, Newton, IA; 223 North Madison, Ottumwa, IA; 725 West Second Street, Ottumwa, IA.

O. K. Fairbanks Corp., Putney Road, Brattleboro, VT; bagger, stock clerk; 17 to 20 percent; 9-5-74.

Storm Lake Super Valu, 1102 North Lake, Storm Lake, IA; carryout, stock clerk, cashier, salesclerk; 32 to 33 percent; 8-21-74.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificate may be annuled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before November 30, 1973.

Signed at Washington, D.C. this 24th day of October 1973.

DONALD T. CRUMBACK,
Authorized Representative of the Administrator.

[FR Doc.73-23148 Filed 10-30-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Notice of Meetings

OCTOBER 26, 1973.

The Foreign Technology Division Advisory Group will hold closed meetings on November 6, 1973, from 8:30 a.m. until 4:30 p.m., and on November 7, 1973, from 8:30 a.m. until noon, in Building 828, Room 276, Wright-Patterson Air Force Base, Ohio.

The agenda will include classified briefings and discussions on Soviet research and development.

The Committee on B-1 Structures will hold closed meetings on November 9, 1973, from 8 a.m. until 5 p.m., and on November 10, 1973, from 8 a.m. until 1 p.m., at Rockwell International, Los Angeles, California.

The Committee will receive classified informational briefings on the structural aspects of the B-1 aircraft development program.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-4648.

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

[FR Doc.73-23338 Filed 10-30-73;10:43 am]

Department of the Army, Corps of Engineers

CHIEF OF ENGINEERS ENVIRONMENTAL ADVISORY BOARD

Notice of Meeting

Notice is hereby given in accordance with Public Law 92-463 that the quarterly meeting of the Environmental Advisory Board of the Chief of Engineers will be held on November 6-7, 1973, at the Office of the Chief of Engineers, Forrestal Building, 10th and Independence Avenue SW., Washington, D.C. 20314, beginning at 0900 each morning.

The meeting will not be open to the public except at the following times:

a. November 6, 1973.

(1) 10:30-11:45 a.m., Panel Discussion on Flood Plain Management.

(2) 2-3:45 p.m., Agency Flood Plain Environment.

b. November 7, 1973.

(1) 10:30 a.m.-12:15 p.m., Flood Plain Management Services Program.

(2) 2-3 p.m., The Economic, Environmental, Engineering, and Political Implications of Flood Plain Utilization.

The balance of the meeting will be subjects that fall within policies analogous to those recognized in section 552(b) of Title 5 U.S.C. and as such are exempt from public disclosure.

Persons desiring further information should contact LTC John F. Wall, Assistant Director of Civil Works, Environmental Programs, Office of the Chief of Engineers, Forrestal Building, Washington, D.C. 20314, telephone (202) 693-7093.

RUSSELL J. LAMP,
Colonel, Corps of Engineers, Executive.

[FR Doc.73-23339 Filed 10-30-73;10:43 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-329A and 50-330A]

CONSUMERS POWER CO.

Order Terminating and Rescheduling Prehearing Conference

OCTOBER 26, 1973.

In the matter of Midland Plant, Units 1 and 2.

By agreement of the parties, the prehearing conference relating to the exchange of exhibits, scheduled to be held on October 29, 1973, at the Postal Rate Commission, is cancelled.

The said prehearing conference will be held on November 12, 1973, at 10 a.m., local time, United States Court of Claims, 717 Madison Place, NW., Courtroom 3 (Room 309), Washington, D.C. 20005.

It is so ordered.

Issued at Washington, D.C. this 26th day of October 1973.

THE ATOMIC SAFETY AND LICENSING BOARD,
JEROME GARFINKEL,
Chairman.

[FR Doc.73-23179 Filed 10-30-73;8:45 am]

[Dockets Nos. 50-452, 50-453]

DETROIT EDISON CO.

Receipt of Application for Construction Permits and Facility Licenses and Availability of Environmental Report: Time for Submission of Views on Antitrust Matter

The Detroit Edison Company (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed September 17, 1973, for authorization to construct and operate two generating units utilizing pressurized water nuclear reactors. The application was initially tendered on June 4, 1973. Following a preliminary review for completeness, the PSAR was found to be acceptable for docketing; however, the Environmental Report was rejected for lack of sufficient information. The applicant submitted additional information on August 20, 1973, and the application was found acceptable for docketing. Dockets Nos. 50-452 and 50-453 have been assigned to this application and should be referenced in any correspondence relating to it.

The proposed nuclear facilities, designated by the applicant as the Greenwood Energy Center, Units 2 and 3, are located on the applicant's site in Greenwood Township, St. Clair County, Michigan. Each unit is designed for initial operation at approximately 3429 megawatts (thermal), and a net electrical output of 1160 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before December 31, 1973. The request should be filed in connection with Docket Nos. 50-452-A and 50-453-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and at the St. Clair County Library, 210 McMorran Boulevard, Port Huron, MI 48060.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, an environmental report. This report, which discusses environmental considerations related to the proposed construction of the Greenwood Energy Center, Units 2 and 3, is available for public inspection at the aforementioned locations, and is also being made available at the Office of Planning Coordination, Executive Office of the Governor, Lewis Case Building, Lansing, Michigan 48913, and the South East Michigan Council of Governments, 810 Book Building, Detroit, Michigan 48226.

After the environmental report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of

Federal agencies and State and local officials thereon will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 16th day of October 1973.

For the Atomic Energy Commission.

A. SCHWENCER,
Chief, Pressurized Water Reactors Branch No. 4, Directorate of Licensing.

[FR Doc.73-23007 Filed 10-30-73;8:45 am]

[Docket No. 50-18]

GENERAL ELECTRIC CO.

Issuance of Amendment to Facility License

The Atomic Energy Commission ("the Commission") has issued, effective as of the date of issuance, Amendment No. 19 to License No. DPR-1. Facility License No. DPR-1 authorizes General Electric to possess, but not to operate, the Vallecitos Boiling Water Reactor located at the Vallecitos Atomic Laboratory, Alameda County, California. The amendment extends the expiration date of the license until May 14, 1996.

By application dated April 9, 1973, General Electric requested the extension of License No. DPR-1 to maintain the VBWR facility in its present possess but not to operate condition in accordance with License No. DPR-1, as amended. General Electric has reported the condition of the facility annually as required and these reports have established that the continued maintenance of the facility in its present condition presents no significant hazards consideration and there is reasonable assurance that the health and safety of the public will not be endangered.

The Commission has found that the application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations published in 10 CFR Chapter I. The Commission has made the findings (relating to its review of the application) which are set forth in the amendment and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

For further details with respect to this amendment, see (1) the licensee's application for amendment dated April 9, 1973, and (2) the amendment to Facility License No. DPR-1, which are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. A copy of item (2) may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director of Licensing.

Dated at Bethesda, Maryland, this 23rd day of October, 1973.

For the Atomic Energy Commission.

ROBERT J. SCHEMEL,
Chief, Operating Reactors Branch #1, Directorate of Licensing.

[FR Doc.73-23181 Filed 10-30-73;8:45 am]

[Docket No. RM-50-2]

RADIOACTIVE MATERIAL IN LIGHT-WATER-COOLED NUCLEAR POWER REACTOR EFFLUENTS

Notice of Prehearing Conference and Hearing

Order. Since receiving a letter dated October 10, 1973, from the Regulatory Staff in which the Board was advised of the staff's inability at that time to suggest a date for the hearing in this matter, the Board has consulted with the staff and other participants and has decided on the following schedule for this proceeding:

I. *Second Pre-hearing Conference.* Monday, November 19, 1973, at 10 A.M.

II. *Hearing.* Monday, November 19, 1973, immediately following the Pre-hearing Conference which is expected to adjourn around 11 a.m.

In order to give the Regulatory Staff and other participants additional time to prepare their responses to additional direct testimony to be filed by November 9, and in view of the Thanksgiving Holiday on November 22, the hearing will be recessed no later than noon, Wednesday, November 21, and will be limited during this period to oral questions to the staff concerning the Final Environmental Statement by:

A. The Consolidated Utility Group.

B. The General Electric Company.

C. The Minnesota Pollution Control Agency, if such questions are permitted after the Board has considered the petition which the Control Agency will make by November 9.

D. The Board on behalf of the Atomic Industrial Forum, a limited participant, in accordance with the Board's ruling of October 1.

E. The Board on its own behalf.

III. *Resumption of hearing.* Monday, December 3, at 10 a.m.

The resumed hearing will follow a schedule which will be developed at the Pre-hearing Conference on November 19 with the objective of promptly completing the final phases of the proceeding.

The Pre-Hearing Conference and the Hearing will be held in the Commission Hearing Room, 8120 Woodmont Avenue, Bethesda, Maryland, and the hours designated are in terms of local time.

It is so ordered.

Issued at Washington, D.C., this 25th day of October 1973.

For the Hearing Board.

ALGIE A. WELLS,
Chairman.

[FR Doc.73-23162 Filed 10-30-73;8:45 am]

REGULATORY GUIDES

Notice of Issuance and Availability

The Atomic Energy Commission has issued one revised and three new guides in its Regulatory Guide series. This series has been developed to describe and make available to the public methods acceptable to the AEC Regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The new guides are in Division 1, "Power Reactor Guides." Regulatory Guide 1.62, "Manual Initiation of Protective Actions," describes a method acceptable to the AEC Regulatory staff for complying with the Commission's regulations with regard to manual initiation of protective actions. Regulatory Guide 1.63, "Electric Penetration Assemblies in Containment Structures for Water-Cooled Nuclear Power Plants," describes a method acceptable to the AEC Regulatory staff for complying with the Commission's regulations with regard to the mechanical, electrical, and test requirements for the design, construction, and installation of electric penetration assemblies in containment structures of water-cooled nuclear power plants. Regulatory Guide 1.64, "Quality Assurance Requirements for the Design of Nuclear Power Plants," describes a method acceptable to the AEC Regulatory staff for complying with the Commission's regulations with regard to quality assurance requirements for the design of nuclear power plants. Regulatory Guide 1.16 (Revision 1), "Reporting of Operating Information," presents a reporting program acceptable to the AEC Regulatory staff for reporting of operating information for nuclear power plants.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Comments and suggestions in connection with improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for single copies of issued guides or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 1 Regulatory Guides currently being developed include the following:

Availability of Electric Power Sources
Requirements for Instrumentation to Assess Nuclear Power Plant Conditions During and Following an Accident for Water-Cooled Reactors
Shared Emergency and Shutdown Power Systems at Multi-Unit Sites
Physical Independence of Safety Related Electric Systems

Isolating Low Pressure Systems Connected to the Reactor Coolant Pressure Boundary
Assumptions for Evaluating a Control Rod Ejection Accident for Pressurized Water Reactors
Assumptions for Evaluating a Control Rod Drop Accident for Boiling Water Reactors
Requirements for Collection, Storage, and Maintenance of Quality Assurance Records for Nuclear Power Plants
Requirements for Assessing Ability of Material Underneath Nuclear Power Plant Foundations to Withstand Safe Shutdown Earthquake
Qualification Tests of Electric Valve Operators for Use in Nuclear Power Plants
Fire Protection Criteria for Nuclear Power Plants
Protective Coatings for Nuclear Reactor Containment Facilities
Additional Material Requirements for Bolting
Inservice Surveillance of Grouted Prestressing Tendons
Seismic Input Motion to Uncoupled Structural Model
Primary Reactor Containment (Concrete) Design and Analysis
Preservice Testing of In-Situ Components
Installation of Over-Pressure Devices
Nondestructive Examination of Tubular Products
Category I Structural Foundations
Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems
Quality Assurance Requirements for Installation, Inspection, and Testing of Structural Concrete and Structural Steel
Fracture Toughness Requirements for Vessels Under Overstress Conditions
Applicability of Nickel-base Alloys and High Alloy Steels
Material Limitations for Component Supports
Protection Against Postulated Events and Accidents Outside of Containment
Design Basis for Tornadoes for Nuclear Power Plants
Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants
Preoperational and Initial Startup Test Programs for Water-Cooled Power Reactors
Assumptions Used for Evaluating the Potential Radiological Consequences of a Boiling Water Reactor Gas Holdup Tank Failure
Quality Assurance Requirements for Procurement of Equipment, Materials, and Services
Quality Assurance Requirements for Lifting Equipment
Maintenance and Testing of Batteries
Qualification of Class I Electrical Equipment
Type Tests for Class I Cables and Connections Installed Inside the Containment
Seismic Qualification of Class I Electric Equipment
Fracture Toughness Requirements for Materials for Class 2 and 3 Components
Maintenance of Water Purity in PWR Secondary Systems
Plastic Piping Material Properties
Concrete Radiation Shields for Nuclear Power Plants
Main Steam Line Sealing Systems Design Guidelines for Boiling Water Reactors

(5 U.S.C. 552(a))

Dated at Bethesda, Maryland, this 26th day of October 1973.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.73-23180 Filed 10-30-73;8:45 am]

[Docket No. 50-346]

TOLEDO EDISON CO. AND CLEVELAND ELECTRIC ILLUMINATING CO.

Availability of Environmental Report for Operating License for Davis-Besse

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50 notice is hereby given that the Applicants' Environmental Report for Operating License Stage for the Davis-Besse Nuclear Power Station submitted by Toledo Edison Company and the Cleveland Electric Illuminating Company has been placed in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C., and in the Ida Rupp Public Library, Port Clinton, Ohio 43452. It is also being made available at the Office of the Governor, State Clearinghouse, 62 East Broad Street, 2d Floor, Columbus, Ohio 43215. The report incorporated by reference the Environmental Report—Construction Permit Stage, dated August 3, 1970, as amended. A Final Environmental Statement prepared by the Commission's Directorate of Licensing relating to the construction permit stage review was issued in March 1973.

After the prior report and the more recent submittal have been further analyzed by the Commission's Director of Regulation or his designee, a draft detailed statement will be prepared. This statement will address the environmental considerations related to the proposed issuance of an operating license that differ from those considerations discussed in the statement prepared as a result of the construction permit stage review. Upon preparation of the draft detailed statement the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft detailed statement. The summary notice will request comments from interested persons and will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be made available when received.

Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 25th day of October 1973.

For the Atomic Energy Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch #1, Directorate of Licensing.

[FR Doc.73-23163 Filed 10-30-73;8:45 am]

[Docket Nos. 50-271, 50-293]

VERMONT YANKEE NUCLEAR POWER CORP. AND BOSTON EDISON CO.

Determination With Respect to Need for Emergency Action, Notice of Consideration of Need for Further Actions or Proceedings, and Request for Submission of Views

On October 15, 1973, the Union of Concerned Scientists and the New England Coalition on Nuclear Pollution filed with the Commission a "Joint Petition for Immediate and Indefinite Shutdown of Vermont Yankee Nuclear Power Station and Pilgrim Nuclear Power Station" (the petition). In substance, the petition alleges that defects in fuel channel walls have been observed in the Vermont Yankee reactor and in the KKM reactor in Europe; that the observed defects in Vermont Yankee and KKM are similar and appear to be associated with a design feature common to those reactors and the Pilgrim facility; and that the safety questions posed by these defects are such that neither Vermont Yankee nor Pilgrim should be permitted to operate pending further evaluation. By Order dated October 23, 1973, the Commission, after noting that "[m]aterials on file in the Commission's Public Document Room show that the regulatory staff was aware of the problem, was reviewing it, and was taking action prior to receipt of the petition", treated the petition as a request for the issuance of an order to show cause pursuant to 10 CFR 2.202 and instructed the Director of Regulation to determine whether further action, including any shutdown, is appropriate as an emergency matter; to announce that determination, together with supporting reasons, on or before October 26, 1973 and publish it in the FEDERAL REGISTER as soon as possible thereafter; to provide, in the same notice, for the submission of views by licensees and any interested persons within fifteen (15) days following publication of the notice; and, after receipt of such views, to make a determination, together with supporting reasons, as to whether further actions or proceedings are warranted.

Accordingly, the Director of Regulation has determined, and on the date of this notice announced, that there is no need at this time for any shutdown order or other emergency action. This determination is based on the following reasons:

1. Vermont Yankee is not operating and will not operate while the matter raised by the petition is under consideration by the Director of Regulation. That facility was shut down on September 28, 1973, for installation of an augmented off-gas system and for other reasons unrelated to fuel channel box damage. On October 16, 1973, as reflected in a "Note to Files" of that date by Frank Schroeder, Assistant Deputy

Director for Technical Review, Directorate of Licensing, the licensee represented to the AEC regulatory staff that Vermont Yankee would remain shutdown until the fuel channel box damage had been repaired and the cause of the damage corrected.

2. There is reasonable assurance that Pilgrim can be operated without endangering the health and safety of the public while the matter raised by the petition is under consideration by the Director of Regulation. By letter to the Boston Edison Company dated October 16, 1973, the AEC regulatory staff approved operation of the facility for a limited period of about sixty (60) days subject to stringent, 50 percent reductions in core flow and core power. Based on the experience of KKM and Vermont Yankee and the results of certain tests conducted by the General Electric Company (GE) and reviewed by the staff, such interim operation would result in no fuel failure and little or no increase in the limited channel box damage which is assumed to have already occurred. With respect to operation under steady-state and anticipated transient conditions, evaluations made by GE and reviewed by the staff show that any loss of thermal-hydraulic margin due to channel box damage will be greatly exceeded by offsetting gains in margin attributable to the core flow and power limitations now in effect. For postulated accident conditions, staff calculations demonstrate that the peak clad temperature would be acceptably low, and that accident loads would not so deform the channel boxes as to interfere with actions necessary to protect the core.

The reasons supporting the Director of Regulation's determination in regard to the need for a shutdown order or other emergency action are set forth in detail in a Safety Evaluation by the Directorate of Licensing, United States Atomic Energy Commission, which was issued and made available to the public on the date of this notice.

In accordance with the Commission's Order of October 23, 1973, the Director will consider and issue a determination, together with supporting reasons, as to whether further actions or proceedings, including the issuance of an order to show cause, are warranted. In that connection, the Director of Regulation invites the submission of views by the licensees and any interested persons. Such views should be submitted in writing, addressed to the Director of Licensing, United States Atomic Energy Commission, Washington, D.C. 20545, not later than November 15, 1973.

Copies of the (1) Safety Evaluation, (2) "Note to Files" and (3) letter to Boston Edison Company referred to herein are being made available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont, and at the Plymouth Public Library, North Street, Plymouth, Massachusetts. Copies of these documents may also be obtained upon request directed to the Director of Licensing, United States Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Maryland, this 26th day of October 1973.

L. MANNING MUNTZING,
Director of Regulation.

[FR Doc.73-23178 Filed 10-30-73;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON REGULATORY GUIDES

Notice of Meeting

OCTOBER 29, 1973.

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards Subcommittee on Regulatory Guides will hold a meeting on November 7, 1973, in Room 1067, at 1717 H Street, NW., Washington, D.C. The subjects scheduled for discussion are drafts of proposed Regulatory Guides related to the following areas: earthquake instrumentation; independence of electric systems; and quality assurance terminology.

The Subcommittee is meeting to formulate recommendations to the ACRS regarding the above subjects.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the purpose of the meeting will be to discuss draft documents which fall within exemption (5) of 5 U.S.C. 552(b) and will consist of an exchange of opinions, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close such meetings to protect the free interchange of internal views and to avoid undue interference with agency and Committee operation.

ROBERT A. KOHLER,
Acting Advisory Committee Management Officer.

[FR Doc.73-23334 Filed 10-30-73;10:41 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS

Adjustment of Restraint Levels

OCTOBER 30, 1973.

On October 30, 1973, the Departments of State and Commerce jointly issued the following press release:

The United States is offering all of its bilateral cotton textile agreement partners the opportunity to export to the United States additional amounts of cotton fabric and cotton yarn, the Committee for the Implementation or Textile Agreements announced today.

Twenty-eight countries have been told that the current market situation with respect to cotton fabric and cotton yarn will permit the United States to offer on a one-time basis additional imports of cotton fabric and yarn up to an amount equal to 5 percent of the aggregate ceiling of each bilateral agreement.

Each country with which the United States has a cotton textile bilateral agreement is being asked to inform the United States by November 15, 1973, as to the additional amounts and categories which they may wish to export to the United States under this arrangement. The added amounts will not become part of the base of each country's bilateral agreement.

The Committee, which is chaired by the Department of Commerce, includes members from the State, Labor and Treasury Departments.

The purpose of this notice is to inform all interested parties that following November 15, 1973, upward adjustments may be made in the restraint levels applicable to cotton yarn and/or cotton fabric from those countries with which the United States has negotiated bilateral cotton textile agreements. Notice of such adjustments will be published in the FEDERAL REGISTER.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-23335 Filed 10-30-73;10:41 am]

COST OF LIVING COUNCIL

POSTAL RATE INCREASES

Notice of Public Hearings

Notice is hereby given that the Cost of Living Council will hold public hearings to receive comments from interested persons on an appropriate pricing rule for the Postal Service and comments on price increases scheduled to be implemented by the Postal Service on January 5, 1974. The hearings will be held in the Auditorium, Cost of Living Council, Room 2105, 2000 M St. NW., Washington, D.C. beginning at 9:30 a.m. on Wednesday, November 14, 1973. The hearings will last through Thursday, November 15, 1973, and the following day, if necessary.

On September 25, 1973, the Postal Service filed with the Postal Rate Commission a request for a recommended decision with respect to proposed increases in postal rates and fees. In the event that the Rate Commission does not submit a recommended decision within 90 days from the date of filing, the Postal Service anticipates placing into effect, as of January 5, 1974, temporary rates, substantially the same as those proposed to be adopted as permanent rates, on the authority of Section 3641 of Title 39, United States Code. The price increases proposed by the Postal Service would result in additional revenues of $734 million for fiscal year 1974, representing a price increase of 7.2 percent over total 1974 revenues.

On October 19, 1973, the Postal Service submitted to the IRS an application for authorization to price as a loss or low profit firm pursuant to the provisions of 6 CFR 150.201. That section provides that a price category I firm may increase prices after 30 days following the date of the receipt by the Council of financial data to support its loss or low profit position unless, during that 30-day period,

the Council suspends, modifies or disapproves that action. The Council has suspended the running of the 30-day period on this application.

The Council believes that this application on its face is inappropriate since loss or low profit treatment for the Postal Service would render meaningless the exclusion of the Postal Service from the Council's exemption of prices charged by Federal Government agencies. However, the Council is willing to consider the arguments raised in connection with this application before reaching any conclusion as to appropriate pricing rules for the Postal Service.

The U.S. Postal Service was expressly excluded from the exemption for prices charged by Federal Government agencies in 6 CFR 150.54 in recognition of the fact that postal rate increases may have a significant inflationary impact and that, unlike the situation of the majority of public utilities, postal rate increases may become effective on a temporary basis prior to review by the regulatory body with jurisdiction to review and without a requirement for accounting and possible refund of those temporary increases.

The Council is aware of the unique status of the Postal Service and of the statutory policy of moving the Postal Service to a self-sustaining basis. In light of these factors, the Council is contemplating the issuance of appropriate pricing rules under 6 CFR 150.220(a) which provides that whenever the Council finds it necessary to achieve the goals of the Economic Stabilization Program, it may issue regulations providing for the stabilization of prices in a particular industry, sector of the economy or part thereof. The Council is ordering public hearings pursuant to 6 CFR 150.220(b) based on a determination that public hearings will aid in achieving the goals of the Economic Stabilization Program and under the provisions of § 207(c) of the Economic Stabilization Act of 1970, as amended, which requires that to the maximum extent possible, formal hearings be conducted for the purpose of acquiring information bearing on a change or a proposed change in prices which have or may have a significantly large impact upon the national economy.

The Council has requested the Postal Service to submit the following information to supplement the data furnished in its application for loss or low profit pricing authority.

1. A scheduled showing, by class of mail or service, for the period 5 January 1974 through 4 January 1975:

(a) The revenues that would be received without rate increases.

(b) The revenues that would be received with the rate increases.

2. Costs which were incurred by the Postal Service in the following categories: materials, direct labor, and other operating costs, by classification of mail if possible, in the last fiscal quarter ending before January 11, 1973.

3. Additional costs in those categories which have been incurred since the last fiscal quarter ending before January 11, 1973, and also those which are projected to occur by January 5, 1974.

4. A narrative statement explaining the reason for major cost increases in any of the categories listed above.

The Council is inviting public participation in the form of written submissions as well as oral presentations. The Council requests that written or oral presentations be addressed to the following specific matters: the effects of the proposed rate increases on stabilization program standards and policies; the effects of the proposed rate increases on costs to various industry users and consumers; the effects of the proposed rate increases on Postal Service operations; the effects of the proposed rate increases on other public policy objectives.

All written submissions should be sent to Executive Secretariat, Cost of Living Council, 2000 M Street NW., Washington, D.C. 20503. All written submissions received before 5 p.m., e.s.t., on November 23, 1973 will be made part of the official record of the hearings.

Any information or data considered by the person furnishing it to be confidential must be submitted in writing, one copy only, before the person's scheduled appearance, or by the closing date for written comments. The Cost of Living Council reserves the right to determine the confidential status of the information or data and to treat it accordingly.

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 hearings, may request the opportunity to make an oral presentation by telephoning the Executive Secretariat of the Cost of Living Council at 202-254-8637 before 5 p.m., e.s.t., Wednesday, November 7, 1972. The person making the request should be prepared to describe the interest concerned; if appropriate to state why he is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through the requested hearing date. Oral presentations may be supplemented by written submissions filed with the Council not later than the record closing date.

The Council reserves the right to select the persons to be heard at the hearings, to schedule their respective presentation, 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.

Each person selecte to be heard will be notified by the Council before 5 p.m., e.s.t., Friday, November 9, 1973. Each scheduled witness must furnish 50 copies of his statement to the Executive Secretariat by 5 p.m., e.s.t., on Tuesday, November 13, 1973.

A Cost of Living Council official will be designated to preside at the hearings. They will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. Any decision made by the Council with respect to the subject matter of the hearings will be based on all information available to the Council, from whatever source received. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and may not exceed 10 minutes each.

Any interested person may submit questions, to be asked of any person making a statement at the hearings, before 5 p.m., e.s.t., Tuesday, November 13, 1973. Any person who makes an oral statement and who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The Council, or the presiding officer if the question is submitted at the hearings, will determine whether the question is relevant and whether time limitations permit it to be presented for answer.

Due to wide public interest in the hearings, available space may not accommodate all those who wish to attend; thus members of the general public will be admitted on a first come, first served basis.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the Council and made available for inspection at the Public Reference Facility of the Council, Room B-120, 2000 M Street, NW., Washington, D.C. between the hours of 8:30 a.m. and 5:30 p.m., Monday through Friday. Anyone may buy a copy of the transcript from the reporter.

Issued at Washington, D.C. on October 30, 1973.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

[FR Doc.73-23336 Filed 10-30-73;10:18 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 372]

ASSIGNMENT OF HEARINGS

OCTOBER 26, 1973.

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-F-11928, Dearborn's Motor Express, Inc.—Purchase—Mitchell & Smith Express, Inc., MC 30508 Sub 3, Dearborn's Motor Express, Inc., now being assigned hearing January 17, 1974 (2 days), at Boston, Mass., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-23201 Filed 10-30-73;8:45 am]

[Notice No. 25]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 26, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before November 30, 1973.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-109014 (Deviation No. 2), GREAT SOUTHERN COACHES, INC., 900 Burke Avenue, Jonesboro, Arkansas 72401, filed October 19, 1973. Applicant's representative: Sydney J. Butler, 900 Memphis Bank Building, Memphis, Tennessee 38103. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From St. Louis, Mo., over Interstate Highway 55 to Perryville, Mo., and (2) From Memphis, Tenn., over Interstate Highway 55 to junction U.S. Highways 61 and 63 near Gilmore, Ark., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: (1) From St. Louis, Mo., over Illinois Highway 3 to junction Missouri Highway 51, thence over Missouri Highway 51 to Perryville, Mo., and (2) From Memphis, Tenn., over U.S. Highway 63 to junction Arkansas Highway 77, thence over Arkansas Highway 77 to junction U.S. Highways 61 and 63 near Gilmore, Ark., and return over the same routes.

No. MC-54591 (Deviation No. 5) (Cancels No. MC-107109 (Deviation Nos. 2 and 7)), SOUTHEASTERN TRAILWAYS, INC., 205 North Senate Avenue, Indianapolis, Indiana 46202, filed September 21, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Indianapolis, Ind., over Interstate Highway 74 to junction U.S. Highway 52 near Dent, Ohio, with the following access routes: (1) From junction Interstate Highway 74 and Indiana Highway 9 over Indiana Highway 9 to Shelbyville, Ind., (2) from junction Interstate Highway 74 and Indiana Highway 44 over Indiana Highway 44 to Shelbyville, Ind., (3) from junction Interstate Highway 74 and U.S. Highway 421 over U.S. Highway 421 to Greensburg, Ind., (4) from junction Interstate Highway 74 and Indiana Highway 3 over Indiana Highway 3 to Greensburg, Ind., (5) from junction Interstate Highway 74 and Indiana Highway 229 over Indiana Highway 229 to Batesville, Ind., (6) from junction Interstate Highway 74 and Indiana Highway 101 over Indiana Highway 101 to junction Indiana Highway 46, (7) from junction Interstate Highway 74 and Indiana Highway 1 over Indiana Highway 1 to Saint Leon, Ind., (8) from junction Interstate Highway 74 and U.S. Highway 52 over U.S. Highway 52 to junction Indiana Highway 46, and (9) from junction Interstate Highway 74 and unnumbered access road over unnumbered access road to West Harrison, Ind., and Harrison, Ohio, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Indianapolis, Ind., over relocated U.S. Highway 421 to Greensburg, Ind., thence over Indiana Highway 46 to junction U.S. Highway 52, thence over U.S. Highway 52 to Cincinnati, Ohio, and return over the same route.

No. MC-54591 (Deviation No. 6), SOUTHEASTERN TRAILWAYS, INC., 205 North Senate Avenue, Indianapolis, Indiana 46202, filed September 26, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction Interstate Highway 75 and U.S. Highway 25W at or near Lake City, Tenn., over Interstate Highway 75 to Knoxville, Tenn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Corbin, Ky., over U.S. Highway 25W to Knoxville, Tenn., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-23198 Filed 10-30-73;8:45 am]

[Notice No. 34]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 26, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the "Commission's Revised Deviation Rules-Motor Carriers of Property, 1969" (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the "Commission's Revised Deviation Rules-Motor Carriers of Property, 1969," will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-30204 (Deviation No. 25), HEMINGWAY TRANSPORT, INC., 438 Dartmouth Street, New Bedford, Massachusetts 02742, filed October 9, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follow: (1) From Bridgeport, Conn., over Interstate Highway 95 to junction New Jersey Turnpike, thence over New Jersey Turnpike to junction Interstate Highway 295, thence over Interstate Highway 295 to junction U.S. Highways 13 and 40, thence over U.S. Highway 13 via the Chesapeake Bay Bridge-Tunnel to Norfolk, Va., and (2) From Bridgeport, Conn., over Interstate Highway 95 to junction New Jersey Turnpike, thence over New Jersey Turnpike to Exit No. 7 of the New Jersey Turnpike, thence over U.S. Highway 206 to Old York Road, thence over Old York Road to junction Interstate Highway 295, thence over Interstate Highway 295 to junction U.S. Highways 13 and 40,

thence over U.S. Highway 13 via the Chesapeake Bay Bridge-Tunnel to Norfolk, Va., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Bridgeport, Conn., over U.S. Highway 1 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction U.S. Highway 40, thence over U.S. Highway 40 to junction U.S. Highway 1, thence over U.S. Highway 1 to Richmond, Va., thence over U.S. Highway 60 to Norfolk, Va., and return over the same route.

No. MC-112713 (Deviation No. 24), YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Shawnee Mission, Kansas 66207, filed October 2, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Effingham, Ill., over Interstate Highway 57 to junction Interstate Highway 55 near Sikeston, Mo., thence over Interstate Highway 55 to junction Interstate Highway 40 near West Memphis, Ark., thence over Interstate Highway 40 to junction Interstate Highway 30 at Little Rock, Ark., thence over Interstate Highway 30 to junction U.S. Highway 59 at Texarkana, Tex., thence over U.S. Highway 59 to Houston, Tex., 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 pertinent service routes as follow: (1) From St. Louis, Mo., over U.S. Highway 40 to junction Alternate U.S. Highway 40 (formerly U.S. Highway 40), thence over Alternate U.S. Highway 40 via Hagarstown and Vandalia, Ill., to junction U.S. Highway 40, thence over U.S. Highway 40 to Effingham, Ill., thence over U.S. Highway 45 to Mattoon, Ill., thence over Illinois Highway 16 to Paris, Ill., thence over Illinois Highway 1 to junction Illinois Highway 1A (formerly Illinois Highway 1), thence over Illinois Highway 1A to Chicago, Ill., (2) From St. Louis, Mo., over U.S. Highway 66 to junction U.S. Highway 63 (formerly U.S. Highway 66) near Rolla, Mo., thence over U.S. Highway 63 to Rolla, Mo., thence over unnumbered highway (formerly U.S. Highway 66) to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway (formerly U.S. Highway 66) near Waynesville, Mo., thence over unnumbered highway to Waynesville, Mo., thence over Missouri Highway 17 (formerly U.S. Highway 66) to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway (formerly U.S. Highway 66) near Conway, Mo., thence over unnumbered highway via Conway to junction U.S. Highway 66, thence over U.S. Highway 66 to Baxter Springs, Kans., (3) From Kansas City, Mo., over U.S. Highway 69 to junction Kansas Highway 26, thence over Kansas Highway 26 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction Oklahoma Highway 66 (formerly U.S. Highway 66) near Edmond, Okla., thence over Oklahoma Highway 66 to Edmond, thence over Oklahoma Highway 77 (formerly U.S. Highway 66) to Oklahoma City, Okla., thence over U.S. Highway 77 to Dallas, Tex., thence over U.S. Highway 75 to Houston, Tex., and (4) From Vinita, Okla., over U.S. Highway 69 to Atoka, Okla., thence over U.S. Highway 75 to Dallas, Tex., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-23199 Filed 10-30-73;8:45 am]

[Notice No. 85]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 26, 1973.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application) are governed by the new Special Rule 1100.247 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications *as filed* by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 118288 (Sub-No. 33) (NOTICE OF FILING OF PETITION FOR MODIFICATION OF CERTIFICATE), filed October 11, 1973. Petitioner: STEPHEN F. FROST, 14750 Boyle Ave., Fontana, Calif. 92335. Petitioner presently holds a motor *common carrier* certificate in No. MC-118288 (Sub-No. 33) issued June 8, 1971, authorizing transportation, by motor vehicle, over irregular routes, of (1) *Commodities*, the transportation of which is exempt from economic regulation pursuant to the provisions of section 203(b)(6) of the Act, when moving the same vehicle and at the same time with the commodities in (2) and (3) below: (2) *meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, and *such commodities* as are used by meat packers in the conduct of their businesses when destined to and for use by meat packers, as described in sections A, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and (3) *such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and *equipment, materials, and supplies* used in the conduct of such businesses, between points in Montana. RESTRICTION: The authority granted herein is restricted to the transportation of shipments originating at or destined to points in Montana. By the instant petition, petitioner seeks to modify its commodity description to read: "*General commodities*" (except household goods, and Classes A and B explosives), between points in Montana. 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 125256 (Sub-No. 1) (NOTICE OF FILING OF PETITION TO ADD A CONTRACTING SHIPPER), filed October 15, 1973. Petitioner: BAKERY PRODUCTS TRANSPORT, INC., 821 E. Linden Ave., Linden, N.J. 07036. Petitioner's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. Petitioner presently holds a motor *contract carrier* permit in No. MC 125256 (Sub-No. 1) issued November 30, 1967, authorizing transportation, over irregular routes, of *bakery products and supplies* (except commodities in bulk), between Philadelphia, Pa., on the one hand, and, on the other, those points in New Jersey on and north of New Jersey Highway 33, New York, N.Y., and points in Nassau and Suffolk Counties, N.Y., under a continuing contract or contracts with Tasty Baking Company, of Philadelphia, Pa. By the instant petition, petitioner seeks to add National Sugar Refinery Company as an additional contracting shipper to the authority described above. 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 with Tasty Baking Company, of Philadelphia in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC-F-11984. (Correction) (FORE WAY EXPRESS, INC.—PURCHASE (PORTION) — VALLEY EXPRESS, INC.), published in the September 19, 1973, issue of the FEDERAL REGISTER on page 26250. Prior notice should be modified to include the following: *General commodities*, with exceptions, over regular routes, between Wittenberg and Monico, Wis., between Plover and Wausau, Wis., between Stevens Point, Wis., and junction Wisconsin Highways 66 and

49 east of Rosholt, between Northland, Wis., and junction Wisconsin Highways 49 and 29 east of Wittenberg, between Wittenberg and Wausau, Wis., between Elderon, Wis., and junction U.S. Highway 51 and Wisconsin Highway 153 east of Mosinee, between Milwaukee and Plover, Wis., serving various intermediate and off-route points, with restriction; *general commodities*, with exceptions, over irregular routes, between Wausau, Wis., and the site of the correctional institution for boys of the State of Wisconsin Department of Public Welfare, at or near Irma, Wis.; *paper and paper products*, except commodities in bulk, from Rhinelander, Wis., to Neenah and Menasha, Wis.; (1) *paper and paper articles, cellulose or plastic film, articles* manufactured from cellulose or plastic film, and (2) *materials, supplies, and equipment* used in the manufacture, sale, or distribution of the commodities described in (1), between Rhinelander, Wis., on the one hand, and, on the other, Greey Bay, Madison, Milwaukee, and Wausau, Wis., with restrictions.

No. MC–F–12017. Authority sought for merger by RIO GRANDE MOTOR WAY, INC., 1400 W. 52d Ave., Denver, CO 80221, of the operating rights and property of LARSON TRANSPORTATION COMPANY, also of Denver, CO 80221, and for acquisition by W. D. BRAUCHER, 1400 W. 52d Ave., Denver, CO 80221, and THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY, 1515 Arapahoe St., Denver, CO 80217, of control of such rights and property through the transaction. Applicants' attorney: John S. Walker, Jr., 1515 Arapahoe St., Denver, CO 80217. Operating rights sought to be merged: *General commodities*, with exceptions, as a *common carrier* over regular routes, between Denver, Colo., and Craig, Colo., between Denver, Colo., on the one hand, and, on the other, junction U.S. Highway 6 and 40, about five miles east of Idaho Springs, Colo.; *high explosives*, between Denver, Colo., and Craig, Colo. RIO GRANDE MOTOR WAY, INC., is authorized to operate as a *common carrier* in Colorado, New Mexico and Utah. Application has not been filed for temporary authority under section 210a(b).

NOTE.—Transferee acquired control of transferor by order dated August 30, 1944, in No. MC–F–2340.

MOTOR CARRIER PASSENGER

No. MC–F–12018. Authority sought for purchase by SOUTHEASTERN TRAILWAYS, INC., 205 N. Senate Ave., Indianapolis, IN 46202, of a portion of the operating rights of MEGACITY TRANSIT LINES, INC., 2003 Northwestern Ave., Dayton, OH 45427, and for acquisition by B. D. KRAMER, and C. J. VILLENEUVE, both of 1718 S. Clark St., Chicago, IL 60616, of control of such rights through the purchase. Applicants' attorney: Harry J. Harman, 8130 So. Meridian St., Indianapolis, IN 46217. Operating rights sought to be transferred: Passengers and their baggage, in special operations, in round-trip sightseeing and pleasure tours, as a common carrier over irregular routes, beginning and ending at points in Butler, Hamilton, and Montgomery Counties, Ohio, and extending to points in Illinois, Indiana, Kentucky, Michigan, Pennsylvania, Tennessee, Virginia, and West Virginia. Vendee is authorized to operate as a common carrier in Indiana, Illinois, Kentucky, Ohio, and Tennessee. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12019. Authority sought for purchase by NEW PENN MOTOR EXPRESS, INC., 18 E. Weidman St., Lebanon, PA 17042, of the operating rights of COASTAL FREIGHTWAYS, INC., P.O. Box 285, Cambridge, MA 02139, and for acquisition by HENRY R. ARNOLD, EDWARD H. ARNOLD, AND VIRGINIA A. PHILLIPS, all of Lebanon, PA 17042, of control of such rights through the purchase. Applicants' attorneys: S. Harrison Kahn, Suite 733 Investment Bldg., Washington, DC 20005, and Lawrence T. Sheils, 316 Summer St., Boston, MA 02210. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC–106736 (Sub-No. 2), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Massachusetts. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, Maryland, New Jersey, Delaware, Ohio, Virginia, Rhode Island, Connecticut, Massachusetts, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

NOTE.—MC–70832 (Sub-No. 17), is a matter directly related.

No. MC–F–12020. Authority sought for purchase by DODDS TRUCK LINE, INC., 623 Lincoln, P.O. Box 438, West Plains, MO 65775, of the operating rights and property of HUMANSVILLE TRUCK LINE, INC., Route 2, Box 8, Humansville, MO 65674, and for acquisition by PAUL D. DODDS, also of West Plains, MO 65775, of control of such rights and property through the purchase. Applicants' attorneys: Herman W. Huber, 101 East High St., Jefferson City, MO 65101, and Frank W. Taylor, Jr., 1221 Baltimore Ave., Kansas City, MO 64105. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Humansville and Springfield, Mo., serving all intermediate points; and under certificates of registration in Docket Nos. MC–52642 (Sub-Nos. 2 and 4), covering the transportation of general commodities, as common carriers, in interstate commerce, within the State of Missouri. Vendee is authorized to operates as a *common carrier* in Missouri, Arkansas, and Illinois. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12021. Authority sought for purchase by BAKER HI-WAY EXPRESS, INC., Box 484, Dover OH 44622, of the operating rights and property of RAYMOND D. GIBBS, doing business as DAN GIBBS AND SON, 409 Beech Lane, N.W., New Philadelphia, OH 44663, and for acquisition by HAROLD BAKER, Stone Creek, OH 43840, of control of such rights and property through the purchase. Applicants' attorney: Richard H. Brandon, 79 E. State St., Columbus, OH 43215. Operating rights sought to be transferred: *Clay products*, as a *common carrier* over irregular routes, between points in Tuscarawas County, Ohio, on the one hand, and on the other, points in Indiana on and north of U.S. Highway 40, the lower peninsula of Michigan, Pennsylvania, on and west of U.S. Highway 219, and those in West Virginia, from points in Tuscarawas County, Ohio, to points in Illinois and that part of Pennsylvania, east of U.S. Highway 15; *pallets* and *skids* used in moving clay products described immediately above, from points in Illinois and that part of Pennsylvania east of U.S. Highway 15, to points in Tuscarawas County, Ohio; *malt beverages*, from points in Kentucky and that part of Pennsylvania on and west of U.S. Highway 219 to points in Tuscarawas County, Ohio; *malt beverages*, in containers, from New Philadelphia, Ohio, to points in Washington, County, Pa., Kentucky, West Virginia, and Indiana; *prepared roofing materials*, from Wilmington and Waukegan, Ill., to points in West Virginia and Pennsylvania on and west of U.S. Highway 219, with restriction. Vendee is authorized to operate as a *common carrier* in Illinois, Kentucky, Michigan, New York, Indiana, West Virginia, Pennsylvania, Ohio, Maryland, Iowa, Minnesota, Missouri, New Jersey, Connecticut, Massachusetts, Rhode Island, New Hampshire, Maine, Vermont, Wisconsin, Delaware, Virginia, Tennessee, Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Texas, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12025. Authority sought for control by BECKER'S MOTOR TRANSPORTATION, INC., 819 St. George Ave., Woodbridge, NJ 07095, of NEEDHAM'S MOTOR SERVICE, INC., P.O. Box 138, Hightstown, NJ 08520, and for acquisition by BARRY BECKER, Claridge House, Verona, NJ 07044, of control of NEEDHAM'S MOTOR SERVICE, INC., through the acquisition by BECKER'S MOTOR TRANSPORTATION, INC. Applicant's attorneys: A. David Millner, 744 Broad St., Newark, NJ 07102, and R. Frederic Fisher, 311 California, St., San Francisco, CA 94104. Operating rights sought to be controlled: (A) *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Camden and Atlantic City, N.J.,

between Camden, N.J., and junction New Jersey secondary Highway 561 and U.S. Highway 322, between Camden, N.J., and junction U.S. Highway 130 and New Jersey Secondary Highway 545, between Camden, N.J., and junction New Jersey Secondary Highway 543 and U.S. Highway 130, between Bordentown, N.J., and junction U.S. Highways 206 and 30, between junction New Jersey Highway 73 and U.S. Highway 130 and junction New Jersey Highway 73 and U.S. Highway 30, between Camden, and Tuckahoe, N.J., between junction New Jersey Highways 42 and 41 and junction New Jersey Highway 47 and New Jersey Secondary Highway 585, at or near Wildwood, N.J., between junction New Jersey Highway 50 and U.S. Highway 30 and Seaville, N.J., between Cape May, N.J., and junction U.S. Highways 9 and 30, between junction New Jersey Secondary Highway 585 and U.S. Highway 9, and Pleasantville, N.J., between Pittsgrove, and McKee City, N.J., between Bridgeton, and Richland, N.J., between junction New Jersey Secondary Highway 552 and U.S Highway 40 and junction New Jersey Secondary Highway 552 Spur and New Jersey Highway 47, between junction New Jersey Highway 54 and U.S. Highway 30, and junction New Jersey Secondary Highways 555 and 552 Spur, serving various intermediate and off-route points, with restriction; (B) between Philadelphia, Pa., and Atlantic City, N.J., serving all intermediate points, and various off-route points, between Philadelphia, Pa., and New York, N.Y., serving all intermediate points and various off-route points, between Atlantic City, N.J., and New York, N.Y., serving all intermediate points, and various off-route points; *food and foodstuffs* (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, over irregular routes, from the facilities of Kraft Foods Division of Kraftco Corporation at or near Fogelsville, Pa., to points in Delaware, Maryland, New Jersey, New York, and Pennsylvania; foodstuffs, from points in Adams County, Pa., to points in Delaware, Maryland, New York, New Jersey, Pennsylvania, Virginia, and the District of Columbia, with restrictions. BECKER'S MOTOR TRANSPORTATION, INC., is authorized to operate as a *common carrier* in New York, and New Jersey, and as a *contract carrier* in all points in the United States including Alaska and Hawaii. Application has been filed for temporary authority under section 210a(b).

NOTICE

KNAPPTON TOWBOAT COMPANY, 110 S. E. Caruthers Street, Portland, Oregon, represented by Mr. Russell M. Allen, 1200 Jackson Tower, Portland, Oregon 97205, hereby gives notice that on the 6th day of July, 1973, it filed with the Interstate Commerce Commission to merge the properties of Columbia Pacific Towing Corporation, a Washington corporation and wholly-owned subsidiary of Knappton Towboat Company, a Washington corporation, into Knappton Towboat Company, by statutory merger and for B. Land Company, an Oregon corporation to acquire control of the rights and properties of Columbia Pacific Towing Corporation, through its controlling stock ownership of Knappton Towboat Company, F.D. 27441.

The operating rights of Columbia Pacific Towing Corporation which are proposed to be merged into Knappton Towboat Company will extend Knappton's authority to perform general towage by towing vessels from Bonneville Dam to points along the Columbia River and its tributaries to Alderdale, Washington.

The Interstate Commerce Commission has previously approved by order dated June 10, 1971, control by Knappton Towboat Company of Columbia Pacific Towing Corporation through ownership of capital stock of Columbia Pacific Towing Corporation. Pursuant to such order Knappton has been conducting operations between these points and points Knappton is presently authorized to serve under its existing certificates and no application for temporary authority pertaining to this proceeding has been filed under section 311(b).

In the opinion of the applicant, the requested Commission action involves no effect on the quality of the human environment. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation-Nat'l Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (b)(1)–(5), 340 I.C.C. 431, 461. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearing. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-23200 Filed 10-30-73;8:45 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

OCTOBER 26, 1973.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

Texas Docket No. 2600, filed October 2, 1973. Applicant: RED ARROW FREIGHT LINES, INC., 3901 Seguin Road, San Antonio, Tex. 78206. Applicant's representative: Larry Persky, Texas Railroad Commission, Drawer 12967, Capitol Station, Austin, Tex. 78206. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities:* (a) Between Olmito, Tex., and the intersection of Farm Road 511 and State Highway 48 as follows: From Olmito, Texas, over Farm Road 511 to its intersection with State Highway 48 and return over the same route, serving all intermediate points; (b) Serving the plant site of Motorola, Incorporated, located on State Highway 123, approximately one mile north of Interstate Highway 10 and approximately 1.6 miles north of the city limit of Seguin, Tex., as an off-route point in connection with applicant's presently authorized service. Applicant proposes to tack and to coordinate the proposed additional services with all services now authorized in intrastate commerce under Texas Certificate No. 2600 and with all services now authorized in interstate and foreign commerce under authorities granted in Docket MC 2226 and all Subs thereunder. Applicant seeks no duplicating authority. Intrastate, interstate, and foreign commerce authority sought.

HEARING: Approximately 30 days after publication in the FEDERAL REGISTER. Request for procedural information should be addressed to the Railroad Commission of Texas, Drawer 12967, Capitol Station, Austin, Tex. 78711, and should *not* be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 4286 (Sub-No. 6), filed October 3, 1973. Applicant: WEST TENNESSEE MOTOR EXPRESS, INC., Faydur Court, P.O. Box 7265, Nashville, Tenn. 37210. Applicant's representative: Don R. Binkley, 500 Court Square Building, Nashville, Tenn. 37201. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, except household goods, Class A and B explosives, commodities in bulk and commodities requiring special equipment: ROUTE (1): Between Brownsville, Tenn., and Memphis, Tenn.: From Brownsville over Tennessee Highway 76 to its junction with Interstate Highway 40, thence over Interstate Highway 40 to Memphis, and return over the same route, serving no intermediate points and serving Brownsville for the purpose of joinder only; ROUTE (2): Between

Memphis, Tenn., and all points and places in Benton, Carroll, and Henry Counties, Tenn., serving all of said points and places in said counties over any and all highways and roads in said counties; from Memphis over Interstate Highway 40 to junction of U.S. Highway 70 and/or Tennessee Highways 22 and 69, thence over said highways to said points and return over the said routes serving no intermediate points, but serving the off-route point of Jackson, Tenn.; ROUTE (3): Between Bells, Tenn., and Memphis, Tenn.: From Bells over U.S. Highway 79 to Memphis, and return over the same route, as an alternate route for operating convenience only, serving Bells for the purpose of joinder only; and ROUTE (4): Between the junction of Tennessee Highway 20 and U.S. Highway 51 and Memphis, Tenn.; from junction of Tennessee Highway 20 and U.S. Highway 51 over U.S. Highway 51 to Memphis, and return over same route, as an alternate route for operating convenience only. Said authority sought in routes (1) and (2) above to be used in conjunction with all of applicant's existing authority, and the closed door restriction contained in Certificate No. 1864 be changed to read, "Limited so as to operate with closed doors between Nashville and the Tennessee River" instead of "Limited so as to operate with closed doors between Nashville, and Bruceton, Tenn., serving Bruceton". Corresponding interstate authority is sought.

HEARING: January 14, 1974, at the Commission's Court Room, C-1 Cordell Hull Building, Nashville, Tenn., at 9:30 A.M. Requests for procedural information should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should *not* be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 4479 (Sub-No. 14), filed October 12, 1973. Applicant: KNOXVILLE-MARYVILLE MOTOR EXPRESS, INC., 2335 Texas Avenue, Knoxville, Tenn. 37921. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General property* (except household goods, liquid commodities in bulk, fly ash, dry cement and dry fertilizer in bulk, and dry acids and dry chemicals in bags and bulk), (1) Between Knoxville and Chattanooga, Tenn.: From Knoxville over Interstate Highway 40 to Kingston, thence over Tennessee Highway No. 58 from Kingston to Chattanooga and return over the same route, serving all intermediate points; (2) Between Loudon and Chattanooga, Tenn.: From Loudon over U.S. Highway No. 11 (and also Interstate Highway 75) to Chattanooga and return over the same routes, serving all intermediate points; and (3) Between Madisonville and Chattanooga, Tenn.: From Madisonville over U.S. Highway No. 411 to junction with U.S. Highway No. 64, thence over U.S. Highway No. 64 (and Parallel interstate highways) to Chattanooga, and return over the same route, serving all intermediate points. Applicant has present permanent authority to serve some points covered by the foregoing routes and has pending other applications covering some of the points. No duplicate authority is sought. The foregoing routes are to be tacked or joined to all of Applicant's other authority under Tennessee Certificates 1451 and Sub Numbers and Certificate of Registration MC-97904 and Sub Numbers. RESTRICTION—Service at Chattanooga, Tenn., as to the foregoing three routes is restricted to delivery to or receipt from connecting carriers of interline traffic which originates at or is destined to points beyond Chattanooga, Tennessee and its commercial zone in Tennessee. Intrastate and interstate authority sought.

HEARING: January 3, 1974, at the Commission's Court Room, C-1 Cordell Hull Building, Nashville, Tenn., at 9:30 A.M. Requests for procedural information should be addressed to the Tennessee Public Service Commission; Cordell Hull Building, Nashville, Tenn. 37219, and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-23197 Filed 10-30-73;8:45 am]

[Notice No. 86]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

OCTOBER 26, 1973.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the applicaton, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Comission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 2253 (Sub-No. 64), filed August 27, 1973. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, North Carolina Highway 150, East Cherryville, N.C. 28021. Applicant's representative: W. C. Mauldin, P.O. Box 697, Cherryville, N.C. 28021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Medina, N.Y., to Wayland, N.Y.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at Wayland, N.Y., to provide a through service from Medina, N.Y., to points in North Carolina, South Carolina, Georgia, and Florida. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Washington, D.C.

No. MC 8744 (Sub-No. 8), filed August 27, 1973. Applicant: CONSOLIDATED MOTOR EXPRESS, INC., 910 Grant Street, Bluefield, West Virginia

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

25701. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Bluefield, W. Va., points in Buchanan, Dickenson, Lee, Russell, Scott, Tazewell, and Wise Counties, Va., on the one hand, and, on the other, points in Fayette, Greenbrier, Logan, McDowell, Mercer, Monroe, Mingo, Nicholas, Raleigh, Summers, and Wyoming Counties, W. Va.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority in the lead certificate at North Tazewell, Va., to serve points in Virginia and West Virginia that are located within 50 miles of North Tazewell, Va. If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va., Columbus, Ohio, or Roanoke, Va.

No. MC 19227 (Sub-No. 192), filed August 22, 1973. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, Fla. 33152. Applicant's representative: J. F. Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical substations and related parts and accessories*, from Springdale, Ark., to points in the United States (except Alaska, Hawaii, Idaho, Nevada, Montana, Utah, and Wyoming), and (2) *parts and accessories used in the assembly and construction of electrical substations, circuit breakers and switches*, from points in the United States (except Alaska, Hawaii, Idaho, Nevada, Montana, Utah, and Wyoming), to Springdale, Ark.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 25798 (Sub-No. 244), filed August 30, 1973. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products* (other than canned citrus products), from points in Florida, to points in Arizona, California, and New Mexico.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Atlanta, Ga.

No. MC 28573 (Sub-No. 34), filed August 6, 1973. Applicant: BURLINGTON NORTHERN INC., 176 East Fifth Street, St. Paul, Minn. 55101. Applicant's representative: William R. Power (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods, commodities in bulk, those requiring special equipment, and classes A and B explosives) (1) Between Great Falls, Mont., and Hobson, Mont.: From Great Falls over U.S. Highway 87 to Hobson, and return over the same route; (2) Between Great Falls, Mont., and Sweetgrass, Mont.: From Great Falls over U.S. Highway 91 to Sweetgrass, and return over the same route; (3) Between Great Falls, Mont., and Havre, Mont.: From Great Falls over U.S. Highway 87 to Havre, and return over the same route; (4) Between Havre, Mont., and Browning, Mont.: From Havre over U.S. Highway 2 to Browning, and return over the same route; (5) Between Great Falls, Mont., and Dupuyer, Mont.: From Great Falls over U.S. Highway 89 to Dupuyer, and return over the same route; (6) Between Great Falls, Mont., and Butte, Mont.: From Great Falls over U.S. Highway 91 to Butte, and return over the same route, (1) through (6) above serving all intermediate and off-route points which are stations on said carrier's rail line between the points named; (7) Serving Fairfield, Mont., as an intermediate point in connection with carrier's regular-route operations between Great Falls and Dupuyer, Mont.; (8) Between Hobson, Mont., and Lewiston, Mont., serving no intermediate points: From Hobson over U.S. Highway 87 to Lewiston, and return over the same route; (9) Between Lewiston, Mont., and Malta, Mont., serving no intermediate points: From Lewiston over U.S. Highway 191 to Malta, and return over the same route; (10) Between Grass Range, Mont., and Malta, Mont., serving no intermediate points: From Grass Range over Montana Highway 19 to junction U.S. Highway 191 east of Roy, Mont., thence over U.S. Highway 191 to Malta, and return over the same route; (11) Between Havre, Mont., and Williston, N. Dak.: From Havre over U.S. Highway 2 to Williston, and return over the same route; (12) Between Browning, Mont., and Somers, Mont., serving all intermediate points: From Browning over U.S. Highway 2 to Kalispell, Mont., thence over U.S. Highway 93 to Somers, and return over the same route; (13) Between Kalispell, Mont., and junction Montana Highway 37 and U.S. Highway 2, serving all intermediate points: From Kalispell over U.S. Highway 93 to Whitefish, Mont., thence over Montana Highway 37 via Columbia Falls, Mont., to junction U.S. Highway 2, and return over the same route; (14) Between Lewiston, Mont., and Billings, Mont., serving no intermediate points: From Lewiston over U.S. Highway 87 to Billings, and return over the same route; (15) Serving Valier, Mont., as an off-route point in connection with carrier's regular-route operations; (16) Serving Moore, Mont., as an off-route point in connection with carrier's regular-route operations; and (17) Between Judith Gap, Mont., and junction U.S. Highways 191 and 87, serving no intermediate points, and serving junction U.S. Highways 191 and 87 for purpose of joinder only: From Judith Gap over U.S. Highway 191 to junction U.S. Highway 87, and return over the same route.

NOTE.—Common control may be involved. Applicant presently operates subject to various restrictions over all the above routes. The purpose of the instant application is to eliminate the existing restrictions. If a hearing is deemed necessary, applicant requests it be held at Great Falls or Helena, Mont.

No. MC 30319 (Sub-No. 143), filed August 20, 1973. Applicant: SOUTHERN PACIFIC TRANSPORT COMPANY OF TEXAS AND LOUISIANA, a Corporation, 7600 South Central Expressway, Dallas, Tex. 75216. Applicant's representative: Lloyd M. Roach, 1517 West Front Street, Tyler, Tex. 75701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), serving Dolen, Tex., as an off-route point in connection with applicant's present regular route authority, to and from Cleveland, Tex., over Texas Highway 105.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 31389 (Sub-No. 172), filed August 27, 1973. Applicant: McLEAN TRUCKING COMPANY, a Corporation, 617 Waughtown Street, Winston-Salem, N.C. 27102. Applicant's representative: David F. Eshelman, P.O. Box 213, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Jomac, Inc., at or near Winnfield, La., as an off-route point in connection with regular route operations to and from Alexandria, La.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New Orleans, La.

No. MC 31799 (Sub-No. 8), filed August 30, 1973. Applicant: HELLMAN TRUCKING CO., INC., Pilot Grove, Iowa 52648. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Incinerators and building framework*, from Mt. Pleasant and Houghton, Iowa, to points in the United States (except Alaska or Hawaii); (2) *materials, equipment, and supplies* used in the manufacture, processing, sale, and distribution of incinerators and building framework, from points in the United States (except Alaska and Hawaii), to Mt. Pleasant and Houghton, Iowa; (3) *boats, campers, pickup toppers, and trailers* designed to be drawn by passenger vehicles, from Houghton, Iowa to points in the United States (except Alaska and Hawaii); (4) *materials,*

equipment, and supplies used in the manufacture, processing, sale, and distribution of boats, campers, pickup toppers, and trailers to be drawn by passenger vehicles, from points in the United States (except Alaska and Hawaii), to Houghton, Iowa; (5) *pallets*, from West Point, Iowa, to points in Illinois and Indiana; and (6) *parts, components, accessories, and attachments* for grain storage and drying systems, from Assumption, Ill., to points in Illinois, Indiana, Iowa, Kentucky, Mississippi, Missouri, Ohio, and Tennessee.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Chicago, Ill.

No. MC 41404 (Sub-No. 111), filed August 30, 1973. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, P.O. Box 440, Fulton Highway, Martin, Tenn. 38237. Applicant's representative: Tom D. Copeland (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Section A & C of Appendix I to the report in "Descriptions of Motor Carrier Certificates," 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and warehouse facilities of Armour and Company, located at Memphis, Tenn., to points in Ohio.

NOTE.—Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Chicago, Ill.

No. MC 42828 (Sub-No. 6), filed August 9, 1973. Applicant: THEODORE ROSSI TRUCKING CO., INC., 9 South Vine Street, Barre, Vt. 05641. Applicant's representative: James W. Conner, 431 Keith Avenue, Akron, Ohio 44313. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Granite, granite working tools, and supplies*, from points in Washington and Orange Counties, Vt., on the one hand, and, on the other, points in Monmouth County, N.J.; *returned and rejected shipments* from the destination points named in (1) above, to the origin points named in (1) above.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 43246 (Sub-No. 18), filed August 30, 1973. Applicant: BUSKE LINES, INC., 123 W. Tyler Avenue, Litchfield, Ill. 62056. Applicant's representative: Harold Buske (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from the plantsite and warehouse facilities of Hillsboro Glass Company, at or near Hillsboro, Ill., to Detroit, Mich., under contract with Hillsboro Glass Company.

NOTE.—Applicant also holds common carrier authority in MC 15975 and subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 50069 (Sub-No. 465), filed August 30, 1973. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Ave., Oregon, Ohio 43616. Applicant's representative: Kenneth T. Johnson, Bankers Trust Bldg., Jamestown, New York 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except petrochemicals), as described in Appendix XIII to the Report and *"Descriptions in Motor Carrier's Certificates,"* 61 M.C.C. 209, in bulk, in tank vehicles, from Warren, Pa., to points in Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Pittsburgh, Pa.

No. MC 51146 (Sub-No. 335), filed August 20, 1973. Applicant: SCHNEIDER TRANSPORT, INC., 2661 S. Broadway, Green Bay, Wis. 54304. Applicant's representative: Charles Singer, Suite 1000, 327 S. La Salle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from Iowa City and Muscatine, Iowa, to points in Michigan and Wisconsin, restricted to traffic originating at the facilities of Heinz U.S.A., Division of H. J. Heinz Company, located at Iowa City, Iowa, and Muscatine, Iowa, and destined to points in the above named destination states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 60271 (Sub-No. 3), filed August 20, 1973. Applicant: HARPER TRUCK LINE, INC., P.O. Box 288, Monroe, La. 71201. Applicant's representative: W. C. Littleton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products and materials and supplies* used in the manufacture and conversion of paper and paper products (except commodities in bulk), between the plantsite and warehouse facilities of Olinkraft, Inc., at Monroe and West Monroe, La., on the one hand, and, on the other, Baton Rouge, Lake Charles, and New Orleans, La.; Vicksburg and Natchez, Miss., restricted to export and import traffic only.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Monroe, New Orleans, or Shreveport, La.

No. MC 66886 (Sub-No. 42), filed August 29, 1973. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64108. 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: (1) *Asphalt mix storage tanks, bins, conveyors, bag houses, and evaporative coolers in haul-a-way and tow-a-way service*, and (2) *parts, attachments, and accessories* for the above-named commodities, from Leavenworth, Kans.; Kansas City, Mo.; and Glasgow, Mo., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 71652 (Sub-No. 7), filed August 27, 1973. Applicant: BYRNE TRUCKING, INC., 1780 Antelope Road, P.O. Box 2543, White City, Oreg. 97501. Applicant's representative: George R. LaBissoniere, Suite 101, 130 Andover Park East, Seattle, Wash. 98188. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery and construction equipment and related parts of machinery*, when moving therewith, which because of its size or weight, requires the use of special equipment, between points in Humboldt, Trinity, Shasta, Modoc, Siskiyou, and Del Norte Counties, Calif., on the one hand, and, on the other, points in Lake, Douglas, Josephine, Jackson, Klamath, Curry, and Coos Counties, Oreg.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 73165 (Sub-No. 331), filed August 21, 1973. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: R. Connor Wiggins, Jr., 909 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings, and equipment, materials, and supplies* (except commodities in bulk) used in the manufacture, distribution, and construction of buildings, between points in Harris County, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that tacking possibilities exist but are not sought. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 82079 (Sub-No. 33), filed August 20, 1973. Applicant: KELLER TRANSFER LINE, INC., 1239 Randolph Avenue SE., Grand Rapids, Mich. 49507. Applicant's representative: Ed Malinzak,

900 One Vandenberg Center, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, prepared foods, frozen food products, and frozen bakery goods*, from Grand Rapids, Mich., to points in Ohio, Indiana, and Illinois.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., or Chicago, Ill.

No. MC 95376 (Sub-No. 8), filed September 4, 1973. Applicant: McVEY TRUCKING, INC., Rural Route 1, Oakwood, Ill. 61858. Applicant's representative: Clyde Meachum, 41 On The Mall, Danville, Ill. 61832. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expeller chips and unground blood meal* (commonly referred to as meat scraps) which does not require the use of tank vehicles, from Anderson, Ind., to Danville, Ill.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Springfield, Ill.

No. MC 95490 (Sub-No. 33), filed July 27, 1973. Applicant: UNION CARTAGE COMPANY, a corporation, 9A Southwest Cutoff, Worcester, Mass. 01604. Applicant's representative: Leonard J. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Orangeburg, N.Y., to points in Maine.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at Orangeburg, N.Y., to provide a through service from Springfield, Mass., to points in Maine. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 96324 (Sub-No. 23), filed August 22, 1973. Applicant: GENERAL DELIVERY, INC., P.O. Box 1816, Fairmont, W. Va. 26554. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers*, from Fairmont, W. Va., to Winston-Salem, N.C., and (2) *wooden pallets*, from Winston-Salem, N.C., to Fairmont, W. Va.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority in Sub 7 and Sub 15 to serve points in the middle Atlantic States but has no present intention of tacking. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Toledo, Ohio.

No. MC 99780 (Sub-No. 27), filed August 17, 1973. Applicant: CHIPPER CARTAGE COMPANY, INC., 1327 Northeast Bond Street, Peoria, Ill. 61603. Applicant's representative: John R. Zang (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Wilson & Co., Inc., at Cedar Rapids, Iowa, to points in Indiana and those points in Wisconsin on south and west of Interstate Highway 90 (except Beloit, Janesville, and Madison, Wis.), restricted to traffic originating at and destined to the points named above, and (2) *meats, meat products and meat byproducts* described in Section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Waterloo, Iowa, and Peoria, Ill., to points in Indiana, restricted to traffic originating at and destined to the points named above.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106644 (Sub-No. 160), filed August 24, 1973. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., P.O. Box 916, Atlanta, Ga. 30301. Applicant's representative: W. Randall Tye, 15th Floor, Candler Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe, cast iron and brass valves and components, cast iron fittings, and cast iron fire hydrants* (except pipe and pipe fittings as described in *Mercer Oil Field Extension* 74 MCC 459), from Birmingham, Ala., to points in Colorado, Kansas, New Mexico, North Dakota, and South Dakota.

NOTE.—Applicant states that the requested authority can be tacked with its existing size and weight authority in the lead certificate at Birmingham, Ala., to provide a through service from points in Louisiana, Arkansas, Missouri, Iowa, Illinois, Indiana, Ohio, Kentucky, Virginia, Tennessee, North Carolina, South Carolina, Florida, Georgia, Alabama, Mississippi, Pennsylvania, New Jersey, New York, Massachusetts, and Rhode Island, to the destination States named above. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 107002 (Sub-No. 438), filed August 24, 1973. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: John J. Borth, P.O. Box 8573, Battlefield Station, Jackson, Miss. 39204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, (1) from Taylorsville, Miss. to points in Alabama and Louisiana, and (2) from Crossett, Ark., to points in Mississippi.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority (a) at Fox, Anniston, McIntosh, Mobile, LeMoyne, Decatur, and River Falls, Ala., to provide a through service from Taylorsville, Miss., to points in Florida, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee; and (b) at Hattiesburg, Vicksburg, Pascagoula, Jackson, Louisville, and Hamilton, Miss., to provide a through service from Crossett, Ark., to points in Alabama, Florida, Georgia, and South Carolina. Other tacking possibilities exist but are not sought. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Memphis, Tenn.

No. MC 107107 (Sub-No. 430) (Amendment), filed August 9, 1973, published in FEDERAL REGISTER issue of September 7, 1973, and republished as amended, this issue. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 NW. 42d Ave. (LeJeune Rd.), Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs*, from points in Florida, to points in Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—Applicant states that the requested authority can be tacked at Pensacola, Fla.: (a) in Sub-No. 241 on meats, meat products, meat byproducts, dairy products, and frozen foods, to provide a through service from points in southern Alabama to the destination States named above; (b) in Sub-No. 403 on general commodities, to provide service between Dallas-Ft. Worth, Tex., and the destination States named above; and (3) in Sub-No. 411 on foods, foodstuffs and food materials, from the Dallas-Ft. Worth area, to the destination States named above. The purpose of this republication is to indicate applicant's tacking possibilities. If a hearing is deemed necessary, applicant requests it be held at either Tampa, Orlando, or Miami, Fla.

No. MC 107515 (Sub-No. 869) (amendment), filed August 6, 1973, published in the FEDERAL REGISTER issue, September 20, 1973 and republished as amended, this issue. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products, juices, drinks, beverages, and drink and beverage concentrates*, in bulk, in tank vehicles, from Orlando, LaBelle, Indiantown, and Dunedin, Fla., to points in the United States including Alaska but excluding Hawaii.

NOTE.—Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to add LaBelle, Fla., as a point of origin. If a hearing is deemed necessary, applicant requests it be held at either Orlando, Tampa, or Miami, Fla.

No. MC 107839 (Sub-No. 154), filed August 27, 1973. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 2121 East 67th Avenue, Denver, Colo. 80216. Applicant's representative: Edward T. Lyons, Jr., Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in "Descriptions in Motor Carrier Certificates," 61 M.C.C. 209 and 766, from Grand Island, Nebr., to points in Tennessee, North Carolina, South Carolina, Georgia, and Florida.

NOTE.—Applicant states that the requested authority can be tacked with its pending authority in Sub-No. 149 at Grand Island, Nebr., to provide a through service from points in Colorado (except Delta and Junta) to the destination states named above. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Chicago, Ill.

No. MC 107882 (Sub-No. 33), filed August 30, 1973. Applicant: ARMORED MOTOR SERVICE CORPORATION, 160 Ewingville Road, Trenton, N.J. 08638. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bonds*, between points in the United States (except Alaska and Hawaii), under contract with General Services Administration.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Trenton, N.J., or Washington, D.C.

No. MC 108340 (Sub-No. 25), filed August 14, 1973. Applicant: HANEY TRUCK LINE, Number 1 Haney Lane, P.O. Box 485, Cornelius, Oregon 97113. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23d Avenue, Portland, Oregon 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, between points in Oregon, Washington, and Idaho, and in that portion of California lying in and north of Mendocino, Lake, Clousa, Sutter, and Placer Counties, Calif.

No. MC 109478 (Sub-No. 129), filed August 21, 1973. Applicant: WORSTER MOTOR LINES, INC., Gay Road, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth Street, Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, from points in Pennsylvania, to the Port of Erie (Erie), Pa.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 110525 (Sub-No. 1069), filed August 23, 1973. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, from the plantsites of Bulk Distribution Centers, Inc., located at points in Campbell and Kenton Counties, Ky., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, and Tennessee, registered to shipments having a prior movement by rail.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 110589 (Sub-No. 27), filed August 30, 1973. Applicant: J. E. LAMMERT TRANSFER, INC., 317 North Oak Street, Grand Island, Nebr. 68801. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packing houses*, as described in Sections A and C to the report in "Descriptions in Motor Carrier Certificates," 61 MCC 209 and 766 (except commodities in bulk), from Lexington, Nebr., to points in Illinois and Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Lincoln, Nebr.

No. MC 111401 (Sub-No. 393), filed August 3, 1973. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Alvin J. Meiklejohn, Jr., Suite 1600, Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from the plantsite of Farmland Industries, Inc., at or near Enid, Okla., to points in Arkansas, Colorado, Kansas, Louisiana, Missouri, and Texas, restricted to the transportation of shipments originating at the above-named plantsite and destined to the above-named points.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Oklahoma City, Okla.

No. MC 111401 (Sub-No. 394), filed August 20, 1973. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Alvin J. Meikejohn, Jr., Suite 1600 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar products*, from Stroud, Okla., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Dallas, Tex.

No. MC 111401 (Sub-No. 397), filed September 4, 1973. Applicant GROENDYKE TRANSPORT, INC., P.O. Box 632, 2510 Rock Island Boulevard, Enid, Okla. 73701. Applicant's representative: Alvin J. Meiklejohn, Jr., Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Activated carbon*, dry, in bulk, in tank, or hopper type vehicles, from Marshall, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Wilmington, Del., or Washington, D.C.

No. MC 111545 (Sub-No. 190), filed August 27, 1973. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road, Marietta, Ga. 30062. Applicant's representative: Robert E. Born, P.O. Box 6426, Station A, Marietta, Ga. 30062. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boat docks, ramps, materials, supplies, fixtures, and accessories* incidental to completion, erection and installation thereof, from Galesburg, Ill., to points in and east of Montana, Wyoming, Colorado, and New Mexico.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 113459 (Sub-No. 82), filed August 13, 1973. Applicant: H. J. JEFFERIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common* carrier, by motor vehicle, over irregular routes, transporting: (1) *Building panels*, and (2) *knocked-down steel buildings and accessories*, (1) from the plantsites of Star Mfg. Co., at Oklahoma City, Okla., to points in the United States (including Alaska but excluding Hawaii), and (2) from the plantsite of Braden Steel in Tulsa, Okla., to points in the United States, (including Alaska but excluding Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 114004 (Sub-No. 135), filed August 23, 1973. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. 72209. Applicant's representative: Harold G. Hernly, 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn

by passenger automobiles, in initial movements, and (2) *buildings*, in sections, mounted on wheeled undercarriages, from points in Mississippi, to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that tacking possibilities exist, but are not sought. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Memphis, Tenn.

No. MC 114274 (Sub-No. 23), filed August 22, 1973. Applicant: VITALIS TRUCK LINES, INC., 137 Northeast 48th Street Place, Des Moines, Iowa 50306. Applicant's representative: William H. Towle, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Water*, in containers from Excelsior Springs, Mo., to points in Iowa, Nebraska, Minnesota, and Illinois; and (2) *empty plastic containers*, from Council Bluffs, Iowa, to Excelsior Springs, Mo.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 114457 (Sub-No. 163), filed August 24, 1973. Applicant: DART TRANSIT COMPANY, a Corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen bakery goods*, from Burlington, Iowa, to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Burlington, Iowa.

No. MC 114989 (Sub-No. 18), filed August 27, 1973. Applicant: KENTUCKY WESTERN TRUCK LINES, INC., P.O. Box 623, Hopkinsville, Ky. 42240. Applicant's representative: Richard D. Gleaves, 601 Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising matter*, from the plantsite of the Theodore Hamm Brewing Company, located at or near St. Paul, Minn., to the Megan Distributing Company at or near Paducah, Ky., and Kentucky Ace Beverage Distributors, Inc., Hopkinsville, Ky., under a continuing contract, or contracts, with Megan Distributing Company, Paducah, Ky.

NOTE.—Applicant also holds common carrier authority under MC 115762 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Hopkinsville, Ky.

No. MC 115322 (Sub-No. 95), filed August 27, 1973. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla., 32809. Applicant's representative: J. V. McCoy, P.O. Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen baked squash, when moving in mixed shipments with potatoes and potato products*, from Belfast, Maine, to Secaucus, Newark, and Jersey City, N.J.; Philadelphia, Pa.; and Landover and Baltimore, Md.; and points in Virginia, North Carolina, South Carolina, Tennessee, Georgia, Florida, Alabama, Mississippi, and Louisiana.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Washington, D.C.

No. MC 115353 (Sub-No. 13), filed August 20, 1973. Applicant: LOUIS J. KENNEDY TRUCKING COMPANY, a corporation, 342 Schuyler Avenue, Kearny, N.J. 07032. Applicant's representative: Bert Collins, Suite 6193, #5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products and related materials, supplies and equipment* (except in bulk), between the plantsites and other facilities of Kaiser Gypsum Company, Inc., at Delanco and Camden, N.J., and Jacksonville, Fla., under contract with Kaiser Gypsum Company, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 115840 (Sub-No. 93), filed August 6, 1973. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway West, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner, P.O. Box 10327, Birmingham, Ala. 35202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum and zinc articles, and non-ferrous scrap*, between Attalla and Steele, Ala., on the one hand, and, on the other, points in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and (2) *non-ferrous scrap*, between points in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—Common control was authorized in Docket No. MC-F-7304. Applicant states that tacking possibilities exist but are not sought. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., Birmingham, Ala., or Nashville, Tenn.

No. MC 115841 (Sub-No. 457), filed August 6, 1973. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Barkhead Highway West, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner, P.O. Box 10327, Birmingham, Ala. 35202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk products* (except frozen foods and commodities in bulk), from the plantsite and storage facilities of Borden, Inc., at or near Starkville, Miss., to points in the United States (except Alaska, Hawaii, and Mississippi).

NOTE.—Common control may be involved. Applicant states that tacking possibilities exist, but are not sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Detroit, Mich., or Washington, D.C.

No. MC 115955 (Sub-No. 26), filed August 21, 1973. Applicant: SCARI's DELIVERY SERVICE, INC., P.O. Box 2627, Wilmington, Del. 19805. Applicant's representative: Francis P. Desmond, 115 East Fifth Street, Chester, Pa. 19805. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in shipments having a prior or subsequent movement by railroad trailer on flat car service, between Alexandria, Va., on the one hand, and, on the other, points in Atlantic, Camden, Cumberland, Gloucester, and Salem Counties, N.J., and Delaware and Phidadelphia Counties, Pa.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Wilmington, Del., or Philadelphia, Pa.

No. MC 116077 (Sub-No. 349), filed August 20, 1973. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, Tex. 77027. Applicant's representative: Pat H. Robertson, 401 First National Life Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and petroleum products*, in bulk, in tank vehicles, from points in Jefferson and Orange Counties, Tex., to points in the United States (except Arizona, Idaho, Maine, Maryland, Nevada, New Hampshire, Oregon, Rhode Island, and Vermont).

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at Jefferson and Orange Counties, Tex. in (1) Sub-No. 16 (petroleum and petroleum products, with exceptions) to provide a through service from the Humble Oil and Refining Company and Enjay Chemical Company Refinery at North Baton Rouge, La., to the destination States named above; (2) Sub-No. 52 (hydrogen peroxide) to provide a through service from Norco, La., to points in Alaska, Colorado, California, Kansas, Montana, Nebraska, New Mexico, North Dakota, South Dakota, Utah, Washington, and Wyoming; (3) Sub-No. 257 (dry chemicals) to provide a through service from Baton Rouge, La., to points in Alaska, California, Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Massachusetts, Michigan, Missouri, Montana, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Pennsylvania, South Carolina, South Dakota, Utah, Virginia, Washington, Wyoming, and the District of Columbia; and (4) Sub-No. 293 (chemicals) to provide a through service from DeRidder, La., to points in Alabama, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Massachusetts, Michigan, Missouri, Montana, Nebraska, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Pennsylvania, South Carolina, South

Dakota, Tennessee, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., Dallas, Tex., or Atlanta, Ga.

No. MC 116142 (Sub-No. 20), filed August 27, 1973. Applicant: BEVERAGE TRANSPORTATION, INC., P.O. Box 423, 625 Eberts Lane, York, Pa. 17405. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials*, from Willimansett, Mass., to points in Pennsylvania, restricted to transportation originating at and destined to the named points.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 116519 (Sub-No. 19), filed August 29, 1973. Applicant: FREDERICK TRANSPORT LIMITED, R.R. 6, Chatham, Ontario, Canada. Applicant's representative: S. Harrison Kahan, Suite 733, Investment Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements and machinery and attachments and equipment* designed for use with such articles, when moving in mixed loads therewith, from LaPorte, Ind., to ports of entry on the International Boundary line between United States and Canada, located in Michigan and New York; (2) *tractors* (except truck tractors), from Milwaukee, Wis., to ports of entry on the International Boundary line between United States and Canada, located in Michigan and New York; and (3) *agricultural machinery and attachments and equipment* designed for use with such articles, when moving the mixed loads therewith, from Independence, Mo., to ports of entry on the International Boundary line between United States and Canada, located in Michigan and New York.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116947 (Sub-No. 26), filed August 23, 1973. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby Street SW., Atlanta, Ga. 30310. Applicant's representative: William Addams, Suite 212–5299, Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard boxes and component parts, fibreboard, pulpboard, materials and supplies used in the manufacture of fibreboard and pulpboard and fibreboard boxes, except commodities in bulk, and scrap paper in bales*, between the plantsites of Container Corporation of America, located at Chattanooga, Knoxville, Nashville, and Memphis, Tenn., on the one hand, and, on the other, points in Arkansas, Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, and West Virginia, under contract with Container Corporation of America, Chicago, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Atlanta, Ga.

No. MC 117068 (Sub-No. 24), filed August 21, 1973. Applicant: MIDWEST HARVESTORE TRANSPORT, INC., 2118 17th Avenue NW., Rochester, Minn. 55901. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Self-propelled articles*, each weighing less than 15,000 pounds (restricted to commodities transported on trailers) from Barnesville, Minn., to points in the United States (except Alaska and Hawaii); and (b) *materials and supplies* used in the manufacture or distribution of the commodities named in (a) above (except commodities in bulk), from points in the United States (except Alaska and Hawaii) to Barnesville, Minn.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 117119 (Sub-No. 482), filed August 10, 1973. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: Bobby G. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, in vehicles equipped with mechanical refrigeration, from Seelyville, Ind., to points in Texas, Arkansas, Oklahoma, Kansas, Nebraska, Colorado, New Mexico, Arizona, California, Nevada, Utah, Wyoming, Idaho, Oregon, Washington, and Montana.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with MC 117119 (Sub-No. 47) for frozen foods, at points in Arkansas to serve New Orleans, La., and points in Mississippi, but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Minneapolis, Minn.

No. MC 117344 (Sub-No. 229), filed August 24, 1973. Applicant: THE MAXWELL CO., a Corporation, 10380 Evendale Drive, Cincinnati, Ohio 45212. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid plastics*, in bulk, in tank vehicles, from the plantsite of E. I. du Pont de Nemours & Company, at or near Wurtland, Ky., to points in Arkansas, Indiana, Ohio, New Jersey, Virginia, and West Virginia, restricted to traffic originating at the above-named plantsite and destined to the above named points.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117672 (Sub-No. 3), filed August 23, 1973. Applicant: FRANK L. CRENSHAW, INC., 1933 Meadow Creek Drive, Louisville, Ky. 40218. Applicant's representative: Rudy Yessin, 314 Wilkinson, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Tampa, Fla., to points in Kentucky, Ohio, Indiana, Illinois, Tennessee, Mississippi, and St. Louis, Mo.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Tampa, Fla.

No. MC 117815 (Sub-No. 214), filed August 22, 1973. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 9th Floor, Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) from Livonia, Mich., to points in Minnesota, Nebraska, Kansas, Illinois, and Indiana, and (2) from points in Michigan on and west of U.S. Highway 131 to New Hampton, Mason City, Bettendorf, Cedar Rapids, Des Moines, Dubuque, Iowa City, Fort Dodge, and Waterloo, Iowa, restricted to shipments originating at and destined to the points named above.

NOTE.—Applicant states that the requested authority can be tacked at Des Moines, Ft. Dodge, and Webster City, Iowa, by tacking sub 80 with sub 28, to serve points in Minnesota from Livonia (Detroit), Mich., and from Livonia by tacking sub 80 with sub 2 at Des Moines, Iowa, to serve Omaha and Plattsmouth, Nebr., but indicated that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117815 (Sub-No. 215), filed August 10, 1973. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 9th Floor, Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk and frozen foods), from Decatur, Ind., to points in Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, and Wisconsin.

NOTE.—Applicant states that the requested authority can be tacked with MC 128548 at Decatur, Ind., to serve points in Michigan, and with MC 117815 (Sub-No. 23) at Grimes, Iowa, to serve points in South Dakota and

North Dakota, and Denver and Pueblo, Colo. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 118288 (Sub-No. 42), filed June 28, 1973. Applicant: STEPHEN F. FROST, 14750 Boyle Ave., Fontana, Calif. 92335. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *"Descriptions in Motor Carrier Certificates,"* 61 M.C.C. 209 and 766, from points in Ada County, Idaho, to points in California, Colorado, Montana, Oregon, Washington, and Wyoming, restricted to traffic originating at the plantsite and storage facilities of the Missouri Beef Packers Inc., located in Ada County, Idaho.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority in Subs 35, 16 and 32, at points in Montana to serve points in Kansas. Further tacking possibilities exist, but no new service would be provided. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 118318 (Sub-No. 26), filed August 20, 1973. Applicant: IDA-CAL FREIGHT LINES, INC., P.O. Box 422, Twin Falls, Idaho 83301. Applicant's representative: Bobby G. Shaw, P.O. Box 188, Elm Springs, Ark. 72728. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses* as described in Section A and C of Appendix I to the report in "Descriptions in Motor Carrier Certificates" 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of James Allan and Sons, at Stockton, Calif., to points in California, Washington, Oregon, and Nevada, restricted to traffic originating at and destined to the points named above.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Seattle, Wash.

No. MC 119285 (Sub-No. 3), filed August 13, 1973. Applicant: YELLOW CAB, INC., 108 East Market Street, Lima, Ohio 45801. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rolling mill rolls, and equipment, materials, and supplies* used in the manufacture thereof (except commodities in bulk and commodities requiring special equipment), between Lima, Ohio, on the one hand, and, on the other, points in Ohio, Indiana, Illinois, Michigan, Pennsylvania, New York, West Virginia, and Kentucky, under contract with Teledyne Ohio Steel, Lima, Ohio, and (2) *molds, and equipment, materials, and supplies* used in the manufacture thereof (except commodities in bulk and commodities requiring special equipment), between Lima, Ohio, on the one hand, and, on the other, points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada, under contract with Rawls Division—National Standard Company, the transportation service in (1) and (2) above is restricted to the transportation on any one vehicle at one time of shipments weighing in the aggregate of not more than 14,000 pounds, from one consignor at one location to one consignee at one location.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119777 (Sub-No. 269), filed August 16, 1973. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Carl U. Hurst, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from New Albany, Miss., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control and dual operations may be involved. Applicant states that tacking possibilities exist but are not sought. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 119777 (Sub-No. 271), filed August 20, 1973. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Carl U. Hurst, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, aluminum and aluminum articles, and pipe*, (1) between points in Illinois, Indiana, and Kentucky, and (2) between points in Kentucky, on the one hand, and, on the other, points in Ohio, Pennsylvania, West Virginia, Tennessee, and New York, N.Y.

NOTE.—Common control was approved in Docket No. MC-F-8759. Dual operations may also be involved. Applicant states that the requested authority can be tacked with its existing authority (1) at Hopkins County, Ky., to provide a through service from points in Illinois, Indiana, and Kentucky to points in Alabama, (2) at Kokomo, Ind., to provide a through service from points in Illinois, Indiana, and Kentucky, to points in Arkansas, Georgia, Kansas, Mississippi, Missouri, Nebraska, Oklahoma, and Texas, (3) at Fairbury, Ill., to provide a through service from points in Illinois, Indiana, and Kentucky, to points in Florida, North Carolina, South Carolina, Alabama, Georgia, Louisiana, and Mississippi, and (4) at Flora, Ill., to provide a through service from points in Illinois, Indiana, and Kentucky to points in Arizona, New Mexico, North Carolina, South Carolina, Florida, Alabama, Georgia, Louisiana, and Mississippi. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 119789 (Sub-No. 181), filed September 4, 1973. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, 1612 East Irving Boulevard, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carpeting* from Miami, Okla., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia; and (2) *synthetic fiber and synthetic yarn*, from Charlotte, and Asheville, N.C., to Miami, Okla.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Miami, Okla., or Dallas, Tex.

No. MC 11789 (Sub-No. 182), filed August 30, 1973. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, 1612 East Irving Boulevard, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic fiber*, from Covington, Va., to Miami, Okla.

NOTE.—If a hearing is deemed necessary, authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Miami, Okla., or Dallas, Tex.

No. MC 119792 (Sub-No. 37), filed September 4, 1973. Applicant: CHICAGO SOUTHERN TRANSPORTATION COMPANY, a corporation, 3215 South Hamilton, Chicago, Ill. 60608. Applicant's representative: William J. Boyd, 29 South La Salle Street, Suite 330, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refrigerated dressing, spices and breakfast cereals*, from points in Cook County, Ill., to points in Kentucky, Tennessee, Alabama, Georgia and Florida.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123169 (Sub-No. 9), filed August 27, 1973. Applicant: McKEVITT TRUCKING LIMITED, P.O. Box 567, Station P, Thunder Bay, Ontario, Canada. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from the ports of entry on the international boundary line between the United States and Canada located in Minnesota and Michigan, to points in Minnesota, Wisconsin, and Illinois, under contract with Multiply Plywoods Limited.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 123407 (Sub-No. 137), filed August 20, 1973. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Brainerd and Cloquet, Minn., to Peoria, Ill., and St. Louis, Mo.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority at the origin and destination points named above to provide service to points in the United tSates (except Alaska and Hawaii), however, applicant has no present intention to tack. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 123407 (Sub-No. 138), filed August 20, 1973. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating and building materials, asphaltum paint, filler strips, plastic and aluminum products, steel nuts, bolts, beams, and sheets, and coal tar resin*, from Ambridge, Pa., to points in Wisconsin, Iowa, Minnesota, North Dakota, and South Dakota.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked at all points in the above described destination territory and at its point of origin to provide services between points in the United States (except Alaska and Hawaii), but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123407 (Sub-No. 139), filed August 20, 1973. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, building, and insulating material*, from the plantsites of Certain-Teed Products Corp. and The Flintkote Company at Chicago Heights, Ill., and GAF Corporation at Joliet, Ill., to points in Wisconsin.

NOTE.—Common control was approved in Docket No. MC-F-71814. Applicant states that the requested authority can be tacked with its existing authority at the origin and destination points named above to serve points in the United States (except Alaska and Hawaii), however applicant has no present intention to tack. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123407 (Sub-No. 140), filed August 20, 1973. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valpariso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool, mineral wool products, insulating material, and materials and supplies* used in the manufacture and processing of the product, between Hamel, Minn., on the one hand, and, on the other, points in North Dakota, South Dakota, Indiana, Iowa, Wisconsin, Illinois, Michigan, Ohio, Missiouri, and Nebraska.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority at the origin point and the destination States named above to provide service to points in the United States (except Alaska and Hawaii). If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Washington, D.C.

No. MC 124078 (Sub-No. 561), filed August 15, 1973. Applicant SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer, fertilizer material and urea*, and (2) *aluminum furnace residue* for future metal extraction, (1) from the facility of C. F. Industries, Inc., at or near Cincinnati, Ohio, to points in Illinois, Indiana, Michigan, Ohio, and Pennsylvania, and (2) from Mt. Pleasant, Tenn., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

NOTE.—Common control and dual operations may be involved. Applicant states that the requested authority can be tacked with its existing authority on (a) dry fertilizer and fertilizer materials at Chicago Heights, Ill., to serve points in Iowa and Wisconsin; (b) anhydrous ammonia at Cowden, Ill., to serve points in Iowa and Missouri; (c) chemicals, fertilizer, and fertilizer ingredients at East Dubuque, Ill., to; serve points in Iowa, Kansas, Missouri, Nebraska, South Dakota, Maine, and Wisconsin; (d) fertilizer and fertilizer ingredients at East St. Louis, Ill., to serve points in Missouri (with exceptions); (e) dry fertilizer and fertilizer ingredients at Fulton, Ill., to serve points in Iowa and Wisconsin; (f) liquid fertilizer and fertilizer ingredients at Fulton, Ill., to serve points in Iowa and Wisconsin; (g) liquid fertilizer and fertilizer ingredients at Streator, Ill., to serve points in Iowa and Wisconsin; (h) dry fertilizer and fertilizer ingredients at Henry, Ill., to serve points in Iowa, Minnesota, Missouri, and Nebraska; (i) chemicals, fertilizer, and fertilizer ingredients at Niota, Ill., to serve points in Kansas, Iowa, Minnesota, Missouri, Nebraska, South Dakota and Wisconsin; (j) anhydrous ammonia at Peru, Ill., to serve points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin; (k) anhydrous ammonia, fertilizer and fertilizer ingredients at Tilton, Ill., to serve points in Iowa, Minnesota, Missouri, and Wisconsin; (l) dry fertilizer, fertilizer ingredients, and fertilizer compounds at Indianapolis, Ind., to serve points in Kentucky; and (m) liquid fertilizers at Logansport, Ind., to serve points in Kentucky and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 124154 (Sub-No. 57), filed August 17, 1973. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, Ga. 31702. Applicant's representative: W. Guy McKenzie, Jr., P.O. Box 1200, Tallahassee, Fla. 32302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals and agricultural chemical materials*, in containers, (1) between the plantsites and warehouses of Helena Chemical Company at or near Fairfax, Cameron, Mayesville, and West Columbia, S.C., Laurinburg, Goldsboro, Harrells, Enfield, and Tabor City, N.C., and Franklin, Va., on the one hand, and, on the other, points in Florida, Georgia, Alabama, North Carolina, South Carolina, and Virginia and (2) between the plantsites and warehouses of Helena Chemical Company at or near Immokalee, Belle Glade, Dundee, Tampa, Delray Beach, Wauchula, Ft. Pierce, and Eustis, Fla., Cordele, Moultrie, Wrightsville, and Gainesville, Ga., and Dothan, Cullman, Selma, and Tanner, Ala., on the one hand, and, on the other, points in North Carolina, South Carolina, and Virginia.

NOTE.—Applicant states that the requested authority can be tacked at (a) Georgia, in Sub 19, to provide service between points in South Carolina, North Carolina, and Virginia, on the one hand, and, on the other, Tennessee; (b) Ocilla, Ga., in Sub 24, to provide a through service from St. Louis, Mo., to points in South Carolina, North Carolina, and Virginia; and (c) Alabama, in Sub 35, to provide service between points in Mississippi, Louisiana, and Texas, on the one hand, and, on the other, South Carolina, North Carolina, and Virginia. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 124211 (Sub-No. 232), filed August 15, 1973. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, Downtown Station, Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, and nonferrous metals*, between points in Cook, Lake, Madison, Peoria, St. Clair, Tazewell, and Will Counties, Ill., and Lake and Porter Counties, Ind., on the one hand, and, on the other, points in Colorado, Montana, Kansas, Nebraska, New Mexico, North Dakota, South Dakota, and Wyoming, and those in Iowa and Minnesota on and west of U.S. Highway 71.

NOTE.—Common control was approved in Docket No. MC-F-11887. Applicant states that the requested authority can be tacked with its existing authority; (1) in Sub-No. 79 at the origin points named above to provide a through service from the plant and warehouse of William H. Harvey Company at Omaha, Nebr., to the destination States named above; (2) in Sub-No. 86 at Kansas, North Dakota, South Dakota, and Nebraska, to provide a through service from the plant

and warehouse of William H. Harvey Company at Omaha, Nebr., to the origin points named above; (3) in Sub-No. 167 at the destination States named above (except North Dakota and South Dakota) to provide a through service from the plantsite of Aluminum Company of America in Scott County, Iowa, to the origin points named above; (4) in Sub-No. 212 at Nance County, Nebr., to provide service between the origin points named above and points in California; and (5) in Sub-No. 223 at Omaha, Nebr., to provide service between the origin points named above and points in the United States on and south of U.S. Highway 60. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124211 (Sub-No. 233), filed August 13, 1973. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, Downtown Station, Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Food products* (except (a) frozen foods; (b) meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses, as described in Sections A, B, and C of Appendix I to the report in "Descriptions in Motor Carrier Certificates," 61 M.C.C. 209 and 766; and (c) commodities in bulk); (1) from points in California, to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Tennessee, Vermont, Virginia, West Virginia, and South Carolina; (2) from points in Kansas, Missouri, Nebraska, and Union County, S. Dak., and Sioux City, Iowa, to points in the United States (except Alaska, Colorado, and Hawaii); (3) from points in Arkansas, Mississippi, Oklahoma, and Texas, to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin; (4) from Chicago, Ill., to points in Arizona, California, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, Wyoming, and those in South Dakota west of U.S. Highway 83; and (5) from points in Indiana, and Ohio, to Fairbury and Seward, Nebr., and Smith Center, Kans.; and (B) *Canned goods*, from points in Illinois, and Iowa, and Minneapolis, Minn., to points in Arizona, California, Idaho, Kansas, Montana, Nevada, Nebraska, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE.—Tacking possibilities do exist, but are not sought. Applicant states it may currently provide services proposed in parts (A)(1) through (4), and (B) above, by tacking existing authority in MC 124211 Subs Nos. 16, 62, 105, 112, 118, 119, 121, 127, 133, 143, 166, 169, 175, 207, 208, and 216 at points in Nebraska. The purposes of this application are: (1) to eliminate a gateway at points in Nebraska in (A) (1) through (4) and (B) above; and (2) to indicate the request of authority in (5) above. If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 124251 (Sub-No. 29), filed August 21, 1973. Applicant: JACK JORDAN, INC., P.O. Box 688, Dalton, Ga. 30720. Applicant's representative: Ariel V. Conlin, 53 Sixth St. NE., Atlanta, Ga. 30308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Latex and latex compounds*, in bulk, in tank vehicles, (a) from points in Whitfield County, Ga., to points in Tennessee, on and east of U.S. Highway 27; Florida, North Carolina and South Carolina; (b) from points in Walker County, Ga., to points in Alabama, Tennessee, North Carolina, South Carolina, and Florida, and (c) from points in Hamilton County, Tenn., to points in Georgia; and (2) *liquid plasticizers*, from points in Whitfield County, Ga., to points in Georgia, Tennessee, North Carolina, and South Carolina.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Chattanooga, Tenn.

No. MC 124669 (Sub-No. 32), filed August 22, 1973. Applicant: TRANSPORT, INC. OF SOUTH DAKOTA, 1012 West 41st Street, Sioux Falls, S. Dak. 57105. Applicant's representative: Ronald B. Pitsenbarger, P.O. Box 396, Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal fats and oils, and dry meat byproducts*, in bulk, from Sioux Falls, Huron, Mitchell, and Watertown, S. Dak., and Edgerton and Worthington, Minn., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Texas, Wisconsin, and Wyoming; (2) *animal hides and skins*, from Sioux Falls, Huron, Mitchell, and Watertown, S. Dak., and Edgerton and Worthington, Minn., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Texas, Wisconsin, and Wyoming; and (3) *molasses*, in bulk, from points in North Dakota, Minnesota, Wisconsin, Iowa, Missouri, Kansas, Illinois, Colorado, and Nebraska, to Sioux Falls, S. Dak.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak., or Minneapolis, Minn.

No. MC 125996 (Sub-No. 40), filed August 10, 1973. Applicant: ROAD RUNNER TRUCKING, INC., P.O. Box 37491, Omaha, Nebr. 68137. Applicant's representative: Arnold Burke, 127 North Dearborn, Suite 1133, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed*, in containers, from the plantsite and storage facilities utilized by Kal Kan Foods, Inc., at Columbus, Ohio, to points in California, Colorado, and Utah, restricted to shipments originating at and destined to the points named above.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Los Angeles, Calif.

No. MC 125997 (Sub-No. 5), filed July 19, 1973. Applicant: L. C. FOESCH, doing business as FOESCH TRANSFER LINE, Box 434, Shawano, Wis. 54166. Applicant's representative: John Duncan Varda, 121 South Pinckney Street, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pallets, crates and box shook*, from Shawano, Wis., to Crystal Falls and East Jordan, Mich., under contract with Hotz Manufacturing Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 126276 (Sub-No. 85), filed August 27, 1973. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Container closures, container components, materials, and supplies* used in selling, manufacture and distribution of containers, (1) from the plantsites and/or warehouse sites of American Can Company located at Atlanta, Ga.; Baltimore, Md.; Chambersburg, Pa.; Darlington, S.C.; Easton, Pa.; Edison, N.J.; LeMoyne, Pa.; Morrisville (Bucks County), Pa.; Needham, Mass.; New Castle, Del.; Philadelphia, Pa., and Washington, N.J., to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Tennessee, and Wisconsin and (2) between the plantsites and/or warehouse sites of American Can Company, located at Fort Smith, Ark.; Lexington, Ky.; and Darlington, S.C., under contract with American Can Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128988 (Sub-No. 31), filed August 31, 1973. Applicant: JO/KEL, INC., P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Air conditioning, camping, heating, recreational and mobile home equipment, and equipment, materials, and supplies* utilized in the manufacture, distribution and sale of air conditioning, camping, heating, mobile home and recreational equipment (except commodities in bulk and those which by reason of size or weight require the use of special equipment), from Santa Fe Springs, Calif., to Ocala, Fla.; Americus, Ga.; Boise, Idaho; Portland, Oreg.; Camp Hill, Pa.; and Dallas, Tex., under contract with The Coleman Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 129350 (Sub-No. 29), filed July 26, 1973. Applicant: CHARLES E.

WOLFE, doing business as EVERGREEN EXPRESS, P.O. Box 212, Billings, Mont. 59103. Applicant's representative: J. F. Meglen, P.O. Box 1581, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in Silver Bow County, Mont., on the one hand, and, on the other, points in Montana.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Butte, Billings, or Helena, Mont.

No. MC 129403 (Sub-No. 5), filed August 31, 1973. Applicant: A.N.R. TRUCKING CO., INC., 518 West 29th Street, New York, N.Y. 10001. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tires, tubes, and tennis and golf equipment*, from points in the New York, N.Y., harbor area, Port Newark, and Port Elizabeth, N.J., to South Brunswick, N.J., under contract with Dunlop Tire & Rubber Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Buffalo, N.Y.

No. MC 129427 (Sub-No. 4), filed August 21, 1973. Applicant: JOSEPH GEORGIANA, 26 Lafayette Street, Somerset, N.J. 08873. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cigar boxes, book and record slip cases, records, record albums, corrugated containers, pulpboard and pulpboard boxes*, between New Brunswick and Bloomfield, N.J., on the one hand, and, on the other, New Berlin, Wis., Kingsport, Tenn., and Winchester, Va., under contract with Alexander Ungar, Inc., and Harry F. Ungar Corp.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 129645 (Sub-No. 46), filed August 27, 1973. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, a Partnership, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, Mich. 49801. Applicant's representative: John M. Nader, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane, urethane products, roofing, and roofing materials, composition board, and gypsum products, insulation materials, and materials* used in the installation thereof, from the facilities of the Celotex Corporation located in Elizabethtown, Ky., and Memphis, Tenn., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE.—Applicant states that tacking possibilities exist in Subs 9, 11, 20, and 22 to provide through service from Fort Dodge, Iowa; Largo, Ind.; Edgewater, Carteret, Port Newark, and Jamesburg, N.J.; Pittston, Pa.; Port Clinton, Ohio; and L'Anse, Mich., to some of the destination states sought above, however, applicant further states that it has no present intention to tack. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Louisville, Ky.

No. MC 129645 (Sub-No. 47), filed August 27, 1973. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, a Partnership, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, Mich. 49801. Applicant's representative: John M. Nader, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fibreboard, finished or unfinished*, and *with or without accessories* and *supplies* used in the installation thereof, between points in Lucas County, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Ohio, and Pennsylvania.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Toledo, Ohio.

No. MC 133590 (Sub-No. 6), filed Auguest 2, 1973. Applicant: WESTERN CARRIERS, INC., 288 Franklin Street, Worcester, Mass. 01604. Applicant's representative: Robert L. Kendall, Jr., 1719 Packard Building, Philadelphia, Pa. 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pork carcasses, pork byproducts, and offal* (except commodities in bulk and hides), from Worthington, Ind., to the plantsites and storage facilities of Western Pork Packers, Inc., located at Worcester, Mass., and Bronx, N.Y., under contract with Western Pork Packers, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Worcester, Mass.; New York City, N.Y.; Philadelphia, Pa.; or Washington, D.C.

No. MC 134477 (Sub-No. 41), filed August 23, 1973. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Thomas Fischbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* (except hides and commodities in bulk) as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Wagner, S. Dak., to points in Arizona, California, Colorado, Connecticut, Delaware, Idaho, Maine, Maryland, Massachusetts, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, Oklahoma, Oregon, Pennsylvania, Rhode Island, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming, and the District of Columbia and (2) *material, supplies, and equipment used by meat packinghouses*, including fresh meat (except commodities in bulk), from points in Arkansas, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oklahoma, Texas, and Wisconsin, to Wagner, S. Dak., restricted in part (1) above to traffic originating at the plantsite and storage facilities utilized by Yankton-Sioux Industries located at Wagner, S. Dak. and in part (2) above to traffic originating at points in the above-named States and destined to the plantsite and storage facilities utilized by Yankton-Sioux Industries, located at Wagner, S. Dak.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Omaha, Nebr.

No. MC 134765 (Sub-No. 10), filed August 20, 1973. Applicant: SPECIALTY TRANSPORT, INC., Holland Road, Wales, Mass. 01081. Applicant's representative: David M. Marshall, 135 State Street, Suite 200, Springfield, Mass. 01103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities dealt in by retail, wholesale, and department stores, and mail order houses*, (1) between Providence, R.I., Lakewood, N.J., Milwaukee, Wis., points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J., and points in Bronx, Kings, Nassau, Suffolk, and Westchester Counties, N.Y., on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada, located in Maine, New Hampshire, Vermont, New York, Michigan and Los Angeles and San Francisco, Calif., Atlanta, Ga., Chicago, Ill., Detroit, Mich., St. Louis, Mo., Portland, Oreg., Pittsburgh, Pa., Dallas, Tex., Salt Lake City, Utah, Seattle, and Spokane, Wash., and Philadelphia, Pa., and (2) between Providence, R.I., on the one hand, and, on the other, points in Connecticut, New Jersey, and New York, under a continuing contract with Speidel, A Textron Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either New York, N.Y., Boston, Mass., or Washington, D.C.

No. MC 134922 (Sub-No. 51), filed August 30, 1973. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: L. C. Cypert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in motor vehicles equipped with mechanical refrigeration, from Oxford, Pa., to points in Arizona, California, Oregon, and Washington.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Little Rock, Ark.

No. MC 135052 (Sub-No. 7) (correction), filed July 11, 1973, published in the FEDERAL REGISTER issue of August 23, 1973, as MC-138921, and republished, as corrected, this issue. Applicant: ASHCRAFT TRUCKING, INC., 875 Webster, Shelbyville, Ind. 46176. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool and mineral wool products, insulating material, and insulated air duct*, from Shelbyville and Indianapolis, Ind., to points in Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Missouri, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin.

NOTE.—The purpose of this republication is to indicate: (1) that applicant seeks to perform common carriage in lieu of contract carriage; and (2) the new docket number assigned to this proceeding in MC-135052 (Sub-No. 7). If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 135281 (Sub-No. 9), filed August 29, 1973. Applicant: RAYMOND LANGLEY, doing business as LANGLEY TRUCKING, Route No. 4, P.O. Box 61, Elizabethtown, Ky. 42701. Applicant's representative: George M. Catlett, 703-706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum shot*, in bulk, in dump vehicles, from the plantsite of the National Aluminum Corporation, in Hancock County, Ky., to Cleveland, Ohio.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Cincinnati, Ohio.

No. MC 135537 (Sub-No. 8) (amendment), filed November 20, 1972, published in the FEDERAL REGISTER issue of December 28, 1972, as MC-138237, and republished, as amended, this issue. Applicant: METRO HEAVY HAULING, INC., P.O. Box 88824, Tukwila Branch, Seattle, Wash. 98188. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products, building materials, iron and steel articles, contractors' equipment, materials, and supplies, and concrete products consisting of slabs and beams which because of their size or weight require the use of special equipment*, (1) between points in Washington, on the one hand, and, on the other, points in Oregon, and (2) between points in Washington, under a continuing contract, or contracts, with Waco Scaffolding and Shoring Co., Ceco Corporation, Palmer G. Lewis Co., Inc., L. B. Foster Co., Spandeck Division of Central Premix Concrete Co., Concrete Technology Corporation, and Vandermere Co.

NOTE.—The purposes of this republication are: (1) To indicate applicant's request for contract carriage in lieu of common carriage; (2) to indicate the appropriate Docket Number in MC-135537 (Sub-No. 8) assigned to this proceeding; (3) to amend applicant's commodity request; (4) to amend applicant's territorial description; and (5) to indicate the contracting shippers for whom this operation would be performed. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 13552 (Sub-No. 4) filed August 22, 1973. Applicant: TIMOTHY D. SHAW, R.D. #1, Sweet Valley, Pa. 18653. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as described in Appendix V, Group III to the Report in "Descriptions in Motor Carrier Certificates," 61 M.C.C. 209, from Luzerne, Pa., to points in New York, Maryland, Virginia, West Virginia, North Carolina, Georgia, Ohio, Tennessee, and Kentucky.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 135725 (Sub-No. 11), August 30, 1973. Applicant: FRY TRUCKING, INC., 507 W. 5th Street, Wilton, Iowa 52778. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed forms, printed matter, coupons, premiums, and salvage*, between Wilton, Iowa, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Chicago, Ill.

No. MC 135871 (Sub-No. 18), filed August 27, 1973. Applicant: JOE BROWN PORT COMPANY, a Corporation, 1079 West Side Avenue, Jersey City, N.J. 07306. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as are dealt in by department stores, and *supplies and equipment* used in the conduct of such business, between Jersey City, N.J., and New York, N.Y., on the one hand, and, on the other, Columbus, Ohio, under contract with Schottenstein's, Columbus, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 136008 (Sub-No. 13), filed August 27, 1973. Applicant: JOE BROWN COMPANY, INC., 20 Third Street NE., P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: Rufus H. Lawson, P.O. Box 75124, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from Inola and Porum, Okla., to the plantsites of General Portland, Inc., at Fredonia, Kans., and Fort Worth and Dallas, Tex.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Dallas, Tex.

No. MC 136008 (Sub-No. 14), filed September 4, 1973. Applicant: JOE BROWN COMPANY, INC., 20 Third Street, P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: Rufus H. Lawson, 2400 Northwest 23d Street, P.O. Box 75124, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from the plantsite of Lone Star Industries, Inc., at or near Maryneal, Tex., to points in Oklahoma.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Dallas, Tex.

No. MC 136212 (Sub-No. 4), filed August 16, 1973. Applicant: JENSEN TRUCKING COMPANY, INC., 213 South Washington Street, P.O. Box 37, Papillion, Nebr. 68046. Applicant's representative: Frederick J. Coffman, 512 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products, meat byproducts and articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 from the plantsite and storage facilities utilized by National Beef Packing Company, located at or near Liberal, Kans., to points in Ohio, Michigan, Indiana, Kentucky, New York, and Pennsylvania, restricted to traffic originating at and destined to the above-named origin and destinations.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 136268 (Sub-No. 5), filed August 29, 1973. Applicant: WHITEHEAD SPECIALITIES, INC., 1017 Third Avenue, Monroe, Wis. 53566. Applicant's representative: Micheal J. Wyngard, 329 West Wilson Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Molded poly-urethane foam and molded poly-urethane foam products* from Brodhead, Wis., to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana; (2) *materials, equipment, and supplies* used or useful in the manufacture, sale, production, or distribution of molded poly-urethane foam, and molded poly-urethane foam products, from points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, to Brodhead, Wis.; (3) *milk replacers and veal food*, from points in Carver, Dakota, Hennepin,

Scott, and Ramsey Counties, Minn., to points in the United States (except Alaska and Hawaii), and (4) *materials equipment and supplies* used or useful in the manufacture, sale, production or distribution of milk replacers and veal food, from points in the United States (except Alaska and Hawaii), to points in Carver, Dakota, Hennepin, Scott, and Ramsey Counties, Minn.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Milwaukee or Madison, Wis.

No. MC 136342 (Sub-No. 2), filed August 13, 1973. Applicant: JACKSON & JOHNSON, INC., West Church, Box 7, Savannah, New York 13146. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, New York 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen foodstuffs* (except commodities in bulk), from Hamlin, Holley, and Williamson, N.Y., to points in Connecticut, Massachusetts, and Rhode Island, under contract with Duffy-Mott Company, Inc.

NOTE.—The purpose of this application is to convert applicant's Certificate of Public Convenience and Necessity under MC 134197 into a Permit. If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

No. MC 136378 (Sub-No. 4), filed August 23, 1973. Applicant: R & L TRUCKING CO., INC., 105 Rocket Avenue, Opelika, Ala. 36801. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt liquors, beer and advertising materials, returned bottles and pallets*, between St. Louis, Mo., and points in Washington County, Miss., under contract with Riverside Distributing, Inc., located at Greenville, Miss.; (2) *malt liquors, beer, advertising materials, returnable bottles and pallets*, between St. Louis, Mo., and points in Tuscaloosa County, Ala., under contract with Greene Beverage Company, located at Tuscaloosa, Ala.; and (3) *malt liquors, beer, and advertising materials and returned bottles and pallets*, between St. Louis, Mo., and points in Calhoun County, Ala., under contract with Bama Beverage Co., Inc., located at Anniston, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Montgomery, or Birmingham, Ala.

No. MC 136553 (Sub-No. 19), filed August 22, 1973. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, (1) from Burlington, Iowa, to points in Illinois, Iowa, Missouri, and Wisconsin, and (2) from Mason City, Iowa, to points in Illinois and Wisconsin.

NOTE.—Applicant states that the requested authority can be tacked at (1) Clinton, Iowa, to serve points in Minnesota and (2) at Streator, Ill., to serve points in Indiana and portion of Michigan. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 136818 (Sub-No. 2), filed August 23, 1973. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Road, Phoenix, Ariz. 85041. Applicant's representative: Donald E. Fernaays, Suite 312, 4040 East McDowell Road, Phoenix, Ariz. 85008. Authority sought to operates as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap iron and steel and flattened automobile bodies*, and (2) *reinforcing iron and steel bars*, (1) from points in Colorado, Nevada, New Mexico, and Utah, to the plantsite of Marathon Steel Co., in Tempe, Ariz., and (2) from the plantsites of Marathon Steel Co., in Phoenix and Tempe, Ariz., to points in Colorado, Nevada, New Mexico, and Utah.

NOTE.—Dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 136986 (Sub-No. 2), filed May 11, 1973. Applicant: WHITLEY MOVING & STORAGE, INC., 3006 Industrial Dr., Box 18671, Raleigh, N.C. 27609. Applicant's representative: Thomas R. Whitley (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies*, including tools used in the construction and maintenance of telephone systems and communications, between Raleigh, N.C., and points in Wake, Johnston, Harnett, Lee, Chatham, Orange, Durham, Person, Granville, Vance, Warren, Franklin, Edgewood, Nash, Halifax, and North Hampton Counties, N.C., under contract with Western Electric Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Atlanta, Ga.

No. MC 138225 (Sub-No. 2), filed August 21, 1973. Applicant: HEDRICK ASSOCIATES, INC., 9 Galloping Hill Road, Basking Ridge, N.J. 07920. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Materials, equipment, and supplies* (except in bulk, and except commodities which, by reason of size or weight, require special equipment) used in the manufacture or installation of swimming pools, from points in the United States (except Alaska and Hawaii) to the facilities of Heldor Associates, Inc., located at or near Garfield and East Paterson, N.J., under a continuing contract or contracts with Heldor Associates, Inc., restricted to the transportation of shipments destined to the facilities of Heldor Associates.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138248 (Sub-No. 3), filed August 20, 1973. Applicant: P. B. L., INC., 8 South Madison Street, Evansville, Wis. 53536. Applicant's representative: Glen L. Gissing (same aldress as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe conduit, and materials and tools* used in the installation thereof, from Madison, Wis., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 138329 (Sub-No. 2), filed August 24, 1973. Applicant: HICKMAN BROTHERS TRUCKING, INC., Route 8, Box 351–A, Charlotte, N.C. 28202. Applicant's representative: Douglas P. MacMillan, Suite 215 Executive Park, 831 Baxter Street, Charlotte, N.C. 28202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from points in Chesterfield County, S.C., to points in Mecklenburg County, N.C.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., Atlanta, Ga., or Washington, D.C.

No. MC 138571 (Sub-No. 4), filed August 17, 1973. Applicant: PAUL W. MUMFORD, JR., doing business as MUMFORD HORSE TRANSPORTATION, Turf Trailer Park, Charles Town, W. Va. 25414. Applicant's representative: Bernard J. Hasson, Jr., 927 15th Street NW., Suite 306, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock*, other than ordinary, for breeding, racing, show, and other special purposes, and in the same vehicle with such livestock, *personal effects of attendants, trainers, and exhibitors, and supplies, and equipment* used in the care and exhibition of such animals, between Charles Town, W. Va., on the one hand, and, on the other, points in Pennsylvania, and return.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charles Town, W. Va.

No. MC 138607 (Sub-No. 1), filed August 23, 1973. Applicant: P & N TRUCK SERVICE, INC., 2821 Orindale Road, Klamath, Oreg. 97601. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer, wine, empty bottles, cases, pallets, and kegs*, between points in Oregon and California.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Klamath Falls, Oreg.

No. MC 138636 (Sub-No. 1), filed August 30, 1973. Applicant: WALTER H. VAN TASSEL, doing business as TASSEL MOVING & STORAGE, R.F.D. No. 4, New York, N.Y. 13601. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Jefferson, St. Lawrence, Franklin, Oswego, and Lewis Counties, N.Y., restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Watertown, N.Y.

No. MC 138728 (Sub-No. 1), filed August 20, 1973. Applicant: DONALD A. MAGELITZ, Rural Route No. 1, Box 140, Waverly, Ill. 62692. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer, dry fertilizer compounds and dry fertilizer materials*, in bulk, from the plantsite of Hercules Incorporated located at or near Louisiana, Mo., to points in Illinois and Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 138743 (Sub-No. 2), filed August 14, 1973. Applicant: SNOWBALL, LTD., P.O. Box 361, Morton, Ill. 61550. Applicant's representative: Jacob P. Billig, 1126 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, conduit, cement containing asbestos fiber, and accessories* necessary for the installation thereof, from the plant site and storage facilities of Certain-Teed Products Corporation at or near Bellefontaine Neighbors and Riverview, Mo., to points in Alabama, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Montana, Nebraska, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, West Virginia, Wisconsin, and Wyoming, under contract with Certain-Teed Products Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138789 (Sub-No. 2), filed August 27, 1973. Applicant: U & R EXPRESS, INC., P.O. Box 2369, White City, Oreg. 97501. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. 97210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals*, between points in Idaho and Montana, under contract with the Evans Products Company.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Missoula, Mont.

No. MC 138848 (Sub-No. 1), filed August 23, 1973. Applicant: MEDICAL DELIVERY SERVICE, INC., 630 West 26th Street, New York, N.Y. 10001. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Blood and urine samples, supplies for securing samples*, and *EDP (analysis) reports*, in passenger automobiles, between the plantsite of Biochemical Procedures, located at Hillside, N.J., New York N.Y., points in Nassau and Suffolk Counties, N.Y., and points in Fairfield, Hartford, and New Haven Counties, Conn., under a contract with Biochemical Procedures, Hillside, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 138876, filed June 18, 1973. Applicant: JAMES D. CARROLL, doing business as RAPID EXPRESS, Building 347, West 6th Street (Ryan Airport), Baton Rouge, La. 70807. Applicant's representative: James M. Field, 636 Louisiana National Bank Building, 451 Florida Street, Baton Rouge, La. 70801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities because of size and weight, require the use of special equipment), (1) between Baton Rouge, La., and Jackson, Miss.: From Baton Rouge, over U.S. Highway 190 to Hammond, La., thence over U.S. Highway 51 to Jackson, serving all intermediate points between Baton Rouge, La., and the Mississippi State line along U.S. Highways 190 and 51, serving no intermediate points from the Mississippi State line to Jackson, Miss., and serving off-route points in East Baton Rouge, West Baton Rouge, Ascension, Iberville, Pointe Coupee, and Livingston Parishes, La., and points in Rankin, Hinds, Madison, and Warren Counties, Miss.; and (2) between Baton Rouge, La., and Natchez, Miss.: From Baton Rouge, La., over U.S. Highway 61 to Natchez, Miss., serving no intermediate points from Baton Rouge to Bains, La., and serving all intermediate points between Bains, La., and Natchez, Miss., along U.S. Highway 61, and serving Angola, La., over Louisiana Highway 66 and all points in Adams, Franklin, and Jefferson Counties, Miss., and Concordia and Catahoula Parishes, La., as off-route points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held partly in Jackson, Miss., and partly in Baton Rouge, La.

No. MC 139077, filed August 20, 1973. Applicant: LOOP CARTAGE, INC., 339 West Pittsburgh Avenue, Milwaukee, Wis. 53204. Applicant's representative: Richard C. Alexander, 710 N. Plankinton Ave., Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hides*, between points in Wisconsin, Illinois, and Iowa, and (2) *molded plastic products* from the plantsite of Great Northern Molders, Inc., at Milwaukee, Wis., to points in Illinois and Indiana.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 139093 (CORRECTION), filed August 27, 1973, published in the FEDERAL REGISTER issue of October 11, 1973, and republished as corrected, this issue. Applicant: JACK A. LANG, doing business as W. W. "SHAG" LANG, P.O. Box 1209, Craig, Colo. 81625. Applicant's representative: John P. Thompson, 450 Capitol Life Center, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Barite and bentonite*, in bags, (1) from Battle Mountain, Nev., and Greybull, Wyo., to Craig, Colo., and (2) from Craig, Colo., to points in Carbon County, Wyo., under contract with Magcobar Operations, Oilfield Products Division of Dresser Industries, Inc.

NOTE.—The purpose of this republication is to correct the printing error in the original publication. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 139113, filed August 22, 1973. Applicant: BRUNDIDGE TRANSPORTATION, INC., P.O. Box 187, Brundidge, Ala. 36010. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Suite 425, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mayonnaise, salad dressing, and salad dressing products, mustard, katsup, jelly, tartar sauce, gelatin and gelatin products*, from the facilities of Brundidge Foods, Inc., located at Brundidge, Ala., to points in and east of Minnesota, Iowa, Missouri, Kansas, Oklahoma, and Texas (except Maine, Vermont, and New Hampshire); (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, from points in and east of Minnesota, Iowa, Missouri, Kansas, Oklahoma, and Texas (except Maine, Vermont, and New Hampshire), to the facilities of Brundidge Foods, Inc., located at Brundidge, Ala.; (3) *such commodities* as are dealt in by wholesale, retail, and chain grocery and food business houses, from points in and east of Minnesota, Iowa, Missouri, Kansas, Oklahoma, and Texas (except Maine, Vermont, and New Hampshire), to the facilities of Benson Wholesale Company, Inc., and Institutional Distributors, Inc., located at or near Geneva, Ala.; (4) *such commodities*

as are dealt in by wholesale, retail, and chain grocery and food business houses, from points in and east of Minnesota, Iowa, Missouri, Kansas, Oklahoma, and Texas (except Maine, Vermont, and New Hampshire), to the facilities of Southland Grocery Company, Inc., located at or near Columbus, Ga.; and (5) *such commodities* as are dealt in by wholesale, retail, and chain grocery and food business houses, from points in and east of Minnesota, Iowa, Missouri, Kansas, Oklahoma, and Texas (except Maine, Vermont, and New Hampshire), to the facilities of E. J. Keefe, Inc., located at or near Lakeland, Fla., under a continuing contract or contracts with Brundidge Foods, Inc., Benson Wholesale Company, Inc., Institutional Distributors, Inc., Southland Grocery Company, Inc., and E. J. Keefe, Inc., restricted to the transportation of shipments originating at or destined to the facilities of the shippers named above and further restricted against the transportation of shipments in vehicles equipped with mechanical refrigeration.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala.

No. MC 139116, filed August 17, 1973. Applicant: R. W. STEELE d/b/a R. W. STEELE TRUCKING COMPANY, 320 Heaslet Street, Clovis, New Mexico 88101. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation systems and parts* thereof (except plastic pipe and plastic tubing), between points in Nebraska, Colorado, and Kansas, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted against the transportation of commodities which by reason of size or weight require the use of special equipment.

NOTE.—Applicant holds contract carrier authority in MC 128882 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Denver, Colo.

No. MC 139141, filed August 27, 1973. Applicant: ATLAS HERBERT BROWN, doing business as BROWN'S CAR TRANSPORTING, 1000 New Bridge Street, Jacksonville, N.C. 28540. Applicant's representative: J. Ruffin Bailey, P.O. Box 2246, Raleigh, N.C. 27602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used motor vehicles*, between points in Alabama, Delaware, Florida, Georgia, Kentucky, Maryland, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jacksonville, N.C.

MOTOR CARRIER PASSENGERS

No. MC 1934 (Sub-No. 34), filed August 23, 1973. Applicant: THE ARROW LINE, INC., 105 Cherry Street, East Hartford, Conn. 06108. Applicant's representative: Rene R. Dupuis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in special round-trip operations during the racing season of each year, beginning and ending at New London, Conn., and extending to the site of The Narragansett Park Racetrack, Pawtucket, R.I., and Lincoln Downs Racetrack, Lincoln, R.I.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at New London to provide a through service from New Haven, Conn., to the destination points named above. If a hearing is deemed necessary, applicant requests it be held at New London or Hartford, Conn.

No. MC 2060 (Sub-No. 9), filed August 24, 1973. Applicant: PINE HILL-KINGSTON BUS CORPORATION, 12 Pine Grove Avenue, Kingston, N.Y. 12401. Applicant's representative: James E. Wilson, 1032 Pennsylvania Building, Pennsylvania Ave. and 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, between junction New York Highway 17 and Interstate Highway 87 at or near Exit 15 and junction Interstate Highway 95 and New Jersey Highway 3 at or near Exit 17: From junction New York Highway 17 and Interstate Highway 87 over Interstate Highway 87 to junction Garden State Parkway at or near Exhit 14A, thence over Garden State Parkway to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 95, thence over Interstate Highway 95 to junction New Jersey Highway 3 and return over the same route, serving no intermediate points and serving the termini points for the purpose of joinder only.

NOTE.—Common control was approved in MC-F-9039. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 119843 (Sub-No. 8), filed August 20, 1973. Applicant: ROESCH LINES, INC., 944 E. 9th St., San Bernardino, Calif. 92402. Applicant's representative: Donald Murchison, 9454 Wilshire Blvd., Suite 400, Beverly Hills, Calif. 90212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in round-trip charter operations, from points in San Bernardino, Riverside, and Orange Counties, Calif., and points in Los Angeles County east of California Highway 39, to points in the United States including Alaska and Hawaii and return.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Bernardino or Riverside, Calif.

No. MC 138990 (Sub-No. 2), filed August 20, 1973. Applicant: INTERSTATE BUS SERVICE, INC., 8675 NW. 53rd Street, Miami, Fla. 33166. Applicant's representative: Richard B. Austin, Suite 123, Koger Building, Executive Center Drive, Miami, Fla. 33166. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in sightseeing bus service as a part of a total package or prearranged air or water and ground transportation movement, (1) between Port Everglades, Dodge Island, Miami International Airport, Fort Lauderdale/Hollywood International Airport, Miami Beach, and Fort Lauderdale, Fla., on the one hand, and, on the other, Cape Kennedy, Disney World (Orange County), Cypress Gardens, Busch Gardens, Rainbow Springs, Key West, and Silver Springs, Fla.; and (2) from the above-named destination points to the above-named origin points, restricted to traffic moving in a combined, prearranged or packaged tour with an immediate, prior, or subsequent movement by air or water.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Ft. Lauderdale, Fla.

FILING WATER CARRIER APPLICATIONS

No. W-1189 Sub 30, filed October 1, 1973. Applicant: BULK FOOD CARRIERS, INC., 425 California Street, San Francisco, Calif. 94104. Applicant's representative: J. Raymond Clark, 1250 Connecticut Ave. NW., Washington, D.C. 20036. (1) Application for *exemption* pursuant to Section 303(e)(2) of the Interstate Commerce Act with respect to the transportation by self-propelled vessels and non-self-propelled vessels with the use of a separate towing vessel of *wood chips*, in bulk, from Longview, Wash., Sacramento, Eureka, and Samoa, Calif., and Portland and Coos Bay, Oreg., on the one hand, and, on the other, Mobile, Ala., Georgetown, S.C., and Panama City, Fla., or in the alternative, (2) issuance of a permit as a contract carrier by water by self-propelled vessels and non-self-propelled vessels with the use of a separate towing vessel in the transportation described in (1) above, under contract with International Paper Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Washington, D.C., or San Francisco, Calif.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-23196 Filed 10-30-73;8:45 am]

federal register

WEDNESDAY, OCTOBER 31, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 209

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

■

SOCIAL SERVICES

Miscellaneous Amendments to Chapter

Title 45—Public Welfare

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

Miscellaneous Amendments to Chapter

Notice of proposed rulemaking was published in the FEDERAL REGISTER on September 10, 1973 (38 FR 24872) to modify the social services regulations which had previously been published in the FEDERAL REGISTER on May 1, 1973 (38 FR 10782), effective July 1, 1973. On July 9, 1973, Public Law 93-66 postponed the effective date of the social services regulations until November 1, 1973. Notice of this postponement was published in the FEDERAL REGISTER on July 25, 1973 (38 FR 19911). The final regulations published herewith incorporate the regulations that were published on May 1, 1973, together with a clarifying amendment published in the FEDERAL REGISTER on June 1, 1973 (38 FR 14375) and the proposed rulemaking of September 10, 1973.

Approximately 5860 comments were received from over 2700 individuals and organizations in regard to the proposed rulemaking. Comments which were responsive primarily covered the following concerns:

1. There should be a fair hearing procedure for social services rather than a grievance procedure. There is no statutory requirement for fair hearings for social services, and to implement such a requirement would place an unreasonable administrative burden on States, with little, if any, benefit to the recipient.

2. There should be specific mandated adult services in addition to those necessary for deinstitutionalization and preventing institutionalization. There is no statutory requirement for additional mandatory adult services; of course, the States are free to provide any of the defined adult services, and thus have the greatest degree of discretion permitted by the Social Security Act.

3. The income test for determining potential recipients is too restrictive and should be broadened. The income test has been liberalized from that used in the May 1 regulations by increasing the income disregard from $30 to $60, by using the State's standard of need rather than its assistance payment standard, and adding a special income disregard for mentally retarded individuals.

4. Certification of eligibility for family planning services should be performed by the provider agency rather than the welfare department. There must be safeguards to insure that services resources are utilized for eligible individuals.

5. The goal of strengthening family life should not be limited to family planning and the prevention of child abuse and neglect. Directing the strengthening family life goal at family planning and child abuse and neglect not only focuses attention on two important areas, but also gives definition to a goal which has been somewhat ambiguous.

6. The range of legal services should be expanded. Legal services have been expanded beyond those provided for in the May 1 regulations by adding paternity and child support and adoption; together with employment, these areas are perceived to be the most desirable for focusing of services resources.

7. Special services for the mentally retarded should be expanded to include all eligible disabled individuals. This service recognizes the unique needs of mentally retarded individuals. Individuals with other disabilities can be served through the other defined adult services.

8. Other changes include:

a. Coverage of former recipients for family planning has been modified to conform to the penalty provision in Section 403(f)(2) of the Social Security Act (§ 221.6(c)(2)).

b. Although resources must be considered in determining potential recipients, the cumbersome aspects of the test have been removed (§ 2216(c)(3)).

c. The definition of mentally retarded has been improved (§ 221.6(c)(3)(iii) and (v)).

d. The self-sufficiency goal has been modified to insure that otherwise eligible potential recipients who are mentally retarded will be eligible to receive social services (§ 221.9(a)(2)).

e. The test for determining if an individual is a potential recipient of public assistance has been broadened by increasing the time period from 6 months to one year (§ 221.6(c)(3)).

f. Information and referral services has been added as a defined service (221.9(b)(20).

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

PART 220—SERVICE PROGRAMS FOR FAMILIES AND CHILDREN; TITLE 4 PARTS A AND B OF THE SOCIAL SECURITY ACT

(1) Part 220 is revoked, except for §§ 220.35, 220.36, and 220.61(g) (relating to the WIN program under title IV-A of the Social Security Act), and §§ 220.40, 220.49, 220.55, 220.56, 220.62, and 220.65 (b), and subpart D (relating to the CWS program under title IV-B of the act). The content of the revoked provisions is revised and transferred to a new part 221, which, to the extent indicated therein, shall be applicable to the WIN and CWS programs under such Part 220.

PARTS 222, 226 [REVOKED]

(2) Parts 222 and 226 are revoked, and their content is revised and transferred to the new part 221.

PART 221—SERVICE PROGRAMS FOR FAMILIES AND CHILDREN AND FOR AGED, BLIND, OR DISABLED INDIVIDUALS; TITLES I, IV (PARTS A AND B), X, XIV, AND XVI OF THE SOCIAL SECURITY ACT

(3) Part 221 is added to chapter II to read as set forth below.

Subpart A—Requirements for Service Programs

Sec.
- 221.0 Scope of programs.
- 221.1 General.
- 221.2 Organization and administration.
- 221.3 Relationship to and use of other agencies.
- 221.4 Freedom to accept services.
- 221.5 Statutory requirements for services.
- 221.6 Services to additional families and individuals.
- 221.7 Determination and redetermination of eligibility for services.
- 221.8 Program control and coordination.
- 221.9 Definitions of services.
- 221.30 Purchase of services.

Subpart B—Federal Financial Participation

TITLES I, IV-A, X, XIV, AND XVI

- 221.51 General.
- 221.52 Expenditures for which Federal financial participation is available.
- 221.53 Expenditures for which Federal financial participation is not available.
- 221.54 Rates and amounts of Federal financial participation.
- 221.55 Limitations on total amount of Federal funds payable to States for services.
- 221.56 Rates and amounts of Federal financial participation for Puerto Rico, the Virgin Islands, and Guam.

TITLES I, IV-A, IV-B, X, XIV, AND XVI

- 221.61 Public sources of State's share.
- 221.62 Private sources of State's share.

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

§ 221.0 Scope of programs.

(a) Federal financial participation is available for expenditures under the State plan approved under titles I, IV-A, IV-B, X, XIV, or XVI of the act with respect to the administration of service programs under the State plan. The service programs under these titles are hereinafter referred to as: Family services (title IV-A), WIN support services (title IV-A), child welfare services (title IV-B), and adult services (titles I, X, XIV, and XVI). Expenditures subject to Federal financial participation are those made for services provided to families, children, and individuals who have been determined to be eligible, and for related expenditures, which are found by the Secretary to be necessary for the proper and efficient administration of the State plan.

(b) The basic rate of Federal financial participation for family services and adult services under this part is 75 percent provided that the State plan meets all the applicable requirements of this part and is approved by the Social and Rehabilitation Service. Under title IV-A, effective July 1, 1972, the rates are 50 percent for emergency assistance in the form of services, and 90 percent for WIN support services, and effective January 1, 1973, the rate is 90 percent for the offering, arranging, and furnishing, directly or on a contract basis, of family planning services and supplies.

(c) Total Federal financial participation for family services and adult services provided by the 50 States and the District of Columbia may not exceed $2,500 million for any fiscal year, allotted to the States on the basis of their population. No more than 10 percent of the Federal funds payable to a State under its allotment may be paid with respect to

its service expenditures under title IV–A for individuals who are not current applicants for or recipients of financial assistance under the State's approved plans, except for services in certain exempt classifications.

(d) Rates and amounts of Federal financial participation for Puerto Rico, Guam, and the Virgin Islands are subject to different rules.

Subpart A—Requirements for Service Programs

§ 221.1 General.

The State plan with respect to programs of family services, WIN support services, child welfare services, and adult services must contain provisions committing the State to meet the requirements of this subpart.

§ 221.2 Organization and administration.

(a) *Single organizational unit.*—(1) There must be a single organizational unit within the single State agency, at the State level and also at the local level, which is responsible for the furnishing of services by agency staff under title IV, parts A and B. Responsibility for furnishing specific services also furnished to recipients under other public assistance plans (e.g., homemaker service) may be located elsewhere within the agency: *Provided,* That this does not tend to create differences in the quality of services for AFDC and CWS cases. (This requirement does not apply to States where the title IV–A and title IV–B programs were administered by separate agencies on January 2, 1968.)

(2) Such unit must be under the direction of its chief officer who, at the State level, is not the head of the State agency.

(b) *Advisory committee on day-care services.*—An advisory committee on day-care services for children must be established at the State level to advise the State agency on the general policy involved in the provision of day-care services under the title IV–A and title IV–B programs. The committee shall include among its members representatives of other State agencies concerned with day care or services related thereto and persons representative of professional or civic or other public or nonprofit private agencies, organizations or groups concerned with the provision of day care.

(c) *Opportunity to present views.* There must be an opportunity for recipients of services to present their views about the services program. The State may permit such opportunity to be either oral or in writing.

(d) *Program implementation.*—The State plan must provide for State level service staff to carry responsibility for:

(1) Planning the content of the service programs, and establishing and interpreting service policies;

(2) Program supervision of local agencies to assure that they are meeting plan requirements and State policies, and that funds are being appropriately and effectively used; and

(3) Monitoring and evaluation of the services programs.

(e) *Provision of service.*—The State plan must specify how the services will be provided and, in the case of provision by other public agencies, identify the agency and the service to be provided.

§ 221.3 Relationship to and use of other agencies.

There must be maximum utilization of and coordination with other public and voluntary agencies providing similar or related services which are available without additional cost.

§ 221.4 Freedom to accept services.

Families and individuals must be free to accept or reject services. Acceptance of a service shall not be a prerequisite for the receipt of any other services or aid under the plan, except for the conditions related to the work incentive program or other work program under an approved State plan.

§ 221.5 Statutory requirements for services.

(a) In order to carry out the statutory requirements under the act with respect to family services and audit services programs, and in order to be eligible for 75 percent Federal financial participation in the costs of providing services, including the determination of eligibility for services, the State must, under the family services program, provide to appropriate members of the AFDC assistance unit the mandatory services and those optional services the State elects to include in the State plan, and must, under the Adult Services program, establish a plan for de-institutionalization and preventing institutionalization of individuals, and include in the State plan those defined adult services which the State considers necessary to achieve that objective.

(b)(1) For the family services program, the mandatory services are family planning services, foster-care services for children, and protective services for children. The optional services are day-care services for children, educational services, employment services (non-WIN), health-related services, homemaker services, home management and other functional educational services, housing improvement services, legal services, transportation services, special services for the mentally retarded and information and referral services.

(2) For the adult services program, the defined services are chore services, day-care services for adults, educational services, employment services, family planning services, foster-care services for adults, health-related services, home delivered or congregate meals, homemaker services, home management and other functional educational services, housing improvement services, legal services, protective services for adults, special services for the blind, transportation services, special services for the mentally retarded and information and referral services.

§ 221.6 Services to additional families and individuals.

(a) If a State elects to provide services for additional groups of families or individuals, the State plan must identify such groups and specify the services to be made available to each group.

(b) If a service is not included for recipients of financial assistance under the State plan, it may not be included for any other group.

(c) The State may elect to provide services to all or to reasonably classified subgroups of the following:

(1) Families and children who are current applicants for financial assistance under title IV–A.

(2) Families and individuals who have been applicants for or recipients of financial assistance under the State plan within the previous 3 months but only to the extent necessary to complete provision of services initiated before withdrawal or denial of the application or termination of financial assistance.

except that family planning services may be offered to former applicants for or recipients of financial assistance under title IV–A and provided to them on request, in accordance with 45 CFR 205.146(b)(2), whether or not such services had been initiated before withdrawal or denial of the application or termination of financial assistance.

(3) Families and individuals, who, after considering their resources, are likely to become applicants for or recipients of financial assistance under the State plan within one year, i.e., those who:

(i) With respect to title IV–A, have gross monthly income which after deducting $60, (A) does not exceed 150 percent of the State's standard of need; or

(B) with respect to eligibility for day-care services, does not exceed the maximum allowable under the State's schedule of fees to be paid for such services by otherwise eligible families, as contained in the State's approved plan; or

(ii) With respect to titles I, X, XIV, or XVI, have gross monthly income which does not exceed 150 percent of the combined total of the supplementary security income benefit level provided for under title XVI of the Act (as amended by Public Law 92–603) and the State supplementary benefit level, if any (in the case of Puerto Rico, the Virgin Islands, and Guam, 150 percent of the standard of need);

(iii) Notwithstanding the provisions of paragraph (c)(3) (i) and (ii), of this section, with respect to an otherwise eligible individual who is mentally retarded as determined under § 221.55(d)(3) of this chapter, the State plan shall provide for an additional deduction from gross monthly income in order to recognize the unique financial burden associated with a mentally retarded individual.

(iv)(A) In the case of eligibility under title IV–A, have a specific problem or problems which are susceptible to correction or amelioration through provision of

services and which will lead to dependence on financial assistance under title IV–A within one year if not corrected or ameliorated; or

(B) In the case of eligibility under title I, X, XIV, or XVI, have a specific problem or problems which are susceptible to correction or amelioration through provisions of services and which will lead to dependence on financial assistance under such title or medical assistance, within one year if not corrected or ameliorated; and who are

(*1*) At least 64 years of age for linkage to title I or title XVI with respect to the aged;

(2) Experiencing serious, progressive deterioration of sight that, as substantiated by medical opinion, is likely to reach the level of the State agency's definition of blindness within one year for linkage to title X, or title XVI with respect to the blind; or

(3) According to licensed physician's opinion as approved by the State agency, experiencing a physical or mental condition which is likely to result within one year in permanent and total disability, for linkage to title XIV, or title XVI with respect to the disabled.

(v) Notwithstanding the provisions of this subparagraph (3) or § 221.7(b)(1) an eligible individual who is mentally retarded as determined under § 221.55(d)(3) of this chapter, may for the period July 1, 1973, through December 31, 1973, be considered by the State as eligible for services for so much of such period as the mentally retarded individual continues to meet the eligiblity requirements of § 222.55(a)(2) of this chapter, as previously in effect.

(vi) Notwithstanding the provisions of this subparagraph (3), or § 221.7(b)(1), children of migrant workers may be considered by the State to be eligible for day-care services through December 31, 1973, on the basis of the provisions of part 220 as previously in effect.

(vii) Notwithstanding the provisions of this subparagraph (3), or § 221.8(a), any female of childbearing age who requests family planning services may be considered eligible to receive such services as defined in § 221.9(b)(6)(i); provided such individual has gross monthly income which, after deducting $60, does not exceed 150 percent of the State's standard of need under title IV–A for one adult plus one child, or, if she is part of a family unit, then the applicable need standard for such family unit plus one child.

(4) Aged, blind, or disabled persons who are likely to become applicants for or recipients of financial assistance under the State plan within one year as evidenced by the fact that they are currently eligible for medical assistance as medically needy individuals under the State's title XIX plan.

§ 221.7 Determination and redetermination of eligibility for services.

(a) The State agency must make a determination that each family and individual is eligible for family services or adult services prior to the provision of services under the State plan.

(1) In the case of current applicants for or recipients of financial assistance under the State plan, this determination must take the form of verification by the organizational unit responsible for the furnishing of services with the organizational unit responsible for determination of eligibility for financial assistance that the family or individual has submitted an application for assistance which has not been withdrawn or denied or that the family or individual is currently receiving financial assistance. This verification must identify each individual whose needs are taken into account in the application or the determination of the amount of financial assistance.

(2) In the case of families or individuals who are found eligible for services on the basis that they are likely to become applicants for or recipients of financial assistance under the State plan, this determination must be based on evidence that the conditions of eligibility have been met, and must identify the specific problems which, if not corrected or ameliorated, will lead to dependence on such financial assistance.

(b) The State agency must make a redetermination of eligibility of each family and individual receiving services as follows:

(1) Within 6 months of the effective date of this regulation for all families and individuals receiving services initiated prior to that date.

(2) Every 6 months for families and individuals whose eligibility is based on their status as current applicants for or recipients of financial assistance. (This redetermination may be accomplished by comparison of financial assistance rolls or eligibility listings with service eligibility listings.)

(3) Within 30 days of the date that the status of the family or individual as a current applicant for or recipient of financial assistance is terminated, in order to determine the need for continuation of services initiated prior to such change in status.

(4) Within 6 months of the date of the original determination of eligibility and of any subsequent redetermination of eligibility for families and individuals whose eligibility is based on the determination that they are likely to become applicants for or recipients of financial assistance.

§ 221.8 Program control and coordination.

The State agency must establish procedures and maintain documentation (including the aggregation and assimilation of data) to substantiate that Federal financial participation under the State's family services or adult services program is claimed only for services which:

(a) Support attainment of the following goals:

(1) *Self-support goal.* To achieve and maintain the feasible level of employment and economic self-sufficiency. (Not applicable to the aged under the adult services program.)

(2) *Self-sufficiency goal.* Under this IV–A, for recipients of financial assistance and otherwise eligible individuals who are mentally retarded as determined under § 221.55(d)(3) of this chapter, and for all eligible individuals under the adult services program, to achieve and maintain personal independence and self-determination.

(3) *Strengthening family life goal.* For all recipients of financial assistance under the family program, to strengthen family life by providing (i) family planning services and (ii) such defined family services in the State plan as are necessary to prevent neglect or abuse of a child who has been identified as likely to become neglected or abused as a result of home conditions which seriously threaten the child physically or emotionally.

(b) Are provided to recipients who have been determined and redetermined to be eligible in accordance with the applicable provisions.

(c) Are evaluated at least once every 6 months to assure their effectiveness in helping a family or individual to achieve the goal toward which services are directed.

(d) Are not available without cost to the State agency.

§ 221.9 Definitions of services.

(a) This section contains definitions of all mandatory and optional services under the family services program and the defined services under the adult services program (see §§ 221.5 and 221.6).

(b)(1) *Chore services.*—This means the performance of household tasks, essential shopping, simple household repairs, and other light work necessary to enable an individual to remain in his own home when he is unable to perform such tasks himself and they do not require the services of a trained homemaker or other specialist.

(2) *Day care services for adults.*—This means personal care during the day in a protective setting approved by the State or local agency.

(3) *Day care services for children.*—This means care of a child for a portion of the day, but less than 24 hours, in his own home by a responsible person, or outside his home in a day care facility. Such care must be for the purpose of enabling the caretaker relatives to participate in employment or training, or because of the death, continued absence from the home, or incapacity of the child's mother and the inability of any member of such child's family to provide adequate and necessary care and supervision for such child. Day care may also be provided, when appropriate, for eligible children who are mentally retarded, and to recipients to the extent necessary to accomplish the strengthening family life goal. In-home care must meet State agency standards, that, as a minimum, include requirements with respect to: The responsible person's capacity and available time to properly care for children; minimum and maximum hours to be allowed per 24-hour day for such care; maximum number of children that may be cared for in the home at any one time; and proper feeding and health care of the

children. Day care facilities used for the care of children must be licensed by the State or approved as meeting the standards for such licensing and day care facilities and services must comply with such standards as may be prescribed by the Secretary.

(4) *Educational services.*—This means helping individuals to secure educational training most appropriate to their capacities, from available community resources at no cost to the agency.

(5) *Employment services (non-WIN under title IV–A and for the blind or disabled).*—This means enabling appropriate individuals to secure paid employment or training leading to such employment, through vocational, educational, social, and psychological diagnostic assessments to determine potential for job training or employment; and through helping them to obtain vocational education or training at no cost to the agency.

(6) *Family planning services.*—(i) For family services this means social, educational, and medical services to enable appropriate individuals (including minors who can be considered to be sexually active) to limit voluntarily the family size or space the children, and to prevent or reduce the incidence of births out of wedlock. Such services include printed materials, group discussions, and individual interviews which provide information about and discussion of family planning; medical contraceptive services and supplies; and help in utilizing medical and educational resources available in the community. Such services must be offered and be provided promptly (directly or under arrangements with others) to all eligible individuals voluntarily requesting them.

(ii) For adult services this means social and educational services, and help in securing medical services, to enable individuals to limit voluntarily the family size or space the children, and to prevent or reduce the incidence of births out of wedlock. Such services include printed materials, group discussions, individual interviews which provide information about and discussion of family planning, and help in utilizing medical and educational resources available in the community.

(7) *Foster care services for adults.*—This means placement of an individual in a substitute home which is suitable to his needs, supervision of such home, and periodic review of the placement, at least annually, to determine its continued appropriateness. Foster care services do not include activities of the home in providing care or supervision of the individual during the period of his placement in the home.

(8) *Foster care services for children.*—This means placement of a child in a foster family home, or appropriate group care facility (i) as a result of a judicial determination to the effect that continuation of care in the child's own home would be contrary to the welfare of such child, and (ii) at the option of the State, at the request of the legal guardian; services needed by such child while awaiting placement; supervision of the care of such child in foster care and of the foster care home or facility, to assure appropriate care; counseling with the parent or other responsible relative to impove home conditions and enable such child to return to his own home or the home of another relative, as soon as feasible; and periodic review of the placement, at least annually, to determine its continuing appropriateness. Foster care services do not include activities of the foster care home or facility in providing care or supervision of the child during the period of placement of the child in the home or facility. A foster care home or facility used for care of children must be licensed by the State in which it is situated or have been approved, by the agency of such State responsible for licensing home or facilities of this type, as meeting the standards established for such licensing.

(9) *Health-related services.*—This means helping individuals and families to identify health needs and to secure needed health services available under medicaid, medicare, maternal and child health programs, handicapped children's programs or other agency health services programs and from other public or private agencies or providers of health services; planning, as appropriate with the individual and health providers to help assure continuity of treatment and carrying out of health recommendations; helping such individual to secure admission to medical institutions and other health related facilities; and providing appropriate medical services necessary to a program of active treatment of individuals who are alcoholics or drug addicts.

(10) *Home delivered or congregate meals.*—This means the preparation and delivery of hot meals to an individual in his home or in a central dining facility as necessary to prevent institutionalization or malnutrition.

(11) *Homemaker services.*—(i) For family services this means care of individuals in their own homes, and helping individual caretaker relatives to achieve adequate household and family management, through the services of a trained and supervised homemaker.

(ii) For adult services this means care of individuals in their own homes, and helping individuals in maintaining, strengthening, and safeguarding their functioning in the home through the services of a trained and supervised homemaker.

(12) *Home management and other functional educational services.*—This means formal or informal instruction and training in management of household budgets, maintenance and care of the home, preparation of food, nutrition, consumer education, child rearing, and health maintenance.

(13) *Housing improvement services.*—This means helping families and individuals to obtain or retain adequate housing. Housing and relocation costs, including construction, renovation or repair, moving of families or individuals, rent, deposits, and home purchase, may not be claimed as service costs.

(14) *Legal services.*—This means the services of a lawyer in solving legal problems of eligible individuals to the extent necessary to obtain or retain employment, establish paternity of children born out of wedlock, secure and collect child support payments and legally adopt a child. This does not apply to district attorneys or other public prosecuting attorneys, and excludes all other legal services, including fee generating cases, criminal cases, class actions, community organizations, lobbying, and political action.

(15) *Protective services for adults.*—This means identifying and helping to correct hazardous living conditions or situations of an individual who is unable to protect or care for himself.

(16) *Protective services for children.*—This means responding to instances, and substantiating the evidence, of neglect, abuse, or exploitation of a child; helping parents recognize the causes thereof and strengthening (through arrangement of one or more of the services included in the State plan) parental ability to provide acceptable care; or, if that is not possible, bringing the situation to the attention of appropriate courts or law enforcement agencies, and furnishing relevant data.

(17) *Special services for the blind.*—This means helping to alleviate the handicapping effects of blindness through: Training in mobility, personal care, home management, and communication skills; special aids and appliances; special counseling for caretakers of blind children and adults; and help in securing talking-book machines.

(18) *Transportation services.*—This means transportation necessary to travel to and from community facilities or resources for receipt of mandatory or optional services.

(19) *Special services for the mentally retarded.* This means helping to alleviate the handicapping effect of mental retardation through: evaluation of the individual through necessary medical and psychological services; counseling with parents or caretaker relatives of the retarded individual; sheltered employment; day care appropriate to the needs of retarded individuals; and special training for self-care.

(20) *Information and referral services.* This means providing information about and referral to appropriate community resources to any family or individual, without regard to eligibility for assistance or other services, who requests help and whose needs can properly be met in this manner.

§ 221.30 Purchase of services.

(a) A State plan under title I, IV–A, X, XIV, or XVI of the act, which authorizes the provision of services by purchase from other State or local public agencies, from nonprofit or proprietary private agencies or organizations, or from individuals, must with respect to services which are purchased:

(1) Include a description of the scope and types of services which may be purchased under the State plan;

(2) Provide that the State or local agency will negotiate a written purchase of services agreement with each public or private agency or organization in accordance with requirements prescribed by SRS. Effective upon issuance of this regulation, all new agreements for purchased services must meet the requirements of this paragraph; existing agreements must meet the requirements by November 1, 1973. A written agreement or written instructions which meet the requirements of this paragraph must also be executed or issued by the single State or local agency where services are provided under the plan directly by the State or local agency in respect to activities added by reorganization of administrative structure, redesignation of the State or local agency, or otherwise, occurring after February 15, 1973, or are provided by any public agency as to which a waiver of the single State agency requirement pursuant to section 204 of the Intergovernmental Cooperation Act is granted after February 15, 1973. These written purchase of service agreements and other written agreements or instructions are subject to prior review and approval by the SRS regional office to the extent prescribed in, and in accordance with, instructions issued by SRS;

(3) Provide that services will be purchased only if such services are not available without cost;

(4) Provide that purchase of services from individuals will be documented as to type, cost, and quantity. If an individual acts as an agent for other providers, he must enter into a formal purchase of services agreement with the State or local agency in accordance with paragraph (a)(2) of this section;

(5) Provide that overall planning for purchase of services, and monitoring and evaluation of purchased services, must be done directly by staff of the State or local agency;

(6) Provide that the State or local agency will determine the eligibility of individuals for services and will authorize the types of services to be provided to each individual and specify the duration of the provision of such services to each individual;

(7) Assure that the sources from which services are purchased are licensed or otherwise meet State and Federal standards;

(8) (i) Provide for the establishment of rates of payment for such services which do not exceed the amounts reasonable and necessary to assure quality of service, and in the case of services purchased from other public agencies, are in accordance with the cost reasonably assignable to such services;

(ii) Describe the methods used in establishing and maintaining such rates; and

(iii) Indicate that information to support such rates of payment will be maintained in accessible form; and

(9) Provide that, where payment for services is made to the recipient for payment to the vendor, the State or local agency will specify to the recipient the type, cost, quantity, and the vendor of the service, and the agency will establish procedures to insure proper delivery of the service to, and payment by, the recipient.

(10) Provide that, when information and referral services are purchased from an agency, organization or individual providing any other service to the State or local agency, there must be a separate written purchase of services agreement covering only the information and referral services.

(b) In the case of services provided, by purchase, as emergency assistance to needy families with children under title IV–A, the State plan may provide for an exception from the requirements in paragraph (a) (2), (4), (7), and (8) of this section, but only to the extent and for the period necessary to deal with the emergency situation.

(c) All other requirements governing the State plan are applicable to the purchase of services, including:

(1) General provisions such as those relating to single State agency, grievances, safeguarding of information, civil rights, and financial control and reporting requirements; and

(2) Specific provisions as to the programs of services such as those on required services, maximum utilization of other agencies providing services, and relating services to defined goals.

Subpart B—Federal Financial Participation

TITLES I, IV–A, X, XIV, AND XVI

§ 221.51 General.

Federal financial participation is available for expenditures under the State plan which are:

(a) Found by the Secretary to be necessary for the proper and efficient administration of the State plan;

(b) (1) For services under the State plan provided, under the procedures for program control and coordination specified in this part, to families and individuals included under the State plan who have been determined (and redetermined) to be eligible pursuant to the provisions of this part;

(2) For other activities which are essential to the management and support of such services;

(3) For emergency assistance in the form of services to needy families with children (see § 233.120 of this chapter); and

(c) Identified and allocated in accordance with SRS instructions and OMB Circular A–87.

§ 221.52 Expenditures for which Federal financial participation is available.

Federal financial participation is available in expenditures for:

(a) Salary, fringe benefits, and travel costs of staff engaged in carrying out service work or service-related work;

(b) Costs of related expenses, such as equipment, furniture, supplies, communications, and office space;

(c) Costs of services purchased in accordance with this part;

(d) Costs of State advisory committees on day-care services for children, including expenses of members in attending meetings, supportive staff, and other technical assistance;

(e) Costs of agency staff attendance at meetings pertinent to the development or implementation of Federal and State service policies and programs;

(f) Cost to the agency for the use of volunteers;

(g) Costs of operation of agency facilities used solely for the provision of services, except that appropriate distribution of costs is necessary when other agencies also use such facilities in carrying out their functions, as might be the case in comprehensive neighborhood service centers;

(h) Costs of administrative support activities furnished by other public agencies or other units within the single State agency which are allocated to the service programs in accordance with an approved cost allocation plan or an approved indirect cost rate as provided in OMB Circular A–87;

(i) With prior approval by SRS, costs of technical assistance, surveys, and studies performed by other public agencies, private organizations, or individuals to assist the agency in developing, planning, monitoring, and evaluating the services program when such assistance is not available without cost;

(j) Costs of emergency assistance in the form of services under title IV–A;

(k) Costs incurred on behalf of an individual under title I, X, XIV, or XVI for securing guardianship or commitment;

(l) Costs of public liability and other insurance protection;

(m) When providing meals is an integral part of day care services, costs of food when limited to snacks and light meals, and not otherwise available under any public program; and

(n) Other costs, upon approval by SRS.

§ 221.53 Expenditures for which Federal financial participation is not available.

Federal financial participation is not available under this part in expenditures for:

(a) Carrying out any assistance payments functions, including the assistance payments share of costs of planning and implementing the separation of services from assistance payments;

(b) Activities which are not related to services provided by agency staff or volunteers, by arrangements with other agencies, organizations, or individuals, at no cost to the service program, or by purchase;

(c) Purchased services which are not secured in accordance with this part;

(d) Construction and major renovations;

(e) Vendor payments for foster care (they are assistance payments);

(f) Issuance of licenses or the enforcement of licensing standards;

(g) Education programs and educational services except those defined in § 221.9(b)(4) and (5);

(h) Housing and relocation costs, including construction, renovation or repair, moving of families or individuals, rent, deposits, and home purchase;

(i) Medical, mental health, or remedial care or services, except when they are:

(1) Part of the family planning services under title IV–A, including medical services or supplies for family planning purposes; or

(2) Medical examinations which are required for admission to child-care facilities or for persons caring for children under agency auspices, but only to the extent not otherwise available from medicaid, medicare, or other public or private sources including insurance or other resources); or

(3) Appropriate medical services necessary to a program of active treatment of indiivduals who are alcoholics or drug addicts (but only to the extent not otherwise available from medicaid, medicare, or other public or private sources including insurance or other resources); or

(4) Appropriate medical or psychological services necessary to evaluation of a mentally retarded individual as provided in § 221.9(b)(19) (but only to the extent not otherwise available from medicaid, medicare, or other public or private sources including insurance or other resources).

(j) Subsistence and other maintenance assistance items;

(k) Costs of day-care services for children of families having incomes in excess of 233⅓ percent of the State's standard of need;

(l) Transportation which is provided under the State's title XIX plan;

(m) Effective January 1, 1974, costs of employment services (non-WIN) under title IV–A provided to persons who are eligible to participate in WIN under title IV–C of the act, unless the WIN program has not been initiated in the local jurisdiction; and

(n) Other costs not approved by SRS.

§ 221.54 Rates and amounts of Federal financial participation.

(a) Federal financial participation for service costs identified in § 221.52 is available at the 75-percent rate, except that under title IV–A, the rate for family planning services is 90 percent and the rate for emergency assistance in the form of services is 50 percent: *Provided*, The State plan is approved as meeting the requirements of subpart A of this part under this provision:

(1) Federal financial participation at the specified rates includes:

(i) Salary, fringe benefits and travel costs of service workers and their supervisors giving full time to services and for staff entirely engaged (either at the State or local level) in developing, planning, and evaluating services;

(ii) Salary costs of service-related staff, such as supervisors, clerks, secretaries, and stenographers, which represent that portion of the time spent in supporting full-time service staff; and

(iii) All indirect costs which have been allocated in accordance with an approved cost allocation plan and with the requirements of OMB Circular A–87.

(2) Federal financial participation at the 50-percent rate is available for:

(i) Salary, fringe benefits, and travel cost of workers carrying responsibility for both services and assistance payments functions and supervisory costs related to such workers;

(ii) Salary costs of related staff, such as administrators, supervisors, clerks, secretaries, and stenographers, which represent that portion of the time spent in supporting staff carrying responsibility for both services and assistance payments functions; and

(iii) All indirect costs which have been allocated in accordance with an approved cost allocation plan and with the requirements of OMB Circular A–87.

(b) *Federal financial participation for purchased services.*—(1) Federal financial participation is available at the rates specified in paragraph (a) of this section in expenditures for purchase of service under the State plan to the extent that payment for purchased services is in accordance with rates of payment established by the State which do not exceed the amounts reasonable and necessary to assure quality of service and, in the case of services purchased from other public agencies, the cost reasonably assignable to such services, provided the services are purchased in accordance with the requirements of this part.

(2) Services which may be purchased with Federal financial participation are those for which Federal financial participation is otherwise available under title I, IV–A, X, XIV, or XVI of the act and which are included under the approved State plan, except as limited by the provisions of paragraph (b)(3) of this section.

(3)(i) Effective March 1, 1973, through June 30, 1973, Federal financial participation is available for a new purchase of services from another public agency only for services beyond those represented by fiscal year 1972 expenditures of the provider agency (or its predecessors) for the type of service and the type of persons covered by the agreement. A new purchase of service from another public agency is any purchase of services other than a purchase for the type of service and the type of persons covered by an agreement that was validly subject to Federal financial participation under title I, IV–A, X, XIV, or XVI prior to February 16, 1973.

(ii) Effective July 1, 1973, subject to the conditions in subdivision (i) of this subparagraph (3), Federal financial participation is available for a new purchase of service as follows:

(A) July 1, 1973–June 30, 1974—only for services beyond those represented by 75 percent of fiscal year 1973 expenditures.

(B) July 1, 1974–June 30, 1975—only for services beyond those represented by 50 percent of fiscal year 1973 expenditures.

(C) July 1, 1975–June 30, 1976—only for services beyond those represented by 25 percent of fiscal year 1973 expenditures.

(4) The provisions of paragraph (b)(3) of this section also apply to services provided, directly or through purchase, by:

(i) Any public agency as to which a waiver of the single State agency requirement pursuant to section 204 of the Intergovernmental Cooperation Act is granted after February 15, 1973, or

(ii) The State or local agency, as to activities added by reorganization of administrative structure, redesignation of the State or local agency, or otherwise, occurring after February 15, 1973.

§ 221.55 Limitations on total amount of Federal funds payable to States for services.

(a) The amount of Federal funds payable to the 50 States and the District of Columbia under titles I, IV–A, X, XIV, and XVI for any fiscal year (commencing with the fiscal year beginning July 1, 1972) with respect to expenditures made after June 30, 1972 (see para. (b) of this section), for services (other than WIN support services, and emergency assistance in the form of services, under title IV–A) is subject to the following limitations:

(1) The total amount of Federal funds paid to the State under all of the titles for any fiscal year with respect to expenditures made for such services shall not exceed the State's allotment, as determined under paragraph (c) of this section; and

(2) The amounts of Federal funds paid to the State under all of the titles for any fiscal year with respect to expenditures made for such services shall not exceed the limits pertaining to the types of indjviduals served, as specified under paragraph (d) of this section.

Notwithstanding the provisions of paragraphs (c)(1) and (d) of this section, a State's allotment for the fiscal year commencing July 1, 1972, shall consist of the sum of:

(i) An amount not to exceed $50 million payable to the State with respect to the total expenditures incurred, for the calendar quarter beginning July 1, 1972, for matchable costs of services of the type to which the allotment provisions apply, and

(ii) An amount equal to three-fourths of the State's allotment as determined in accordance with paragraphs (c)(1) and (d) of this section.

However, no State's allotment for such fiscal year shall be less than it would otherwise be under the provisions of paragraphs (c)(1) and (d) of this section.

(b) For purposes of this section, expenditures for services are ordinarily considered to be incurred on the date on which the cash transactions occur or the date to which allocated in accordance with OMB Circular A–87 and cost allocation procedures prescribed by SRS. In the case of local administration, the date of expenditure by the local agency governs. In the case of purchase of services from another public agency, the date of expenditure by such other public agency governs. Different rules may be applied with respect to a State, either generally or for particular classes of expenditures, only upon justification by the State to the Administrator and approval by him. In reviewing State requests for approval, the Administrator will consider generally applicable State

law, consistency of State practice, particularly in relation to periods prior to July 1, 1972, and other factors relevant to the purposes of this section.

(c) (1) For each fiscal year (commencing with the fiscal year beginning on July 1, 1972) each State shall be allotted an amount which bears the same ratio to $2,500 million as the population of such State bears to the population of all the States.

(2) The allotment for each State will be promulgated for each fiscal year by the Secretary between July 1 and August 31 of the calendar year immediately preceding such fiscal year on the basis of the population of each State and of all the States as determined from the most recent satisfactory data available from the Department of Commerce at such time.

(d) Not more than 10 percent of the Federal funds shall be paid with respect to expenditures in providing services under title IV–A to families or to individuals (eligible for services) who are not recipients of aid or assistance under State plans approved under such titles, or applicants for such aid or assistance, except that this limitation does not apply to the following services provided to eligible persons:

(1) Services provided to meet the needs of a child for personal care, protection, and supervision but only in the case of a child where the provision of such services is necessary in order to enable a member of such child's family to accept or continue in employment or to participate in training to prepare such member for employment, or because of the death, continued absence from home, or incapacity of the child's mother and the inability of any member of such child's family to provide adequate and necessary care and supervision for such child;

(2) Family planning services;

(3) Any services included in the approved State plan that are provided to an individual diagnosed as mentally retarded by a State mental retardation clinic or other agency or organization recognized by the State agency as competent to make such diagnoses, or by a licensed physician, but only if such services are needed for such individual by reason of his condition of being mentally retarded;

(4) Any services included in the approved State plan provided to an individual who has been certified as a drug addict by the director of a drug abuse treatment program licensed by the State, or to an individual who has been diagnosed by a licensed physician as an alcoholic or drug addict, but only if such services are needed by such individual as part of a program of active treatment of his condition as a drug addict or an alcoholic; and

(5) Services provided to a child who is under foster care in a foster family home (as defined in section 408 of the Social Security Act) or in a child-care institution (as defined in such section), or while awaiting placement in such a home or institution, but only if such services are needed by such child because he is under foster care.

§ 221.56 Rates and amounts of Federal financial participation for Puerto Rico, the Virgin Islands, and Guam.

(a) For Puerto Rico, the Virgin Islands, and Guam, the basic rate for Federal financial participation for family services and WIN support services under title IV–A is 60 percent. However, effective July 1, 1972, the rate is 50 percent for emergency assistance in the form of services.

(b) For family planning services and for WIN support services, the total amount of Federal funds that may be paid for any fiscal year shall not exceed $2 million for Puerto Rico, $65,000 for the Virgin Islands, and $90,000 for Guam. Other services are subject to the overall payment limitations for financial assistance and services under titles I, IV–A, X, XIV, and XVI, as specified in section 1108(a) of the Social Security Act.

(c) The rates and amounts of Federal financial participation set forth in § 221.54 (a) and (b) apply to Puerto Rico, the Virgin Islands, and Guam, except that the 60 percent rate of Federal financial participation is substituted as may be appropriate. The limitation in Federal payments in § 221.55 does not apply.

TITLES I, IV–A, IV–B, X, XIV, AND XVI

§ 221.61 Public sources of State's share.

(a) Public funds, other than those derived from private resources, used by the State or local agency for its services programs may be considered as the State's share in claiming Federal reimbursement where such funds are:

(1) Appropriated directly to the State or local agency; or

(2) Funds of another public agency which are:

(i) Transferred to the State or local agency and are under its administrative control; or

(ii) Certified by the contributing public agency as representing current expenditures for services to persons eligible under the State agency's services programs, subject to all other limitations of this part.

Funds from another public agency may be used to purchase services from the contributing public agency, in accordance with the regulations in this part on purchase of services.

(b) Public funds used by the State or local agency for its services programs may not be considered as the State's share in claiming Federal reimbursement where such funds are:

(1) Federal funds, unless authorized by Federal law to be used to match other Federal funds;

(2) Used to match other Federal funds; or

(3) Used to purchase services which are available without cost. In respect to purchase of services from another public agency, see also § 221.54(b) with respect to rates and amounts of Federal financial participation.

§ 221.62 Private sources of State's share.

(a) Donated private funds for services may be considered as State funds in claiming Federal reimbursement where such funds are:

(1) Transferred to the State or local agency and under its administrative control; and

(2) Donated on an unrestricted basis (except that funds donated to support a particular kind of activity, e.g., day care services, homemaker services, or to support a particular kind of activity in a named community, are acceptable provided the donating organization is not a sponsor or operator of the type of activity being funded).

(b) Donated private funds for services may not be considered as State funds in claiming Federal reimbursement where such funds are:

(1) Contributed funds which revert to the donor's facility or use.

(2) Donated funds which are earmarked for a particular individual or to a particular organization or members thereof.

Effective date. The regulation in this part shall be effective on November 1, 1973.

(Catalog of Federal Domestic Assistance No. 13.754, Public Assistance—Social Services.)

Dated October 16, 1973.

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

Approved: October 26, 1973.

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

[FR Doc.73-23302 Filed 10-30-73;8:45 am]

federal register

WEDNESDAY, OCTOBER 31, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 209

PART III

ENVIRONMENTAL PROTECTION AGENCY

■

CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND ENGINES

Miscellaneous Amendments; Correction

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

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

Miscellaneous Amendments; Correction

In the amendments to the motor vehicle regulations and in the preamble to those amendments published on June 28, 1973 (38 FR 17130), miscellaneous technical and typographical errors and omissions were made. In addition, such errors have been discovered in the regulations published on August 7, 1973 (38 FR 21348), relating to light duty diesel-powered vehicles and light duty trucks, and throughout other sections of the regulations as well. To avoid confusion and to insure that the regulations will be executed as intended, the corrections are listed in this notice.

Part 85 of Chapter I, Title 40 of the Code of Federal Regulations as applicable beginning with the 1974 model year is amended as follows, effective on October 31, 1973.

(Secs. 202, 206, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857f–1, 1857f–5, and 1857g(a)).)

Dated October 18, 1973.

ROBERT L. SANSOM,
Assistant Administrator for Air and Water Programs.

1. In § 85.074–12, paragraph (c) is corrected to read as follows:

§ 85.074–12 Vehicle preconditioning (fuel evaporative emissions).

* * * * *

(c) The test vehicle shall be placed on the dynamometer and operated over a simulated trip, according to the applicable requirements and procedures of §§ 85.074–14 through 85.074–19 except that the engine need not be cold when starting the run on the dynamometer and only a single trip of 7.5 miles shall be run. The test vehicle may be used to set dynamometer horsepower, if necessary. During this operation the ambient temperature shall be between 68° F and 86° F.

* * * * *

2. In § 85.074–19, paragraphs (d), (e), and (f) are redesignated as paragraphs (e), (f), and (g), and paragraph (d), which had been omitted, is inserted to read as follows:

§ 85.074–19 Engine starting and restarting.

* * * * *

(d) If the manufacturer's operating and owner's manual does not specify a warm engine starting procedure, the engine (automatic and manual choke engines) shall be started by depressing the acceleration pedal about halfway and cranking the engine until it starts.

* * * * *

3. In § 85.074–22, paragraph (f) is corrected to read as follows.

§ 85.074–22 Information to be recorded.

* * * * *

(f) Vehicle: Make—Vehicle identification number—Model year—Transmission type—Odometer reading—Engine displacement—Engine family—Idle r.p.m.—Fuel system (fuel injection, nominal fuel tank capacity, fuel tank location, number of carburetors, number of carburetor barrels)—Inertia loading—Actual curb weight recorded at 0 miles—Actual road load horsepower at 50 m.p.h. and drive wheel tire pressure.

* * * * *

4. In § 85.074–23, paragraphs (a) (3) and (6)(vii) is corrected to read as follows:

§ 85.074–23 Analytical system calibration and sample handling.

(a) * * *

(3) Set the CO analyzer gain to give the desired range. Select the desired attenuation scale of the HC analyzer, set the capillary flow rate by adjusting the back pressure regulator, and adjust the electronic gain control, if provided, to give the desired range. Select the desired scale of the NO_x analyzer and adjust the phototube high voltage supply or amplifier gain to give the desired range.

* * * * *

(6) * * *

(vii) Close valve V3. The NO concentration should be equal to or greater than the reading of (ii) indicating whether the NO contains any NO_2.

Calculate the efficiency of the NO_x converter by substituting the concentrations obtained during the test into Equation (A).

$$\%\,\text{Eff.} = \frac{(v)-(iv)}{(vi)-(iv)} \times 100 \text{ percent} \qquad \text{(A)}$$

The efficiency of the converter should be greater than 90 percent. Adjusting the converter temperature may be needed to maximize the efficiency. Efficiency checks should be made on each analyzer range using an NO span gas concentration appropriate to the instrument range.

* * * * *

5. In § 85.074–26, in paragraph (c), the definition of "V_o" is corrected to read as follows, making reference to Appendix III.

§ 85.074–26 Calculations (exhaust emissions).

* * * * *

(c) Meaning of symbols:

V_o = Volume of gas pumped by the positive displacement pump, in cubic feet per revolution. This volume is dependent on the pressure differential across the positive displacement pump. See calibration techniques in Appendix III.

* * * * *

6. In § 85.074–30, paragraph (b)(1)(ii) is corrected to read as follows.

§ 85.074–30 Certification.

* * * * *

(b) * * *

(1) * * *

(ii) A test vehicle selected under § 85.074–5(b)(3) shall represent all vehicles in the same engine family of the same engine displacement-exhaust emission control system-transmission type-fuel system combination.

* * * * *

7. In § 85.075–11, paragraph (a)(1) is corrected to read as follows.

§ 85.075–11 Vehicle and engine preparation (fuel evaporative emissions).

(a)(1) Apply appropriate leak-proof fittings to all fuel system external vents to permit collection of effluent vapors from these vents during the course of the prescribed tests. Since the prescribed test requires the temporary plugging of the inlet pipe to the air cleaner, it will be necessary to install a probe for collecting the normal effluents from this source. Where antisurge/vent filler caps are employed on the fuel tank, plug off the normal vent if it does not conveniently lend itself to the collection of vapors which emanate from it, and introduce a separate vent, with appropriate fitting on the cap. Where the fuel tank vent line terminus is inaccessible, sever the line at a convenient point near the fuel tank and install the collection system in a closed circuit assembly with the severed ends. All fittings shall terminate in $\frac{5}{16}$-inch ID tube sections for ready connection to the collection systems and shall be designed for minimum dead space.

* * * * *

8. In § 85.075–12, paragraph (c) is corrected to read as follows:

§ 85.075–12 Vehicle preconditioning (fuel evaporative emissions).

* * * * *

(c) The test vehicle shall be placed on the dynamometer and operated over a simulated trip, according to the applicable requirements and procedures of §§ 85.075–14 and 85.075–19 except that the engine need not be cold when starting the run on the dynamometer and only a single trip of 7.5 miles shall be run. The test vehicle may be used to set dynamometer horsepower, if necessary. During this operation the ambient temperature shall be between 68° F. and 86° F.

* * * * *

§ 85.075–19 [Corrected]

9. In § 85.075–19, the second paragraph designated (e) and the paragraph designated (f) are redesignated as (f) and (g) respectively.

10. In § 85.075–22, paragraph (f) is corrected. As amended, the section reads as follows:

§ 85.075–22 Information to be recorded.

* * * * *

(f) Vehicle: Make—Vehicle identification number—Model year—Transmission type—Odometer reading—Engine displacement—Engine family—Idle r.p.m.—Fuel system (fuel injection, nominal fuel tank capacity, fuel tank location, number of carburetors, number of carburetor barrels)—Inertia loading—Actual curb weight recorded at 0 miles—Actual road load horsepower at 50 m.p.h. and drive wheel tire pressure.

* * * * *

11. In § 85.075–23, paragraph (a)(2) and (6)(vii) are corrected. As corrected, the section reads as follows:

§ 85.075–23 Analytical system calibration and sample handling.

(a) * * *

(2) Zero the hydrocarbon analyzer with zero grade air and the carbon monoxide, carbon dioxide, and oxides of nitrogen analyzers with either zero grade air or zero grade nitrogen. The allowable zero gas impurity concentrations should not exceed 1 p.p.m. (0.04 mole percent) carbon dioxide, and 0.1 p.p.m nitric oxide.

* * * * *

(6) * * *

(vii) Close valve V3. The NO concentration should be equal to or greater than the reading of (ii) indicating whether the NO contains any NO_2.

Calculate the efficiency of the NO_2 converter by substituting the concentrations obtained during the test into Equation (A).

$$\% \text{ Eff.} = \frac{(v)-(iv)}{(vi)-(iv)} \times 100 \text{ percent} \quad (A)$$

The efficiency of the converter should be greater than 90 percent. Adjusting the converter temperature may be needed to maximize the efficiency. Efficiency checks should be made on each analyzer range using an NO span gas concentration appropriate to the instrument range.

* * * * *

12. In § 85.075–24, paragraph (b)(14), (15), and (16) are corrected to remove repetition. As corrected, the section reads as follows:

§ 85.075–24 Dynamometer test runs.

* * * * *

(b) * * *

(14) Immediately after the end of the sample period turn off the cooling fan and close the engine compartment cover.

(15) Turn off the positive displacement pump or disconnect the exhaust tube from the tailpipe of the vehicle.

(16) Repeat the steps in paragraph (b)(2) through (10) of this section for the hot start test except only on evacuated sample bag is required for sampling exhause gas and one for dilution air. The step in paragraph (b)(7) of this section shall begin between 9 and 11 minutes after the end of the sample period for the cold start test.

(17) At the end of the deceleration which is scheduled to occur at 505 seconds, simultaneously turn off the No. 1 revolution counter and position the sample solenoid valve to the "dump" position. (Engine shutdown is not part of the hot start test sample period.)

* * * * *

§ 85.075–26 [Corrected]

13. In § 85.075–26(c), the definition of V_s is corrected to read as follows, making reference to Appendix III.

V_s = Volume of gas pumped by the positive displacement pump, in cubic feet per revolution. This volume is dependent on the pressure differential across the positive displacement pump. See calibration techniques in Appendix III.

* * * * *

14. In § 85.075–28(c)(1)(i)(*a*), the reference to § 85.075–5(c)(3) is corrected to read as follows:

§ 85.075–28 Compliance with emission standards.

* * * * *

(c) * * *

(1) * * *

(i) * * *

(*a*) All valid emission data from the tests required under § 85.075–7(b), except the zero mile tests. This shall include the official test results, as determined in § 85.075–29, for all tests conducted on all durability vehicles of the combination selected under § 85.075–5(c) (including all vehicles elected to be operated by the manufacturer under § 85.075–5(c)(2)).

* * * * *

§ 85.075–38 [Corrected]

15. In § 85.075–38, the paragraphs designated (b) and (3) should be reversed.

16. In § 85.175–6, paragraph (a)(1)(i) is corrected to read as follows:

§ 85.175–6 Maintenance.

(a)(1) Scheduled maintenance on the engine, emission control system, and fuel system of durability vehicles shall be scheduled for performance during durability testing at the same mileage intervals that will be specified in the manufacturer's maintenance instructions furnished to the ultimate purchaser of the motor vehicle. Such maintenance shall be performed only under the following provisions:

(i) Scheduled major engine tuneups to manufacturer's specifications may be performed no more frequently than every 12,500 miles of scheduled driving, provided that no tuneup may be performed after 45,000 miles of scheduled driving. A scheduled major engine tuneup shall be conducted in a manner consistent with service instructions and specifications provided by the manufacturer for use by customer service personnel. A major engine tuneup shall be restricted to the following:

* * * * *

17. In § 85.175–19, paragraph (f) is corrected to read as follows:

§ 85.175–19 Information to be recorded.

* * * * *

(f) Vehicle: Make—Vehicle Identification number—Model year—Transmission type—Odometer reading—Engine displacement — Engine family — Idle r.p.m.—Inertia loading—Actual curb weight recorded at 0 miles—Actual road load HP. at 50 m.p.h. and drive wheel tire pressure.

* * * * *

18. In § 85.275–11, paragraph (a)(1) is corrected, to read as follows.

§ 85.275–11 Vehicle and engine preparation (fuel evaporative emissions).

(a)(1) Apply appropriate leak-proof fittings to all fuel system external vents to permit collection of effluent vapors from these vents during the course of the prescribed tests. Since the prescribed test requires the temporary plugging of the inlet pipe to the air cleaner, it will be necessary to install a probe for collecting the normal effluents from this source. Where antisurge/vent filler caps are employed on the fuel tank, plug off the normal vent if it does not conveniently lend itself to the collection of vapors which emanate from it, and introduce a separate vent, with appropriate fitting on the cap. Where the fuel tank vent line terminus is inaccessible, sever the line at a convenient point near the fuel tank and install the collection system in a closed circuit assembly with the severed ends. All fittings shall terminate in $\frac{5}{16}$-inch ID tube sections for ready connection to the collection systems and shall be designed for minimum dead space.

* * * * *

19. In § 85.275–12, paragraph (c) is corrected to read as follows.

§ 85.275–12 Vehicle preconditioning (fuel evaporative emissions).

* * * * *

(c) The test vehicle shall be placed on the dynamometer and operated over a simulated trip, according to the applicable requirements and procedures of § 85.275–14 through § 85.275–19 except that the engine need not be cold when starting the run on the dynamometer and only a single trip of 7.5 miles shall be run. The test vehicle may be used to set dynamometer horsepower, if necessary. During this operation the ambient temperature shall be between 68°F and 86°F.

* * * * *

§ 85.275–19 [Corrected]

20. In § 85.275–19, the second paragraph designated (e) and paragraph (f) should be redesignated as (f) and (g), respectively.

21. In § 85.275–22, paragraph (f) is corrected to read as follows.

§ 85.275–22 Information to be recorded.

* * * * *

(f) Vehicle: Make—Vehicle identification number—Model year—Transmission type—Odometer reading—Engine displacement—Engine family—Idle r.p.m.—Fuel system (fuel injection, nominal fuel

tank capacity, fuel tank location, number of carburetors, number of carburetor barrels)—Inertia loading—Actual curb weight recorded at 0 miles—Actual road load horsepower at 50 m.p.h. and drive wheel tire pressure.

* * * * *

22. In § 85.275–23, paragraph (a)(2) and 6(vii) is corrected to read as follows.

§ 85.275–23 Analytical system calibration and sample handling.

(a) * * *

(2) Zero the hydrocarbon analyzer with zero grade air and the carbon monoxide, carbon dioxide, and oxides of nitrogen analyzers with either zero grade air or zero grade nitrogen. The allowable zero gas impurity concentrations should not exceed 1 p.p.m. equivalent carbon response, 1 p.p.m. carbon monoxide, 400 p.p.m. (0.04 mole percent) carbon dioxide, and 0.1 p.p.m. nitric oxide.

* * * * *

(6) * * *

(vii) Close valve V3. The NO concentration should be equal to or greater than the reading of (ii) indicating whether the NO contains any NO_x.

Calculate the efficiency of the NO_x converter by substituting the concentrations obtained during the test into Equation (A)

$$\%\text{Eff.} = \frac{(v)-(iv)}{(vi)-(iv)} \times 100 \text{ percent} \quad \text{(A)}$$

The efficiency of the converter should be greater than 90 percent. Adjusting the converter temperature may be needed to maximize the efficiency. Efficiency checks should be made on each analyzer range using an NO span gas concentration appropriate to the instrument range.

* * * * *

23. In § 85.275–24, paragraph (b) (14), (15), and (16) is corrected to remove repetition and reads as follows.

§ 85.275–24 Dynamometer test runs.

* * * * *

(b) * * *

(14) Immediately after the end of the sample period turn off the cooling fan and close the engine compartment cover.

(15) Turn off the positive displacement pump or disconnect the exhaust tube from the tailpipe of the vehicle.

(16) Repeat the steps in subparagraphs (2) through (10) of this paragraph for the hot start test except only one evacuated sample bag is required for sampling exhaust gas and one for dilution air. The step in subparagraph (7) of this paragraph shall begin between 9 and 11 minutes after the end of the sample period for the cold start test.

(17) At the end of the deceleration which is scheduled to occur at 505 seconds, simultaneously turn off the No. 1 revolution counter and position the sample solenoid valve to the "dump" position. (Engine shutdown is not part of the hot start test sample period.)

* * * * *

§ 85.275–26 [Corrected]

24. In § 85.275–26(c), the definition of V_s is corrected to read as follows, making reference to Appendix III.

14. In § 85.275–28(c)(1)(i)(*a*), the reference to § 85.275–5(c)(3) is corrected as follows.

§ 85.275–28 Compliance with emission standards.

* * * * *

(c) * * *

(1) * * *

(i) * * *

(*a*) All valid emission data from the tests required under § 85.275–7(b), except the zero mile tests. This shall include the official test results, as determined in § 85.275–29, for all tests conducted on all durability vehicles of the combination selected under § 85.275–5(c) (including all vehicles elected to be operated by the manufacturer under § 85.275–5(c)(2)).

* * * * *

§ 85.275–38 [Corrected]

26. In § 85.275–38, the paragraphs are incorrectly ordered. As corrected, the paragraphs designated (3) and (b) should be reversed.

27. In § 85.774–9, paragraph (b) is corrected to read as follows.

§ 85.774–9 Test procedures.

* * * * *

(b) The test is designed to determine the brake-specific emissions of hydrocarbons, carbon monoxide, and oxides of nitrogen during a truck driving pattern in a metropolitan area as simulated on an engine dynamometer. The test consists of two warmup cycles and two hot cycles. The average concentrations for the warmup cycles and the hot cycles are combined to yield the reported values.

* * * * *

28. In § 85.874–7, the section number in the section heading is corrected to read § 85.874–7, paragraph (e), which had been deleted, is reinserted, and paragraph (i), which appears elsewhere, is deleted. As amended, the section reads as follows:

§ 85.874–7 Service accumulation and emission measurements.

* * * * *

(e) The results of each emission test shall be supplied to the Administrator immediately after the test. In addition, all test data shall be compiled and provided to the Administrator in accordance with § 85.874–4.

* * * * *

(i) [Deleted]

29. In § 85.874–30, paragraph (b)(1)(i) and (ii) is corrected to read as follows.

§ 85.874–30 Certification.

* * * * *

(b) * * *

(1) * * *

(i) A test engine selected under § 85.874–5(b)(2) shall represent all engines in the same engine family of the same engine displacement-exhaust emission control system combination.

(ii) [Reserved]

* * * * *

30. In § 85.902, paragraph (a)(23) is corrected to read as follows.

§ 85.902 Definitions.

(a) * * *

(23) "Scheduled maintenance" means any adjustment, repair, removal, disassembly, cleaning, or replacement of engine components or systems which is performed on a periodic basis to prevent part failure or vehicle (if the engine were installed in a vehicle) malfunction.

* * * * *

§ 85.974–16 [Corrected]

31. In § 85.974–16, paragraph (b)(6) should be redesignated as paragraph (c)(6).

* * * * *

32. In § 85.974–18, paragraph (c) is corrected to read as follows:

§ 85.974–18 Calculations.

* * * * *

(c) Multiply the corrected nitric oxide values by the following humidity correction factor:

$$\frac{1}{1+A(H-75)+(T-85)}$$

Where:

$A = 0.044\,(F/A) - 0.0038$

$B = -0.116\,(F/A) + 0.0053$

H = humidity of the inlet air in grains of water per pound of dry air.

T = Temperature of the air in °F.

F/A = Fuel-air ratio (dry air basis).

* * * * *

33. In § 85.974–28, paragraph (c)(1)(i)(*a*) and (*b*) is corrected to read as follows:

§ 85.974–28 Compliance with emission standards.

(c) * * *

(1) * * *

(i) * * *

(*a*) All emission data from the tests required under § 85.974–7(b) except the zero-hour tests. This shall include the official test results, as determined in § 85.974–29, for all tests conducted on all durability engines of the combination selected under § 85.874–5(c) (including all engines selected to be operated by the manufacturer under § 85.874–5(c)(2)).

(*b*) All emission data from the tests conducted before and after the maintenance provided in § 85.974–6(a)(1)(i).

* * * * *

34. In § 85.974–30, paragraph (b)(1)(i), (ii), and (iii) is corrected to read as follows:

§ 85.974–30 Certification.

* * * * *

(b) * * *

(1) * * *

(i) A test engine selected under § 85.-874-5(b)(2) shall represent all engines in the same engine family of the same engine displacement-exhaust emission control system combination.

(ii) [Reserved]

(iii) A test engine selected under § 85.-874-5(c)(1) shall represent all engines of the same engine-system combination.

* * * * *

35. In Appendix III, the chart is corrected to read as follows:

APPENDIX III

* * * * *

CALIBRATION DATA MEASUREMENTS

Parameter	Symbol	Units	Tolerance
Barometric pressure (corrected)	P_B	"Hg	±.01 "Hg.
Ambient temperature	T_A	°F	±.5° F.
Air Temperature into LFE	ETI	°F	±.1° F.
Pressure depression upstream of LFE	EPI	"H20	±.1"H20.
Pressure drop across the LFE matrix	EDP	"H20	±.005"H20.
Air temperature at CVS pump inlet	PTI	°F	±.5° F.
Pressure depression at CVS pump inlet	PPI	"Fluid	±.05"Fluid.
Specific gravity of manometer fluid	Sp. Gr.		
Pressure head at CVS pump outlet	PPO	"Fluid	±05"Fluid.
Air temperature at CVS pump outlet (optional)	PTO	°F	±.5° F.
Pump revolutions during test period	N	Revs	None.
Elapsed time for test period	t	Seconds	±.05 Seconds.

Note.—The fluid level in the manometer tube should stabilize before the reading is made and the elapsed time for revolution counting should be greater than 120 seconds.

* * * * * * *

[FR Doc.73-22970 Filed 10-30-73;8:45 am]

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Title 39—Postal Service $3.40

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