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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 5—Administrative Personnel CHAPTER I—CIVIL SERVICE COMMISSION REVISION OF APPEALS SYSTEM

Substantial changes are made in Parts 532, 713, 731, 752, 771, 772 of Title 5 of the Code of Federal Regulations to reflect the elimination of agency appeals systems and to reflect the reorganization of the appellate structure in the Commission. Specifically, Part 532 is revised to reflect new terminology and procedures for appeals of changes to lower grade; Part 713 is revised to provide for temporary restoration of an appellant pending the outcome of a request to reopen and reconsider a final decision; Part 731 is revised by adding Subpart D to provide an appellate procedure for applicants disqualified, or employees removed, under this part of the regulations; Part 752 is revised to require that the decision on an adverse action be made at a higher level than the individual who proposed the adverse action, and to reflect the finality of the Commission decision and the requirement for agency compliance; Part 771 is revised to delete the provisions for administrative (agency) appeals from adverse actions and to make certain technical changes required by this deletion; and Part 772 is revised to reflect the change in the Commission's organizational structure for handling appeals from adverse actions, including the finality of the appellate decision and the criteria for reopening by the Appeals Review Board. Parts 294, 300, 315, 330, 351, 352, 353, 531, 831, 870, 871, 890, and 891 are revised to reflect the right of appeal therefrom to the new Federal Employee Appeals Authority or to the Appeals Review Board as appropriate.

PART 294—AVAILABILITY OF OFFICIAL INFORMATION

§ 294.105 [Amended]

(1) Section 294.105(a) under "Subject Matter" where it says "Appeals" the "Bureau or Staff Office" should be listed as "Federal Employee Appeals Authority; where it says "Official Personnel Folder" the "Bureau or Staff Office" should be listed as "Bureau of Manpower Information Systems"; and the first sentence of § 294.801(a) is amended as set out below.

§ 294.801 Agency administrative appeals.

(a) An appeal file established under an agency administrative appeals system or a complaint file established under § 713.222 of this chapter shall be disclosed to the parties concerned, subject to the proscription against the dis-

closure of medical information in § 294.401.

(5 U.S.C. 552, 1104, unless otherwise noted)

PART 300—EMPLOYMENT (GENERAL)

§ 300.104 [Amended]

(2) Section 300.104(a)(2) in the fourth line, "Board of Appeals and Review" is changed to "Appeals Review Board".

(5 U.S.C. secs. 3301, 3302, E.O. 10577, 3 CFR, 1954-1958 Comp., p. 218; unless otherwise noted. Secs. 300.101-300.104 also issued under 5 U.S.C. secs. 7151, 7154; E.O. 11478, 3 CFR, 1966-70 Comp. p. 803)

PART 315—CAREER AND CAREER-CONDITIONAL EMPLOYMENT

(3) Section 315.806 is amended by adding a new paragraph (e) and § 315.807 is revised in its entirety as set out below.

§ 315.806 Appeal rights to the Commission.

(e) *Finality of the decision.* The decision of the office of the Commission having appellate jurisdiction is final. However, either party to the appeal may petition the Appeals Review Board to reopen and reconsider the decision under § 772.310 of this chapter.

§ 315.807 Agency action when Commission recommends restoration or other corrective action.

Compliance with the recommendation for corrective action is mandatory unless the agency petitions the Appeals Review Board to reopen and reconsider the decision under § 772.310 of this chapter.

(5 U.S.C. 1302, 8301, 3302, E.O. 10577; 3 CFR, 1954-1958 Comp., p. 218)

PART 330—RECRUITMENT, SELECTION, AND PLACEMENT (GENERAL)

(4) Section 330.204 is revised in its entirety as set out below.

§ 330.204 Agency action when Commission recommends corrective action.

It is mandatory that the agency take all corrective action recommended in the Commission's decision on an appeal unless the agency petitions the Appeals Review Board to reopen and reconsider the decision under § 772.310 of this chapter.

(5 U.S.C. 1302, 8301, 3302, E.O. 10577; 3 CFR, 1954-1958 Comp., p. 218)

PART 351—REDUCTION IN FORCE

(5) Section 351.901 is amended by adding a new paragraph (d) and § 351.902 is revised in its entirety as set out below.

§ 351.901 Initial appeals.

(d) The decision of the office of the Commission having appellate jurisdiction is final. However, either party to the appeal may petition the Appeals Review Board to reopen and reconsider the decision under § 772.310 of this chapter.

§ 351.902 Agency action when Commission recommends corrective action.

It is mandatory that the agency take all corrective action recommended in the decision of the Commission office having appellate jurisdiction unless the agency petitions the Appeals Review Board to reopen and reconsider the decision under § 772.310 of this chapter.

(5 U.S.C. 1302, 3502)

PART 352—REEMPLOYMENT RIGHTS

(6) Sections 352.313 and 352.508 are revised in their entirety as set out below.

§ 352.313 Failure to reemploy and right of appeal.

(a) When an agency fails to reemploy an employee within 30 days of his application, it shall notify him in writing of the reasons and of his right to appeal within 15 calendar days to the appellate office of the Federal Employee Appeals Authority, U.S. Civil Service Commission, Washington, D.C. 20415. The Commission may extend this time limit on an appeal on a showing by the employee that he was not notified of the applicable time limit, and was not otherwise aware of the limit, or that circumstances beyond his control prevented him from filing an appeal within the prescribed time limit.

(b) If the agency fails to reach and issue a decision to the employee within 30 days from his application for reemployment, the employee is entitled to appeal the failure of the agency to the Commission within a reasonable time thereafter.

(c) An appeal alleging that the agency has failed to comply with any of the other provisions of sections 3343 and 3581-3584 of title 5, United States Code, or of this part may be submitted to the Commission only within a reasonable time after the alleged violation occurred.

(d) The decision of the Commission is final unless either party to the appeal petitions the Appeals Review Board to reopen and reconsider the decision under § 772.310 of this chapter.

(e) Compliance with the recommendation of the Commission for corrective action is mandatory unless the agency petitions the Appeals Review Board to reopen and reconsider the decision under § 772.310 of this chapter.

(f) When an appeal under this subpart is filed properly before the death of an appellant, the Commission shall process it to completion and adjudicate it. The Commission, in recommending corrective action in the decision on such an appeal, may provide for amendment of the agency's records to show retroactive restoration and the appellant's continuance on the rolls in an active duty status to the date of death.

(5 U.S.C. 3584; E.O. 11552, 3 CFR, 1970 Comp.)
§ 352.508 Appeals to the Commission.

(a) *Right to appeal.* (1) If an agency determines that an employee who has applied for reinstatement is not eligible for reinstatement, it shall notify the employee as promptly as possible of its decision, of the basis therefor, and of the employee's appeal rights under this subpart. The employee is entitled to appeal the decision to the Commission within 15 calendar days after he receives notice of the decision.

(2) If an agency fails to reinstate an employee within the time limits specified in § 352.507, the employee is entitled to appeal to the Commission within 15 calendar days after the applicable time limit expires.

(3) If an employee considers that his reinstatement is not in accordance with the act and this subpart, he is entitled to appeal to the Commission within 15 calendar days after his reinstatement becomes effective.

(b) *Where appeals are filed.* Appeals under this part are to be filed with the appellate office of the Federal Employee Appeals Authority, U.S. Civil Service Commission, Washington, DC 20415.

(c) *Finality of the appeal decision.* The decision of the Commission is final unless either party to the appeal petitions the Appeals Review Board to reopen and reconsider the decision under § 772.310 of this chapter.

(d) *Agency action when the Commission recommends corrective action.* Compliance with the recommendation of the Commission for corrective action is mandatory unless the agency petitions the Appeals Review Board to reopen and reconsider the decision under § 772.310 of this chapter.

(e) *General provisions governing appeals—(1) Delayed appeals.* The Commission may extend the time limits in paragraphs (a) and (d) of this section on a showing by the appellant that he was not notified of the applicable time limit, or that circumstances beyond his control prevented him from filing an appeal within the prescribed time limit.

(2) *Appeal decisions.* The Commission shall submit its decision on an ap-

peal in writing to each appellant and to each agency concerned. An appeal decision may order that the reinstatement of an appellant be made retroactive to the date on which the applicable time limit specified in § 352.507 expired.

(3) *Cancellation of appeals.* The Commission shall cancel an appeal and the appellant and his agency will be so notified, on receipt of the appellant's written request for cancellation or upon failure of the appellant to furnish information requested by the Commission.

(4) *Death of appellant.* When an appeal under this subpart is filed properly before the death of an appellant, the Commission shall process it to completion and adjudicate it. The Commission, in recommending corrective action in the decision on such an appeal, may provide for amendment of the agency's records to show retroactive restoration and the appellant's continuance on the rolls in an active duty status to the date of death.

(Sec. 625, 75 Stat. 449; 22 U.S.C. 2385; E.O. 10973, 3 CFR 1959-1963 Comp., p. 493)

PART 353—RESTORATION AFTER MILITARY DUTY

(7) Subpart G of Part 353 is revised in its entirety as set out below.

Subpart G—Appeals to the Commission

| | |
|---------|---|
| Sec. | |
| 353.701 | Appeals to the Commission. |
| 353.702 | Where appeals are filed. |
| 353.703 | Finality of appeal decision. |
| 353.704 | Agency action when the Commission recommends corrective action. |
| 353.705 | General provisions governing appeals. |

AUTHORITY: Sec. 9, 62 Stat. 614, as amended (50 U.S.C. App. 459).

Subpart G—Appeals to the Commission § 353.701 Appeals to the Commission.

(a) *Executive branch and District of Columbia employees.* (1) An employee who left an agency with right to restoration under section 9(b) or section 9(g) (1), (2), (3) of the act may appeal to the Commission in furtherance of this right, as follows:

(i) *Failure of restoration.* If the agency concerned fails to restore an employee within 30 days after receipt of his application for restoration, filed in accordance with the Act, he may appeal to the Commission not later than 15 calendar days after the 30-day period has expired.

(ii) *Not feasible to restore.* If the agency concerned decides that it is not feasible to restore an employee, he may appeal this decision to the Commission not later than 15 calendar days after receipt of notice from the agency.

(iii) *Refusal of restoration.* If the agency concerned refuses to restore an employee, he may appeal to the Commission not later than 15 calendar days after receipt of notice from the agency.

(iv) *Improper restoration.* If an employee considers that he has been improperly restored, he may appeal to the Commission not later than 15 calendar days after his restoration.

(v) *Former agency abolished.* If the agency in which an employee was employed when he left for military duty is abolished and its functions are not transferred to another agency, the employee may appeal to the Commission not later than 15 calendar days after expiration of the period specified in the Act for applying for restoration.

(2) An employee who left a position in an agency with right to return to his position under section 9(g) (4) or section 9(g) (5) of the Act may appeal to the Commission in furtherance of his right to return to work in accordance with the provisions of section 9(g) (4) or section 9(g) (5) of the Act and this part.

(b) *Legislative employees.* An employee of the legislative branch who is entitled to appeal to the Commission under section 9(e) (2) of the Act may appeal not later than 15 calendar days after expiration of the period specified in the Act for applying for restoration.

§ 353.702 Where appeals are filed.

Appeals under this subpart are to be filed with the office of the Commission having appellate jurisdiction.

§ 353.703 Finality of appeal decision.

The decision of the office of the Commission having appellate jurisdiction is final. However, either party to the appeal may petition the Appeals Review Board to reopen and reconsider the decision under § 72.310 of this chapter.

§ 353.704 Agency action when the Commission recommends corrective action.

Compliance with the recommendation of the Commission for corrective action is mandatory unless the agency petitions the Appeals Review Board to reopen and reconsider the decision under § 772.310 of this chapter.

§ 353.705 General provisions governing appeals.

(a) *Delayed appeals.* The Commission may extend the time limits in §§ 353.701 and 353.704 when the appellant shows that he was not notified of these limits, and was not otherwise aware of them, or that circumstances beyond his control prevented him from filing an appeal within the prescribed limits.

(b) *Ascertainment of facts.* Each appellant shall submit in writing all facts that he considers pertinent to his appeal. The Commission may also conduct such appropriate investigations as it considers necessary.

(c) *Notification of appeal decisions.* The Commission shall submit its decision on an appeal in writing to each appellant and to each agency concerned.

(d) *Cancellation of appeals.* The Commission shall cancel an appeal, and the appellant and the agency concerned will be so notified on receipt of the appellant's written request for cancellation, or on failure of the appellant to furnish information requested by the Commission.

(e) *Death of appellant.* When an appeal under this subpart is filed properly before the death of an appellant, the Commission shall process it to comple-

tion and adjudicate it. The Commission, in recommending corrective action in the decision on such an appeal, may provide for amendment of the agency's records to show retroactive restoration and the appellant's continuance on the rolls in an active duty status to the date of death.

PART 531—PAY UNDER THE GENERAL SCHEDULE

(8) Section 531.407(e) is amended as set out below.

§ 531.407 Work of an acceptable level of competence.

(e) *Appeal to the Commission.* (1) an employee may appeal to the Commission the decision by his agency sustaining the negative determination by writing to the office of the Commission having appellate jurisdiction not later than 15 calendar days after his receipt of the decision. The office of the Commission having appellate jurisdiction may extend this time limit when it finds that the employee—

- (i) Was not notified of the time limit and was not otherwise aware of it, or
- (ii) Was prevented by circumstances beyond his control from appealing within the time limit.

(2) The office of the Commission having appellate jurisdiction shall make its decision on the record established in the reconsideration proceedings in the agency.

(3) The decision of the office of the Commission having appellate jurisdiction is final. However, either party to the appeal may petition the Appeals Review Board to reopen and reconsider the decision under § 772.310 of this chapter.

(4) It is mandatory that the agency take all corrective action recommended in the decision of the Commission office having appellate jurisdiction unless the agency petitions the Appeals Review Board to reopen and reconsider the decision under § 772.310 of this chapter.

(9) Section 531.517 (c), (d), (e) and (f) are amended as set out below.

§ 531.517 Appeals to the Commission.

(c) *Time limit.*—(1) *General.* An employee may submit an appeal to the office of the Commission having appellate jurisdiction at any time after his receipt of a decision to deny or terminate salary retention but not later than 15 calendar days after his demotion or reassignment has been effected.

(2) *Exceptions.* The office of the Commission having appellate jurisdiction may extend the time limits in this paragraph when the employee shows that he was not informed of his right of appeal or of the applicable time limit and was not otherwise aware of that right or that time limit, or that he was prevented by circumstances beyond his control from appealing within the time limit.

(d) *How submitted.* The appeal shall be in writing and shall set forth the em-

ployee's reasons why he considers the agency's decision erroneous, with such offer of proof and evidence as he is able to submit.

(e) *Finality of the decision.* The decision of the office of the Commission having appellate jurisdiction is final. However, either party to the appeal may petition the Appeals Review Board to reopen and reconsider the decision under § 772.310 of this chapter.

(f) *Agency action when Commission recommends corrective action.* It is mandatory that the agency take all corrective action recommended in the decision of the Commission office having appellate jurisdiction unless the agency petitions the Appeals Review Board to reopen and reconsider the decision under § 772.310 of this chapter.

(5 U.S.C. 5115, 5338).

PART 532—PAY UNDER PREVAILING RATE SYSTEMS

(10) Section 532.702 is revised in its entirety as set out below:

§ 532.702 Agency responsibility.

(a) Each agency shall establish a system for processing an application by an employee for a review of the correctness of the classification of his position (referred to in this subpart as an application), including the title or series when appropriate.

(b) In establishing the system required by this section, an agency, as a minimum, shall provide that:

(1) The provisions of the system shall be published and its employees shall be informed where a published copy is available for review.

(2) An application shall be in writing and contain the reasons the employee believes his position is erroneously classified.

(3) An application may be filed at any time. However, when a classification action results in a change to lower grade, in order to be entitled to retroactive corrective action:

(i) An employee covered by Subpart B of Part 752 of this chapter must appeal the change to lower grade under the provisions of § 752.203 of this chapter. An appeal under Subpart B of Part 752 of this chapter precludes the employee from filing an application under this section; or

(ii) An employee not covered by Subpart B of Part 752 of this chapter must request review under the provisions of this subpart within 15 calendar days of the effective date of the change to lower grade.

(4) An employee may select a representative of his own choosing and the employee (and his representative when the representative is also employed by the agency) shall be granted a reasonable time in presenting his application, and shall be assured freedom from restraint, interference, coercion, or reprisal in presenting his application. An employee's representative does not have a right to be present during a desk audit conducted by the Commission.

(5) The application shall be processed and decided promptly, with a provision that when a decision has not been issued within 60 days of the date the employee filed the application, he may request the next higher level in the agency with classification authority to assume jurisdiction of his application and the next higher level will promptly process and decide it.

(6) An employee shall promptly furnish such facts as may be requested by the agency.

(7) An application shall be canceled and the employee so notified in the following circumstances:

(i) On receipt of a written request by an employee;

(ii) On failure to prosecute when an employee does not furnish requested information and duly proceed with the advancement of his application; however, instead of cancellation for failure to prosecute, the application may be adjudicated if the information is sufficient for that purpose; or

(iii) On notice that an employee has left the position, except when he would be entitled to retroactive benefits including benefits allowable after the death of an employee.

(8) No more than one level of review may be established within an agency before a final decision may be issued, and that level of review, when possible, must be above the level of classification authority which classified the position.

(9) When an employee not subject to Subpart B of Part 752 of this chapter requests a review of a downgrading or other classification action that resulted in a reduction of pay and the decision of an agency reverses in whole or in part the downgrading or other classification action, the effective date of that decision shall be retroactive to the effective date of the action being reviewed when the initial application to the agency was submitted not later than 15 calendar days after the effective date of the action taken as a result of the classification decision. However, when the agency decision raises the grade or level of the position above its grade or level immediately preceding the downgrading, retroactivity will apply only to the extent of restoration to the grade or level immediately preceding the downgrading.

(10) The right of a retroactive effective date is preserved when an agency finds that an employee was not notified of the applicable time limit for review and was not otherwise aware of the limit, or that circumstances beyond his control prevented him from filing his application within the prescribed time limit.

(11) The effective date of a change in the classification of a position shall be specified in the agency decision and, unless otherwise required by this subpart, may not be earlier than the date of the decision but in no case may it be later than the beginning of the first pay period which begins after the 60th day from the date the application was filed. However, when the agency decision will result in a downgrading or other classification action that will reduce the pay

of the incumbent of the position, the effective date may not be earlier than the time required to effect the decision in accordance with procedures required by applicable law and regulation.

(12) When an application has been properly filed before the death of an employee and a favorable decision would entitle the employee to retroactive corrective action, it shall be processed to completion after his death and any appropriate corrective action made by amendment of the records of the agency.

(13) The decision on an application shall (i) be based on the record, (ii) be in writing, (iii) inform the employee either in the decision or as an attachment to the decision of the reasons for the classification of the position (i.e., a comparison of the position with the standard appropriate to the position), and (iv) inform the employee of his right to appeal the decision to the Commission and of the time limits within which the appeal must be filed.

(c) The agency is responsible for compiling and maintaining a classification review file which shall constitute the record and which shall not contain any document or information which the employee has not been given an opportunity to review.

(5 U.S.C. 5345)

PART 713—EQUAL OPPORTUNITY

(11) Sections 713.219, 713.232, 713.233, 713.234, and 713.235 are revised as set out below.

§ 713.219 Relationship to other agency appellate procedures.

When an employee makes a written allegation of discrimination on grounds of race, color, religion, sex, or national origin, in connection with an action that would otherwise be processed under a grievance or other system of the agency, the allegation of discrimination shall be processed under this part.

§ 713.232 Where to appeal.

The complainant shall file his appeal in writing, either personally or by mail, with the Appeals Review Board, U.S. Civil Service Commission, Washington, D.C. 20415.

§ 713.233 Time limit.

(a) Except as provided in paragraph (b) of this section, a complainant may file an appeal at any time after receipt of his agency's notice of final decision on his complaint but not later than 15 calendar days after receipt of that notice.

(b) The time limit in paragraph (a) of this section may be extended in the discretion of the Appeals Review Board, upon a showing by the complainant that he was not notified of the prescribed time limit and was not otherwise aware of it or that circumstances beyond his control prevented him from filing an appeal within the prescribed time limit.

§ 713.234 Appellate procedures.

The Appeals Review Board shall review the complaint file and all relevant written representations made to the board. The board may remand a complaint to the agency for further investigation or a rehearing if it considers that action necessary or have additional investigation conducted by Commission personnel. This subpart applies to any further investigation or rehearing resulting from a remand from the board. There is no right to a hearing before the board. The board shall issue a written decision setting forth its reasons for the decision and shall send copies thereof to the complainant, his designated representative, and the agency. When corrective action is ordered, the agency shall report promptly to the board that the corrective action has been taken. The decision of the board is final, but shall contain a notice of the right to file a civil action in accordance with § 713.282.

§ 713.235 Review by the Commissioners.

(a) The Commissioners may, in their discretion, reopen and reconsider any previous decision when the party requesting reopening submits written argument or evidence which tends to establish that:

(1) New and material evidence is available that was not readily available when the previous decision was issued;

(2) The previous decision involves an erroneous interpretation of law or regulation or misapplication of established policy; or

(3) The previous decision is of a precedential nature involving a new or unreviewed policy consideration that may have effects beyond the actual case at hand, or is otherwise of such an exceptional nature as to merit the personal attention of the Commissioners.

(b) When an agency gives notice of intent to request reopening within the time specified in the decision of the Appeals Review Board for the agency report of corrective action, the agency may not effect the corrective action recommended by the Board except as provided in this paragraph. When the agency gives notice of intent to request reopening, and when the appeal involves removal, separation, or suspension continuing beyond the date of the request for reopening, and when the Board decision recommends retroactive restoration, the agency shall comply with the Board decision only to the extent of the temporary or conditional restoration of the employee to duty status in the position recommended by the Board pending the outcome of the agency request for reopening. The agency shall notify the Board and the employee in writing that the corrective action it takes is temporary or conditional at the same time it gives notice of intent to request reopening. When the agency does not give notice of intent to request reopening within the time specified in the Board decision for the agency report of correc-

tive action, or when, after giving notice of intent to request reopening, the agency does not file a request for reopening within 30 days from the date of the Board decision, or when a request to reopen is denied, the agency shall effect the corrective action recommended by the Board, and there is no further right by the agency to request reopening.

However, service under the temporary or conditional restoration provisions of this paragraph may not be credited toward the completion of a probationary or trial period, eligibility for a within-grade increase, or the completion of the service requirement for career tenure.

(5 U.S.C. 1301, 3301, 3302, 7151-7154, 7301; E.O. 10577, 3 CFR, 1954-1958 Comp., p. 218; E.O. 11222, 3 CFR, 1964-1965 Comp., p. 306; E.O. 11478, 3 CFR, 1969 Comp., p. 133)

PART 731—SUITABILITY

(12) Section 731.302 and Subpart D are revised in their entirety and a new Subpart E is added as set out below.

§ 731.302 Actions against employees by the Commission.

(a) For a period of 1 year after the effective date of an appointment subject to investigation under § 731.301, the Commission may instruct an agency to remove an appointee when it finds that he is not qualified or is unsuitable for any of the reasons cited in § 731.201. Part 754 of this chapter does not apply to this action.

(b) Thereafter, the Commission may require the removal of an employee on the basis of intentional false statement or deception or fraud in examination or appointment. Part 754 of this chapter applies to this action.

(c) An action to remove an appointee or employee taken pursuant to an instruction by the Commission is not subject to Part 752 of this chapter. Part 752 of this chapter applies when removal or other disciplinary action covered by that part is initiated by an agency.

(d) When the Commission instructs an agency to remove an appointee under this part it shall notify the agency and the appointee of its decision in writing, giving reasons for the decision, and informing the agency and the appointee of the right to appeal to the appropriate office of the Commission as provided in § 731.401(b).

Subpart D—Appeal to the Commission's Federal Employee Appeals Authority

Sec.
731.401 Right to appeal.
731.402 Compliance with the decision.

Subpart E—Reemployment Eligibility

731.501 Reemployment eligibility of certain former Federal employees.

AUTHORITY: 5 U.S.C. 3301, 3302, 7301; E.O. 10577, 3 CFR 1954-1958 Comp. p. 218; E.O. 11222, 3 CFR, 1964-1965 Comp. p. 306.

Subpart D—Appeal to the Commission's Federal Employee Appeals Authority

§ 731.401 Right to appeal.

Right of appeal to the Commission's Federal Employee Appeals Authority (hereinafter referred to as the Appeals Authority).

(a) Any applicant or eligible who is disqualified from examination or appointment by the Commission for any reason named in § 731.201 may appeal to the appropriate office of the Appeals Authority within 15 calendar days after receipt of the Commission's notice of disqualification.

(b) An appointee who is disqualified by the Commission for any reason named in § 731.201 or his employing agency may appeal to the Appeals Authority at any time before the effective date of the removal action the Commission instructed the agency to take.

(1) An appointee who appeals a removal directed by the Commission shall notify the agency of his appeal prior to the effective date of the action.

(2) When the Commission has instructed the agency to remove an appointee and either the agency or the appointee appeals, the agency shall suspend the appointee effective the day following the date on which the removal was to have been effected pending adjudication of the appeal unless the agency desires to retain the appointee in an active duty status for that period, in which event the agency shall so notify the appointee. Part 752 of this chapter does not apply to the suspension.

(c) The decision of the Appeals Authority is final unless the applicant, appointee, or agency petitions the Appeals Review Board to reopen and reconsider the decision under § 772.310 of this chapter.

§ 731.402 Compliance with the decision of the Appeals Authority.

(a) Compliance with the decision of the Appeals Authority directing the agency to remove an appointee under this part is mandatory unless a petition to reopen the decision is filed with the board under § 772.310 of this chapter. When a petition to reopen is filed the recommended action will be held in abeyance pending decision of the board.

(b) An agency may not request the board to reopen and reconsider a decision of an appeals officer when that decision reverses an original decision of the Commission disqualifying an appointee under this part.

Subpart E—Reemployment Eligibility

§ 731.501 Reemployment eligibility of certain former Federal employees.

(a) *Request for suitability determination.* When an employee has been removed by an agency on charges (other than security or loyalty) or has resigned on learning the agency planned to prefer charges, or while charges were pending, the former employee may request the Commission to determine his eligi-

bility for further employment in the competitive service, insofar as his suitability and fitness are concerned. The Commission shall consider the request only if the former employee:

(1) Has completed any required probationary period;

(2) Has basic eligibility for reinstatement; and

(3) Includes a sworn statement with the request which sets forth fully and in detail the facts surrounding his removal or resignation.

(b) *Action by Commission.* (1) After appropriate consideration, including such investigation as the Commission considers necessary, the Commission shall inform the former employee whether it has found him suitable for further employment in the competitive service.

(2) If the former employee is found unsuitable and has had an opportunity to comment on the reasons for this finding, or has furnished his comments to the Commission, it may cancel his reinstatement eligibility if that eligibility resulted from his last Federal employment and was obtained through fraud. In addition, the Commission may prescribe a period of debarment from the competitive service not to exceed three years.

PART 752—ADVERSE ACTIONS BY AGENCIES

(13) Sections 752.102, 752.104 and 752.105 are revised in their entirety as set out below.

§ 752.102 Definitions.

In this part: Days mean calendar days and not workdays.

§ 752.104 General standards.

(a) An agency may not take an adverse action against an employee covered by this part except for such cause as will promote the efficiency of the service. Among the reasons that constitute "such cause as will promote the efficiency of the service" for this purpose are the reasons for disqualification of an applicant listed in § 731.201(b)—(g) of this chapter. These reasons may be based on pre-appointment factors as well as on post-appointment factors.

(b) Except when required by statute, an agency may not take an adverse action against an employee covered by this part because of marital status or for partisan political reasons.

§ 752.105 Agency records.

Each agency shall make a part of its records, copies of the notice of proposed adverse action, the material relied on by the agency to support the reasons in that notice, any answer made by the employee and the notice of decision.

(5 U.S.C. 1302, 3301, 3302, 7701; E.O. 10577, 3 CFR, 1954-58 Comp. p. 218; E.O. 11491, 3 CFR 1966-70 Comp. p. 861.)

(14) Part 752, Subpart B is revised in its entirety as set out below.

Subpart B—Removal, Suspension for More Than 30 Days, Furlough Without Pay, and Reduction in Rank or Pay

Sec.

752.201 Coverage.

752.202 Procedures.

752.203 Right of appeal to the Commission.

AUTHORITY: 5 U.S.C. 1302, 3301, 3302, 7701; E.O. 10577, 3 CFR, 1954-1958 Comp. p. 218; E.O. 11491, 3 CFR, 1966-70 Comp. p. 861.

§ 752.201 Coverage.

(a) *Employees covered.* This subpart applies to:

(1) (i) Any career, career-conditional overseas limited, indefinite, or term employee, or any employee serving under a career executive assignment, in a competitive position who is not serving a probationary or trial period and (ii) any employee serving in a competitive position who has completed 1 year of current continuous employment except one serving under a temporary appointment with a definite time limitation or a limited executive assignment;

(2) Any employee having a competitive status who occupies a position in Schedule B of Part 213 of this chapter under a nontemporary appointment; and

(3) Any preference eligible employee who has completed 1 year of current continuous employment in a position outside the competitive service.

(b) *Adverse actions covered.* This subpart applies to:

(1) Removal;

(2) Suspension for more than 30 days;

(3) Furlough without pay; and

(4) Reduction in rank or pay, including that taken at the election of the agency after a position classification decision by the Commission.

(c) *Exclusions.* This subpart does not apply to an employee or adverse action excluded by § 752.103.

§ 752.202 Procedures.

(a) *Notice of proposed adverse action.* (1) Except as provided in paragraph (c) of this section, an employee against whom adverse action is sought is entitled to at least 30 full days' advance written notice stating any and all reasons, specifically and in detail, for the proposed action.

(2) Subject to the provisions of subparagraph (3) of this paragraph, the material on which the notice is based and which is relied on to support the reasons in that notice, including statements of witnesses, documents, and investigative reports or extracts therefrom, shall be assembled and made available to the employee for his review. The notice shall inform the employee where he may review that material.

(3) Material which cannot be disclosed to the employee, or to his designated physician under § 294.401 of this chapter, may not be used by an agency to support the reasons in the notice.

(b) *Employee's answer.* Except as provided in paragraph (c) of this section, an employee is entitled to a reasonable time for answering a notice of proposed adverse action and for furnishing affi-

advants in support of his answer. The time to be allowed depends on the facts and circumstances of the case, and shall be sufficient to afford the employee ample opportunity to review the material relied on by the agency to support the reasons in the notice and to prepare an answer and secure affidavits. The agency shall provide the employee a reasonable amount of official time for these purposes if he is otherwise in an active duty status. If the employee answers, the agency shall consider his answer in reaching its decision. The employee is entitled to answer personally, or in writing, or both personally and in writing. The right to answer personally includes the right to answer orally in person by being given a reasonable opportunity to make any representations which the employee believes might sway the final decision on his case, but does not include the right to a trial or formal hearing with examination of witnesses. When the employee requests an opportunity to answer personally, the agency shall make a representative or representatives available to hear his answer. The representative or representatives designated to hear the answer shall be persons who have authority either to make a final decision on the proposed adverse action or to recommend what final decision should be made.

(c) *Exceptions to notice period and opportunity to prepare answer.* (1) Advance written notice and opportunity to answer are not necessary in cases of furlough without pay due to unforeseeable circumstances, such as sudden breakdowns in equipment, acts of God, or emergencies requiring immediate curtailment of activities.

(2) When there is reasonable cause to believe an employee is guilty of a crime for which a sentence of imprisonment can be imposed, the agency is not required to give the employee the full 30 days' advance written notice, but shall give him such less number of days advance notice and opportunity to answer as under the circumstances is reasonable and can be justified.

(d) *Duty status during notice period.* Except as provided in paragraph (e) of this section, an employee against whom adverse action is proposed is entitled to be retained in an active duty status during the notice period. When circumstances are such that the retention of the employee in an active duty status in his position may result in damage to Government property or may be detrimental to the interests of the Government or injurious to the employee, his fellow workers, or the general public, the agency may temporarily assign him to duties in which these conditions will not exist or place him on leave with his consent.

(e) *Suspensions during notice period.* In an emergency case when, because of the circumstances described in paragraph (d) of this section, an employee cannot be kept in an active duty status during the notice period, the agency may

suspend him. This suspension is a separate adverse action. An employee whose suspension under this paragraph is proposed is entitled, in connection with the suspension, to the following:

(1) If the suspension is for more than 30 days, to the procedures required by this subpart;

(2) If the suspension is for 30 days or less and the employee is covered under § 752.301, to the procedures required by Subpart C of this part; or

(3) If the suspension is for 30 days or less and the employee is in the excepted service and not covered by § 752.301, to a written notice at least 24 hours in advance of the effective date of the suspension. The agency shall include in the notice of suspension the reasons for not retaining the employee in an active duty status during the notice period. If the employee appeals from the final adverse decision, the Commission reviews the reasons for not retaining him in an active duty status to determine their consonance with the circumstances described in paragraph (d) of this section. The agency may place the employee in a non-duty status with pay for such time, not to exceed 5 days, as is necessary to effect the suspension.

(f) *Notice of adverse decision.* The employee is entitled to notice of the agency's decision at the earliest practicable date. The decision shall be made by a higher level official of the agency, when that exists, than the office who proposed the adverse action. The agency shall deliver the notice of decision to the employee at or before the time the action will be made effective. The notice shall be in writing, be dated, and inform the employee:

(1) Which of the reasons in the notice of proposed adverse action have been found sustained and which have been found not sustained;

(2) Of his right of appeal to the appropriate office of the Commission;

(3) Of the time limit for appealing as provided in section 752.204; and,

(4) Where he may obtain information on how to pursue an appeal.

§ 752.203 Right of appeal to the Commission.

An employee is entitled to appeal to the Commission from an adverse action covered by this subpart. The appeal shall be in writing and shall set forth the employee's reasons for contesting the adverse action, with such offer of proof and pertinent documents as he is able to submit.

(a) *Time limit for appeal.* An employee may submit an appeal at any time after receipt of the notice of adverse decision but not later than 15 days after the adverse action has been effected. The Commission may extend the time limit on an appeal to it when the appellant shows that he was not notified of the time limit and was not otherwise aware of it, or that he was prevented by circumstances beyond his control from appealing within the time limit.

(b) *Finality of the decision.* The decli-

sion of the office of the Commission having appellate jurisdiction is final. However, either party to the appeal may petition the Appeals Review Board to reopen and reconsider the decision under § 772.310 of this chapter.

(15) Section 752.304(d) is added as set out below.

§ 752.304 Appeal rights to the Commission.

(d) *Finality of decision.* The decision of the office of the Commission having appellate jurisdiction is final. However, either party to the appeal may petition the Appeals Review Board to reopen and reconsider the decision under § 772.310 of this chapter.

(16) Section 752.401 is revised in its entirety as set out below.

§ 752.401 Agency action when Commission recommends restoration or other corrective action.

It is mandatory that the agency take all corrective action recommended in the decision of the Commission office having appellate jurisdiction unless the agency petitions the Appeals Review Board to reopen and reconsider the decision under § 772.310 of this chapter.

(5 U.S.C. 1302, 3301, 3302, 7701; E.O. 10577, 3 CFR, 1954-1958 Comp. p. 218; E.O. 11491, 3 CFR, 1966-70 Comp. p. 861.)

PART 771—EMPLOYEE GRIEVANCE

(17) Part 771 is revised in its entirety as set out below.

Subpart A—General Provisions

| Sec. | |
|---------------|--|
| 771.101 | Purpose. |
| 771.102 | Definitions. |
| COVERAGE | |
| 771.103 | Agency coverage. |
| 771.104 | Establishment and publication. |
| 771.105 | Presentation of grievance. |
| 771.106 | Allegations of unfair labor practices. |
| 771.107 | Employee coverage. |
| 771.108 | Grievance coverage. |
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AUTHORITY: 5 U.S.C. 1302, 3301, 3302; E.O. 10577, 3 CFR, 1954-1958 Comp., p. 218; E.O. 10987, 3 CFR, 1959-1963 Comp., p. 519.

Subpart A—General Provisions

§ 771.101 Purpose.

This part sets forth the regulations under which each agency shall establish an agency grievance system.

§ 771.102 Definitions.

- In this part:
- (a) Days mean calendar days.
 - (b) Employee includes a former employee of an agency.
 - (c) Examiner means a person utilized by an agency to conduct an inquiry, and, when necessary, hold a hearing on a grievance.
 - (d) Grievance means a request by an employee, or by a group of employees acting as individuals, for personal relief in a matter of concern or dissatisfaction which is subject to the control of agency management.

COVERAGE

§ 771.103 Agency coverage.

(a) *Agencies covered.* Except as provided in paragraph (b) of this section, this part applies to the executive agencies and military departments as defined by sections 105 and 102 of title 5, United States Code, and to those portions of the legislative and judicial branches and of the government of the District of Columbia having positions in the competitive service.

(b) *Agencies not covered.* This part does not apply to the Central Intelligence Agency, the National Security Agency, the Federal Bureau of Investigation, the Atomic Energy Commission, the Tennessee Valley Authority, and the U.S. Postal Service.

§ 771.104 Establishment and publication.

(a) Each agency shall establish and administer an agency grievance system in accordance with this part.

(b) In the development of its grievance system, each agency shall give its employees an opportunity to express their views and shall consult or negotiate with recognized labor organizations as required under the form of recognition held.

(c) Each agency shall publish the provisions of its grievance system; make copies available to employees, their representatives, veterans organizations, and recognized labor organizations; and notify employees where copies are available for review.

§ 771.105 Presentation of grievance.

(a) An employee, in presenting a grievance under an agency grievance system, shall:

- (1) Be assured freedom from restraint, interference, coercion, discrimination, or reprisal;
- (2) Have the right to be accompanied, represented, and advised by a representative of his own choosing; and
- (3) Be assured a reasonable amount of official time if he is otherwise in an active duty status.

(b) When an employee designates another employee of the agency as his representative, the representative, in pre-

senting a grievance under an agency grievance system shall:

- (1) Be assured freedom from restraint, interference, coercion, discrimination, or reprisal; and
- (2) Be assured a reasonable amount of official time if he is otherwise in an active duty status.

§ 771.106 Allegations of unfair labor practices.

(a) An allegation of an unfair labor practice made in connection with a grievance under this part shall be incorporated in the grievance and processed under this part; however, the decision on the grievance may not be construed as an unfair labor practice decision under Executive Order 11491, as amended.

(b) If an allegation of an unfair labor practice made in connection with a grievance under Subpart C of this part has already been filed with the Assistant Secretary of Labor, the grievance may not be processed under this part.

§ 771.107 Employee coverage.

(a) *Employees covered.* Except as provided in paragraph (b) of this section, this subpart applies to all employees of an agency.

(b) *Employees not covered.* This subpart does not apply to:

- (1) A noncitizen appointed under Civil Service Rule VIII, § 8.3 of this chapter;
- (2) An alien appointed under section 1471(5) of title 22, United States Code;
- (3) A nonappropriated-fund employee as defined in section 2105(c) of title 5 or section 4202(5) of title 38, United States Code;
- (4) A physician, dentist, or nurse appointed under chapter 73 of title 38, United States Code;
- (5) A Foreign Service officer, Foreign Service Reserve officer, Foreign Service Information officer, and staff officers and employees appointed under chapter 14, chapter 14A, or chapter 32 of title 22, United States Code; and
- (6) An employee otherwise included under paragraph (a) of this section when he is a member of a class of employees excluded from coverage by the Commission on the recommendation of the head of the agency concerned.

§ 771.108 Grievance coverage.

(a) Except as provided in paragraphs (b) and (c) of this section, this subpart applies to any matter of concern or dissatisfaction to an employee which is subject to the control of agency management.

- (b) This subpart does not apply to:
- (1) A matter which is subject to final administrative review outside the agency under law or the regulations of the Commission;
 - (2) The content of published agency policy;
 - (3) Nonselection for promotion from a group of properly ranked and certified candidates;
 - (4) A grievance over the interpretation or application of an agreement nego-

tiated under section 11 of Executive Order 11491, as amended;

(5) An action terminating a temporary promotion within a maximum period of 2 years and returning the employee to the position from which he was temporarily promoted or reassigning or demoting him to a different position that is not at a lower grade or level than the position from which he was temporarily promoted;

(6) Nonadoption of a suggestion or disapproval of a quality salary increase, performance award, or other kind of honorary or discretionary award; or,

(7) A preliminary warning or notice of an action which, if effected, would be covered under the grievance system or excluded from coverage under subparagraph (1) of this paragraph.

(c) This subpart does not apply to a separation action. However, an agency may extend the coverage of its grievance system to any aspect of a separation action that is not subject to final administrative review outside the agency under law or the regulations of the Commission.

THE GRIEVANCE

§ 771.109 Right to present grievance.

(a) An employee is entitled to present a grievance under the agency grievance system. The agency shall accept and process a properly presented grievance in accordance with its grievance system except that an allegation of discrimination made in connection with a grievance shall be processed under Part 713 of this chapter.

(b) An employee, in presenting his grievance, is entitled to communicate with and seek advice from:

- (1) His servicing personnel office;
- (2) The Director of Equal Employment Opportunity of the agency or an Equal Employment Opportunity Officer or Counselor designated under Part 713 of this chapter;
- (3) The counselor of the agency, or his deputy, designated under Part 735 of this chapter; and
- (4) A supervisory or management official of higher rank than the employee's immediate supervisor.

§ 771.110 Avoidance of delay.

(a) An agency shall give each grievance full, impartial, and prompt consideration and shall require that the decision on a grievance be issued within 90 days after initiation of the informal procedure established under § 771.112.

(b) To insure orderly processing, an agency shall establish time limits for:

- (1) Completion of action under the informal procedure;
- (2) Filing a grievance under the formal procedure after completion of action under the informal procedure;
- (3) Adjustment or referral of the grievance under § 771.316(b);
- (4) Completion of the examiner's inquiry; and
- (5) Issuance of the decision after completion of the examiner's inquiry.

§ 771.111 Cancellation of grievance.

An agency shall cancel a grievance:

- (a) At the employee's request;
- (b) Upon termination of the employee's employment with the agency unless the personal relief sought by the employee may be granted after termination of his employment;
- (c) Upon the death of the employee unless the grievance involves a question of pay; or
- (d) For failure to prosecute if the employee does not furnish required information and duly proceed with the advancement of his grievance.

INFORMAL GRIEVANCE PROCEDURE

§ 771.112 Establishment of informal procedure.

Each agency shall establish a procedure appropriate to its organization and delegations of authority for the informal adjustment of grievances.

§ 771.113 Presenting grievance under informal procedure.

(a) *Time limit.* (1) An employee may present a grievance concerning a continuing practice or condition at any time.

(2) An employee shall present a grievance concerning a particular act or occurrence within 15 days of the date of that act or occurrence or the date he became aware of that act or occurrence. The agency may extend the time limit in this subparagraph for good cause shown by the employee.

(b) *Form of grievance.* An employee may present a grievance under the informal procedure either orally or in writing.

§ 771.114 Mandatory use of informal procedure.

Each agency shall require that an employee complete action under the informal procedure before a grievance concerning the same matter will be accepted from him for processing under the formal procedure.

FORMAL GRIEVANCE PROCEDURE

§ 771.115 Presenting grievance under formal procedure.

(a) An employee is entitled to present a grievance under the formal procedure if he (1) has completed action under the informal procedure and (2) presents the grievance within the time limit established by the agency under § 771.110 (b) (2).

(b) The grievance shall (1) be in writing, (2) contain sufficient detail to identify and clarify the basis for the grievance, and (3) specify the personal relief requested by the employee.

§ 771.116 Processing grievance under formal procedure.

(a) The grievance shall be referred to a deciding official at a level of management designated by the agency. The deciding official shall be at a higher administrative level than any official who could have adjusted the grievance under the informal procedure.

(b) The deciding official shall attempt to resolve the grievance. If he cannot resolve the grievance in a manner acceptable to the employee, he shall refer the grievance for inquiry by an examiner.

(c) An examiner who meets the standards of experience and training prescribed by the Commission shall conduct an inquiry on a grievance referred under paragraph (b) of this section. The agency shall provide a method for selecting an examiner who (1) is fair, impartial, and objective, and (2) does not occupy a position which is, directly or indirectly, under the jurisdiction of an official involved in the grievance or the deciding official, except when such an official is the head of the agency. If an agency desires to use an examiner from another agency, the agency shall make the arrangements. When these arrangements are made, the examiner is on a reimbursable detail to the requesting agency.

(d) The examiner shall conduct an inquiry of a nature and scope appropriate to the issues involved in the grievance. At the examiner's discretion, the inquiry may consist of:

- (1) The securing of documentary evidence;
- (2) Personal interviews;
- (3) A group meeting;
- (4) A hearing; or
- (5) Any combination of subparagraphs (1) through (4) of this paragraph.

(e) If a group meeting or hearing is held, a labor organization which holds exclusive recognition for the unit where the employee is located shall be given an opportunity to be represented.

(f) If a hearing is held the examiner shall conduct the hearing to conform with the following. (1) Except as provided in paragraph (e) of this section attendance at a hearing is limited to persons determined by the examiner to have a direct connection with the grievance.

(2) The hearing is conducted so as to bring out pertinent facts, including the production of pertinent records.

(3) Rules of evidence are not applied strictly, but the examiner shall exclude irrelevant or unduly repetitious testimony.

(4) Decisions on the admissibility of evidence or testimony are made by the examiner.

(5) Testimony is under oath or affirmation.

(6) The examiner shall give the parties opportunity to cross-examine witnesses who appear and testify.

(7) The examiner may exclude any person from the hearing for contumacious conduct or misbehavior that obstructs the hearing.

(8) Both parties are entitled to produce witnesses.

(9) The agency shall make its employees available as witnesses before an examiner when requested by the examiner after consideration of a request by the employee or the agency.

(10) If the agency determines that it is not administratively practicable to

comply with the request of the examiner, it shall notify him in writing of the reasons for that determination. If, in the examiner's judgment, compliance with his request is essential to a full and fair hearing, he may postpone the hearing until such time as the agency complies with his request.

(11) Employees of the agency are in a duty status during the time they are made available as witnesses.

(12) The agency shall assure witnesses freedom from restraint, interference, coercion, discrimination, or reprisal in presenting their testimony.

(13) The examiner, in his discretion, shall determine how the hearing shall be reported and shall have a verbatim transcript or written summary of the hearing prepared, including all pertinent documents submitted to and accepted by him. When the hearing is reported verbatim, the examiner shall make the transcript a part of the record of the proceedings. When the hearing is not reported verbatim, a suitable summary of the pertinent testimony shall be made. When agreed to in writing by the parties, the summary constitutes the report of the hearing and is made a part of the record of the proceedings. If the examiner and the parties fail to agree on the summary, the parties are entitled to submit written exceptions to any part of the summary, and those written exceptions and the summary constitute the report of the hearing and are made a part of the record of the proceedings.

(g) The examiner shall establish a grievance file containing all documents related to the grievance, including statements of witnesses, records or copies thereof, and the report of the hearing when a hearing was held. On completion of his inquiry, the examiner shall make the grievance file available to the employee and his representative for review and comment. Their comments, if any, shall be included in the file.

(h) After the employee and his representative have been given an opportunity to review the grievance file, the examiner shall prepare a report of his findings and recommendations and submit that report, with the grievance file, to the deciding official. The examiner shall also furnish the employee and his representative a copy of the report.

(i) The deciding official shall accept the examiner's recommendations and issue the decision on the grievance, except that:

(1) If the head of the agency is the deciding official, he shall consider the grievance file and make the decision on the basis thereof.

(2) If the deciding official decides to grant the relief sought by the employee, he shall issue the decision accordingly without regard to the examiner's recommendations.

(3) If the deciding official determines that the examiner's recommendations are unacceptable, he shall transmit the grievance file with a specific statement of the basis for that determination to a higher level of authority, designated by

the agency, for decision. The deciding official shall also furnish the employee and his representative a copy of that statement.

(j) The decision on the grievance shall be in writing and shall contain findings on all issues covered by the examiner's inquiry.

NEGOTIATED GRIEVANCE SYSTEMS

§ 771.117 Negotiated grievance systems.

This subpart does not apply to a grievance system established through a negotiated agreement between an agency and a labor organization to which exclusive recognition has been granted.

COMMISSION ACTION

§ 771.118 Employee requests for review.

The Commission does not act on a request by an employee for a review of an agency's action under an agency grievance system.

§ 771.119 Review of grievance systems.

The Commission reviews agency grievance systems through its inspection activity. When it finds that a system or operations thereunder do not conform with the requirements of this part, the Commission requires corrective action to bring the system or operations into conformity.

PART 772—APPEALS TO THE COMMISSION

(18) New Subpart A is added to Part 772 and Subpart C is revised in its entirety as set out below.

Subpart A—Offices of the Commission Authorized To Decide Appeals

Sec. 772.101 The Federal Employee Appeals Authority.

772.102 The Appeals Review Board.

Subpart B—[Reserved]

Subpart C—Commission's Appellate Review of Actions Against Employees

- 772.301 Coverage.
- 772.302 Time limit for appeal.
- 772.303 Failure to prosecute.
- 772.304 Death of appellant.
- 772.305 Evidence.
- 772.306 Allegations of discrimination.
- 772.307 Hearings.
- 772.308 Closing the record.
- 772.309 Decision on appeal.
- 772.310 Reopening and reconsideration by the Appeals Review Board.
- 772.311 Board procedures in appeals directly to the board.
- 772.312 Review by the Commissioners.

Authority: 5 U.S.C. secs. 1302, 3301, 3302, 5115, 5338, 7512, 7701, 8347; E.O. 10577, 3 CFR, 1954-1958 Comp. p. 218; E.O. 11491, 3 CFR, 1966-70 Comp. p. 803; 772.401-772.404 also issued under 5 U.S.C. secs. 7151, 7154; E.O. 11478, 3 CFR, 1966-70 Comp. p. 861.

Subpart A—Offices of the Commission Authorized To Decide Appeals

§ 772.101 The Federal Employee Appeals Authority.

The Federal Employee Appeals Authority reports directly to the Commission and has authority to make final decisions on appeals to the Commission except as otherwise provided.

§ 772.102 The Appeals Review Board.

The Appeals Review Board reports directly to the Commission. The board has authority to reopen and reconsider any decision of the Federal Employee Appeals Authority as provided in § 772.310 and has original jurisdiction of appeals to the Commission under Parts 300, 713, 831 except Subpart L, 870, 871, 890 and 891 of this chapter.

Subpart B—[Reserved]

Subpart C—Commission's Appellate Review of Actions Against Employees

§ 772.301 Coverage.

(a) *Agency-initiated actions.* Except as otherwise provided, this subpart applies to appeals to the Federal Employee Appeals Authority (hereinafter referred to as the Appeals Authority) under Subpart H of Part 315 of this chapter, Subpart B of Part 330 of this chapter, Subpart I of Part 351 of this chapter, Subparts B, C, E and F of Part 352 of this chapter, Subpart G of Part 353 of this chapter, Subparts D and E of Part 531 of this chapter, and Subparts B and C of Part 752 of this chapter.

(b) *Commission-initiated actions.* Except as otherwise provided, this subpart applies to appeals to the Appeals Authority from adverse suitability determinations under Part 731 of this chapter, adverse actions effected under Part 754 of this chapter, and from decisions of the Bureau of Retirement, Insurance, and Occupational Health on applications for disability retirement effected under Part 831 of this chapter, and to appeals to the Appeals Review Board from decisions of the Bureau of Retirement, Insurance, and Occupational Health on issues of entitlement to rights or benefits by claimants under Parts 831, 870, 871, 890 and 891 of this chapter. In appeals, under Part 754 of this chapter, the Commission's Bureau of Personnel Investigations is deemed the agency as that term is used in this subpart.

§ 772.302 Time limit for appeal.

(a) The Appeals Authority may consider an appeal only if the appeal is submitted within the time provided in the part of the regulations of this chapter concerning the subject of the appeal.

(b) The Appeals Authority may extend the time limit on an appeal when the appellant shows that he was not notified of the time limit and was not otherwise aware of it, or that he was prevented by circumstances beyond his control from appealing within the time limit. When an appellant has not been notified of a right of appeal, the Appeals Authority will accept an appeal only when the appellant has exercised due diligence in discovering and pursuing the administrative appeal available.

§ 772.303 Failure to prosecute.

The Appeals Authority shall close an appeal for failure to prosecute if an appellant does not furnish required information and duly proceed with the advancement of his appeal. However, instead of closing for failure to prosecute,

the Appeals Authority may adjudicate the appeal if sufficient information for that purpose is available. The Appeals Authority may reopen an appeal closed under this section only on a showing by the appellant that circumstances beyond his control prevented him from prosecuting his appeal.

§ 772.304 Death of appellant.

When an appeal covered by this part is filed properly before the death of an appellant, the Commission shall process it to completion and adjudicate it unless the redress sought, or any other benefit that would accrue from a decision favorable to the appellant, is nullified by the death of the appellant. The Appeals Authority, in recommending corrective action in the decision on such an appeal, may provide for amendment of the agency's records to show retroactive restoration and the appellant's continuance on the rolls in an active duty status to the date of death.

§ 772.305 Evidence.

(a) *Affidavits.* Statements of witnesses shall be by affidavit, when practicable, and relative to the adverse decision. It is the responsibility of both parties to the appeal to submit all evidence to the appropriate office of the Appeals Authority having jurisdiction.

(b) *Availability of evidence and representations.* A representative of the Appeals Authority shall discuss all relevant representations and evidence with both parties and make the representations and evidence available to them for review. However, when adverse action has been taken, or decision on an application for disability retirement has been made, on the basis of the reported mental condition of the appellant or another condition of such a nature that a prudent physician would hesitate to inform a person suffering from it as to its exact nature and probable outcome, the representative of the Appeals Authority shall make the medical evidence available only to a duly licensed physician designated in writing by the appellant or the appellant's representative.

§ 772.306 Allegations of discrimination.

(a) Except as provided in paragraph (e) of this section, when an employee makes a timely allegation in writing in connection with an appeal under this subpart that the agency's action was based in whole or in part on discrimination because of race, color, religion, sex, or national origin, the Appeals Authority shall determine whether the appellant has been informed by the agency of his right to proceed under this subpart or under Part 713 of this chapter and of the scope of review provided in each procedure. If the appellant has not been informed of the separate rights of appeal, the Appeals Authority shall refer the matter to the agency so the agency may explain the alternate rights of appeal to the appellant as provided in § 713.236 of Part 713 of this chapter and afford him the opportunity, if appropriate, to elect which avenue of appeal he wishes to pursue.

(1) The allegation of discrimination in connection with an action otherwise appealable to the Commission may not serve as a basis for extending the time for filing a complaint as provided in § 713.214 of this chapter.

(2) If the employee chooses to pursue an appeal under the provisions of Part 713 he may not concurrently pursue an appeal to the Commission of the action that is otherwise appealable to the Commission. However, on appeal of the decision of the agency to the Commission under § 713.231 of this chapter, the Commission will review all issues raised in connection with the action taken against the employee.

(b) Where an appellant elects to appeal directly to the Appeals Authority and alleges discrimination in connection with the action appealed to the Appeals Authority, the Appeals Authority shall process the case under the regulations appropriate to that appeal. The allegation of discrimination shall be referred to the Equal Employment Opportunity Officer of the agency for investigation in accordance with § 713.216 of this chapter. The investigative file and a report thereon shall be sent to the Commission to be incorporated in and become a part of the appeal file under this subpart.

(c) A decision on the appeal under this subpart may be made only after completion of investigation of the allegation of discrimination, except when the decision on the appeal under this subpart is to reverse the appealed action on the basis of failure to comply with procedural requirements.

(d) The decision on the allegation of discrimination shall be incorporated in and become a part of the decision on the appeal under this subpart, except when the decision has previously been issued as provided in paragraph (c) of this section.

(e) When the allegation of discrimination is presented for the first time in a hearing under this subpart, and the employee shows good reason for not having presented the allegation when the appeal was filed, the appeals officer shall suspend the hearing and refer the allegation for investigation and processing as provided in paragraphs (a) through (c) of this section. If the appeals officer determines that the employee did not have good reason, the hearing shall be broadened to include evidence and testimony on the issue of discrimination without referral to the agency for investigation.

§ 772.307 Hearings.

(a) *Coverage.* This section applies only to appeals under Subpart B of Part 752 of this chapter, Part 754 of this chapter, and Subpart L of Part 831 of this chapter.

(b) *Right to a hearing.* An appellant is entitled to a hearing before the office of the Appeals Authority having jurisdiction of the appeal. That office shall inform the appellant of his right to a hearing. If the appellant does not desire

a hearing, he shall so advise that office in writing.

(c) *Hearing procedures.* (1) An appellant is entitled to appear at the hearing on his appeal personally or through or accompanied by his representative. The agency is also entitled to participate in the hearing. Both parties are entitled to produce witnesses. The Appeals Authority is not authorized to subpoena witnesses.

(2) Any agency that has employees entitled to appeal to the Appeals Authority under this part shall make its employees available as witnesses at the hearing when (i) requested by the Appeals Authority after consideration of a request by the appellant or the agency and (ii) it is administratively practicable to comply with the request of the Appeals Authority. If the agency determines that it is not administratively practicable to comply with the request of the Appeals Authority, it shall submit to the Appeals Authority its written reasons for the declination. If the reason for the declination is adequate, the Appeals Officer shall insert the explanation in the record, notify the appellant that his request for the witness(es) has been denied and provide the appellant with the reason for the denial. Employees of the agency shall be in a duty status during the time they are made available as witnesses. Employees of the agency shall be free from restraint, interference, coercion, discrimination, or reprisal in presenting their testimony.

(3) An appeals officer of the Appeals Authority shall conduct the hearing and shall afford the parties opportunity to introduce evidence (including testimony and statements by the appellant, his representative, representatives of the agency, and witnesses), and to cross-examine witnesses. Testimony is under oath or affirmation. Rules of evidence are not applied strictly, but the appeals officer shall exclude irrelevant or unduly repetitious testimony. The appeals officer may exclude any person from the hearing for contumacious conduct or misbehavior that obstructs the hearing.

(4) Except as provided in subparagraph (5) of this paragraph, attendance at the hearing will be limited to persons determined by the appeals officer to have a direct connection with the appeal.

(5) When requested by the appellant and the agency does not object, the appeals officer shall hold a public hearing. When the agency objects, the appeals officer may deny the appellant's request only when he determines this action to be in the best public interest. The appeals officer in his discretion, may close one or more sessions of a public hearing, when he determines that this action is in the best interest of the appellant, a witness, or the Government. The reasons for the appeals officer's decision to deny a request for a public hearing or to close one or more sessions of a public hearing shall be made a part of the record.

(6) The hearing is reported verbatim. The transcript is part of the record of

the proceedings and a copy of the transcript shall be furnished to each party.

§ 772.308 Closing the record.

(a) The Appeals Authority shall close the record in any case after the parties to the appeal have had a full opportunity to present any and all relevant and material evidence. When there is a hearing, the record shall be closed at the conclusion of the hearing except that the appeals officer has discretion to permit the parties to submit written argument or briefs after the record is closed.

(b) When the record is closed there is no right to submit additional evidence into the record.

§ 772.309 Decision on appeal.

(a) The office of the Appeals Authority having initial jurisdiction of the appeal shall issue a written decision and send copies thereof to the appellant, his representative, and the agency. The decision on each appeal covered by this part shall contain an analysis of the evidence, findings, a statement of the reasons for the conclusions reached, and recommendation for any corrective action required. The agency shall report, within 30 calendar days after receipt of the decision, that it has carried the decision into effect or that it is petitioning the Appeals Review Board to reopen and reconsider the decision under section 772.310 of this chapter.

(b) The decision of the appeals officer is final and there is no further right of appeal.

§ 772.310 Reopening and reconsideration by the Appeals Review Board.

(a) *Request for reopening and reconsideration.* Either party may request the Appeals Review Board (hereinafter referred to as "Board") to reopen and reconsider any previous decision of an appeals officer. The Board may reopen and reconsider the decision when the party requesting reopening submits written argument or evidence which tends to establish that:

(1) New and material evidence is available that was not readily available when the decision of the appeals officer was issued;

(2) The previous decision of the appeals officer involves an erroneous interpretation of law or regulation, or a misapplication of established policy; or

(3) The decision of the appeals officer is of a precedential nature involving new or unreviewed policy considerations that may have effect beyond the case at hand.

(b) *Limitations on agency request to reopen.* (1) An agency may not request the Board to reopen and reconsider a decision of an appeals officer when that decision reverses an original decision of the Commission under Part 731 or Part 754 of this chapter.

(2) The Board may not consider an agency request to reopen and reconsider a decision of an appeals officer after the

agency has complied with the recommended corrective action.

(3) A request by an agency to reopen and reconsider a decision of an appeals officer shall be filed no later than 30 days after receipt of the appeals officer's decision.

(c) *Where to file.* Requests to reopen and reconsider a decision of an appeals officer shall be filed with the Appeals Review Board, U.S. Civil Service Commission, Washington, D.C. 20415.

(d) *How to file.* A request to reopen and reconsider a decision of an appeals officer shall be in writing and set forth in detail the reasons for the request.

(e) *Impact of a request to reopen upon the previous decision.* (1) When an employee or agency requests the Board to reopen and reconsider a decision of an appeals officer affirming an original adverse decision of the Commission under Part 731 or Part 754 of this chapter, or a decision of an appeals officer affirming or reversing the original adverse decision of the Bureau of Retirement, Insurance and Occupational Health under Subpart L of Part 831 of this chapter, that decision may not be given effect pending decision by the Board.

(2) An agency request for reopening under paragraph (a) of this section shall stay the corrective action recommended by the appeals officer except in those cases where the appeals officer has recommended:

(i) The retroactive restoration of an employee who was removed under Subpart B of Part 752 of this chapter, Part 351 of this chapter or Subpart H of Part 315 of this chapter, or

(ii) The cancellation of an indefinite suspension under Subpart B of Part 752 of this chapter.

The immediate action in such cases shall be a temporary appointment, a temporary restoration to duty status to a position of like grade or pay, or a similar conditional action pending decision of the Board on the case. Evidence of temporary or conditional compliance with the appeals officer's recommended corrective action must accompany the agency's request for reopening to the Board under subparagraph (1) or (2) of this paragraph. However, service by the employee under the provisions of this paragraph may not be credited toward the completion of a probationary or trial period, eligibility for a within-grade increase, or the completion of the service requirement for career tenure.

(f) *Board procedures.* The Board shall review any request to reopen to determine whether a basis for reopening under § 772.310(a) has been established. When the Board determines that the request does not establish a basis for reopening the Board shall notify the requesting party in writing of its decision to deny the request. When the Board reopens a previous decision, the Board will determine and conduct whatever further investigation is necessary. There is no right to a hearing before the Board.

The Board may, in its discretion, afford the parties an opportunity to appear personally and present oral argument and representations.

(g) *Reconsideration decision of the board.* When the Appeals Review Board has reopened an appeals officer's decision for reconsideration, it shall review the record of the proceedings and all written representations. The board shall issue a written decision and shall send copies thereof to the parties and to the employee's representative. The decision of the board is final. When corrective action is recommended, the agency shall report promptly to the board that the corrective action has been taken.

§ 772.311 Board procedures in appeals directly to the board.

(a) When a person files a timely appeal of an action appealable directly to the board, other than under Subpart D of this part, the board will review the record of the proceedings and all relevant written representations submitted by the parties to the appeal. There is no right to a hearing before the board. The board may, in its discretion, afford the parties an opportunity to appeal personally and present oral arguments and representations.

(b) The board shall issue a written decision and shall send a copy to each party and to the employee's representative. The decision of the board is final. When corrective action is recommended, the agency shall report within thirty days that it has carried the decision into effect or that it is petitioning the Commissioners to reopen and reconsider the decision under § 772.312.

§ 772.312 Review by the Commissioners.

(a) The Commissioners may, in their discretion, reopen and reconsider any previous decision on their own motion or when the party requesting reopening submits written argument or evidence which tends to establish that:

(1) The previous decision of the Board on a request to reopen and reconsider involves policy implications extending beyond the case at hand of such significance as to merit the personal attention of the Commissioners; or

(2) A basis for reopening exists for the same reasons as those set out under § 772.310(a) in cases where the Board issued the original appellate decision.

(b) When an agency gives notice of intent to request reopening within the time specified in the decision of the Appeals Review Board for the agency report of corrective action, the agency may not effect the corrective action recommended by the Board except as provided in this paragraph. When the agency gives notice of intent to request reopening, and when the appeal involves removal, separation, or suspension continuing beyond the date of the request for reopening, and when the Board decision recommends retroactive restoration, the agency shall comply with the Board decision only to the

extent of the temporary or conditional restoration of the employee to duty status in the position recommended by the Board pending decision of the Commissioners on the agency request for reopening. The agency shall notify the Board and the employee in writing that the corrective action it takes is temporary or conditional at the same time it gives notice of intent to request reopening. When the agency does not give notice of intent to request reopening within the time specified in the Board decision for the agency report of corrective action, or when, after giving notice of intent to request reopening, the agency does not file a request for reopening within 30 days from the date of the Board decision, or when a request to reopen is denied, the agency shall effect the corrective action recommended by the Board, and there is no further right by the agency to request reopening. However, service under the temporary or conditional restoration provisions of this paragraph may not be credited toward the completion of a probationary or trial period, eligibility for a within-grade increase, or the completion of the service requirement for career tenure.

(19) Sections 772.401, 772.403, and 772.404 are revised in their entirety as set out below.

§ 772.401 Coverage.

This subpart applies to appeals to the Appeals Review Board under Subpart A of Part 300 of this chapter.

§ 772.403 Processing of appeal.

(a) *Right to a hearing.* Except when an appeal is rejected on the basis of timeliness or on the basis of a prior final administrative decision, the appellant is entitled to a hearing on his appeal. He shall be notified in writing of his right to a hearing and allowed a reasonable time to reply in writing either requesting a hearing or stating that he does not desire a hearing.

(b) *Hearing.* (1) A hearing shall be conducted by a member of the board or by an appeals officer designated by the Appeals Authority for that purpose. The member or appeals officer, as appropriate, shall schedule the hearing, considering the convenience of the parties as to time and place, and shall notify the parties of the time and place at least 15 days in advance. The member or appeals officer, as appropriate, shall take all action needed to control the hearing and shall conduct the hearing in accordance with § 772.307(c).

(2) The hearing shall be recorded verbatim by an official reporter furnished by the Commission. The transcript of the official reporter is the sole official transcript. The transcript shall be made part of the record and the official reporter shall supply the parties, at their own expense, with a copy of the transcript at a rate not in excess of the maximum rate fixed by contract between the Commission and the reporter.

(3) When the hearing is conducted by an appeals officer, he shall prepare a

report of findings and recommendations for submission to the Board.

(c) *Decision of the board.* The Appeals Review Board shall issue a written decision and send copies thereof to the parties and to the appellant's representative. When the appeal is sustained, the decision shall inform the appellant of the corrective action directed by the Board. The decision of the Board is final and there is no further right of appeal.

§ 772.404 Review by the Commissioners.

The Commissioners may reopen and reconsider any previous decision on their own motion or under the principles set forth in § 772.310.

PART 831—RETIREMENT

(20) Section 831.107 is revised as set out below.

§ 831.107 Appeals.

(a) Except as provided in Subparts K and L of this part, a department, agency, or individual whose rights or interest under Subchapter III of Chapter 83 of Title 5, United States Code, are adversely affected by a final action or order of the Bureau may appeal to the Commission's Appeals Review Board from the action or order, as provided in this section, or as provided in § 831.1205 in the case of an appeal from a final action or order of the Bureau that involves an application for disability retirement filed by an employee or by an agency. As used in this section days means calendar days and not workdays.

(b) The individual or his authorized representatives may file the appeal with the Commission's Appeals Review Board. However, the Board shall not accept an appeal until the Bureau has completed action.

(c) (1) Except as provided in this paragraph, the time for filing an appeal is not later than 6 months from the date of mailing notice of the final action or order of which complaint is made.

(2) When the Bureau finds, on medical examination, that a disability annuitant has recovered, or determines that he has been restored to earning capacity, the time for filing an appeal is not later than 90 days from the date of receipt of final notice of the proposed discontinuance of annuity. When the Bureau denies reinstatement of the disability annuity of a former disability annuitant, the time for filing an appeal is not later than 90 days from the date of receipt of final notice of the denial.

(3) When the Bureau allows one of simultaneously contested claims and disallows another, the time for filing an appeal is not later than 60 days from the date of receipt of notice of the adverse decision. When an appeal is filed, the Commission shall notify, by certified letter, each party whose interest may be adversely affected by the decision on appeal. This notice shall inform the party of the filing of the appeal and of the substance thereof. Each party may file a brief of argument in answer within 30 days after receipt of notice of the appeal.

A certified letter of appeal which is addressed to the last known post office address of a party is deemed sufficient evidence of notice even though it is returned unclaimed.

(d) Each appeal shall show the name and post office address of appellant, his retirement claim number, the date and substance of the action from which the appeal is taken, and full reasons for the appeal.

(e) When the Bureau decides that a party does not have a right to appeal or that this section does not authorize consideration of the appeal, the party may apply to the Commissioners for an order directing the Bureau to forward the record to the Appeals Review Board for adjudication as an appeal. The application shall be in writing and shall set forth fully and specifically the grounds on which it is based.

(f) Except as provided in this section, the Bureau shall execute the decision of the Appeals Review Board within 60 days from the date of receipt of notice of the decision, unless the Board sooner recalls the decision. The Appeals Review Board shall mail an explanation of its decision to the appellant or his authorized representative.

(g) In a simultaneously contested claim referred to in paragraph (c)(4) of this section, the Bureau shall not execute the decision of the Appeals Review Board for 30 days. Within this period a party may file a motion for reconsideration.

(h) The Appeals Review Board will consider an appeal to review a decision of the Secretary of the Interior before July 21, 1930, or of the Administrator of Veterans' Affairs before September 1, 1934, on a civil service retirement case only when the Bureau has reconsidered the case on the basis of newly discovered material evidence. This section applies to the Bureau's decision on reconsideration.

(21) Section 831.1205 is revised as set out below.

§ 831.1205 Appeal and hearing.

(a) Right of appeal and hearing. An agency or an employee may appeal the decision of the Bureau that involves an application for disability retirement filed by an employee or by an agency to the appropriate office of the Commission having appellate jurisdiction. The appeal shall be in writing, set forth the reasons for the appeal, request a hearing if the appellant desires a hearing, and be filed with the appropriate office within 15 calendar days after receipt of the decision of the Bureau. The Commission may extend this time limit for good cause shown.

(b) Subpart C of Part 772 of this chapter applies to appeals to the Commission from the decisions of the Bureau involving applications for disability retirement.

(5 U.S.C. 8347, unless otherwise noted.)

PART 870—REGULAR LIFE INSURANCE

(2) Section 870.205 is revised as set out below.

§ 870.205 Appeals.

(a) A person may appeal an action of his employing office denying regular insurance coverage to the Bureau of Retirement, Insurance, and Occupational Health, United States Civil Service Commission, Washington, D.C. 20415.

(b) An appeal may be taken to the Commission's Appeals Review Board from the final action or order of the Bureau of Retirement, Insurance, and Occupational Health denying regular insurance coverage.

(c) The time for filing an appeal is not later than six months from the date of mailing notice of the final action or order of which complaint is made.

(5 U.S.C. 8716)

PART 871—OPTIONAL LIFE INSURANCE

(23) Section 871.206 is revised as set out below.

§ 871.206 Appeals.

(a) A person may appeal an action of his employing office denying optional insurance coverage to the Bureau of Retirement, Insurance, and Occupational Health, United States Civil Service Commission, Washington, D.C. 20415.

(b) An appeal may be taken to the Commission's Appeals Review Board from the final action or order of the Bureau of Retirement, Insurance, and Occupational Health denying optional insurance coverage.

(c) The time for filing an appeal is not later than six months from the date of mailing notice of the final action or order of which complaint is made.

(5 U.S.C. 8716. Interprets and applies 5 U.S.C. 8714a)

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

(24) Part 890.103 is revised as set out below.

§ 890.103 Employee appeals, corrections, and adjustments.

(a) An employee or annuitant may appeal a refusal of an employing office to permit him to register to enroll, or to change enrollment. The appeal shall be made in writing, within 30 days of the refusal, to the Bureau of Retirement, Insurance, and Occupational Health, United States Civil Service Commission, Washington, D.C. 20415.

(b) An employee or annuitant may appeal a refusal of the Bureau of Retirement, Insurance, and Occupational Health to permit him to register to enroll, or to change enrollment. The appeal shall be made in writing, within 90 days of the refusal, to the Appeals Review Board, United States Civil Service Commission, Washington, D.C. 20415.

(c) (1) The employing office may make prospective correction of administrative errors as to enrollment at any time.

(2) The Bureau of Retirement, Insurance, and Occupational Health may order correction of an error, mistake, or omission upon a showing satisfactory to the Bureau that it would be against equity and good conscience not to do so.

(3) The Bureau of Retirement, Insurance, and Occupational Health may order the termination of an employee's or annuitant's enrollment in a group practice plan and permit his enrollment in another plan upon a showing satisfactory to the Bureau that the furnishing of adequate medical care is jeopardized by a seriously impaired relationship between a patient and the plan's medical staff.

(d) The Commission does not adjudicate individual claims for payment or service under health benefits plans, nor does it arbitrate or attempt to compromise disputes between an employee or annuitant and his carrier as to claims for payment or service.

(5 U.S.C. 8913)

PART 891—RETIRED FEDERAL EMPLOYEES HEALTH BENEFITS

(25) Section 891.105 is revised as set out below.

§ 891.105 Appeals.

(a) A retired employee may appeal any determination by the Bureau of Retirement, Insurance, and Occupational Health that he is not eligible to make an election or to receive a Government contribution under this part. The appeal shall be made in writing, within 90 calendar days of the determination, to the Appeals Review Board, United States Civil Service Commission, Washington, D.C. 20415.

(b) The Commission may order correction of administrative errors at any time.

(c) The Commission does not adjudicate individual claims for payment or service under health benefits plans, nor does it arbitrate or attempt to compromise disputes between retired employees and carriers as to claims for payment or service.

(80 Stat. 607; 5 U.S.C. 8913)

Effective date: September 9, 1974.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.74-20774 Filed 9-6-74; 8:45 am]

Title 7—Agriculture

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

[Lemon Reg. 655]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period Sept. 8-14, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910.

The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.955 Lemon Regulation 655.

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

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

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons has decreased because of cool and rainy weather in several Mid-West areas. Average f.o.b. price was \$6.60 per carton the week ended August 31, 1974, compared to \$7.12 per carton the previous week. Track and rolling supplies at 161 cars were down 21 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market

conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held September 3, 1974.

(b) Order. (1) The quantity of lemons grown in California and Arizona which may be handled during the period September 8, 1974, through September 14, 1974, through September 14,

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

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

Dated: September 5, 1974.

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

[FR Doc.74-20808 Filed 9-5-74; 12:21 pm]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 74-SW-26; Amdt. 39-1954]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 206A and 206B Helicopters

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring a modification of the inboard ribs on certain right and left stabilizers of Bell Model 206A and 206B helicopters was published in 39 FR 20994.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One written comment was received objecting to the issuance of the AD which duplicates Bell Service Bulletins Nos. 206-01-73-7 and 206-01-74-1.

The FAA is responsible for issuing AD's to correct unsafe conditions. Service Bulletins issued by the manufacturer to correct unsafe conditions are not enforceable and the manufacturer cannot assure compliance with the service bulletins. Therefore it is incumbent on the FAA to issue AD's to require compliance with certain service bulletins. The AD does not require further work if the modifications in Service Bulletins Nos. 206-01-73-7 and 206-01-74-1 have already been accomplished.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BELL. Applies to Bell Model 206A and 206B helicopters as noted herein, certificated in all categories.

Compliance required within 100 hours time in service after the effective date of this A.D., unless already accomplished.

To prevent possible failure of the inboard ribs with possible loss of a stabilizer on Model 206A and 206B helicopters, serial numbers 1 through 913 equipped with horizontal stabilizer, P/N 206-020-119, replace any cracked inboard ribs and modify all inboard ribs by installing a doubler specified in and using the applicable procedures described in Items 3 through 24, Bell Helicopter Company Service Bulletin No. 206-01-73-7, Revision A, dated December 11, 1973 or later FAA approved revision.

To prevent excessive movement of the horizontal stabilizer install Horizontal Stabilizer Stop Kit, P/N 206-704-096-3, on Model 206A and 206B helicopters, Serial Numbers 1 through 1251, in accordance with Bell Helicopter Company Service Bulletin No. 206-01-74-1, Revision A, dated May 6, 1974 or later FAA approved revision.

This amendment becomes effective October 13, 1974.

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

Issued in Fort Worth, Texas on August 29, 1974.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.74-20696 Filed 9-6-74; 8:45 am]

[Airworthiness Docket No. 74-SW-37; Amdt. 39-1950]

PART 39—AIRWORTHINESS DIRECTIVES

Swearingen Models SA226-T, SA226-AT, and SA226-TC Airplanes

There have been four cases of cracking of the Swearingen Model SA226-TC left horizontal stabilizer rear spar at the outboard elevator hinge bracket attachment that could result in failure of the horizontal stabilizer and possible loss of the aircraft. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require repetitive inspections of the horizontal stabilizer for cracks and repair if necessary on Swearingen Models SA226-T, SA226-AT, and SA226-TC aircraft. The Models SA226-T and SA226-AT use the same stabilizer design and are possibly subject to the same conditions as the Model SA226-TC.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, 31 FR 13697, § 39.13 of Part 39 of the Federal Aviation regulations is amended by adding the following new airworthiness directive.

SWEARINGEN. Applies to Models SA226-T, SA226-AT, and SA226-TC.
Compliance required as indicated.

To detect cracking of the horizontal stabilizer spar at the outboard elevator hinge bracket attachment accomplish the following:

After the effective date of this AD

(1) For the Swearingen Model SA226-TC before next flight, inspect right and left rear horizontal stabilizer spar in the vicinity of the outboard elevator hinge bracket attachment for cracks above and below the hinge bracket in the radii of the rear spar flanges running spanwise.

(2) For the Swearingen Models SA226-AT and SA226-T airplane accomplish the same inspection as called out in paragraph (1) above before the next 10 hours of flight time.

(3) If no cracks are found, accomplish repetitive inspections in accordance with paragraph (1) after initial inspection at intervals not to exceed 50 hours of flight.

(4) If cracks are found before further flight repair rear horizontal stabilizer in accordance with Swearingen Aviation Corp. Service Bulletin No. A27-40-2064-3067-4067, dated August 23, 1974, or later FAA approved revision, or in a manner approved by the Chief, Engineering and Manufacturing Branch, Southwest Region, and continue repetitive inspections in accordance with paragraphs (1) and (3) above.

This amendment becomes effective to owners and operators on receipt of the amendment and becomes effective to all other persons on September 2, 1974.

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

Issued in Fort Worth, Texas on August 23, 1974.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.74-20697 Filed 9-6-74; 8:45 am]

[Airspace Docket No. 74-SO-40]

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

Alteration of Transition Area: Withdrawal

On June 6, 1974, F.R. Doc. No. 74-13034 was published in the FEDERAL REGISTER (39 FR 20191) amending Part 71 of the Federal Aviation regulations by altering the Jacksonville, Fla., transition area.

Subsequent to publication of the rule, it was determined that the instrument approach procedure (RADAR-A) to Herlong Airport, Jacksonville, Fla., would not be implemented.

In consideration of the foregoing, the amendment contained in Airspace Docket No. 74-SO-40 (F.R. Doc. No. 74-13034) is withdrawn.

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

Issued in East Point, Ga., on August 30, 1974.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.74-20698 Filed 9-6-74; 8:45 am]

[Airspace Docket No. 74-SO-91]

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

Revocation of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation regulations is to revoke the Greenwood, S.C., control zone.

The Greenwood control zone is described in § 71.171 (39 FR 354), and was designated under the provision that Southern Airways perform the required weather observation and dissemination service.

Since Southern Airways suspended scheduled service into Greenwood County Airport on August 4, 1974, and discontinued weather observation and dissemination service, the criteria for retention of the control zone no longer exists, it is necessary to revoke the control zone.

In consideration of the foregoing, Part 71 of the Federal Aviation regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (39 FR 354), the Greenwood, S.C., control zone is revoked.

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

Issued in East Point, Ga., on August 29, 1974.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.74-20699 Filed 9-6-74; 8:45 am]

[Airspace Docket No. 74-CE-17]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation regulations is to alter the Clinton, Missouri, transition area.

The Clinton NDB (non-directional beacon) is described in the Clinton, Missouri, transition area designation. There are also Clinton NDB's described in the Clinton, Iowa, and Clinton, Oklahoma, transition area designations. To avoid duplication and the possibility of misleading pilots, the Clinton, Missouri, NDB is being renamed the Golden Valley NDB. Accordingly, alteration of the Clinton, Missouri, transition area is necessary to reflect this name change.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation regulations is amended effective 0901 GMT, November 7, 1974, as hereinafter set forth:

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

CLINTON, MISSOURI

That airspace extending upward from 700 feet above the surface, within five miles of the Golden Valley, Missouri NDB (latitude 38°21'32" N., longitude 93°41'17" W.); and within three miles either side of the 054° bearing from the NDB extending from the five-mile radius to eight miles northeast of the RBN.

(Section 307(a) the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Kansas City, Missouri, on August 26, 1974.

A. L. COULTER,
Director, Central Region.

[FR Doc. 74-20700 Filed 9-6-74; 8:45 am]

[Docket No. 12425; Amdt. No. 93-29]

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

Anchorage, Alaska, Airport Traffic Area

The purpose of this amendment is to make several modifications to the Anchorage, Alaska, Airport traffic area. The modifications include a minor revision in the boundary separating the Lake Hood and Merrill segments, elimination of the exclusion of the airspace below 300 feet over the water along the west side of the Anchorage Airport traffic area, an increase in the ceiling of the airport traffic area from 2,700 feet MSL to 3,000 feet MSL, modification of the communication rules for the airport traffic area and the Merrill segment, and a minor change in the description of the airport traffic area.

On December 9, 1972, a notice of proposed rulemaking (Notice 72-32) was published in the FEDERAL REGISTER (37 FR 26344) proposing to amend Part 93 of the Federal Aviation regulations by making several minor modifications to the Anchorage, Alaska, Airport traffic area. Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments.

Two comments were received in response to the notice. One commentator concurred in the proposal. The other suggested that Lake Hood traffic continue to communicate with Anchorage International Airport Control Tower when the Lake Hood Control Tower is not operating, and suggested that the Anchorage Flight Service Station serve Merrill traffic when the Merrill Control Tower is not operating. As discussed below, these suggestions are adopted herein.

The notice proposed a revision in the boundary separating the Lake Hood and Merrill segments in order to provide an additional segment of airspace for Merrill traffic which was of minimal use and benefit to Lake Hood traffic. The notice also proposed elimination of the 300-foot exception to the airport traffic area overlying the tidal flats of Knik Arm and Turnagain Arm. Additionally, the notice proposed raising the ceiling of the area from 2,700 feet to 3,000 feet. No objec-

tions were made to these modifications; therefore, they are adopted as proposed.

While no objection was made with respect to eliminating the exclusion of the airspace below 300 feet along the west side of the Anchorage Airport traffic area, one comment stated that it was not clear what effect this change would have on float plane operators that have previously operated in the excluded airspace. Under this amendment, those operators, as suggested in this comment, must remain west of the airport traffic area (but may be operated east of Fire Island).

It was proposed in the notice to amend § 93.53 to exclude the Merrill and Lake Hood segments from the airport traffic area when the control towers were not in operation. After further consideration, the FAA believes that this would have the undesirable effect of suspending the basic airport traffic area rules in this airspace, and, therefore, withdraws this proposal.

It was also proposed in the notice to delete §§ 93.61(c) and 93.63(d) which require persons piloting aircraft within the Lake Hood and Merrill segments to communicate with the Anchorage International Airport control tower when the towers within those segments were not operating. However, the FAA now believes that communication is desirable, in the interest of safety, under those conditions.

The FAA, after further consideration, has determined that this communication can be preserved by removing the Lake Hood frequencies to Anchorage tower when Lake Hood tower is not operating. This will allow Anchorage tower to retain communications with pilots on the Lake Hood frequencies within the Lake Hood segment when Lake Hood tower is not operating. Similarly, Merrill tower frequencies are removed to the Anchorage Flight Service Station when the Merrill tower is not in operation. Pilots within the Merrill segment will be provided service by communicating with the Anchorage Flight Service Station. Section 93.61(c) is, therefore, not amended, and § 93.63(d) is amended to provide that pilots communicate with Anchorage Flight Service Station when the Merrill tower is not in operation.

The notice proposed to revoke § 93.67 (b) as being a redundant rule regarding compliance with the Bryant traffic pattern. After further consideration the FAA believes this rule is necessary to retain the basic Bryant traffic pattern rules when the Bryant tower is not operating and, therefore, withdraws the proposal.

Further review of the Anchorage Airport traffic area rules indicated that a minor change to § 93.57(e) should be made for clarification. Accordingly, the section is changed from referring to radio communication with the "control tower serving the airport" to refer instead to the "control tower serving the segment containing the airport of landing or take-off." This will eliminate possible confusion in the situation where the control tower within a specific segment is closed

and another facility is serving that particular segment. For consistency with the provisions of § 93.63(d), that paragraph is excepted from the revised provisions of § 93.57(e).

Finally, several nonsubstantive changes to the landmarks used in describing boundaries of the airport traffic area and changes to the appropriate diagrams in Appendix A resulting from the amendments adopted herein have been made.

This amendment has been charted by the National Oceanic and Atmospheric Administration. The revised charts are effective on July 18, 1974. Safety requires that there be no inconsistency between the charted upper limit of the Anchorage, Alaska, Airport Traffic Area and the upper limit prescribed in this amendment. To prevent this inconsistency, it is essential that this amendment be effective at the earliest possible time. The FAA, therefore, finds that good cause exists for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER. It is accordingly made effective upon such publication.

(Sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, Part 93 is amended, effective September 9, 1974 as follows:

1. Section 93.53 is amended to read as follows:

§ 93.53 Description of area.

The Anchorage Airport traffic area is designated as that airspace extending upward from the surface to, but not including, 3,000 feet MSL. It is bounded by a line beginning at Point MacKenzie extending westerly along the bank of Knik Arm to a point intersecting an arc of five-statute-mile radius circle centered on the geographical center of Anchorage International Airport; thence counterclockwise along that arc to its intersection with the new Seward Highway; thence northerly along the new Seward Highway to its intersection with Tudor Road; thence easterly along Tudor Road to its intersection with Muldoon Road; thence northerly along Muldoon Road to a point one-half statute mile south of Palmer Highway; thence northeasterly along a line one-half statute mile east of and parallel to Palmer Highway to its intersection with a line one-half statute mile east of and parallel to Bryant Airport runway 16/34; thence northeastward along this line to its intersection with the south boundary of Restricted Area R-2203A; thence west along the southern boundaries of R-2203A and R-2203B; thence north along the west boundary of R-2203B to its intersection with an arc of a five-statute-mile radius circle centered on the geographical center of Elmendorf Air Force Base; thence counterclockwise along this arc to its intersection with the west bank of Knik Arm; thence southerly along the

west bank of Knik Arm to the point of beginning. However, it does not include the following:

(a) That airspace at and below 600 feet MSL, north of a line beginning at the intersection of Farrell Road and the northeast boundary of the airport traffic area extending westerly along Farrell Road to the east end of Sixmile Lake; thence along a line bearing on the middle of Lake Lorraine to the boundary of the airport traffic area.

(b) That airspace at and below 600 feet MSL, south of a line beginning at the intersection of the new Seward Highway and Dimond Boulevard extending westerly along Dimond Boulevard to Sand Lake Road thence due west to the boundary of the airport traffic area.

(c) [Reserved]

(d) That airspace described as the "Bryant segment" in § 93.55(e), when the Bryant control tower is not in operation.

2. Section 93.55(b) is amended to read as follows:

§ 93.55 Subdivision of area.

(b) *Merrill segment*—that area lying within a line beginning at Point MacKenzie extending directly to the mouth of Fish Creek; thence along Fish Creek to Northern Lights Boulevard; thence direct to the intersection of Tudor Road and the new Seward Highway; thence east and north along the airport traffic area boundary to a point directly east of the intersection of Palmer Highway and Boniface Parkway; thence due west on a direct line through that intersection to Ship Creek; thence along Ship Creek to its mouth; thence on a direct line toward the center of Lake Lorraine to the airport traffic area boundary; thence counterclockwise along the airport traffic area boundary to the point of beginning.

3. Section 93.57(e) is amended to read as follows:

§ 93.57 General rules: all segments.

(e) Except as provided in § 93.63(d), each person piloting an aircraft shall maintain two-way radio communications with the control tower serving the segment containing the airport of landing or takeoff.

§ 93.63 [Amended]

4. Section 93.63(d) is amended by deleting the words "Anchorage International Airport Control Tower" and inserting the words "Anchorage Flight Service Station" in place thereof.

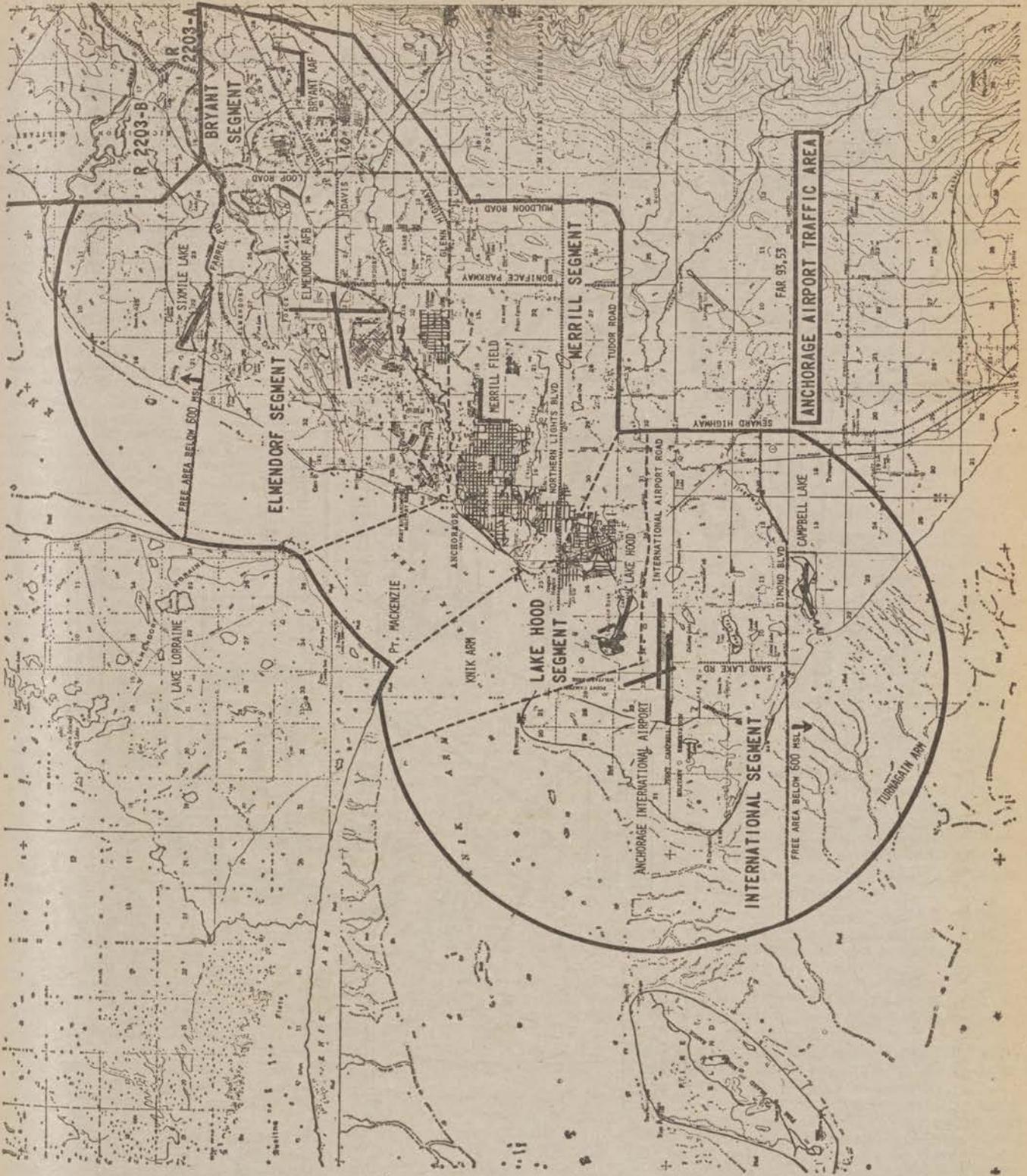
5. The first two diagrams (Anchorage Airport Traffic Area) in Appendix A are amended to reflect the changes effected by Items 1 and 2, above. The two diagrams, as amended, are set forth below.

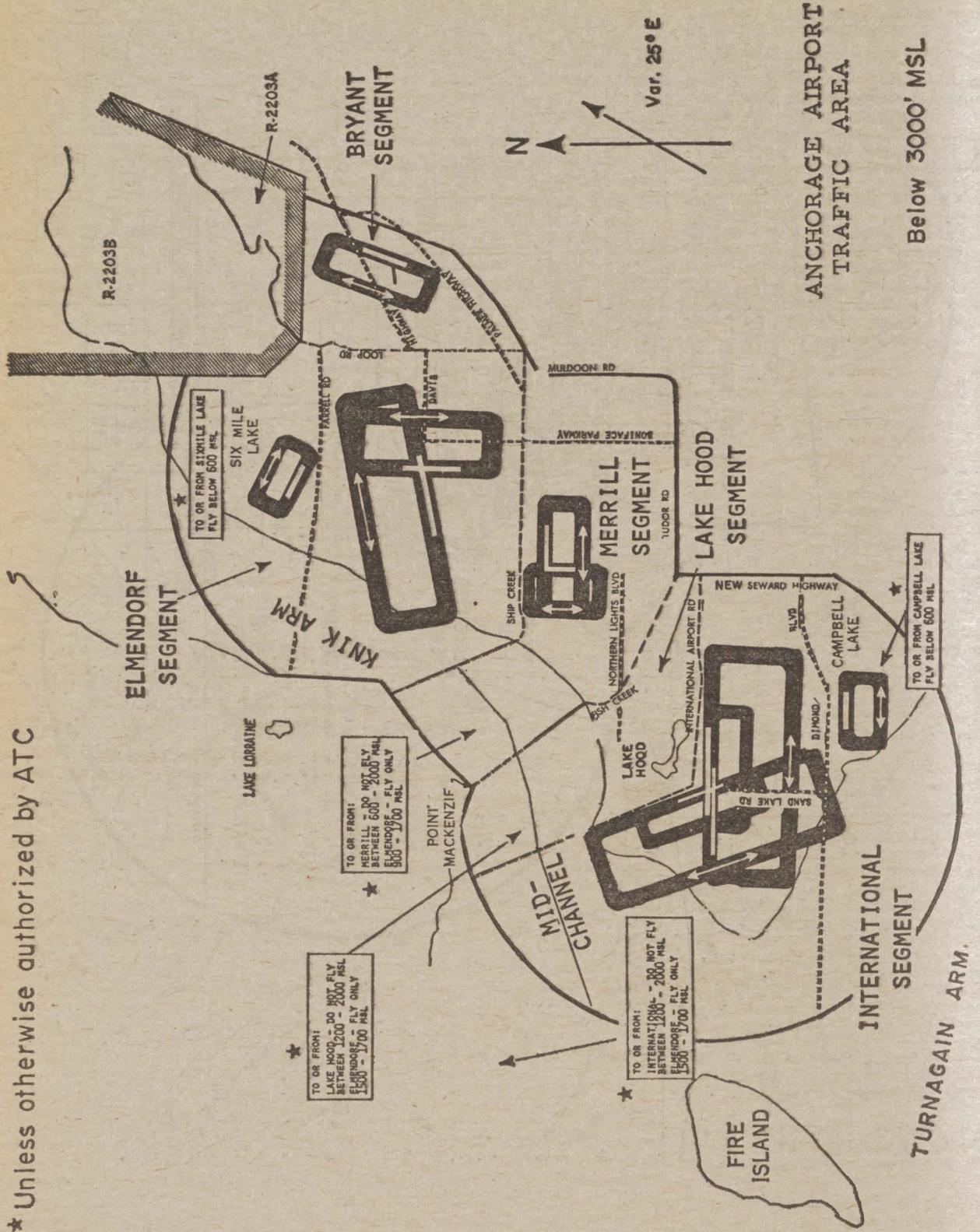
Issued in Washington, D.C., on August 20, 1974.

JAMES E. DOW,
Acting Administrator.

APPENDIX A.

I. ANCHORAGE AIRPORT TRAFFIC AREA; TRAFFIC PATTERNS





* Unless otherwise authorized by ATC

[FR Doc. 74-20076 Filed 9-6-74; 8:45 am]

Title 16—Commercial Practices
CHAPTER I—FEDERAL TRADE
COMMISSION

[Docket 8898-o]

PART 13—PROHIBITED TRADE
PRACTICES

Beauty-Style Modernizers, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 Formal regulatory and statutory requirements; 13.73-92 Truth in Lending Act; § 13.155—Prices; 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 Formal regulatory and statutory requirements; 13.1623-95 Truth in Lending Act.—Prices: § 13.1823 Terms and conditions; 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852-75 Truth in Lending Act; § 13.1905 Terms and conditions; 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; (15 U.S.C. 45, 1601-1605)) [Cease and desist order, Beauty-Style Modernizers, Inc., et al., Newark, N.J., Docket 8898 June 11, 1974]

In the Matter of Beauty Style Modernizers, Inc., a corporation, and Morris Jakel and Saul Jakel, individually and as officers of said corporation.

Order requiring a Newark, N.J., seller of home improvement materials, supplies, and installation services, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The final order, including further order requiring report of compliance therewith is as follows:¹

This matter having been heard by the Commission upon respondents' appeal from the administrative law judge's initial decision, and upon briefs and oral argument in support thereof and in opposition thereto; and the Commission having rendered its decision denying the appeal and adopting the initial decision:

It is ordered, That respondents, Beauty-Style Modernizers, Inc., Morris Jakel and Saul Jakel shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Commissioner Nye did not participate. The order to cease and desist contained in the initial decision is as follows:

It is ordered, That respondents, Beauty-Style Modernizers, Inc., a corporation, its successors and assigns, Mor-

ris Jakel, individually, and as an officer of said corporation, and Saul Jakel, individually, and as General Manager of said corporation, and respondents' officers, agents, representatives, and employees directly or through any corporation, subsidiary, division, or other device, in connection with any consumer credit sale or any advertisement to aid, promote, or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing, in any consumer credit transaction or advertisement, to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

2. Failing to use the term "cash downpayment" to disclose and describe the amount of the downpayment in money made in connection with the credit sale, as required by § 226.8(c)(2) of Regulation Z.

3. Failing to use the term "unpaid balance of cash price" to disclose and describe the difference between the cash price and the cash downpayment, trade-in, or total downpayment, as required by § 226.8(c)(3) of Regulation Z.

4. Failing to use the term "amount financed" to disclose and describe the amount of credit which the customer has the actual use of, as required by § 226.8(c)(7) of Regulation Z.

5. Failing to use the term "total of payments" to disclose and describe the sum of the payments scheduled to repay the indebtedness, as required by § 226.8(b)(3) of Regulation Z.

6. Representing, directly or by implication, in any advertisement as "advertisement" is defined in Regulation Z the amount of the downpayment required or that no downpayment is required, the amount of any installment payment, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following items are stated in terminology prescribed under § 226.8 of Regulation Z:

(i) The cash price;

(ii) The amount of the downpayment required or that no downpayment is required, as applicable;

(iii) The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;

(iv) The amount of the finance charge expressed as an annual percentage rate; and

(v) The deferred payment price.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed

statement acknowledging receipt of said order from each such person.

It is further ordered, That each individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

Final order of the Commission issued on June 11, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-20733 Filed 9-6-74; 8:45 am]

[Docket C-2516]

PART 13—PROHIBITED TRADE
PRACTICES

Doyle Dane Bernbach, Inc.

Subpart—Advertising falsely or misleadingly: § 13.20 Comparative data or merits; § 13.170 Qualities or properties of product or service; 13.170-2 Air conditioning; 13.170-20 Cooling, refrigerating; § 13.280 Unique nature or advantages. Subpart—Misrepresenting oneself and goods—Goods: § 13.1575 Comparative data or merits; § 13.1710 Qualities or properties: § 13.1770 Unique nature or advantages.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended; (15 U.S.C. 45.)) [Cease and desist order, Doyle Dane Bernbach, Inc., New York, N.Y., Docket C-2516, June 25, 1974.]

In the Matter of Doyle Dane Bernbach, Inc., a corporation.

Consent order requiring a New York City, advertising agency, among other things to cease misrepresenting air cooling products as having unique features, and the cooling, circulation, or dehumidification capabilities of such products as well as the amount of electric power used by such products.

The Decision and Order, including further order requiring report of compliance therewith is as follows:²

It is ordered, That respondent Doyle Dane Bernbach Inc., its successors and assigns, officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertis-

¹ Copies of the complaint, initial decision, opinion, and final order filed with the original document.

² Copies of the complaint, decision and order, filed with the original document.

ing, offering for sale, sale or distribution of any room air cooling product or central air cooling system, hereinafter referred to as "such products," in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that the button which activates the highest fan speed on any room air cooling product is a unique feature of such room air cooling product;

2. Representing, directly or by implication, that any such products have a button, control, device, or other feature which is unique, unless such is the fact;

3. Representing, directly or by implication, that any such products are unique in any other material respect, unless such is the fact;

4. Representing, directly or by implication, that any such room air cooling products have an initial cooling capability which is substantially greater than that of comparable room air conditioners made by other companies, unless, at the time such representation is made, respondent has a reasonable basis for such representation, which shall consist of competent scientific, engineering, or other similar objective material. (For the purposes of this paragraph the term "initial cooling capability" shall refer to the speed with which a room air conditioner, upon initial activation of the unit, is able to lower the temperature to a given temperature in the area being cooled);

5. Making, directly or by implication, any other statements or representations as to:

(a) The air cooling, circulation, or dehumidification capabilities of such products, unless, at the time such representation is made, respondent has a reasonable basis for such representation, which shall consist of competent scientific, engineering or other similar objective material; and

(b) The efficiency of use of electric power of such products, unless, at the time such representation is made, respondent has a reasonable basis for such representation, which shall consist of competent scientific tests, or industry-wide standards based on such tests established by the Association of Home Appliance Manufacturers, the Air Conditioning and Refrigeration Institute, or a similar organization, or by an agency of the government of the United States.

Provided, however, that it shall be a defense under paragraphs (1), (2) and (3) of this Part that respondent can establish that it neither knew nor had reason to know of the falsity of the representation of uniqueness.

It is further ordered. That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered. That respondent notify the Commission at least thirty (30) days prior to any proposed change in it such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or

dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the Order.

It is further ordered. That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Decision and Order issued by the Commission June 25, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc. 74-20736 Filed 9-6-74; 8:45 am]

[Docket 8921-o]

PART 13—PROHIBITED TRADE PRACTICES

Walco Toy Company, Inc., et al.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 Furnishing means and instrumentalities of misrepresentation or deception; § 13.1057 Packaging deceptively; 13.1057-40 Oversized containers. Subpart—Misrepresenting oneself and goods—Goods: § 13.1698 Packaging deceptively; § 13.1720 Quantity; § 13.1743 Size or weight. Subpart—Packaging or labeling of consumer commodities unfairly and/or deceptively: § 13.2100 Packaging or labeling of consumer commodities unfairly and/or deceptively.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interpretations or applies sec. 5, 38 Stat. 719, as amended; (15 U.S.C. 45)) [Cease and desist order, Walco Toy Company, Inc., et al., New York, N.Y., Docket 8921-o, June 25, 1974]

In the Matter of Walco Toy Company, Inc., a Corporation, and Samuel S. Wallach, Individually and as an Officer of said Corporation.

Order requiring a New York, N.Y., seller and distributor of toys, gift and hobby products to jobbers and retailers, among other things to cease packaging its products in oversized boxes or other containers; packaging its products in boxes or other containers which misrepresent the size, amount, or quantity of products contained in such boxes or containers; and providing wholesalers, retailers, or other distributors of its products with means with which to deceive the purchasing public.

The final order, including further order requiring report of compliance therewith is as follows:¹

This matter having been heard by the Commission upon respondents' appeal from the administrative law judge's initial decision, and upon briefs and oral argument in support thereof and in opposition thereto; and the Commission having rendered its decision denying the appeal and adopting the initial decision:

¹ Copies of the complaint, initial decision, opinion and final order filed with the original document.

It is ordered. That respondents, Walco Toy Company, Inc., and Samuel S. Wallach shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Commissioner Nye did not participate. The order to cease and desist contained in the initial decision is as follows:

It is ordered. That respondent Walco Toy Company, Inc., a corporation, and its officers, and Samuel Wallach, individually and as an officer of said corporation, and respondents' agents, representatives, employees, successors and assigns, directly or through any corporation, subsidiary, division, or other device, in or in connection with the offering for sale, sale and distribution of toy, gift and hobby products or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Packaging said products in oversized boxes or other containers so as to create the appearance or impression that the length, width, thickness and other dimensions of products contained in such boxes or containers are appreciably greater than is the fact, or that the amount or quantity of products contained in such boxes or containers is appreciably greater than is the fact; *Provided.* That nothing in this order shall be construed as prohibiting respondents from using oversized containers if respondents advise the Commission of the use of such containers and justify such usage as necessary for the efficient packaging of the products contained therein and establish that respondents have made all reasonable efforts to prevent any misleading appearance or impression from being created by the use of such containers;

2. Packaging said products in boxes or other containers which have pictorial and written matter, and box design, which misrepresent in any respect the length, width, thickness or other dimensions of products contained in such boxes or containers or which misrepresent in any respect the amount or quantity of products contained in such boxes or containers; and

3. Providing wholesalers, retailers, or other distributors of said products with any means or instrumentality with which to deceive the purchasing public in the manner described in Paragraphs 1 and 2 above.

It is further ordered. That respondents or their successors or assigns notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporate respondent which may affect compliance obligations arising out of this order.

It is further ordered. That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or

employment and of his affiliation with a new business or employment. Such notice shall include such respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That respondents distribute a copy of this Order to all firms, and to all individuals not associated with such firms, engaged in the design of respondents' product packages, and to all managerial, supervisory, and sales personnel of corporate respondent Walco Toy Company, Inc.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this Order.

Final order of the Commission issued on June 25, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-20735 Filed 9-6-74; 8:45 am]

[Docket C-2515]

PART 13—PROHIBITED TRADE PRACTICES

Whirlpool Corporation

Subpart—Advertising falsely or misleadingly: § 13.20 Comparative data or merits; § 13.170 Qualities or properties of product or service; 13.170-2 Air conditioning; 13.170-20 Cooling, refrigerating; § 13.280 Unique nature or advantages. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records; 13.1051-10 Accurate. Subpart—Misrepresenting oneself and goods—Goods: § 13.1575 Comparative data or merits; § 13.1710 Qualities or properties; § 13.1770 Unique nature or advantages.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended; (15 U.S.C. 45.)) [Cease and desist order, Whirlpool Corporation, Benton Harbor, Mich., Docket C-2515, June 25, 1974.]

In the Matter of Whirlpool Corporation, a Corporation

Consent order requiring a Benton Harbor, Mich., seller and distributor of air conditioners, among other things to cease misrepresenting air cooling products as having unique features, and the cooling, circulation, or dehumidification capabilities of such products as well as the amount of electric power used by such products. The seller and distributor is further required to cease failing to maintain and produce records in support of claims for its air cooling products.

The Decision and Order, including further order requiring report of compliance therewith is as follows.¹

It is ordered, That respondent Whirlpool Corporation, its successors and assigns, officers, agents, representatives,

and employees, directly or through any corporation, subsidiary, division, or other device in connection with the advertising, offering for sale, sale or distribution of Whirlpool brand room air cooling products or Whirlpool brand central air cooling systems, hereafter referred to as "such products," in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that the button which activates the highest fan speed on any of Whirlpool brand room air cooling products is a unique feature of such room air cooling products;

2. Representing, directly or by implication, that any such products have a button, control, device, or other feature which is unique, unless such is the fact;

3. Representing, directly or by implication, that any such products are unique in any other material respect unless such is the fact;

4. Representing, directly or by implication, that any such Whirlpool brand room air cooling products have an initial cooling capability which is substantially greater than that of comparable room air conditioners made by other companies, unless, at the time such representation is made, respondent has a reasonable basis for such representation, which shall consist of competent scientific, engineering, or other similar objective material (for the purposes of this paragraph the term "initial cooling capability" shall refer to the speed with which a room air conditioner, upon initial activation of the unit, is able to lower the temperature to a given temperature in the area being cooled);

5. Making, directly or by implication, any other statements or representations as to:

(a) the air cooling, circulation, or dehumidification capabilities of such products, unless, at the time such representation is made, respondent has a reasonable basis for such representation, which shall consist of competent scientific, engineering, or other similar objective material; and

(b) the efficiency of use of electric power of such products, unless, at the time such representation is made, respondent has a reasonable basis for such representation, which shall consist of competent scientific tests, or industry-wide standards based on such tests established by the Association of Home Appliance Manufacturers, the Air Conditioning and Refrigeration Institute, or a similar organization, or by an agency of the government of the United States.

It is ordered, That respondent Whirlpool Corporation do forthwith cease and desist from failing to maintain and produce accurate records which may be inspected by duly authorized representatives of the Federal Trade Commission upon reasonable written notice by the Commission:

1. which consist of documentation in support of any claims covered under any paragraph of Section I of this Order which are included in advertising or

sales promotional material for any such products;

2. which provided the basis upon which respondent relied as of the time those claims were made;

3. which shall be maintained by respondent for a period of three years from the date such advertising or sales promotional material was last disseminated by Whirlpool Corporation.

It is further ordered, That the provisions of this Section II shall expire ten years from the date this order becomes final.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondent corporation notify the Commission at least thirty (30) days prior to the effective date of any proposed change in corporate identity, such as dissolution, transfer or sale of assets, or merger or consolidation resulting in the emergence of a successor corporation or the creation or dissolution of subsidiaries, if such proposed change may affect compliance obligations arising out of this order.

It is further ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Decision and Order issued by the Commission June 25, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-20734 Filed 9-6-74; 8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 34-10995]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Rule 17a-1, a Recordkeeping Rule; Suspension of Effective Date

The Securities and Exchange Commission has announced that it is suspending the effective date of Securities Exchange Act Rule 17a-1 (17 CFR 240.17a-1) from September 2, 1974 until December 2, 1974.

On May 17, 1974 the Commission announced the adoption, under the Securities Exchange Act of 1934, of Rule 17a-1, which requires every national securities exchange and association to keep on file for a period of five years all documents which it makes or receives in the course of its business as such and in the conduct of its self-regulatory activity. The Commission also announced, on that day, an amendment to Exchange Act Rule 17a-6 (17 CFR 240.17a-6) which was intended to avoid any undue burden which the adoption of Rule 17a-1 might impose on a self-regulatory organization. The amendment permits, pursuant to a plan, the destruction and/or the retention of

¹Copies of the complaint, decision and order, filed with the original document.

microfilm or other recording medium of documents kept by national securities exchanges and associations. Both the new rule and the amendments were to become effective on September 2, 1974.¹ The effective date of new Rule 17a-1 is being postponed in order to provide the self-regulatory organizations additional time to prepare record destruction plans under Rule 17a-6 as amended.

(Secs. 17(a), 23(a); 48 Stat. 897, 901; as amended 49 Stat. 1379, 52 Stat. 1076; 15 U.S.C. 78q(a), 78w(a).)

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

AUGUST 30, 1974.

[FR Doc.74-20704 Filed 9-6-74;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Revision of Delegations of Authority Relating to Certification of Color Additives

The Commissioner of Food and Drugs is amending "Part 2—Administrative Functions, Practices, and Procedures" (21 CFR Part 2) to provide for revised delegations relating to authority to certify color additives. A reorganization of the Bureau of Foods abolished the Office of Technology. (A statement of organization, functions, and delegations of authority for the Food and Drug Administration was published in the FEDERAL REGISTER of May 29, 1974 (39 FR 18696)). The Director of that Office has been designated as the Associate Director for Technology. The revision reflects this change in the delegation of authority.

Further redelegation of the authority redelegated hereby is not authorized. Authority redelegated hereby to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis, unless prohibited by a restriction written into the document designating him as "acting" or unless not legally permissible.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; (21 U.S.C. 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 2 is amended in § 2.121 by revising paragraph (f) to read as follows:

§ 2.121 Redelegations of authority from the Commissioner to other officers of the Administration.

(f) *Delegations regarding certification of color additives.* The Director and Deputy Director of the Bureau of Foods, the Associate Director and Deputy Associate Director for Technology, and the

¹ Securities Exchange Act Release No. 10809 (May 17, 1974) 39 FR 18765.

Director and Deputy Director of the Division of Color Technology of that Bureau are authorized to certify batches of color additives for use in foods, drugs, or cosmetics, under section 706 of the Federal Food, Drug, and Cosmetic Act.

Effective date. This order shall be effective September 9, 1974.

(Sec. 701(a), 52 Stat. 1055; (21 U.S.C. 371(a)))

Dated: August 30, 1974.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.74-20714 Filed 9-6-74;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74-169]

PART 3—COAST GUARD AREAS, DISTRICTS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT AREAS

First Coast Guard District

These amendments revise the description of the three captain of the port areas and the three marine inspection zones of the First Coast Guard District in Part 3 of title 33, Code of Federal Regulations.

The boundary descriptions of the marine inspection zones in §§ 3.05-10(b), 3.05-15(b), and 3.05-20(b) are revised to clarify these boundaries by describing locations in terms of geographic coordinates. The Boston Captain of the Port, Providence Captain of the Port and Portland, Maine Captain of the Port areas are revised to coincide with the boundaries of the marine inspection zone in which each captain of the port is located. The descriptions of the three captain of the port areas, as amended by this document, are transferred to §§ 3.05-10, 3.05-15, and 3.05-20. Accordingly, §§ 3.05-55, 3.05-60, and 3.05-70, that contain the present descriptions of these areas, are deleted.

Since these amendments are matters relating to agency organization, they are exempt from the notice of proposed rule-making requirements in 5 U.S.C. 553(b) (3) (A), and since these amendments are not substantive, they may be made effective in less than 30 days after publication in the FEDERAL REGISTER under 5 U.S.C. 553(d).

In accordance with the foregoing, Part 3 of Chapter 1 of Title 33 of the Code of Federal Regulations is amended as follows:

1. Section 3.05-10 is revised to read as follows:

§ 3.05-10 Boston Marine Inspection Zone and Captain of the Port.

(a) The Boston Marine Inspection Office and Captain of the Port Office are located in Boston, Massachusetts.

(b) The boundary of the Boston Marine Inspection Zone and Captain of

the Port area starts at 42°55' N. latitude, 70°47.7' W. longitude; thence due west to the New York-Vermont boundary; thence south along the New York State line to the southern boundary of Massachusetts; thence east along the southern boundary of Massachusetts, except the waters of Congamond Lakes, to 42°04.1' N. latitude, 71°06' W. longitude; thence southeast to 41°40.6' N. latitude, 70°43' W. longitude, except the waters of Sippican Harbor, its bays, coves, and inlets; thence southeast to 41°32' N. latitude and 70°42' W. longitude; thence south to 41°31' N. latitude, 70°41.6' W. longitude; thence east through the passage between Woods Hole and Nonamesset Island; thence south to 41°30' N. latitude, 70°40' W. longitude; thence southwest to 41°22' N. latitude and 70°51' W. longitude.

2. Section 3.05-15 is revised to read as follows:

§ 3.05-15 Portland, Maine Marine Inspection Zone and Captain of the Port.

(a) The Portland, Maine Marine Inspection Office and Captain of the Port Office are located in Portland, Maine.

(b) The boundary of the Portland, Maine Marine Inspection Zone and Captain of the Port area starts at 42°55' N. latitude, 70°47.7' W. longitude; thence due west to the western boundary of the Vermont State line; thence north along the westernmost Vermont County boundaries of Bennington, Windsor, Orange, Washington, Lamoille, Caledonia, and Essex to the United States-Canada border; thence continuing along the United States-Canada border to 44°48.3' N. latitude, 66°57' W. longitude.

3. Section 3.05-20 is revised to read as follows:

§ 3.05-20 Providence Marine Inspection Zone and Captain of the Port.

(a) The Providence Marine Inspection Office and Captain of the Port Office are located in Providence, Rhode Island.

(b) The boundary of the Providence Marine Inspection Zone and Captain of the Port area starts at 41°18.2' N. latitude, 71°51.6' W. longitude, and proceeds north along the Rhode Island State line, including the waters of Beach Pond, to the Massachusetts State line; thence east to 42°04.1' N. latitude, 71°06' W. longitude; thence southeast to 41°40.6' N. latitude, 70°43' W. longitude, including the waters of Sippican Harbor, its bays, coves, and inlets; thence southeast to 41°32' N. latitude and 70°42' W. longitude; thence south to 41°31' N. latitude, 70°41.6' W. longitude; thence east through the passage between Woods Hole and Nonamesset Island; thence south to 41°30' N. latitude, 70°40' W.; thence southwest to 41°22' N. latitude, and 70°51' W. longitude.

§§ 3.05-55, 3.05-60, 3.05-70 [Deleted]

4. Sections 3.05-55, 3.05-60, and 3.05-70 are deleted.

(5 U.S.C. 552; 14 U.S.C. 633; 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b))

Effective date: These amendments are effective on September 9, 1974.

Dated: August 30, 1974.

O. W. SILER,
Admiral, U.S. Coast Guard
Commandant.

[FR Doc.74-20695 Filed 9-6-74;8:45 am]

Title 34—Government Management
CHAPTER II—OFFICE OF FEDERAL MANAGEMENT POLICY, GENERAL SERVICES ADMINISTRATION

SUBCHAPTER B—PROCUREMENT MANAGEMENT

[FMC 74-3]

PART 212—GOVERNMENT-WIDE PROCEDURES FOR PROCESSING PREAWARD PROTESTS AGAINST CONTRACT AWARD

Contract Award

The purpose of this issuance is to revise certain portions of Federal Management Circular 74-3, appearing as FR Doc. 74-16688 on page 26641 in the July 22, 1974 issue. These revisions replace the originally published procedures for resolving protests while under consideration by the General Accounting Office and for award in exceptional circumstances prior to resolution of a protest. Section 212.4(c)(4) and (5) is revised to read as follows:

§ 212.4 Applicability and scope.

(c) * * *

(4) *Resolution of protests during GAO consideration.* (i) When an agency has received and considered all information and evaluated all pertinent factors available at the time pertaining to a protest and has made a determination with respect to its disposition, prompt action to effect an award or other justifiable disposition should be taken; however, when a protest has been filed with the GAO, agencies should consider the desirability of withholding disposition of the bid protest and contract award pending completion of the GAO consideration. Such withholding may be authorized except when delay pending completion of consideration of a protest by the GAO is likely to significantly prejudice the agency's programs or otherwise seriously disadvantage the Government.

(ii) Prompt notice and explanation should be given to GAO where a protest is resolved and a decision is made to award or make other appropriate disposition.

(5) *Award in exceptional circumstances prior to resolution of protest.* (i) While every bid protest should be disposed of prior to any procurement action, exceptional circumstances may require

an agency to make an award before adequate consideration can be given to the merits of a bid protest, including a protest under consideration by the GAO. However, no award shall be made prior to final disposition of bid protests unless it is authorized in advance by an official at an appropriate management level above the contracting officer, as designated by the head of an agency. The authorizing official shall promptly notify the head of the agency of each such authorization and award. Such notification shall include an explanation of the exceptional circumstances that justified making an award prior to resolution of the bid protest. The following are examples of considerations that may justify such prompt award:

(A) The items to be procured are urgently required.

(B) Delivery or performance will be delayed by failure to make award promptly.

(ii) Prompt notice and explanation should be given to GAO when a decision is made to award or make other appropriate disposition prior to completion of consideration of a protest by GAO.

AUTHORITY: Executive Order 11717 (38 FR 12315, May 11, 1973).

Effective date: This regulation is effective immediately.

Dated: August 29, 1974.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.74-20758 Filed 9-6-74;8:45 am]

Title 40—Protection of Environment

[FRL 249-1]

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

West Virginia: Approval of Compliance Schedules

Section 110 of the Clean Air Act, as amended, and the implementing regulations of 40 CFR Part 51, require each State to submit a plan which provides for the attainment and maintenance of the national ambient air quality standards throughout the State. Each such plan is to contain legally enforceable compliance schedules setting forth the dates by which all stationary and mobile sources must be in compliance with any applicable requirement of the plan.

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of West Virginia's State Implementation Plan.

Pursuant to 40 CFR § 51.6, the State of West Virginia has submitted for the Environmental Protection Agency's approval, revisions to the compliance schedule portion of its plan. The approval of these revisions was proposed by the Administrator on April 30, 1974 (39 FR 15050). This publication approves

these revisions with specific exceptions pursuant to the provisions of 40 CFR 51.8.

Fifty-six (56) compliance schedules were submitted by the State of West Virginia for the Environmental Protection Agency's approval. Of these, twenty-six (26) were evaluated and proposed for approval in the FEDERAL REGISTER on the above date. The remaining compliance schedules submitted by the State were not proposed for approval either because the dates for final compliance will have passed by the date of this publication, or because the Environmental Protection Agency is still negotiating with the State and the individual sources to correct deficiencies appearing in the schedules.

The Administrator will take no action with regard to the compliance schedules of three sources proposed for approval whose dates for final compliance will have passed by the date of this publication. The sources so affected include Preston County Coal & Coke Corporation, Brockway Glass Company, and Sharon Steel Corporation.

The Administrator has not received public comments concerning the proposed approval of the compliance schedules listed in the April 30, 1974, FEDERAL REGISTER notice.

Each revision established a date by which an individual air pollution source must attain compliance with an emission limitation specified by the State Implementation Plan. This date is indicated in the table below under the heading "Final compliance date". In most cases, the schedules include incremental steps toward compliance with interim dates for achieving those steps. While the table below does not list these interim dates, the actual compliance schedules do. Evaluation reports have been prepared for each listed compliance schedule and are available for public inspection at the Region III Office in Philadelphia, Pennsylvania. All the compliance schedules listed here are available for public inspection at the following locations:

Environmental Protection Agency
Region III
Curtis Building
Sixth and Walnut Streets
Philadelphia, Pennsylvania 19106
West Virginia Air Pollution Control Commission
1558 Washington Street, East
Charleston, West Virginia 25311
Freedom of Information Center
Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

Each compliance schedule listed below has been adopted by the West Virginia Air Pollution Control Commission and submitted to the Environmental Protection Agency after notice and public hearing in accordance with the procedural requirements of 40 CFR Part 51.

The Administrator finds that these State submitted compliance schedules are presently in effect for all sources listed and EPA approval imposes no added burdens upon the sources. Accord-

ingly, the Administrator finds good cause to make this regulation effective September 9, 1974.

(42 USC § 1857c-5)

Dated: August 29, 1974.

RUSSELL E. TRAIN,
Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart XX—West Virginia

1. Section 52.2524(c) is amended by adding the paragraph as follows:

§ 52.2524 Compliance schedules.

(c) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State of West Virginia.

| Source | Location | Regulation involved | Date of adoption | Effective date | Final compliance date |
|--|-------------------------------------|---------------------|---------------------|----------------|-----------------------|
| Monongahela Power Co., Rivesville Station. | Fairmont..... | II | Dec. 14, 1972 | Immediately | Mar. 27, 1975 |
| Chesapeake and Ohio Railway Co., Huntington Shops. | Huntington..... | II | Dec. 7, 1972 | do | Oct. 31, 1974 |
| Central Operating Co., Phillip Sporn Plant. | New Haven..... | II | Dec. 14, 1972 | do | June 30, 1975 |
| E. I. DuPont de Nemours & Co., Inc., International Nickel Co., Inc., Huntington Alloy Products Division. | Parkersburg..... Huntington..... | II VII | July 12, 1973 do | do do | Do. Dec. 31, 1974 |
| Koppers Co., Inc. | Follansbee..... | II | July 5, 1973 | do | May 30, 1975 |
| PPG Industries Inc. | New Martinsville..... | II | Dec. 7, 1972 | do | July 1, 1975 |
| Quaker State Oil Refining Corp., Ohio Valley Plant. | St. Marys..... | II | July 5, 1973 | do | June 1, 1975 |
| Mercury Coal and Coke, Inc. | Morgantown..... | VII | Sept. 20, 1973 | do | June 30, 1975 |
| Mountaineer Carbon Co. | Moundsville..... | VII | Dec. 14, 1972 | do | Do. |
| Weirton Steel Division, National Steel Corp. | Weirton..... | II | Oct. 26, 1972 | do | Dec. 31, 1974 |
| Union Carbide Corp., Ferroalloys Division. | Alloy..... | VII | Oct. 29, 1970 | do | Jan. 1, 1975 |
| Monongahela Power Co., Albright Station. | Albright..... | II | Dec. 14, 1972 | do | Feb. 1, 1975 |
| Owens-Illinois Glass Works, Fairmont Plant. | Fairmont..... | VII | Oct. 30, 1973 | do | July 1, 1975 |
| Owens-Illinois Glass Works, Huntington Plant. | Huntington..... | VII | do | do | Jan. 7, 1975 |
| Johns-Manville Fiber Glass Plant. | Vienna..... | VII | Nov. 2, 1973 | do | June 1, 1975 |
| Quaker State Oil Refining Corp. | St. Marys..... | VII | July 5, 1973 | do | Aug. 30, 1974 |
| Sterling Faucet Co., Cast Products Plant. | Morgantown..... | VII | Dec. 14, 1972 | do | Feb. 1, 1975 |
| Sterling Faucet Co., Pittsburgh Valve Plant. | do | VII | do | do | Do. |
| Union Carbide Corp., Chemicals and Plastics Division. | Sistersville..... | II | do | do | Dec. 30, 1974 |
| Wheeling Pittsburgh Steel Corp., Steubenville Plant, East Division, Byproduct Coke Plant. | Follansbee..... | II | Sept. 20, 1973 | do | Sept. 30, 1974 |
| Allied Chemical Corp., Industrial Chemical Division, South Plant. | Moundsville..... | II | Oct. 26, 1972 | do | Mar. 1, 1975 |
| American Cyanamid Co. | Willow Island..... | II | Dec. 7, 1972 | do | Feb. 1, 1975 |

[FR Doc.74-20583 Filed 9-6-74; 8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19860; FCC 74-930]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations

1. The Commission here considers the notice of proposed rulemaking proposing amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) by substituting a channel assignment at Victorville, California, because of an error in the Table of Assignments (FCC 73-1190; 38 FR 32518). The only party commenting is the First Assembly of God of Victorville (First Assembly).

2. Victorville, population 10,845, is located in San Bernardino County, population 684,072. When the First Assembly and Albert S. Medlinsky tendered applications for Channel 252A, which is assigned to Victorville, it was ascertained that that channel assignment is short-spaced by 17 miles to co-channel Station KBOB (FM), at West Covina, Cali-

fornia. As a consequence, neither application could be accepted and the Commission proposed amendment of the Table of Assignments to substitute either Channel 276A or 280A. However, since Victorville is located in the 199-mile border area covered by the United States-Mexico FM Broadcasting Agreement (Agreement), effective August 9, 1973, it was also necessary to coordinate the proposed amendment with the United Mexican States under the procedure provided in the Agreement.

3. The United Mexican States has now indicated that it has no objection to assignment of either Channel 276A or 280A. The First Assembly has indicated that it is willing, ready, and able to proceed with its application and it will promptly construct a station, if its application is granted. We find that it would serve the public interest, convenience and necessity to substitute Channel 276A for Channel 252A at Victorville.

4. In view of the foregoing and pursuant to authority found in Sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, it is ordered, that effective

October 11, 1974, the Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) is amended as concerns Victorville, California, to read as follows:

| | |
|-------------------------|--------------------|
| <i>City</i> | <i>Channel No.</i> |
| Victorville, Calif..... | 276A |

5. It is further ordered, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083 (47 U.S.C. 154, 303, 307).)

Adopted: August 28, 1974.

Released: August 29, 1974.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-20724 Filed 9-6-74; 8:45 am]

[Docket No. 20050; Rm No. 2306; FCC 74-915]

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA—PUBLIC FIXED STATIONS

Nome, Alaska, Petition for Waiver of Rules

1. By a notice of proposed rulemaking and order, released May 17, 1974 (39 FR 18470) (FCC 74-513), the Commission proposed to amend § 81.713 of its rules to permit use of the frequency 5370 kHz at Nome, Alaska. The time for filing comments and reply comments has passed.

2. Comments were filed in this proceeding by RCA Alaska Communications, Inc. (RCA Alascom), the petitioner for rule making, in support of the amendment. Comments were also filed by the Division of Communications of the State of Alaska's Department of Public Works (Alaska DPW). RCA Alascom filed reply comments to those of Alaska DPW.

3. Alaska DPW does not oppose adoption of the rule amendment as such. Rather, Alaska DPW objects to the use of the frequency 5134.5 kHz proposed to be paired with 5370 kHz at Nome. In support of its opposition, Alaska DPW cites the fact that it is licensed to use the frequency 5135.0 kHz at nearby locations and that the one-half kilohertz separation from 5134.5 kHz threatens possible interference to its operations.

4. The frequency assignment list makes 5134.5 assignable in all zones in Alaska. Accordingly, Alaska DPW is not entitled as a matter of right to be protected from possible interference which might result from assignment of 5134.5 kHz. Nevertheless, and as a general principle, it is desirable to avoid interference wherever possible. Consequently, we shall select another frequency available for assignment in all zones in Alaska, namely 5207.5 kHz to be paired with 5370 kHz at Nome. This selection enjoys more than the desired 3 kilohertz separation from Alaska DPW's assigned frequency.

5. For the reasons set forth above, the frequency 5207.5 kHz will be paired with 5370 kHz for use at Nome, Alaska. Except for this modification, the rule should otherwise be amended. For editorial reasons, columns and dates reflecting fre-

quencies available before January 1, 1974, will be deleted, because those dates have passed.

6. Accordingly, pursuant to authority found in sections 4(i), 303 (g) and (r), of the Communications Act of 1934, as amended, it is ordered, That, § 81.713 of the rules is amended, effective October 11, 1974, to permit the use of frequency 5370 kHz and the paired frequency 5207.5 kHz at Nome, Alaska, in accordance with the attached Appendix.

7. It is further ordered, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1006, 1082 (47 U.S.C. 154, 303).)

Adopted: August 28, 1974.

Released: August 30, 1974.

FEDERAL COMMUNICATIONS COMMISSION,¹

[SEAL] VINCENT J. MULLINS, Secretary.

In § 81.713, the paired frequencies 5370 kHz and 5207.5 are added, and the dates in the columns reflecting "Frequencies available" before 1-1-74 deleted to read as follows:

§ 81.713 Pairing of common carrier and Alaska-public fixed frequencies.

The pairing of frequencies available for communication between common carrier fixed stations (CCFS), as set forth in § 81.712, and Alaska-public fixed stations (APFS), as set forth in § 81.711, is given in the following table.

| For communication with common carrier stations located at | Frequencies available | |
|---|-----------------------|---------------------|
| | CCFS transmit (kHz) | APFS transmit (kHz) |
| Anchorage..... | 3183 | 3365 |
| | | 5137.5 |
| | | 2253 |
| Belhel..... | 2604 | 2629 |
| | | 5204.5 |
| Cold Bay..... | 3241 | 2691 |
| Cordova..... | 2312 | 2632 |
| Fairbanks..... | 3167.5 | 3354 |
| | | 5207.5 |
| Juneau..... | 2784 | 2694 |
| | 3241 | 3357 |
| Ketchikan..... | 2604 | 2256 |
| | 3180 | 2776 |
| King Salmon..... | 3164.5 | 2466 |
| Kodiak..... | 2781 | 2474 |
| Kotzebue..... | 2601 | 2463 |
| Nome..... | 5370 | 5207.5 |
| | 2784 | 2471 |
| Unalaska..... | 2238 | 3362 |
| | 5370 | 5134.5 |

[FR Doc.74-20723 Filed 9-6-74; 8:45 am]

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Notice No. 74-19]

SUBCHAPTER B—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

MISCELLANEOUS TECHNICAL AMENDMENTS

The Director of the Bureau of Motor Carrier Safety is making a number of technical, non-substantive amendments to the Federal Motor Carrier Safety regulations. The amendments consist of (1) changing the term "Motor Carrier Safety Regulations" to read "Federal Motor Carrier Safety Regulations" wherever it appears; (2) changing the term "Motor Vehicle Safety Standards" to read "Federal Motor Vehicle Safety Standards" wherever it appears; and (3) changing two references to the "National Highway Safety Bureau" in footnotes to

§ 393.93 to read "National Highway Traffic Safety Administration."

The objective of the latter amendment is to reflect changes in the organizational structure and nomenclature within the U.S. Department of Transportation. The purpose of adding the word "Federal" before the term "Motor Carrier Safety Regulations" and the term "Motor Vehicle Safety Standards" is to avoid confusion between rules issued by Federal agencies and rules issued by the States.

In consideration of the foregoing, Parts 399-397 and appendices thereto in Subchapter B of Chapter III in title 49, CFR are amended as follows:

1. The term "Motor Carrier Safety Regulations" is amended to read "Federal Motor Carrier Safety Regulations" wherever it appears.

2. The term "Motor Vehicle Safety Standards" is amended to read "Federal Motor Vehicle Safety Standards" wherever it appears.

3. Footnote 1 to § 393.93 in Part 393 is revised to read as follows:

¹ Individual copies of Federal Motor Vehicle Safety Standards may be obtained from the National Highway Traffic Safety Administration, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

Since these amendments are non-substantive in character and do not affect the rights of any person, notice and public procedure thereon are unnecessary, and they are effective on the date of issuance set forth below.

(Sec. 204, Interstate Commerce Act (49 U.S.C. 304), sec. 6, Department of Transportation Act (49 U.S.C. 1655), delegations of authority at 49 CFR 1.48, 389.4)

Issued on August 29, 1974.

ROBERT A. KAYE, Director,

Bureau of Motor Carrier Safety.

[FR Doc.74-20730 Filed 9-6-74; 8:45 am]

¹ Commissioners Lee, Reid, and Washburn absent.

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 LABOR

Occupational Safety and Health
Administration

[29 CFR Part 1910]

CONVEYORS

Extension of Time for Comments; Hearing

On June 3, 1974, a notice of proposed rulemaking regarding a permanent occupational safety and health standard on conveyors used in general industry (29 CFR 1910.186), was published in the FEDERAL REGISTER (39 FR 19507). Interested persons were given until August 2, 1974, to submit written data, views, and arguments with respect to the proposal and to file objections and request a hearing thereon. Several requests for additional time to submit such materials were made. In view of the complexity of the issues raised and the breadth of application of the proposed standard, the period for the submission of written comments and for the filing of objections on the proposal is hereby extended until October 9, 1974. The written comments and objections should be submitted to the Docket Officer, Docket No. OSSN-1, Room 230, Occupational Safety and Health Administration, U.S. Department of Labor, 1726 M Street NW., Washington, D.C. 20210. Such data, views and arguments will be available for public inspection and copying at the above address.

Comments received by August 2, 1974, raised several objections to the proposal. It was argued, for example, that the proposed standard attempts to cover too broad a range of conveyor equipment with a limited number of specific requirements. Others felt that the proposal should exclude from its coverage certain types of conveyors. Finally, some commentators stated the proposal is too vague and does not cover all of the recognized hazards associated with conveyor use.

Also, as of August 2, 1974, seven requests for a hearing on the proposal had been received. Therefore, pursuant to section 6(b)(3) of the Occupational Safety and Health Act of 1970 (84 Stat. 1594; (29 U.S.C. 655)), Secretary of Labor's Order No. 12-71 (36 FR 8754), and 29 CFR 1911.11, an informal rulemaking hearing has been scheduled to begin at 10 a.m. on Tuesday, October 15, 1974, in the Commerce Auditorium of the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. The issues raised in the comments discussed above, together with the other issues raised or to be raised in the comments and objections, will be considered at the hearing. Oral

data, views, and arguments concerning the proposed standard will be received by an administrative law judge, to be appointed by the Chief Administrative Law Judge of the Department of Labor, at the informal hearing. The hearing shall be conducted in accordance with the rules of procedure in 29 CFR Part 1911.

Any interested person desiring to participate at the hearing must file a notice of intention to appear with the Docket Officer, Docket No. OSSN-1, Room 230, Occupational Safety and Health Administration, U.S. Department of Labor, 1726 M Street NW., Washington, D.C. 20210, no later than October 9, 1974. The notice must state the name and address of the person to appear, the capacity in which he will appear, and the approximate amount of time required for his presentation. In addition, the notice should include or be accompanied by a statement of the position to be taken with regard to any provision of the proposed standard and of the evidence to be adduced in support of the position.

Upon consideration of the record of the hearing, and any written data, views, or arguments received, a determination may be made to adopt the proposal with or without changes or to withdraw the proposal.

Signed at Washington, D.C., this 4th day of September 1974.

JOHN H. STENDER,
Assistant Secretary of Labor.

[FR Doc.74-20770 Filed 9-6-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 20]

FROZEN DESSERTS

Proposed Identity Standards; Extension of Time for Filing Comments

In the FEDERAL REGISTER of July 25, 1974 (39 FR 27144), the Commissioner of Food and Drugs, on his own initiative, issued a proposal to amend the identity standards for frozen desserts under 21 CFR Part 20 taking into consideration a petition to amend the frozen dessert standards which had been received from the International Association of Ice Cream Manufacturers (IAICM), 910 17th St. NW., Washington, DC 20006. Interested persons were invited to file comments regarding the proposal and the IAICM petition on or before September 23, 1974.

The Commissioner has received a request from the Department of Agricul-

ture and Commerce of the Commonwealth of Virginia for an extension of time to permit the filing of comments in this matter following the annual meeting of the National Association of State Departments of Agriculture which has been scheduled for September 22-26, 1974.

Good reason therefor appearing, the time for filing comments in this matter is extended to November 8, 1974.

(Secs. 401, 701, 52 Stat. 1046, 1055-1056 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: August 30, 1974.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.74-20712 Filed 9-6-74;8:45 am]

Social and Rehabilitation Service

[45 CFR Part 250]

PAYMENTS—MEDICAL ASSISTANCE PROGRAMS

Limitation on Federal Participation for Capital Expenditures

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposal amends regulations for the Medicaid program, title XIX of the Social Security Act, to implement section 221 of Pub. L. 92-603, which sets limits on Federal financial participation in capital expenditures.

The law requires that Federal funds appropriated under titles V, XVIII and XIX are not to be used to support unnecessary capital expenditures made by or on behalf of health care facilities or health maintenance organizations which are reimbursed under any of such titles and that, to the extent possible, reimbursement under such titles shall support planning activities with respect to health services and facilities in the various States. The Department's regulations on agreements with States and on determinations as to allowability of capital expenditures under section 1122 are set forth in 42 CFR Part 100, Subpart A (38 FR 31380, November 13, 1973). These proposed regulations set forth the conditions under which the Secretary may determine that the expenses associated with capital expenditures are not to be reimbursed with Federal funds. They also identify typical expense categories, appropriate amounts of which are to be excluded from Federal financial participa-

tion pursuant to a determination by the Secretary that a capital expenditure is not allowable.

Prior to the final adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are received in writing by the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2366, Washington, D.C. 20013, on or before October 9, 1974. Comments received will be available for public inspection in Room 5326 of the Department's offices at 330 C Street, S.W., Washington, D.C. on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202-245-0950).

AUTHORITY: Section 1102, 49 Stat. 647; (42 U.S.C. 1302).

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program).

Dated: May 31, 1974.

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

Approved: August 30, 1974.

FRANK CARLUCCI,
Acting Secretary.

Part 250, Chapter II, Title 45 of the Code of Federal Regulations is amended by adding a new Subpart C and § 250.210 thereunder as follows:

Subpart C—Fiscal Administration

§ 250.210 Limitation on Federal participation for capital expenditures.

(a) The provisions of this section shall apply where a State has entered into an agreement with the Secretary pursuant to section 1122 of the Social Security Act.

(b) Except as provided in section 1122 (d) (2) of the Act, if the Secretary determines, or reconsiders a determination and finds, in accordance with section 1122 of the Act and 42 CFR Part 100, Subpart A, that:

(1) The appropriate State planning agency designated pursuant to section 1122 has not been given timely written notice of the intention to make a capital expenditure in accordance with 42 CFR 100.106; or

(2) Such designated planning agency has, in accordance with the requirements of section 1122 and 42 CFR Part 100, Subpart A, submitted to the Secretary its finding that such expenditure is not consistent with the applicable standards, criteria, or plans developed pursuant to the Public Health Service Act (or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963);

Federal financial participation under title XIX of the Act is not available for any expenses which are attributable to such expenditure. Such expenses include depreciation, interest on borrowed funds, a return on equity capital (in the case of proprietary facilities), or other expenses related to such capital expenditures, or the reasonable equivalent of that portion of any rental expense incurred as part of a leasing arrangement

that would have been excluded had an acquisition been by purchase. In the case of a leasing arrangement any amount deposited under the terms of the lease or comparable arrangement shall be deducted in computing the return on equity capital. Expenses in connection with capital assets which are acquired by donation or transfer are also subject to the provisions of this regulation.

Where payment is made on a per capita, fixed fee or negotiated rate basis, the amount to be excluded from Federal financial participation will be determined by the Secretary.

(c) Included in determining the amount of expenses associated with a capital expenditure, regardless of the manner in which such expenditure, is recorded in the provider's records, are the costs of: studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, modernization, expansion, or replacement of the plan, buildings, and equipment (including, transportation, installation and start-up expenses, in-transit insurance, etc.). Also included in such determinations are expenses directly related to capital expenditures, including expenses with respect to grading, paving, taxes assessed during the construction period, and costs involved in demolishing or razing structures on land. Other costs related to such capital expenditures include title fees, permit and license fees, broker commissions, architect, legal, accounting, and appraisal fees, interest, finance, or carrying charges on bonds, notes, and other costs incurred for borrowing funds. Reasonable costs incurred by a provider for studies, surveys, etc., in order that the provider can properly determine whether the proposed capital expenditure would be in compliance with the State planning agency's need criteria shall not be excluded from Federal financial participation whether or not the capital expenditure is approved, except that such costs shall be excluded from Federal financial participation if the provider makes the proposed capital expenditure without the required approval.

(d) Upon request, any person or State, dissatisfied with a determination made under this section with respect to the availability of Federal financial participation, shall receive a reconsideration of such determination as provided in sections 1122(f) and 1116(d) of the Social Security Act as amended.

[FR Doc. 74-20732 Filed 9-6-74; 8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety
Administrator

[49 CFR Part 575]

[Docket No. 25; Notice 14]

UNIFORM TIRE QUALITY GRADING SYSTEM

Proposed Tire Treadwear Test Procedures;
Correction

In FR Doc. 74-18194, appearing at page 28644 in the issue of August 9, 1974, the

formula specified in proposed § 575.104 (e) (2) (vii) (A), appearing in the first column on page 28645, should read:

$$R_n = 1.25 \times (\bar{m}_{n-1} - \bar{m}_n)$$

(Secs. 103, 112, 119, 201, 203, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407, 1421, 1423); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on September 3, 1974.

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

[FR Doc. 74-20719 Filed 9-6-74; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 245-2]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Compliance Schedules for North Carolina

Section 110 of the Clean Air Act, as amended, and the implementing regulations of 40 CFR part 51 require each State to submit a plan which provides for the attainment and maintenance of the rational ambient air quality standards throughout the State. On May 31, 1972 (37 FR 10842), pursuant to Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of North Carolina's State Implementation Plan.

On November 20, 1973 and May 13, 1974, pursuant to 40 CFR § 51.15, the State of North Carolina submitted for the Environmental Protection Agency's approval additional compliance schedules. This publication proposes that certain of the compliance schedules be approved. Each proposed compliance schedule establishes a date by which an individual air pollution source must attain compliance with an emission limitation of the State implementation plan. This date is indicated in the succeeding tables under the heading "Final Compliance Date." In many cases the schedule includes incremental steps toward compliance, with interim dates for achieving those steps. While the tables below do not list these interim dates, the actual compliance schedules do.

The schedules of this notice are additions to the table published in the FEDERAL REGISTER of June 20, 1973 (38 FR 16144), as satisfying the compliance schedule requirements for State implementation plans. Another group of schedules was proposed for inclusion in this table on March 20, 1974 (39 FR 10438).

All of the compliance schedules listed here are available for public inspection at the following locations:

Air Programs Office
Environmental Protection Agency
Region IV
1421 Peachtree Street, N.E.
Atlanta, Georgia 30309
State of North Carolina
Office of Water and Air Resources
226 West Jones Street
Raleigh, North Carolina 27611

PROPOSED RULES

Each compliance schedule has been adopted by the Water and Air Quality Control Committee of the Board of Water and Air Resources and submitted to EPA after notice and public hearing in accordance with the procedural requirements of 40 CFR Part 51. Each also satisfies the substantive requirements of 40 CFR Part 51 pertaining to compliance schedules, and has been determined to be consistent with the approved control strategies for the State of North Carolina.

All interested parties are encouraged to submit written comments on the proposed compliance schedules. These comments will be weighed carefully by the

Agency before it decides to approve or disapprove these changes in the North Carolina plan. The Administrator's decision, however, will be based primarily on his determination as to whether these schedules meet the requirements of section 110(a) of the Clean Air Act, as amended, and the Agency's implementing regulations published in 40 CFR Part 51. Comments will be accepted on or before October 9, 1974, and should be addressed to the Acting Director, Air Programs Office, Environmental Protection Agency, Region IV, 1421 Peachtree St., NE, Atlanta, Georgia 30309, Attention: Mr. Strickland.

AUTHORITY: Section 110(a) of the Clean Air Act, as amended 1970 (42 U.S.C. 1857c-5(a)).

Dated: August 28, 1974.

RUSSELL E. TRAIN,
Administrator.

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

Subpart II—North Carolina

Section 52.1774 is amended by inserting in proper order in the table of paragraph (a) new lines as follows:

§ 52.1774 Compliance schedules.

(a) * * *

| Source | Location | Permit number | Regulation involved | Date of adoption | Effective date | Final compliance date |
|--|-----------------|---------------|--------------------------|------------------|----------------|-----------------------|
| ALAMANCE COUNTY | | | | | | |
| Burlington Industries, Mayfair Plant | Burlington | T-2449 | II-2.2, IV-2.30 | Mar. 18, 1974 | Immediately | Mar. 31, 1975 |
| Wilson Brudshaw Sawmill | Haw River | T-2431 | II-1.3 | do | do | July 31, 1974 |
| ANSON COUNTY | | | | | | |
| Wade Mfg. Co. | Wadesboro | T-2421 | II-2.2, IV-2.30 | Mar. 18, 1974 | Immediately | Dec. 31, 1974 |
| BLADEN COUNTY | | | | | | |
| Columbian Peanut Co. | Elizabethtown | T-2439 | IV-2.30 | Mar. 18, 1974 | Immediately | July 1, 1974 |
| BEAUFORT COUNTY | | | | | | |
| Hackney & Sons, Inc. | Washington | T-2410 | IV-2.60 | Mar. 18, 1974 | Immediately | Jan. 1, 1975 |
| BRUNSWICK COUNTY | | | | | | |
| Bolivia Lumber Co. | Navassa | T-2384 | II-1.3 | Aug. 23, 1973 | Immediately | June 1, 1974 |
| Standards Products, Inc. | Southport | T-2216 | II-5.2, IV-2.30 | June 27, 1973 | do | May 31, 1974 |
| (a) Evaporator | do | do | do | do | do | Do. |
| (b) Dryer | do | do | do | do | do | Do. |
| CLEVELAND COUNTY | | | | | | |
| Oras Biggerstaff: | | | | | | |
| Gin #1 | Shelby | T-2454 | II-2.2, IV-2.30 | Mar. 19, 1974 | Immediately | Sept. 30, 1974 |
| Gin #2 | Boiling Springs | T-2455 | do | do | do | Do. |
| Gin #3 | Shelby | T-2456 | do | do | do | Do. |
| A. M. Bogas & Sons | Fallston | T-2458 | do | Mar. 20, 1974 | do | Do. |
| Bogas & Williams Gin Co. | Bellwood | T-2460 | do | Mar. 22, 1974 | do | Do. |
| Morgan & Company Inc. | Shelby | T-2459 | do | Mar. 20, 1974 | do | Do. |
| CUMBERLAND COUNTY | | | | | | |
| Cape Fear Car Service, Inc. | Fayetteville | T-2435 | II-2.2, IV-2.30 | Mar. 18, 1974 | Immediately | July 15, 1974 |
| DAVIDSON COUNTY | | | | | | |
| Hekman Cabinets | Lexington | T-2417 | IV-1.10, II-2.2, IV-2.30 | Mar. 18, 1974 | Immediately | Nov. 1, 1974 |
| E. E. Wilson Floor Covering, Inc. | do | T-2420 | II-1.3 | do | do | Mar. 1, 1974 |
| Burlington Industries, Inc., Philpott Plant: | | | | | | |
| (a) Furniture finishing | do | T-2338 | IV-2.60 | June 29, 1973 | do | Dec. 13, 1973 |
| (b) Dust cyclone | do | do | IV-2.30 | do | do | July 1, 1974 |
| (c) Wood waste boiler | do | do | II-2.2, IV-1.20 | do | do | May 1, 1975 |
| EDGEcombe COUNTY | | | | | | |
| Carolina Enterprise Inc. | Tarboro | T-2430 | II-2.2, IV-2.30, IV-2.60 | Mar. 18, 1974 | Immediately | Oct. 1, 1974 |
| FRANKLIN COUNTY | | | | | | |
| Rishel Furniture Co. | Louisburg | T-2452 | IV-2.60 | Mar. 18, 1974 | Immediately | July 31, 1974 |
| GRAHAM COUNTY | | | | | | |
| Graham Board of Commissioners | Robbinsville | T-2268 | II-2.2, IV-1.10, IV-2.40 | June 27, 1973 | Immediately | Oct. 15, 1974 |

PROPOSED RULES

32565

| Source | Location | Permit number | Regulation involved | Date of adoption | Effective date | Final compliance date |
|--|----------------|---------------|-----------------------------------|------------------|----------------|-----------------------|
| GRANVILLE COUNTY | | | | | | |
| Adams Products Co. | Oxford | T-2437 | II-2.2, II-5.2, IV-2.30, IV-2.60. | Mar. 18, 1974 | Immediately | Apr. 1, 1974 |
| General Processors, Inc. | do | T-2424 | II-2.2, IV-2.30 | do | do | Aug. 1, 1974 |
| Graystone Concrete Products Inc. | do | T-2444 | do | do | do | Nov. 1, 1974 |
| IMI Warp Knits. | do | T-2428 | do | do | do | June 1, 1974 |
| Oxford Laundry & Cleaner | do | T-2225 | II-2.2, IV-1.10, IV-2.40. | June 28, 1973 | do | Sept. 30, 1974 |
| HALIFAX COUNTY | | | | | | |
| Columbian Peanut Co. | Enfield | T-2427 | II-2.2, IV-2.30 | Mar. 18, 1974 | Immediately | Sept. 1, 1974 |
| Do. | Scotland Neck | T-2450 | IV-2.30 | do | do | July 1, 1974 |
| HARNETT COUNTY | | | | | | |
| Perry Bros. Tire Service | Dunn Durham | T-2446 | II-2.2, IV-2.30 | Mar. 18, 1974 | Immediately | May 15, 1974 |
| HENDERSON COUNTY | | | | | | |
| Manning Fisher Co., Inc. | Hendersonville | T-2462 | II-2.2, IV-2.30 | Mar. 22, 1974 | Immediately | June 1, 1974 |
| HERTFORD COUNTY | | | | | | |
| Columbian Peanut Co. | Ahoskie | T-2398 | IV-2.30 | Mar. 18, 1974 | Immediately | July 1, 1974 |
| IREDELL COUNTY | | | | | | |
| Raystate Milling Co. | Mooresville | T-2411 | II-2.2, IV-2.30 | Mar. 18, 1974 | Immediately | May 5, 1974 |
| Statesville Chair Co. | Statesville | T-2418 | do | do | do | Dec 31, 1974 |
| Statesville Plywood & Veneer Co. | do | T-2413 | do | do | do | July 1, 1974 |
| JOHNSTON COUNTY | | | | | | |
| Mitchell Concrete Products | Smithfield | T-2433 | II-2.2, IV-2.30 | Mar. 18, 1974 | Immediately | Aug. 31, 1974 |
| Guy C. Lee Mfg. Co. | do | T-1968 | II-2.2, IV-1.10, IV-2.40. | Dec. 3, 1972 | do | June 1, 1973 |
| LEE COUNTY | | | | | | |
| Sanford Finishing Corp. | Sanford | T-2441 | II-2.2, IV-2.30 | Mar. 18, 1974 | Immediately | June 30, 1974 |
| LINCOLN COUNTY | | | | | | |
| Mohican Mills | Lincolnton | T-2304 | II-2.2, IV-2.30 | June 28, 1973 | Immediately | Dec. 31, 1974 |
| MARTIN COUNTY | | | | | | |
| Martin Co. Board of Education, Robersonville Primary | Robersonville | T-885 | II-1.3, II-2.2, IV-1.100 | Apr. 27, 1971 | Immediately | Sept. 30, 1973 |
| NASH COUNTY | | | | | | |
| Burlington Industries: | | | | | | |
| (a) Sheffield Plant | Rocky Mount | T-2447 | II-2.2, IV-2.30 | Mar. 18, 1974 | Immediately | Sept. 30, 1974 |
| (b) Finishing Plant | do | T-2448 | do | Mar. 19, 1974 | do | Mar. 31, 1975 |
| China American Tobacco Company | do | T-2422 | do | Mar. 18, 1974 | do | July 10, 1974 |
| Independent Tobacco Services Corp. | do | T-2434 | do | do | do | Sept. 1, 1974 |
| NEW HANOVER COUNTY | | | | | | |
| Southern Box & Plywood | Wilmington | T-2374 | IV-1.10, II-2.2 | Aug. 23, 1973 | Immediately | July 31, 1974 |
| Carolina Methanol, Inc. | do | T-2267 | IV-2.60 | Oct. 26, 1974 | do | Mar. 31, 1975 |
| Babeock & Wilcox Company | do | T-2409 | do | Mar. 18, 1974 | do | Dec. 31, 1974 |
| E. W. Godwin & Sons | do | T-2408 | II-2.2, IV-1.10 | do | do | Do. |
| Carolina Power & Light L. V. Sutton #2 Unit | do | T-1846 | II-2.2, IV-1.10, IV-2.40. | Aug. 8, 1972 | do | Do. |
| Hercules, Inc. | do | T-2197 | IV-2.60 | June 27, 1973 | do | May 3, 1975 |
| NORTHAMPTON COUNTY | | | | | | |
| Seyern Peanut Company, Inc. | Seyern | T-2442 | II-2.2, IV-2.30 | Mar. 18, 1974 | Immediately | Oct. 1, 1974 |
| E. L. Timberlake Jr. Company | Woodland | T-2432 | do | do | do | June 1, 1974 |
| ORANGE COUNTY | | | | | | |
| Triem, Inc. | Carrboro | T-2425 | IV-2.6 | Mar. 18, 1974 | Immediately | Sept. 30, 1974 |
| Hines Liner Company (Liner Plant) | Hillsboro | T-1782 | II-2.2, IV-1.10, IV-2.40. | June 29, 1972 | do | July 31, 1973 |
| PASQUOTANK COUNTY | | | | | | |
| A. B. Houte & Sons, Inc. | Elizabeth City | T-2397 | II-1.3 | Oct. 15, 1973 | Immediately | June 1, 1974 |
| PENDER COUNTY | | | | | | |
| Holt Hosiery Mills, Inc. | Penderlea | T-2396 | II-2.2, IV-1.10, IV-2.40. | Oct. 15, 1973 | Immediately | July 1, 1974 |
| PERSON COUNTY | | | | | | |
| The Loxgreen Co., Inc. | Roxboro | T-2423 | II-2.2, IV-2.3 | Mar. 13, 1974 | Immediately | June 1, 1974 |
| PITT COUNTY | | | | | | |
| Town of Bethel | Bethel | T-287 | II-1.3 | Sept. 6, 1973 | Immediately | Mar. 1, 1974 |

PROPOSED RULES

| Source | Location | Permit number | Regulation involved | Date of adoption | Effective date | Final compliance date |
|--|---------------|---------------|----------------------------------|------------------|----------------|-----------------------|
| RANDOLPH COUNTY | | | | | | |
| W. R. Grace & Company, Const. Products Div. | High Point | T-2419 | II-2.2, IV-2.30 | Mar. 18, 1974 | Immediately | Oct. 1, 1974 |
| RUTHERFORD COUNTY | | | | | | |
| Burlington Industries, Inc., J. C. Cowan Plant | Forest City | T-2461 | II-2.2, IV-2.30, IV-2.60 | Mar. 22, 1974 | Immediately | Dec. 31, 1974 |
| SCOTLAND COUNTY | | | | | | |
| Spring Mills, Crandall Plant | Wagram | T-504 | II-1.3, II-2.2, IV-1.10, IV-2.40 | Mar. 2, 1971 | Immediately | Mar. 31, 1973 |
| SURREY COUNTY | | | | | | |
| North Carolina Granite Company | Mt. Airy | T-2416 | II-2.2, IV-2.30 | Mar. 18, 1974 | Immediately | Apr. 1, 1974 |
| UNION COUNTY | | | | | | |
| Spring Mills Inc. | Monroe | T-2412 | II-2.2, IV-2.30 | Mar. 18, 1974 | Immediately | Mar. 18, 1974 |
| VANCE COUNTY | | | | | | |
| Kerlon, Inc. | Henderson | T-2426 | II-2.2, IV-2.30 | Mar. 18, 1974 | Immediately | Dec. 31, 1974 |
| Fram Corporation, General Products Div. | do. | T-2438 | do | do | do | June 1, 1974 |
| WAKE COUNTY | | | | | | |
| Athey Products Corp. | Wake Forest | T-2443 | IV-2.60 | Mar. 18, 1974 | Immediately | Aug. 30, 1974 |
| Paul Beasley Concrete, Inc. | Fuquay-Varina | T-2436 | II-2.2, IV-2.20 | do | do | Do. |
| Cameron Court Apartments | Raleigh | T-2445 | II-1.3, IV-1.30 | do | do | July 17, 1974 |
| Tobacco Growers Services | Fuquay-Varina | T-2429 | II-2.2, IV-2.30 | do | do | Aug. 31, 1974 |
| WARREN COUNTY | | | | | | |
| General Box Company | Warrenton | T-2440 | II-1.3 | Mar. 31, 1974 | Immediately | Aug. 1, 1974 |
| YADKIN COUNTY | | | | | | |
| Yadkin Granite Ready Mix Company | Jonesville | T-2415 | II-2.2, IV-2.30 | Mar. 18, 1974 | Immediately | July 1, 1974 |
| WILKES COUNTY | | | | | | |
| Lowes Company Inc. | N. Wilkesboro | T-2265 | II-2.2, IV-2.30 | June 27, 1973 | Immediately | Dec. 31, 1974 |

[FR Doc.74-20406 Filed 9-6-74;8:45 am]

FEDERAL COMMUNICATIONS
COMMISSION

[47 CFR Part 2]

[Docket No. 20154]

RADIO ASTRONOMY OPERATIONS

Planning Band Use To Minimize Potential
Interference

1. Notice is hereby given of a proposed rulemaking in the above captioned matter.

2. The Commission, acting in conjunction with the Office of Telecommunications Policy (OTP) through the Interdepartment Radio Advisory Committee (IRAC), has under consideration a request by the Subcommittee on Radio Astronomy of the National Academy of Sciences to add a new footnote to the allocation table reflecting the need for special consideration in planning the use of certain bands for space and aeronautical use so as to minimize potential interference to radio astronomy operations in adjacent bands. The radio astronomy community believes that this section is justified in view of systems which presently operate or are planned to operate in adjacent bands and which cause or may cause harmful interference to their radio astronomy operations.

3. Of particular concern to the radio astronomers are bands which are intended to be employed in space stations which, during normal use, may appear within the main beam of the highly directional radio telescopes. Although

permissible out-of-band energy levels from transmitters are controlled generally by international and national regulations, radio astronomers believe that the unique circumstance described above warrants some special consideration.

4. In response to the concerns of the radio astronomers, a new US footnote to the Table of Frequency Allocations has been developed in coordination with the IRAC (see Appendix). The purpose of this proposed footnote is to draw the attention of parties planning to implement systems in bands adjacent to exclusive radioastronomy bands to the special needs of radioastronomy and to urge them to take all practicable steps to protect radioastronomy operations from harmful interference. It should be emphasized, however, that the footnote proposed herein would in no way entitle the radio astronomy service to greater protection from out-of-band radiation than presently provided under footnote US74. Further, the Commission would not accept motions to deny applications for proposed space systems on the basis of such arguments. The Commission, however, believes that the development and planning of future space systems should take into account, to the degree practicable, the special needs of radio astronomy in adjacent bands.

5. It is not the Commission's intent to require the developers or planners of space communications systems to undergo alterations which would cause undue expense or seriously reduce the overall

effectiveness of their system. However, the Commission believes that where several options are open and no significant disadvantages in the performance or cost of the system will be experienced, the interests of the radio astronomers should be considered. One such option might be the selection of space station transmitting frequencies as far removed as possible from adjoining radio astronomy bands. In this regard, it is expected that the radio astronomy community and those involved in space communications will cooperate to explore other alternatives which would yield satisfactory results to both parties.

6. The proposed amendment to the rules, as set forth in the Appendix, is issued pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

7. Pursuant to the applicable procedures set forth in § 1.145 of the Commission's rules, interested persons may file comments on or before October 11, 1974 and reply comment on or before October 21, 1974. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it in addition to the specific comments invited by this notice. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of

all statements, briefs or comments filed shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its Headquarters in Washington, D.C.

Adopted: August 28, 1974.

Released: August 30, 1974.

FEDERAL COMMUNICATIONS
COMMISSION²

[SEAL] VINCENT J. MULLINS,
Secretary.

Part 2 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

§ 2.106 [Amended]

1. The Table in § 2.106 is amended in column 6 for the bands 1427-1429 MHz, 2500-2690 MHz, 5000-5250 MHz, 14.5-15.35, 15.4-15.7, 24-24.05, 31.5-31.8, 84-86, 122.5-130 and 220-230 GHz by adding footnote designator US 211.

2. The text of footnote US 211 is added in proper numerical sequence to the list of footnotes following the Table as follows:

US 211 In the bands 1427-1429, 2500-2690, and 5000-5250 MHz and 14.5-15.35, 15.4-15.7, 24-24.05, 31.5-31.8, 84-86, 122.5-130 and 220-230 GHz, applicants for space station assignments are urged to take all practicable steps to protect observations in the adjacent exclusive radio astronomy bands from harmful interference; however US 74 applies.

[FR Doc.74-20725 Filed 9-6-74; 8:45 am]

¹ Commissioners Lee, Reid, and Wasburn absent.

[47 CFR Part 97]

[Docket No. 19723]

RADIO AMATEUR CIVIL EMERGENCY
SERVICE (RACES)

Order Extending Time for Filing Comments

In the Matter of amendment of Subpart F Radio Amateur Civil Emergency Service (RACES) in Part 97.

By Chief, Safety and Special Radio Services Bureau.

1. On June 12, 1974, the Commission adopted a notice of proposed rulemaking in the referenced Docket. Publication was made in the FEDERAL REGISTER on June 21, 1974, at 39 FR 2282. Comments are due on or before September 25, 1974, and reply comments are due October 10, 1974.

2. On August 7, 1974, Patrick M. O'Block, Director for the Cook County Civil Defense Commission, Chicago, Illinois, filed a petition to extend the time to file comments and reply comments to October 25, 1974, and November 27, 1974, respectfully. In support of its request, Cook County states "the information gathering phase of our effort is concurrent with the summer vacation period", implying its reduced staff precludes timely submission of comments.

3. Many comments have been received. Most have expressed an urgent need for rule changes. In light of the rulemaking petitions urging us to adopt rules relating to civil defense emergency communications by licensed amateur radio operators, and in view of the comments concurring that a need for such rule change is long overdue, we are reluctant

to unduly delay these proceedings and the ultimate benefit that will inure to the public.

4. Nevertheless, we are impressed with Cook County's statement that they "can make a significant contribution to the evidence being gathered" and would like to have as many knowledgeable comments as possible in this important matter. Therefore, we will extend the time period in which to file comments. However, we do not feel extensions to October 25 and November 27, 1974, for comments and reply comments are warranted in light of the time remaining, and in view of the fact any inordinate delay may materially affect the interests of other known parties whose situation is not dissimilar to Cook County's.

5. Accordingly, it is ordered, Pursuant to section 5(d) of the Communications Act of 1934, as amended, and § 0.331(b)(4) of the Commission's rules, the above described request for extension of time filed by Cook County Civil Defense Commission is granted. The time within which to file comments in the above-entitled proceeding is extended until October 9, 1974, and the time in which to file reply comments is extended to October 25, 1974.

Adopted: August 29, 1974.

Released: August 30, 1974.

[SEAL]

CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special
Radio Services Bureau.

[FR Doc.74-20728 Filed 9-6-74; 8:45 am]

notices

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

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES OF THE SEVENTH NATIONAL BANK REGION

Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 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 Seventh National Bank Region will be held at the Board of Directors Room, Exchange National Bank of Chicago, La-salle and Adams Streets, Chicago, Illinois, on Friday, September 20, 1974, beginning at 9 a.m.

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 Seventh National Bank Region.

It is hereby determined pursuant to section 10(d) of Pub. L. 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 (3) of the Act (Pub. L. 92-463) relating to open meetings and public participation therein.

Dated: September 4, 1974.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.74-20721 Filed 9-6-74;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

SCIENTIFIC ADVISORY GROUP TO THE JOINT STRATEGIC TARGET PLANNING STAFF

Notice of Closed Meeting

The Eighteenth meeting of the Scientific Advisory Group to the Joint Strategic Target Planning Staff will be held from 8 to 10 October 1974 at Offutt Air Force Base, Omaha, Nebraska, and in the interest of national security the meeting shall be closed to the public under the provisions of Section 552(b), Title 5 US Code. Subject matter is Soviet Union Attack Survivability Requirements.

MAURICE W. ROCHE,
Director, Correspondence and
Directives OASD (Comptroller).

SEPTEMBER 3, 1974.

[FR Doc.74-20716 Filed 9-6-74;8:45 am]

DEPARTMENT OF JUSTICE

Anchorage, Alaska

JOINT NEWSPAPER OPERATING AGREEMENT

Notice is hereby given that the Assistant Attorney General for Administration has received an application for approval of a joint newspaper operating arrangement involving the two daily newspapers in Anchorage, Alaska. The application was filed on August 1, 1974, by the Anchorage Times Publishing Co., publisher of the Anchorage Times, and the Northern Publishing Co., publisher of the Anchorage Daily News. The proposed arrangement provides that the printing, circulation, and sale of advertising for both newspapers will be handled by the Times. The Times would publish a Sunday edition in place of the one published by the News. Under the agreement, each newspaper is to retain control over its own editorial policies and news content.

The Newspaper Preservation Act requires that joint newspaper operating arrangements such as that proposed by the Anchorage newspapers have the prior written consent of the Attorney General of the United States in order to qualify for the antitrust exemption provided by the Act. Before granting his consent, the Attorney General must find that one of the publications is a failing newspaper, and that approval of the arrangement would effectuate the policy and purpose of the Act.

In accordance with the Newspaper Preservation Act Regulations (28 CFR Part 48), published in the FEDERAL REGISTER on January 2, 1974, copies of the proposed agreement and other materials filed by the newspapers in support of their application are available for public inspection in the main offices of the newspapers involved and at the Department of Justice (DOJ File/Docket #44-03-24). Any person who believes that the Attorney General should or should not approve the proposed arrangement may file written comments stating the reasons why approval should or should not be granted, or request that a hearing be held on the application. A request for a hearing must set forth the issues of fact to be determined and the reason that a hearing is believed to be required to determine them. Comments should refer to the Newspaper Prevention Act, DOJ File/Docket #44-03-24, and be filed by mailing or delivering five copies to the Assistant Attorney General for Administration, Department of Justice, Washington, D.C. 20530, and must be received by October 9, 1974. Replies to any comments filed on or before that date may be filed on or before November 8, 1974.

Dated: September 3, 1974.

GLEN E. POMMERENING,
Assistant Attorney General
for Administration.

[FR Doc.74-20745 Filed 9-6-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 539]

ARIZONA

Filing of Plats of Survey

AUGUST 30, 1974.

Plats of survey of the lands described below, accepted on July 9, 1974, will be officially filed in Arizona State Office effective 10 a.m., on October 17, 1974.

1. GILA AND SALT RIVER MERIDIAN, ARIZONA
T. 42 N., R. 5 W.

A retracement of a portion of the north boundary (Arizona-Utah State Line), a dependent resurvey of the west boundary, and survey of a portion of the sub-divisional lines.

sec. 31, Lots 1, 2, 3, and 4 and $S\frac{1}{2}$;
sec. 32, Lots 1, 2, 3, and 4 and $S\frac{1}{2}$;
sec. 33, Lots 1, 2, 3, and 4 and $S\frac{1}{2}$.

The area described aggregates 1,332.03 acres of national resource lands.

The area surveyed is largely rough and mountainous with some nearly level areas. The elevation ranges from 5,350 feet to about 6,134 feet. The low lands are covered with sagebrush and some cedar; the higher land has scattered sagebrush, cedar, and pinyon pine.

All rights of the State of Arizona to section 32 have been conveyed to the United States.

2. GILA AND SALT RIVER MERIDIAN, ARIZONA
T. 42 N., R. 6 W.

A retracement of a portion of the north boundary (Arizona-Utah State line), and a completion survey of the sub-divisional lines.

sec. 33, Lots 1, 2, 3, and 4 and $S\frac{1}{2}$;
sec. 34, Lots 1, 2, 3, and 4 and $S\frac{1}{2}$;
sec. 35, Lots 1, 2, 3, and 4 and $S\frac{1}{2}$;
sec. 36, Lots 1, 2, 3, and 4 and $S\frac{1}{2}$.

The area described above aggregates 1,624.56 acres of national resource lands.

The area surveyed is extremely rough and mountainous. The elevation ranges from about 5,083 feet to about 6,450 feet. There is some timber on the level areas consisting of scrubby type of cedar, pinyon pine, and yellow pine. Vegetation on the lower and more level areas is mainly sagebrush with oakbrush in isolated areas.

All rights of the State of Arizona to the $S\frac{1}{2}$ of section 36 has been conveyed to the United States.

3. The national resource lands described in paragraphs 1 and 2 are open to petition, application, and selection, as outlined in paragraph 4 below. No application for these lands will be allowed under the nonmineral public land laws, unless or until the lands have been classified. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any existing valid rights and the requirements of applicable law, the national resource lands described above are hereby opened to filing of petition-application and selection in accordance with the following:

a. Applications and selections under the nonmineral public land laws, and offers under the mineral leasing laws may be presented to the Division of Technical Services, Arizona State Office, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs.

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m., on October 17, 1974 will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

5. Persons claiming preference rights based upon settlement, statutory preference, or equitable claims must enclose properly executed statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

CHARLES G. BAZAN, JR.,
Chief, Branch of Records
and Data Management.

[FR Doc.74-20710 Filed 9-6-74;8:45 am]

OIL AND GAS LEASE SALE #36 Amendments and Corrections

The following amendments and corrections are hereby made to the FEDERAL REGISTER notice which appeared on Friday, August 30, 1974, beginning on page 31670 of Vol. 39, No. 170.

1. Strike the words "October 1, 1974" wherever they appear in the notice and substitute for them the words "October 16, 1974".

2. Strike the words "September 30, 1974" wherever they appear in the notice

and substitute for them the words "October 15, 1974".

3. In paragraph 1, page 31671, strike the words "the Presidential Salon, Braniff Place, 1500 Canal Street, New Orleans, Louisiana 70112" and substitute for them the words "the International Room, Fairmont Hotel, University Place, New Orleans, Louisiana 70140".

4. In paragraph 3, page 31671, line 1, strike the tract designation "36-44" and substitute for it the tract designation "36-42." Also in Paragraph 3, page 31671, in the next to the last line, correct the spelling of the word "royalty" to read "royalty".

5. In paragraph 7, page 31671, strike the words "the Presidential Salon, Braniff Place" and substitute for them the words "the International Room, Fairmont Hotel".

6. In paragraph 14, page 31673, strike the acreage figure for tract 36-190, appearing as "4999.98" and substitute for it the figure "4999.96".

Also in paragraph 14, page 31673, strike the acreage figure for tract 36-191, appearing as "3007.56" and substitute for it the figure "3007.52".

7. On page 31674, strike footnote #2, and substitute for it the following language:

"That portion of Block 253 located more than three marine leagues seaward of a line extending from a point on Shell Keys at latitude 29°24'32.15" N., longitude 91°51'16.59" W. (X=1,834,019, Y=270,301) northwesterly in a straight line to Tigre Point at latitude 29°32'23.13" N., longitude 92°14'57.15" W. (X=1,708,756, Y=318,661). The coordinates used refer to the Louisiana Plane Coordinate System, South Zone."

GEORGE L. TURCOTT,
Associate Director,
Bureau of Land Management.

Approved: September 4, 1974.

JOHN C. WHITAKER,
Under Secretary of the Interior.

[FR Doc.74-20829 Filed 9-6-74;8:45 am]

OUTER CONTINENTAL SHELF RESEARCH MANAGEMENT ADVISORY BOARD

Notice and Agenda for Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. No. 92-463, 5 U.S.C. App. I and the Office of Management and Budget Circular No. A-63, Revised.

The Outer Continental Shelf Research Management Advisory Board will meet during the period 9:30 a.m. to 4 p.m., Rooms 7000 A and B, Department of the Interior, October 3 and 4. The meeting will cover the following agenda items:

1. Approval of Minutes of June 10 meeting
2. Status of Mississippi-Alabama-Florida (MAFLA) and Gulf of Alaska OCS benchmark data program
3. Overall plan and schedule for future environmental data collection on the OCS
4. Preliminary work plans for environmental monitoring, MAFLA area
5. Preliminary work plans for benchmark data gathering, South Texas, Southern California, and Atlantic OCS.

fornia, and Atlantic OCS.

6. NOAA report on marine environmental assessment

7. Regulations governing operations of the OCS Research Management Advisory Board

8. Other business

The meeting is open to the public and written or oral statements concerning the program content are welcome.

Those who expect to attend should communicate their intention not later than September 27 to the Board's Chairman:

Frank E. Clarke, Senior Scientist, U.S. Geological Survey, Room 4443, Interior Building, Washington, D.C. 20240, 202-343-3888.

Written comments or statements should be submitted to the Chairman not later than September 27.

GEORGE L. TURCOTT,
Associate Director,
Bureau of Land Management.

Dated: September 5, 1974.

ROLAND G. ROBISON, JR.,
Acting Deputy Assistant
Secretary of the Interior.

[FR Doc.74-20878 Filed 9-6-74;10:05 am]

DEPARTMENT OF AGRICULTURE

Forest Service

TIMBER MANAGEMENT KLAMATH NATIONAL FOREST

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2) (C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Timber Management Plan, Klamath National Forest, California USDA-FS-R5-FES(Adm)-74-1.

The environmental statement concerns a proposed timber management plan for the management of the timber resources on the forest.

This final environmental statement was transmitted to CEQ on August 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., S.W.
Washington, D.C. 20250
USDA, Forest Service
630 Sansome Street, Rm. 631
San Francisco, California 94111
Klamath National Forest
1215 S. Main Street
Yreka, California 96097

A limited number of single copies are available upon request to Regional Forester, Douglas R. Leisz, California Region, U.S. Forest Service, 630 Sansome Street, San Francisco, California 94111.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Dated: August 26, 1974.

DOUGLAS R. LEISZ,
Regional Forester.

[FR Doc.74-20711 Filed 9-6-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

ADVISORY COMMITTEE ON EAST-WEST TRADE

Notice of Meeting

A meeting of the Advisory Committee on East-West Trade will be held at 10 a.m., Wednesday, September 25, 1974 in Room 4830, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C.

The purpose of the Committee is to advise the Department, through the Deputy Assistant Secretary for East-West Trade, on ways to facilitate and coordinate the expansion of two-way trade with countries having centrally planned economies, so as to enhance the balance of trade and payments situation.

Agenda items are as follows:

1. Welcoming Statement.
2. Introductory Statement:
 - a. Report on status of Bureau of East-West Trade mission and programs;
 - b. Advisory Committee charter and functions;
 - c. Introduction of Committee Chairman and Vice-Chairman.
3. Discussion Topics:
 - a. Outlook for continued expansion of East-West Trade;
 - b. Identification of industry problems in East-West Trade;
 - c. Evaluation of Bureau of East-West Trade, trade statistics and other publications.
4. Agenda items suggested by Committee members.
5. Review of items submitted by the public.
6. Setting of date for next meeting.

The public will be permitted to attend the meeting, and a limited number of seats will be available to the public. Any member of the public who wishes to file a written statement with the Committee may do so before or after the meeting. Persons who wish to attend the meeting should contact Robert Frothingham III, Director, Liaison and Coordination Division, Office of Joint Commission Secretariat, Bureau of East-West Trade, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230, Room 4814A, 202/967-4425.

Dated: September 3, 1974.

ROBERT FROTHINGHAM III,
Director, Liaison and Coordination
Division, Office of Joint
Commission Secretariat, Bureau
of East-West Trade.

[FR Doc. 74-20765 Filed 9-6-74; 8:45 am]

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 12339; Docket No. FDC-D-467;
NDA No. 12-339]CERTAIN COMBINATION DRUGS FOR
INHALATIONWithdrawal of Approval of Parts of New
Drug Application

A notice of opportunity for hearing (DESI 12339) was published in the FEDERAL REGISTER of May 24, 1974 (39 FR 18315), in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of parts of NDA 12-339 providing for Bronkometer Aerosol (isoetharine methanesulfonate, phenylephrine hydrochloride, and thenyldiamine hydrochloride) and Bronkospray Solution (isoetharine hydrochloride, phenylephrine hydrochloride, and thenyldiamine hydrochloride); Breon Laboratories, Inc., Subsidiary of Sterling Drug, Inc., 90 Park Avenue, New York, N.Y. 10016. The basis of the proposed action was the lack of substantial evidence of effectiveness as fixed combinations for the labeled indications.

Neither the holder of the application nor any other person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of the opportunity for a hearing.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD-300), 5600 Fishers Lane, Rockville, Md. 20852.

The Director of the Bureau of Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and under authority delegated to him (21 CFR 2.121), finds that on the basis of new information before him with respect to the drug products, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug products will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

Therefore, pursuant to the foregoing findings, approval of those parts of new drug application No. 12-339 applying to Bronkometer Aerosol and Bronkospray Solution and all amendments and supplements applying thereto is withdrawn effective on September 19, 1974.

Shipment in interstate commerce of the above-listed products or of any iden-

tical, related, or similar products, not the subject of an approved new drug application, will then be unlawful.

Dated: August 30, 1974.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc. 74-20715 Filed 9-6-74; 8:45 am]

[DESI 5597; Docket No. FDC-D-688; NDA No. 11-702]

COMBINATION DRUG CONTAINING ME-
PROBAMATE, ETHOHEPTAZINE CIT-
RATE AND ASPIRINRescission of Notice Offering Opportunity
for Hearing on Proposal to Withdraw
Approval of New Drug Application

A notice published in the FEDERAL REGISTER of July 10, 1974 (39 FR 25375) offered an opportunity for hearing on a proposal to withdraw approval of that part of new drug application No. 11-702, held by Wyeth Laboratories, Division of American Home Products Corp., P.O. Box 8299, Philadelphia, Pa. 19101, providing for Equagastic Tablets (meprobamate, ethoheptazine, and aspirin).

That notice stated that no new evidence in support of effectiveness of the drug had been submitted. That statement was incorrect; the NDA holder had submitted evidence which is undergoing review. Therefore, the notice of July 10, 1974 is herewith rescinded.

Dated: August 30, 1974.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc. 74-20713 Filed 9-6-74; 8:45 am]

Office of Education
TRAINING GRANTS

Closing Date for Receipt of Applications

Pursuant to the authority contained in sections 631, 632, and 634 of the Education of the Handicapped Act (20 U.S.C. 1431, 1432, and 1434), notice is hereby given that the U.S. Commissioner of Education has established the final closing date of October 15, 1974 for receipt of applications for new and continuation training grants under Part D of the Act.

A notice of proposed rulemaking governing grants for teacher training, authorized under Part D of the Act, was published in the FEDERAL REGISTER on October 11, 1973 (38 FR 28238-28240), and will govern the program when republished in the FEDERAL REGISTER as final regulations. Awards are also subject to the Office of Education General Provisions Regulations, 45 CFR Part 100a.

Applications must be received by the U.S. Office of Education Application Control Center on or before October 15, 1974.

A. Applications sent by mail.
An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400

Maryland Avenue SW., Washington, D.C. 20202, Attention: 13.448 and 13.451. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

B. Hand delivered applications.

An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. Program information and forms.

Information and application forms may be obtained from the Division of Personnel Preparation, Bureau of Education for the Handicapped, U.S. Office of Education, Washington, D.C. 20202.

(20 U.S.C. 1431, 1432, 1434)

Dated: August 30, 1974.

T. H. BELL,

U.S. Commissioner of Education.

(Catalog of Federal Domestic Assistance Number 13.448 Handicapped Physical Education and Recreation Training and 13.451 Handicapped Teacher Education)

[FR Doc. 74-20706 Filed 9-6-74; 8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-255]

CONSUMERS POWER CO.

Issuance of Amendment to Provisional Operating License and Proposed Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 10 (the interim amendment) and is considering the issuance of a further amendment (the proposed permanent amendment) revising Technical Specifications for operation of the Palisades Nuclear Generating Plant (the facility) located in Covert Township, Van Buren County, Michigan.

On August 11, 1973, the facility was shut down because of excess steam gen-

erator leakage. Subsequent investigations by the licensee disclosed that the leakage was caused by steam generator tube corrosion which was, in turn, caused by sulphur and phosphate salts theretofore utilized by the licensee for steam generator water chemistry control. As a result of its investigations and analyses, the licensee adopted a program involving (1) plugging of damaged tubes in accordance with a specified plugging criterion, (2) removal of the corrodents through a flushing program, and (3) implementation of a different method of water chemistry control. The plugging of damaged tubes has been completed, and the removal of corrodents and the change in the method of water chemistry control are in progress.

The licensee has stated, and the Directorate of Regulation has determined, that the corrodent flushing program should proceed without delay in the interest of arresting the corrosion process with minimum additional damage.

The interim amendment, which was made effective upon issuance and will remain in effect for a limited period of 90 days from the date of issuance, revises the Technical Specifications by reducing allowable primary system pressure limits and differential pressure limits and by incorporating an augmented inservice inspection program for steam generators. The interim amendment imposes further a limitation of 60 percent on the maximum core power level.

The interim amendment authorizes the licensee to conduct the corrodent flushing program subject to the Technical Specifications as revised. The licensee has represented that in keeping with the limited objective (flushing of corrodents) of initial operation, the facility will be operated substantially in accordance with guidelines which provide for an ascent from lower to higher power levels as the concentrations of the corrodents are reduced; limit cumulative operation at power plateaus above a nominal 30 percent power level; and require cycling of power levels such that periods of operation above a nominal 30 percent power level will be followed by periods of operation at levels not exceeding a nominal 30 percent.

The application for interim amendment, dated August 28, 1974, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made, with respect to the interim amendment, appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1. These findings are set forth in the interim amendment.

The proposed permanent amendment would revise the Technical Specifications as appropriate to permit completion of the flushing program and, following a required shutdown and inspection, a return to normal facility operation. The proposed permanent amendment, if adopted in the form requested by the licensee in its application dated August 20, 1974, would be substantially identical to

the interim amendment, excluding the 90-day and 60 percent-power limitations set forth therein.

Prior to the issuance of the proposed amendment, the Commission will have made the findings required by the Act and the Commission's regulations.

By October 9, 1974, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this action, see (1) the licensee's Request for Change to the Technical Specifications dated August 20, 1974, and its letter to the Directorate of Licensing dated August 28, 1974, requesting interim Technical Specifications, (2) Amendment No. 10 to License No. DPR-20, with any attachments, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan. As it becomes available, the Commission's Safety Evaluation related to operation beyond the 90-day interim period will be available at the above locations.

A copy of items (2) and (3), and of the Safety Evaluation related to operation beyond the 90-day interim period, when available, may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

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

For the Atomic Energy Commission,

ROBERT A. PURPLE,
Chief, Operating Reactors
Branch #1 Directorate of
Licensing.

[FR Doc. 74-20702 Filed 9-6-74; 8:45 am]

PROTECTION AGAINST ACCIDENTS IN NUCLEAR POWER REACTORS

Interim General Statement of Policy

Correction

In FR Doc. 74-19771 in the issue of Tuesday, August 27, 1974, make the following change:

The comment period deadline of October 11, 1974, referred to in the third column of page 30965, is changed to November 1, 1974.

CIVIL AERONAUTICS BOARD

[Dockets 26838, 27003, Order 74-8-4]

CONTINENTAL AIR LINES, INC. AND
WESTERN AIR LINES, INC.

Order of Investigation and Consolidation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 4th day of September, 1974.

By tariff revisions bearing the issue date of August 7, and marked to become effective September 6, 1974, Continental Air Lines, Inc. (Continental) proposes to establish premium general commodity rates for a new "Proud Bird Express" reserved freight service. The proposed rates amount to 130 percent of the applicable general commodity rates, with minimum charges per shipment equal to the charges per 100 pounds. The shipper is provided a reservation, which is defined as a commitment by the carrier to transport a predetermined volume of freight on a specific flight. Advance reservation must be made with the carrier at least 3 hours prior to the flight requested, and the shipment must be tendered to the carrier at least 45 minutes prior to the scheduled flight departure.

The shipper will be charged for the total volume reserved, whether or not actually tendered, on the basis of actual weight of the shipment or its cubic density at 10 pounds per cubic foot, whichever is greater. However, if the unutilized space does not exceed 10 percent of that reserved, the charge will be only for the actual or cubic weight shipped.

In the event the shipment is not carried on the agreed-upon flight, the shipper will be refunded the surcharge applicable for this service, and will be charged the applicable rates for standard service. The proposal bears an expiry date of December 31, 1974.

In support of its proposal, Continental contends essentially that (1) the proposed service is basically an extension of its existing small package tariff, a replacement for air express, and a new service for all types of shipments that require expedited service; (2) shippers of any size of shipment—not just small shipments—will have the ability to reserve space on a particular flight; (3) the reservation system will enable the carrier to preplan the flight and ensure that the higher priority shipment will be accommodated on the exact flight agreed upon; (4) the proposed service will attract traffic outside the present realm of air express—the documented growth of small package traffic testifies to the fact that confirmed traffic on an agreed flight is a service acceptable to shippers; and (5) in regard to capacity costs, the 30 percent markup is in line with the weighting applied to priority air freight in Docket 18381.

Complaints requesting rejection, or suspension and investigation of the proposed rates, were filed by The National Small Shipments Traffic Conference, Inc. (National) and REA Express, Inc. (REA).² National contends, inter alia,

² REA requested rejection or suspension and investigation, while National requested suspension pending investigation.

that (1) as a replacement service for air express, the proposed service is not comparable to the present service offered and it is unnecessary and unacceptable in its present form; (2) a service so limited in scope as a single line-service has minimal value for the shipping public; (3) the basis for the 30 percent rate increase is not appropriate and is strictly an inflationary rate which has not been cost justified; (4) the three-hour reservation restriction is an inconvenience that the increased rates certainly do not justify; and (5) the proposed service is inappropriate at this time because (a) REA has been granted an extension of the expiration date for air express; and (b) the airlines are still in the process of discussions concerning an industry-wide priority air freight service.

REA contends, inter alia, that (1) Continental's proposal fails to provide shippers who have used air express with the adequate replacement service they need; (2) the proposed tariff fails to provide armed-guard service, pick-up and delivery service, and will not guarantee same-day service; (3) the three-hour advance-reservation requirements does not permit shippers to get priority service upon tender less than an hour before flight time, as they can with air express; (4) Continental's tariff violates Section 404(a) of the Act if it intends to replace air express; (5) the proposal will deny shippers the right they presently have to get their traffic on the first available flight, no matter which carrier is operating, at a uniform rate level; and (6) Board Order 73-12-36 states that all airlines have an obligation to provide priority service, with inter-airline coordination as part of their obligation to provide adequate service under section 404(a), and the Board has no jurisdiction to modify this order since it is being reviewed by the Court.

In answer to the complaints, Continental asserts, inter alia, that its proposal is not comparable to current air express (and on this point it agrees with complainants), because it would apply also to large shipments than those carried by air express; that its 30 percent premium is appropriate; and that the airport-to-airport service proposed would satisfy most shippers requiring expedited service, in which shippers would provide their own pick-up and delivery service.

By Order 74-6-136, dated June 28, 1974, the Board instituted an investigation of the "Priority Reserved" air freight rates proposed by Western Air Lines, Inc. (Western), but permitted them to become effective. Continental's instant proposal is almost identical to Western's, and the reasons for our actions on the latter proposal are equally applicable to the instant filing. Consistent with the Board's finding regarding Western's filing and upon consideration of all relevant factors, the Board finds that Continental's tariff proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated.

There is a significant question as to whether the proposed service is subject

to unreasonable and discriminatory limitations and provisions, and whether it is consistent with the Board's finding that the carrier is under an obligation to offer highly expedited inter-carrier priority service as a replacement for air express (Order 73-12-36).² Among other things, the Board is concerned about (1) the percentage of premiums for specific commodities, which will be greater than for general commodities because the rates for all traffic will be 30 percent above the GCR's; (2) the use of 10 pounds per cubic foot as the dimensional weight, which has not been fully substantiated; and (3) the adequacy of the cost justification in support of the premium service charge.

The Board has considered the request for rejection and finds no basis for such action.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That: 1. An investigation is instituted to determine whether the charges and provisions in Rule No. 71 on the Original Page 38-E and Original Page 38-F and reissues thereof of Tariff C.A.B. No. 169 issued by Airline Tariff Publishers, Inc., Agent, and rules, regulations, or practices affecting such charges and provisions are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful charges and provisions and rules, regulations, and practices affecting such provisions;

2. The investigation initiated herein, designated Docket 27003, is hereby consolidated into the *Priority Reserved Air Freight Rates Investigation*, Docket 26838;

3. Except to the extent granted herein, the complaints of The National Small Shipments Traffic Conference, Inc., in Docket 26967, and REA Express, Inc., in Docket 26955 are dismissed; and

4. Copies of this order shall be served upon Continental Air Lines, Inc., and REA Express, Inc., which are hereby made parties to Docket 26838.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc. 74-20743 Filed 9-6-74; 8:45 am]

² It should be noted that, while Continental states that this new priority service is intended as a replacement for air express, Continental still transports air express traffic. However, Continental has announced its intention to withdraw from the air express agreement effective December 28, 1974. In addition, the carrier is also a participant in the current inter-carrier discussions to decide on the procedures and details of how best to provide a coordinated interline priority service to replace air express.

[Docket 26638; Order 74-9-1]

HUGHES AIRWEST**Order To Show Cause**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 3rd day of September, 1974.

By application filed April 22, 1974, Hughes Airwest requests amendment of its certificate of public convenience and necessity for route 76 so as to delete therefrom the points Sun Valley-Halley-Ketchum (Sun Valley) and Burley-Rupert, Idaho. The carrier asks that the Board proceed by way of an order to show cause or, alternatively, set the matter for an expedited hearing.¹

In support of its request for deletion, the carrier asserts that neither airport is adequate for F-27 aircraft—the smallest equipment type operated by Airwest at the time its application was filed;² that neither point is isolated in terms of ground travel; that both points receive regularly-scheduled commuter carrier service;³ and that both points have been poor generators of traffic and as a result the subsidy need per passenger would be prohibitively high, estimated by Airwest at \$21.25 per passenger.

No answers in opposition to the deletion application have been filed. Sun Valley Key Airlines has submitted a letter supporting the deletion, as has the Chairman of the Board of Trustees of

the Southern Idaho Regional Airport (Burley).

Upon consideration of Airwest's application, the lack of any civic opposition, and all other relevant facts, the Board has determined to issue this order to show cause which proposes to grant the requested deletions. We tentatively find and conclude that the public convenience and necessity require the amendment of Airwest's certificate for route 76 so as to delete therefrom the points Sun Valley-Halley-Ketchum, Idaho, and Burley-Rupert, Idaho.⁴ In support of this ultimate conclusion we make the tentative findings and conclusions appearing below.

It is the Board's judgment that the overall air service needs of the two points in question are being efficiently and economically met by Part 298 commuter carrier service (in the case of Sun Valley) or by certificated service at Twin Falls (in the case of Burley-Rupert), upon which the points in question have relied for over three and one-half years. In the case of Sun Valley, the commuter carrier services appear to have won widespread acceptance by the community and the traveling public, as is evidenced by the lack of any civic opposition to Airwest's deletion application, and by the substantial O&D traffic growth in the last two years:⁵

| Year: | O&D Traffic Sun Valley |
|-------|---------------------------|
| 1969 | 7,369 |
| 1970 | 2,088 |
| 1971 | 2,474 |
| 1972 | 12,239 |
| 1973 | 24,111 |

In addition, Sun Valley travelers may avail themselves of Airwest's services at Twin Falls. Under arrangements with Airwest, direct bus service is provided between Sun Valley and Airwest's service at the Twin Falls airport.

In the case of Burley-Rupert, it appears that the certificated services at Twin Falls are meeting that community's needs. Indeed, direct Burley-Rupert commuter carrier traffic⁶ has been declining since Airwest's suspension, averaging .43 passengers boarded and .39 passengers deplaned per flight for the nine-month period ending April 30, 1974.⁷ It is clear that this level

⁴We further tentatively find that Airwest is a citizen of the United States within the meaning of the Act and is fit, willing and able properly to perform the transportation pursuant to the amended certificate proposed and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder.

⁵Data for 1970 thru 1973 submitted on Form 298 by Sun Valley Key Airlines and Air Idaho (formerly Trans Magic); 1969 is Airwest's on-line O&D traffic at Sun Valley.

⁶Carried, until its recent suspension by Air Idaho.

⁷Application of Air Idaho to the Idaho PUC for authority to suspend service to Burley. Air Idaho further alleges that the required breakeven enplaning and deplaning passenger count is 4.22 per arrival and departure.

of traffic cannot economically support services by Airwest. Furthermore, the lack of objection to Airwest's application by any Burley-Rupert civic parties indicates those communities' satisfaction with Twin Falls certificated services in lieu of direct commuter carrier services.⁸

The situation here differs from the one before us last year when the Board denied Airwest's application for hyphenation of Sun Valley and Burley-Rupert with Twin Falls, Order 73-6-115 (June 28, 1973), since here there is no opposition by any party and no question of traveler confusion over services actually provided.

The Board also finds that the proposed action will not have any significant environmental consequences, since it simply proposes to make permanent the environmental status quo existing for the past three and one-half years. Thus, the proposed deletion of Airwest is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

Interested persons will be given twenty days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If any evidentiary hearing is requested, the objector shall state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That: 1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein, and amending the certificate of public convenience and necessity of Hughes Airwest for route 76 so as to delete Sun Valley-Halley-Ketchum and Burley-Rupert, Idaho, therefrom;

2. Any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons listed in Appendix A a statement of objections together with a summary of testimony, statistical data and other evi-

⁸Burley is only 40 miles from Twin Falls via modern interstate highway, assuring easy access to the superior air transportation services available at Twin Falls.

¹Airwest has been suspended at both points for the past three and one-half years, subject to a condition requiring the continuation of existing regularly-scheduled commuter carrier services. See Orders 69-12-94 (December 23, 1969), 73-1-9 (January 3, 1973), and 73-2-87 (February 23, 1973). The condition has been recently lifted by the Board, pending final decision on this deletion application, Order 74-7-53 (July 12, 1974). The Board last year also denied an Airwest application seeking, through show cause procedures, the hyphenation of Sun Valley and Burley-Rupert with Twin Falls, Idaho, Order 73-6-115 (June 28, 1973).

²The carrier has now completed plans to dispose of its remaining F-27 aircraft, in favor of an all DC-9 fleet. Nonetheless, as we have recently observed, the carrier's lack of propjet equipment suitable for service at small communities will not be dispositive of any application to be relieved of its certificate obligations. See Order 74-8-45, dated August 12, 1974.

³At present Sun Valley Key Airlines, a commuter carrier, provides six round trips per day in the Boise-Sun Valley market and five round trips per day in the Salt Lake City-Sun Valley market. Official Airline Guide, July 15, 1974. Air Idaho (formerly Trans Magic), which had provided two round trips per day between Sun Valley, on the one hand, and Boise and Salt Lake City, on the other hand, and one round trip between Sun Valley and Twin Falls, as well as Burley-Rupert service, was recently authorized by the Idaho PUC to temporarily suspend all air carrier service within the State of Idaho pending a hearing on a further suspension. Idaho Public Utilities Commission Cases No. A-1001-16 and A-1001-17, Order No. 11535 (July 17, 1974). The cessation of Air Idaho's service has left Burley-Rupert without regularly-scheduled air services.

dence expected to be relied upon to support the stated objections;⁹

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. A copy of this order shall be served upon the persons listed in Appendix A, attached hereto.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

APPENDIX A

Copies of the foregoing Order have been served upon the following:

The Honorable Cecil B. Andrus
Governor of the State of Idaho
State Building
Boise, Idaho 83701
Mayor, City of Boise
City Hall
Boise, Idaho 83702
Mayor, City of Sun Valley
P.O. Box 43
Sun Valley, Idaho 83353
Mayor, City of Halley
City Hall
Halley, Idaho 83333
Mayor, City of Ketchum
City Hall
Ketchum, Idaho 83340
Mayor, City of Burley
City Hall
Burley, Idaho 83318
Mayor, City of Rupert
City Hall
Rupert, Idaho 83350
Mayor, City of Twin Falls
City Hall
Twin Falls, Idaho 83301
The Postmaster General
Attn: Asst. Postmaster General
Bureau of Transportation
Post Office Department
Washington, D.C. 20260
Sun Valley Corporation
Sun Valley, Idaho 83353
Southern Idaho Regional Airport Authority
Ponderosa Inn
Burley, Idaho 83318
Manager
Burley Municipal Airport
Burley, Idaho 83318
Manager
Twin Falls Municipal Airport
Twin Falls, Idaho 83301
Chairman
Blaine County Airport Commission
Halley Friedman Memorial Airport

⁹ All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests or petitions for reconsideration of this order will be entertained.

P.O. Box 307
Halley, Idaho 83333
Idaho Department of Aeronautics
Boise Municipal Airport
3103 Airport Way
Boise, Idaho 83705
Idaho Public Utilities Commission
State Building
Boise, Idaho 83707
Air Idaho
Joslin Field
Twin Falls, Idaho 83301
Sun Valley Key
3909 South Airport Road
Ogden, Utah 84403
United Air Lines, Inc.
P.O. Box 66100
Chicago, Illinois 60666
Western Air Lines, Inc.
6060 Avion Drive
P.O. Box 92005
World Way Postal Center
Los Angeles, California 90009
Federal Aviation Administration
Department of Transportation
Attn: Director of Airport Services
800 Independence Avenue, S.W.
Washington, D.C. 20590

[FR Doc. 74-20742 Filed 9-6-74; 8:45 am]

[Docket 20472]

PHILADELPHIA-ROCHESTER/
SYRACUSE CASE

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on October 1, 1974, at 10 a.m. (local time) in Room 911, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., before the undersigned.

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

Dated at Washington, D.C., September 3, 1974.

[SEAL] ROBERT M. JOHNSON,
Administrative Law Judge.

[FR Doc. 74-20741 Filed 9-6-74; 8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

TEXTILE AGREEMENTS

Bilateral Discussions With Colombia

The Committee for the Implementation of Textile Agreements, as announced in its FEDERAL REGISTER notice of April 12, 1974, solicits comments on the United States Government actions implementing the GATT Arrangement Regarding International Trade in Textiles hereafter referred to as the Arrangement. In the April 12 notice the Committee announced that in the following 12 months bilateral

discussions would be held to bring United States textile and apparel agreements into conformity with the Arrangement, and negotiations could be held to renew existing agreements or to reach new agreements. The notice invited the public to submit views or provide data or information on any or on all these agreements, the treatment of any product under them or any other aspect of the agreements.

The Committee anticipates holding textile and apparel agreement bilateral discussions between the Government of the United States and the Government of Colombia. Any party wishing to express a view or provide data or information with regard to the treatment of any product under this agreement and any other aspect thereof, or with respect to imports of other textile products from this country, is invited to submit such in ten copies to Mr. Seth M. Bodner, Chairman of the Committee for the Implementation of Textile Agreements and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Room 3826, Washington, D.C. 20230. Comments on the bilateral textile discussions with Colombia should be received by September 30, 1974. Comments received after September 30, 1974 will be taken into consideration to the extent possible consistent with the schedule of discussions.

Views, data or information submitted under this procedure will be available for public inspection at the Central Reference and Records Inspection Facility, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Room 7043, Washington, D.C. 20230 and may be obtained upon written request pursuant to the Freedom of Information Act (5 U.S.C. 522) and the regulations of the Department of Commerce (15 CFR 4). Whenever practicable, public comment may be invited concerning views, comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments on any negotiation, consultation, market disruption or any other matter pursuant to this notice is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) and 554(a)(4) of the Administrative Procedure Act, relating to matters which constitute "a foreign affairs function of the United States."

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc. 74-20746 Filed 9-6-74; 8:45 am]

COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT FOR THE CONDUCT OF FOREIGN POLICY

NATIONAL SECURITY, ARMS CONTROL, INTELLIGENCE, PUBLIC DIPLOMACY AND SUPPORT ACTIVITIES

Public Hearings

Notice is hereby given that the Commission on the Organization of the Government for the Conduct of Foreign Policy will hold public hearings, on the subject areas noted below, in Philadelphia, Pennsylvania, on October 8, 1974, at 9:30 a.m., at Congress Hall, on the southeast corner of Independence Square. The hearings are held in furtherance of the Commission's mandate, as stated in section 603(a) of Pub. L. 92-352 (92nd Congress, H.R. 14734):

Sec. 603(a) The Commission shall study and investigate the organization, methods of operation, and powers of all departments, agencies, independent establishments, and instrumentalities of the United States Government participating in the formulation and implementation of United States foreign policy and shall make recommendations which the Commission considers appropriate to provide improved governmental processes and programs in the formulation and implementation of such policy, including, but not limited to, recommendations with respect to—

- (1) the reorganization of the departments, agencies, independent establishments, and instrumentalities of the executive branch participating in foreign policy matters;
- (2) more effective arrangements between the executive branch and Congress, which will better enable each to carry out its constitutional responsibilities;
- (3) improved procedures among departments, agencies, independent establishments, and instrumentalities of the United States Government to provide improved coordination and control with respect to the conduct of foreign policy;
- (4) the abolition of services, activities, and functions not necessary to the efficient conduct of foreign policy; and
- (5) other measures to promote peace, economy, efficiency, and improved administration of foreign policy.

The hearing will focus upon two specific subject areas:

1. National Security, Arms Control, and Intelligence.

The objective of the Commission in soliciting testimony from private sector witnesses on the subject of national security, arms control, and intelligence matters is to receive suggestions, comments, criticisms and recommendations aimed at improving the organization of the U.S. Government in the following specific functional areas:

National Security;
Arms Control; and
Intelligence.

Testimony should be directed at identifying problem areas and suggesting improvements in the organization, procedures, and effectiveness with which the U.S. Government formulates and implements National Security Policy, includ-

ing the organization and procedures used in development of strategic doctrine so that foreign policy considerations are given adequate weight. Relevant areas also include the mechanisms for coordinating defense goals with other agencies in the national security structure, and the proper balance between defense needs and competitive domestic or economic considerations which also influence foreign policy. What obstacles stand in the way of more effective organization and procedures and what recommendations can be made toward improvement.

With respect to Arms Control, what in realistic terms are the principal obstacles in terms of organization, procedures, processes, and institutions which hinder effective arms control and disarmament planning in national security policy? How can better coordination of current arms control negotiations be achieved? What limitations impede the effectiveness of research, technical analysis, and field testing as necessary elements of arms control policy making in coordination of technical issues of arms control within the U.S. Government?

With respect to Intelligence, what is the essential role of intelligence in the conduct of foreign policy and how can this role be most efficiently pursued in a free and open society? How can congressional oversight be effective without being overly intrusive? What is the proper role, if any, of covert political actions?

Testimony need not be limited to the above issues. The only restriction is that witnesses confine themselves to organizational, structural, and procedural matters and not to substantive policy matters.

2. Public Diplomacy and Support Activities.

The objective of the Commission in soliciting testimony from private sector witnesses is to receive suggestions, comments and criticisms aimed at improving governmental organization in the following specific functional areas:

Public Diplomacy

Cultural affairs programs, including student, scientific, and artistic exchange;

Foreign information programs, including those of the U.S. Information Service, Voice of America, Radio Free Europe, and Radio Liberty.

Support Activities

Personnel management; Budgeting and program planning; and Organization and management of U.S. establishments overseas.

Testimony in the Public Diplomacy field should concentrate on issues and suggested improvements in concepts, jurisdiction, organizational structure, coordination, and improved procedures to make our informational and cultural affairs programs more effective. In the Support field, the Commission is particularly interested in learning how well the Government is organized for acquiring and utilizing the resources needed for the effective conduct of foreign relations, in Washington and at our missions abroad. Specifically, we would hope that

testimony would include views on the types of personnel needed, what organizational and procedural steps should be taken to improve the personnel management and budget processes and what systems could be used to mesh policy-making and resource allocation more effectively by foreign affairs agencies in Washington and by the Ambassadors and Country Teams abroad.

Testimony need not be limited to those issues. We do, however, request that witnesses confine themselves to organizational, procedural, and personnel matters and avoid substantive policy matters.

Interested persons are encouraged to present information and views in the course of the Commission hearing, subject to the following conditions and procedures:

(1) Any person wishing to present information and views to the Commission shall submit a request in writing, specifying the date of the hearing for which the request is made, a concise summary of the proposed presentation, and the amount of time requested for oral testimony (if any). Such request must be received at the offices of the Commission no less than 14 days prior to the proposed hearing date.

(2) The Chairman shall, within three days from receipt of any such request, notify the requesting person whether the proposed presentation is consistent with the legislative mandate of the Commission, and how much time (if any) can be allotted for oral testimony.

(3) Two typewritten copies of all material to be presented to the Commission shall be filed with the Commission no less than two business days prior to the hearing to which it relates. Any statement or material for which no time for oral presentation has been allotted or is available shall be included in the official hearing record.

(4) Any person who takes exception to any determination of the Commission may present in writing to any Commissioner the basis for such exception and thereafter the decision of the Chairman shall be considered by the Commission and may be overruled by a majority vote. Such person shall be notified by certified mail of the decision of the Commission, which shall be final.

Requests for further information, questions, and other communications should be addressed to the Executive Director, Commission on the Organization of the Government for the Conduct of Foreign Policy, 2025 M Street NW., Washington, D.C. 20506, Suite 3002, Telephone 202-254-9850 or to the World Affairs Council of Philadelphia, The John Wanamaker Store, Third Floor Gallery, 13th & Market Streets, Philadelphia, Pennsylvania 19107, Telephone 215-563-5363.

By the Commission.

FRANCIS O. WILCOX,
Executive Director.

[FR Doc. 74-20722 Filed 9-6-74; 8:45 am]

DEFENSE MANPOWER COMMISSION

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that the Commissioners of the Defense Manpower Commission will meet on September 27, 1974, to be briefed by the Marine Corps. The briefings will be held at 9 a.m. at a location in the Pentagon to be identified by the briefers. The briefings had originally been scheduled for August 9, 1974, as announced in the FEDERAL REGISTER on July 26, 1974.

The Commission was established by Pub. L. 93-155 to, among other things, conduct a comprehensive study and investigation of the overall manpower requirements of the Department of Defense on both a short and long term basis with a view to determining what the manpower requirements are currently and will likely be over the next ten years, and how manpower can be more effectively utilized in the Department of Defense.

In carrying out its study and investigation, the Commission has been directed to give special consideration to:

(1) The effectiveness with which civilian and active duty personnel are utilized, particularly in headquarters staffing and in the number of support forces in relation to combat forces;

(2) Whether the pay structure, including fringe benefits, is adequate and equitable at all levels;

(3) The distribution of grades within each armed force and the requirements for advancement in grade;

(4) The cost effectiveness and manpower utilization of the United States Armed Forces as compared with the armed forces of other countries;

(5) Whether the military retirement system is consistent with overall Department of Defense requirements and is comparable to civilian retirement plans;

(6) The methods and techniques used to attract and recruit personnel for the armed forces, and whether such methods and techniques might be improved or new and more effective ones utilized;

(7) The implications for the ability of the armed forces to fulfill their mission as a result of the change in the socio-economic composition of military enlistees since the enactment of new recruiting policies provided for in Pub. L. 92-129 and the implications for national policies of this change in the composition of the armed forces; and

(8) Such other matters related to manpower as the Commission deems pertinent to the study and investigation authorized by this title.

Attendant to these responsibilities, section 703(c) of the Act charged the Commission with the responsibility to "establish appropriate measures to insure the safeguarding of all classified information submitted to or inspected by it in carrying out its duties * * *". The briefings will be informational in nature and concerned with a wide variety of topics relating to the manpower systems of the

services involved. The presentations to be provided at the briefings will contain classified information concerning military force structures programmed through 1980, which will contain information on proposed personnel plans in the area of personnel requirements, training, utilization, management, and costs which have not yet been approved by the services.

These briefings will include, among other things, presentations on the Operational Technical Managerial System, Marine Officer Promotions and Accessions, Aviation Warfare Officer Study, Enlisted Performance, Enlisted Retention Program, Marine Aviation Policy, Force Structure, Guerrilla Warfare, and Women Marines.

The briefings must be held under conditions which are conducive to an unrestricted presentation of information and materials while safeguarding classified information. The briefers have informed the Commission that all portions of the briefings will cover information which is classified and that since classified information will be integrated throughout both the briefings and question-answer periods it would be impractical to separate this information for purposes of separate presentations. This complete presentation of all relevant information on each subject area is a necessity if the briefings are to fulfill the purpose of a thorough indoctrination of the Commission members.

Therefore, in accordance with provisions of section 10(d) of the Federal Advisory Committee Act, it has been determined by the Director of the Office of Management and Budget that these briefings fall within Exemption (1) of 5 U.S.C. 552(b), and will not be open to the public.

Dated: August 28, 1974.

PAUL C. KEENAN, JR.,
Acting Executive Director.

[FR Doc.74-20319 Filed 9-6-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-180015; FRL 261-2]

PESTICIDE CARBARYL

Notice of Crisis Exemption

Pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 995) and the regulations thereunder (40 CFR 166.10), the Environmental Protection Agency (EPA) hereby gives notice of a crisis exemption use of the pesticide carbaryl to control the European alfalfa beetle, *Subcoccinella 24-punctata* (L.), which has been identified as a new pest to the United States. The first known occurrence of this threat has been confirmed in Bergen County, New Jersey. Because of the immediate threat posed by the insect, the United States Department of Agriculture availed itself of a crisis exemption under section 18 of the FIFRA, as amended (86 Stat. 995), and the regulations thereunder [40 CFR 166.2(c)]. The regulations concerning ex-

emptions were published in the FEDERAL REGISTER on December 3, 1973 (38 FR 33303).

The European alfalfa beetle is an economic plant pest of importance in Europe on legume forage crops and has been known to reduce alfalfa yields in Europe up to 80 percent. The introduction of the pest into the United States and the confirmation of its existence in Bergen County, New Jersey is considered a threat to alfalfa forage in that State.

No registered pesticide is available to control or eradicate this pest. However, carbaryl is registered for the control of the Mexican bean beetle, which is a member of the same sub-family, Epilachninae, as the European alfalfa beetle. At the time the infestation was confirmed, the insect was in the first generation in the immature state (pupae, prepupae, and larvae). Because this pest in the adult stage could spread to noninfested areas, the time element with respect to the application of a pesticide was critical. Therefore, the Department of Agriculture availed itself of a crisis exemption, and treatment and eradication efforts for this plant pest commenced on June 19, 1974.

The location of the pest and the site of the pesticide application is confined to about one acre in Bergen County in an isolated area that is removed from public access. No croplands are nearby and the area is adjacent to a salt marshland. Two and one-half pounds of carbaryl per acre were applied by qualified pesticide applicators with the use of ultra-low volume (ULV) mist sprayers and the salt marshland was protected.

In accordance with the regulations (40 CFR 166.8), the Department of Agriculture is required to submit to the EPA certified information concerning the nature and scope of the emergency, including the pest involved, and the particulars of the pesticide application. The official file concerning this exemption is available for inspection in the Office of the Director, Registration Division, EPA, 401 M Street SW., Room 347 East Tower, Washington, D.C. 20460.

Dated: September 3, 1974.

JAMES L. AGEE,
Acting Assistant Administrator
for Water and Hazardous
Materials.

[FR Doc.74-20692 Filed 9-6-74;8:45 am]

[OPP-32000/107; FRL 261-3]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c) (1) (D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a

notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street SW., Washington, D.C. 20460.

By November 8, 1974, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after November 8, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 9403-O. Alken-Murray Corp., 111 Fifth Ave., New York NY 10003. ALKEN V-6. Active Ingredients: Disodium cyanodithioimidocarbonate 3.18%; Ethylenediamine 1.20%; Potassium N-methyldithiocarbamate 4.37%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34144-E. Andersen Water Engineering Co., 843 W. Monroe St., Chicago IL 60607. CHEMITROL ALGAECIDE N. Active Ingredients: Disodium cyanodithioimidocarbonate 3.18%; Ethylenediamine 1.20%; Potassium N-methyldithiocarbamate 4.37%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 8959-RT. Applied Biochemists, Inc., 5300 West County Line Rd., 96N, Mequon WI 53092. CHLORTRINE CONCENTRATED POOL CHLORINE. Active Ingredients: Sodium Dichloro-S-Triazinetrione Dihydrate 100%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 12455-RR. Bell Laboratories, Inc., PO Box 5133 Madison WI 53705. "RODENT CAKE" INDOOR OUTDOOR. Active Ingredients: Warfarin, (3-(Alpha-Acetylbenzyl)-4-Hydroxycoumarin 0.025%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 32690-I. BioChemical, Inc., 1353 Ellsworth Ind. Dr., N.W., Atlanta GA 30318. INDUSTRIAL CLEANER/DISINFECTANT CLEANER DEODORIZER DISINFECTANT FUNGICIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.8%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.8%; Sodium Metasilicate Anhydrous 2.4%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 30948-RG. Bionomical Chemicals and Services, Inc., 1003 Pineville Rd., Chattanooga TN 37405. DM-310 LIQUID WEED KILLER. Active Ingredients: Monuron Trichloroacetate (3-(p-chlorophenyl)-1,1-dimethylurea trichloroacetate 1.59%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 106-51. Brulin & Co., Inc., PO Box 270-B, Indianapolis IN 46206. JET-O-CIDE. Active Ingredients: Orthophenylphenol 0.176%; Paratertiaryanilphenol 0.044%; Essential Oils 0.300%; Ethanol 53.460%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 106-60. Brulin & Co., Inc., PO Box 270-B, Indianapolis IN 46206. DISINFECTANT CLEANER #6. Active Ingredients: Isopropanol 10.00%; Potassium 4-chloro-2-cyclopentylphenate 4.03%; Potassium O-phenylphenate 2.76%; Potassium p-tertiary amylphenate 1.11%; Tetrasodium ethylene diamine tetraacetate 0.60%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 10445-RU. Calgon Corp., Calgon Center, PO Box 1346, Pittsburgh PA 15230. CALGON B-60 MICROBIOCIDES. Active Ingredients: Didecyl Dimethyl Ammonium Chloride 20.0%; Isopropyl Alcohol 8.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 22521-R. Carrillo & Co., Ave. P.D. Corres, Num 6, Santa Barbara, Rio Piedras, P.R. 00923. X-22 (INSECTICIDE). Active Ingredients: Petroleum Oil 98.80%; Piperonyl Butoxide 1.00%; Pyrethrins 0.20%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 343-EO. Castle Chemical Co., 301 Moster Ave., Savage MN 55378. CASTLE'S SUPERIOR DUSTS 5% SEVIN 6% DITHANE M-45. Active Ingredients: Manganese (C₂H₃N₃S₂) 0.96%; Ethylene Bis-dithiocarbamate 3.60%; 1 Naphthyl N-methylcarbamate (Carbaryl) 5.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 343-GN. Castle Chemical Co., 301 Moster Ave., Savage MN 55378. CASTLE'S SUPERIOR DUSTS 6% DITHANE M-45. Active Ingredients: Manganese (C₂H₃N₃S₂) 0.96%; Ethylene Bis-dithiocarbamate Ion 3.60%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 29910-I. Castle Chemical Corp., 830 Grand Blvd., Deer Park NY 11729. CASTACIDE. Active Ingredients: Pyrethrins 1.00%; Piperonyl Butoxide, Technical 10.00%; Amorphous Silica Gel 40.00%; Petroleum Hydrocarbons 49.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 15146-RN. Chemwood Corp., 810 Washington Ave., PO Box 4270, Memphis TN 38104. CHEMTOX-7. Active Ingredients: Sodium Carbonate 25.6%; Sodium Pentachlorophenate 57.1%; Sodium Salts of Other Chlorophenols 7.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 239-EUEI. Chevron Chemical Co., 940 Hensley St., Ortho Div., Rich-

mond CA 94804. ORTHOCIDE HCB 2-2 FLOWABLE SEED PROTECTANT. Active Ingredients: Captan 18%; Hexachlorobenzene 18%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8540-RO. Garratt-Callahan Co., 111 Rollins Rd., Millbrae CA 94030. GARRATT-CALLAHAN FORMULA 38. Active Ingredients: Disodium cyanodithioimidocarbonate 6.35%; Ethylenediamine 2.40%; Potassium N-methyldithiocarbamate 8.75%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6175-RN. Hart-Delta, Inc., 5055 Choctaw Dr., Baton Rouge LA 70805. D-TICK LOTION. Active Ingredients: Petroleum Distillate 0.86%; N-Octyl bicycloheptene dicarboximide 0.60%; 2,3:4,5-Bis-(2-butylene)tetrahydro-2-furaldehyde 0.50%; Piperonyl butoxide, technical 0.36%; Pyrethrins 0.18%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 407-GTO. Imperial Inc., PO Box 423, Shenandoah, IA 51601. IMPERIAL SOD WEBWORM AND BILLBUG CONTROL NO. 1 CONTAINS DIAZINON. Active Ingredients: 0,0-diethyl 0-(2-isopropyl-6-methyl-4-primidinyl)phosphorothioate 12.5%; Aromatic Petroleum derivative Solvent 73.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 961-GNE. Lebanon Chemical Corp., PO Box 180, Lebanon PA 17042. GREENVIEW EXPEL GRANULAR LAWN WEED KILLER. Active Ingredients: Isooctyl ester of 2,4-dichlorophenoxyacetic acid 1.72%; Isooctyl ester of silvex [2-(2,4,5-trichlorophenoxy) propionic acid] 0.83%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1266-RLT. Malter International Corp., PO Box 6099, New Orleans LA 70114. BEE BYE BUG-II. Active Ingredients: Petroleum distillates 18.270%; Essential Oils 0.300%; Tetramethrin 0.250%; and related compounds 0.034%; (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; and related compounds 0.033%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5743-G. Michigan Co., Inc., 400 E. Michigan Ave., Lansing MI 48933. MICHCO INSTANT BOWL CLEANSE. Active Ingredients: Hydrogen Chloride 21.8%; Oxalic Acid 12%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8123-AN. Frank Miller & Sons, 13831 S. Emerald Ave., Chicago IL 60627. AG-INSECTICIDE. Active Ingredients: Malathion 57%; Methylated Naphthalenes 34%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 16928-R. Norman Manufacturing Co., 15780 E. Fourteen Mile Rd., Fraser MI 48026. ALGAECIDE XHD. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene(dimethyliminio)ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 16928-E. Norman Manufacturing Co. SWIM KING ALGAECIDE CONCENTRATE. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene dichloride] 60.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 16928-G. Norman Manufacturing Co. SWIM KING ALGAECIDE. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene(dimethyliminio)ethylene dichloride] 10.0%. Method of Sup-

port: Application proceeds under 2(b) of interim policy.

EPA File Symbol 11541-I. O'Brien Industries, Inc., 513 W. Mount Pleasant Ave., Livingston NJ 07039. O'B ALGE 671. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Sybol 11541-T. O'Brien Industries, Inc., 513 W. Mount Pleasant Ave., Livingston NJ 07039. O'B ALGE 670. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 2217-AEI. PBI-Gordon Corp., 300 South 3rd, Kansas City MO 66118. METHOXYCHLOR 75 DUST BASE. Active Ingredients: Methoxychlor Technical 75.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2217-AEI. PBI-Gordon Corp., 300 South 3rd, Kansas City MO 66118. METHOXYCHLOR 25 DUST BASE SPECIAL. Active Ingredients: Methoxychlor Technical 25.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9923-E. Pool & Patio Supply, 11409 West 89th St., Overland Park KS 66214. HIGH POTENCY ALGAEICIDE NF. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene dichloride] 60.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 677-ATT. Chipman Div. of Rhodia Inc., 23 Belmont Dr., Somerset NJ 08873. BUTOXONE A SELECTIVE WEED KILLER. Active Ingredients: Dimethylamine salt of 4-(2,4-dichlorophenoxy) butyric acid 23.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 538-REA. O. M. Scott & Sons, Marysville OH 43040. STOP INSECTS LIQUID. Active Ingredients: O,O-diethyl O - (2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 12.50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3282-UE. The d-Con Co., Inc., Subsidiary of Sterling Drug Inc., 90 Park Ave., New York NY 10016. d-CON PROFESSIONAL FORMULA TREE & SHRUB INSECT KILLER. Active Ingredients: Pyrethrins 0.056%; Rotenone 0.024%; Other cube resins 0.048%; Methoxychlor, technical 0.500%; Petroleum distillate 10.280%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3282-UR. The d-Con Co., Inc., Subsidiary of Sterling Drug Inc. D-CON PROFESSIONAL FORMULA ANT & ROACH KILLER. Active Ingredients: Pyrethrins 0.30%; Piperonyl butoxide technical 0.60%; N-octyl bicycloheptene dicarboximide 1.00%; Petroleum distillate 95.10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3282-UN. The d-Con Co., Inc., Subsidiary of Sterling Drug Inc. D-CON PROFESSIONAL FORMULA FLYING INSECT KILLER. Active Ingredients: Pyrethrins 0.50%; Piperonyl Butoxide, technical 1.00%; N-octyl bicycloheptene dicarboximide 1.00%; Petroleum distillate 3.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA 14775-GN. Asgrow Florida Co., Subsidiary of the Upjohn Co., PO Drawer D, Plant City FL 33566. PARATHION 8E. Active Ingredients: Parathion (O,O-diethyl O-p-nitrophenyl phosphorothioate) 78.7%.

Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 14775-GR. Asgrow Florida Co., Subsidiary of the Upjohn Co., PO Drawer D, Plant City FL 33566. CHLOROPENE 15 SOIL FUNGICIDE AND NEMATOCIDE. Active Ingredients: 1,3-Dichloropropane and related chlorinated aliphatics 85%; Chloropirin (Trichloronitromethane) 15%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8772-BG. Blue Cross Chemical Div. Zarov Chemical Co., 1301 S. First Ave., Maywood IL 60153. ALGAE-ZAP REGULAR. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene dichloride] 7.5%. Method of Support: Application proceeds under 2(b) of interim policy.

Dated: August 31, 1974.

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

[FR Doc.74-30691 Filed 9-6-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 20143, 20144; File Nos. BPH-8320, BPH-8498]

ATLAS BROADCASTING CO. AND PACIFIC QUADACASTING

Applications for Hearing

1. The Chief of the Broadcast Bureau, acting pursuant to delegated authority (§ 0.281 of the rules), has under consideration the above-captioned applications, which are mutually exclusive in that the applicants seek the same channel in Fresno, California.

2. An examination of the programming proposals is warranted when one applicant proposes predominantly specialized programming and the other, general market programming. Ward L. Jones, FCC 67-82(1967); "Policy Statement on Comparative Broadcast Hearings," 1 FCC 2d 393, footnote 9 at 397 (1965). In this case, Atlas Broadcasting Company proposes 84 hours per week Spanish-language and music programming oriented toward the Mexican-American segment of the population and 35 additional hours per week English programming (scheduled for 1 p.m. to 6 p.m. daily) which will be oriented towards the Black segment of the community. Affiliation with the Mutual Black Network is proposed. Pacific Quadracasting proposes general market programming. Therefore, the relative need for programming of the applicants may be compared under the standard comparative issue.

3. In the community-leader portion of its ascertainment of community problems and needs, Pacific Quadracasting failed to give sufficient data concerning the Fresno business, educational, and religious organizations within the community. Further, the applicant apparently failed to contact any leaders of the following groups: labor unions, religion, and industry. In addition, we can find no leaders listed as representatives of the Mexican-American or Black communities. In view of the requirements of question and answer 11(a) of the "Primer on the Ascertainment of Community Prob-

lems by Broadcast Applicants," 27 FCC 2d 650 (1971), and the Commission's recent decision in "Voice of Dixie, Inc.," 45 FCC 2d 1027 (1974), an appropriate issue has been included.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the efforts made by Pacific Quadracasting to ascertain the community problems of the area to be served and the means by which the applicant proposes to meet these problems.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

6. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

7. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: August 27, 1974.

Released: September 3, 1974.

FEDERAL COMMUNICATIONS COMMISSION,

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

[FR Doc.74-20726 Filed 9-6-74;8:45 am]

[Docket Nos. 19897, 19898, 19900, 19901; File Nos. BP-19073, BP-19201, BP-19203, BP-19204]

CAVALLARO BROADCASTING CORP. ET AL.

Memorandum Opinion and Order Regarding Construction Permits; Enlarging Issues

By the Review Board:

1. This proceeding involves the above-captioned mutually exclusive applications. Each seeks an authorization to construct a new standard broadcast station in its respective community to operate on 1030 kHz. By Commission

Memorandum Opinion and Order, 44 FCC 922, released December 27, 1973, these applications were designated for consolidated hearing on various issues. Presently before the Review Board is a petition to add issues, filed January 22, 1974, by Cavallaro Broadcasting Corporation (Cavallaro), seeking the addition of ascertainment, legal qualification, and § 1.580(f)(1) issues against Vieques Radio Corporation (Vieques Radio).¹

ASCERTAINMENT ISSUE

2. Cavallaro alleges that Vieques Radio's *Suburban* showing is deficient in at least four significant respects. First, Cavallaro alleges that Vieques Radio's initial general public survey was conducted to solicit program preferences and gain support for its application within the community rather than to ascertain community problems. Cavallaro also argues that, whereas Vieques Radio also conducted "various meetings" with members of the public, information with regard to these meetings is lacking as to how, when, and by whom the general public was polled; the number of contacts made; and whether a cross-section of the community was interviewed. Second, petitioner asserts that only two of twenty-eight community leaders interviewed by Vieques Radio were women and that neither of the two has been shown to be a leader of the community or of any community group. Cavallaro also argues that Vieques Radio's *Suburban* showing is deficient in that, while 99,150 persons reside within the proposed 5 mv/m contour, Vieques Radio has limited its ascertainment efforts to the island of Vieques (population 7,767). In this regard, Cavallaro asserts that Vieques Radio has not described its outlying service areas, and has consulted with but one non-resident of Vieques. Moreover, petitioner argues that, notwithstanding a disclaimer of service to these areas, Vieques Radio proposes substantial programming devoted to the Virgin Islands. Finally, Cavallaro argues that Vieques Radio has not adequately described programs which it proposes to meet community needs and no correlation between ascertained needs and programs proposed has been set forth as required by the "Primer on Ascertainment of Community Problems by Broadcast Applicants (Primer)," 27 FCC 2d 650, 21 RR 2d 1507 (1971), (Q. & A. 29).

3. In opposition, Vieques Radio first provides a lengthy description of the unique nature and size of Vieques, Puerto Rico.² The applicant then asserts that when considered in this unusual context, its ascertainment efforts were

clearly designed to establish a dialogue with the community. Thus, Vieques Radio alleges that its president and his associates personally consulted with over 1,000 Viequeans and listed 374 of these interviewees, identifying them by name and background. It is alleged that a tabulation of these interviewees indicates that people from almost every segment of the population were interviewed. Additionally, Vieques Radio observes that its vice-president held various meetings for the purpose of airing problems and that several letters, written by community leaders to the Commission, document its assertions regarding these meetings. In response to the allegation that it solicited program preferences rather than information to identify community problems, Vieques Radio argues that its application and an amendment filed on September 11, 1972, identified numerous problems. Vieques Radio also argues that at long as problems are sought out and received, neither the discussion of the potential of a radio station to alleviate community problems, nor requests for program preferences, are disqualifying. Turning to Cavallaro's allegation that an insufficient number of female community leaders were interviewed, Vieques Radio argues that it cannot be faulted if the results of its survey indicate that the community leaders of Vieques are predominantly men. In addition, Vieques Radio argues that three of the 28 leaders it interviewed were women, not two as petitioner alleges. In response to the allegation that it failed to consult leaders in outlying areas to which programming is proposed, Vieques Radio argues that they are adequately served by existing stations, except that they do have a need for information about events on Vieques. This need, it is argued, stems from the fact that a large number of Viequeans have migrated to St. Croix and now live and work in the Virgin Islands. Consequently, Vieques Radio alleges, the programs with the words "Virgin Islands" in their title are not designed to serve the Virgin Islands, but only the many Viequeans who live and work there. In regard to Cavallaro's final allegation, Vieques Radio argues that its application provides an adequate explanation of what specific programs are designed to meet problems which have been discovered.³

4. The Review Board is of the view that several of Cavallaro's allegations raise substantial questions as to the adequacy of Vieques Radio's *Suburban* show-

² The applicant states that Vieques is an island located 18 miles southeast of the Puerto Rican mainland. The island is approximately 50 square miles in area. The U.S. Navy controls 71 percent of the island and the remaining 29 percent is the only inhabited area. There is only one major population center, Isabel Segunda, where approximately 5,000 of the island's 7,800 persons reside. Vieques has no newspapers and newspapers from other areas are not available to the public at newsstands. Communication is had by word of mouth and loudspeakers mounted on cars.

³ The Broadcast Bureau also opposes addition of the requested ascertainment issue.

ing. Therefore, we believe a *Suburban* issue is warranted. Initially, in light of Vieques Radio's failure to submit a complete demographic profile indicating the composition of the community it proposes to serve, it has not been possible for the Board to determine that the leaders contacted by the applicant are representative of the community. See *Jerry Lawrence*, FCC 74R-283, released August 13, 1974; *Robert Cowan Wagner*, 38 FCC 2d 403, 25 RR 2d 1095 (1972). Other than general statements indicating several factors which allegedly make the Island of Vieques unique, the application is almost devoid of data providing a breakdown of the population, economic activities, governmental structure and cultural and other significant organizations. Moreover, although Vieques Radio claims that 90% of the community is racially and ethnically homogenous, the applicant has failed to submit any data regarding the other 10 percent of the population of Vieques.⁴

The applicant also failed to identify who conducted its community leader survey in accordance with *Primer*, Q. & A. 11(a). And, although it did identify the principal conducting the "meetings" with members of the community, in the absence of specific detail as to these meetings, these contacts cannot be relied upon. Finally, although Vieques Radio disclaims any intention to serve those areas its signal will reach beyond the Island of Vieques, its concession that it will serve former residents of Vieques now living and working in the Virgin Islands, leads us to conclude that the applicant should have surveyed at least the leaders of that particular segment of the population of the Virgin Islands. Cf. *Tung Broadcasting Co.*, 33 FCC 2d 1145, 23 RR 2d 1185 (1972). In our view, it cannot be assumed that these former residents of Vieques will share the needs of the present inhabitants of that island. Moreover, the applicant has failed to submit information regarding major communities in its service area and specific reasons for not serving them.⁵ See *Primer*, Q. & A. 6; compare "Gilroy Broadcasting Company, Inc.," 41 FCC 2d 20, 27 RR 2d 1034 (1973).

LEGAL COMPETENCY

5. The second issue that Cavallaro requests deals with Vieques Radio's legal qualifications to hold a station license. In support of this request, Cavallaro alleges that Vieques Radio has failed to demonstrate its compliance with section 310(a) (4) of the Communications Act of 1934,

⁴ Although we agree with Vieques Radio that petitioner has not shown specific women's organizations or female leaders who were overlooked, because of the deficient demographic information submitted, we cannot conclude that this presumptively significant portion of the community was adequately surveyed.

⁵ We do not, however, find that the incidental elicitation of program tastes together with community needs is a deficiency or that the allegations regarding description of programs and correlation to needs are borne out.

¹ The Board also has before it for consideration the following related pleadings: (a) opposition, filed February 4, 1974, by Vieques Radio; (b) comments, filed March 4, 1974, by the Broadcast Bureau; (c) letter, filed March 22, 1974, by Cavallaro; (d) reply to opposition and comments, filed April 11, 1974, by Cavallaro.

as amended,⁶ since no information has been furnished concerning the citizenship of two of Vieques Radio's subscribers, Raphael S. Carillo and Israel Delgado Ramos, whose combined interests allegedly comprise over 30 percent of Vieques Radio stock issued or subscribed. In opposition, Vieques Radio states that it has been "informed informally that both Raphael S. Carillo and Israel Delgado Ramos are citizens", and that Mr. Carillo is a naturalized citizen. Specific data as to Mr. Carillo's naturalization is provided.

6. The Board will add the requested legal qualifications issue. Question 7, Section II of Form 301 requests information for any party to this application who claims citizenship by reason of naturalization. Since Vieques Radio has not provided this information with regard to Raphael S. Carillo and Israel Delgado Ramos, we cannot conclude that "an affirmative showing of citizenship to at least a reasonable degree" has been made. "Kentucky Broadcast Corp., 6 FCC 776, 778 (1939). Furthermore, the "informal" information which Vieques Radio provides in its opposition does not comport with the support or specificity requirements of § 1.229(c) of the Commission's rules. Therefore, the issues must be enlarged to provide the applicant the opportunity to develop the necessary facts on the record.⁷

SECTION 1.580(f) (1)

7. Cavallaro also requests an issue to determine whether Vieques Radio has failed to give proper public notice of a proposed frequency change as required by § 1.580(f) (1) of the Commission's rules.⁸

Petitioner asserts that Vieques Radio did not comply with the requirements of § 1.580(f) (1), since its July, 1972 notice neglected to name Mr. Carillo, although he had subscription rights to 15,000 or 18 percent of the 81,500 shares then issued or subscribed. In opposition, Vieques Radio concedes that it failed to publish Mr. Carillo's name. However, it

⁶ Section 310(a) (4) of the Communications Act provides:

(a) The station license required hereby shall not be granted or held by—

(4) Any corporation of which any officer or director is an alien or of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country;

⁷ Should the evidence adduced at hearing under this issue raise a substantial question as to the applicant's compliance with §§ 1.514 or 1.65, we would at that time entertain an appropriately filed petition to enlarge.

⁸ Section 1.580(f) (1) of the Commission's rules provides, *inter alia*, that:

(f) The notice required * * * shall contain the following information, * * *

(1) * * * the names of those persons holding 10 percent or more of the capital stock or other ownership interest if the applicant is a corporation or an unincorporated association.

asserts that the notice did not seek to apprise the public of transfer of control, that the amendment as published was adequate to inform the public of Vieques Radio's filing, and that it was in substantial compliance with the requirements of § 1.580(f) (1). Additionally, Vieques Radio alleges that Mr. Carillo was previously identified as a minority stockholder in the original application. Finally, Vieques Radio submits that the omission of Mr. Carillo's name as a subscriber of 15,000 out of 146,500 shares, not 81,500 as alleged by Cavallaro, was inadvertent and does not raise a significant question as to its qualifications to be a Commission licensee.

8. The Review Board will add the requested issue. It is well established that an amendment proposing a change in frequency is a major amendment of an application which requires publication in accordance with § 1.580 of the Commission's rules. See § 1.571(b) of the Commission's rules; and "Lauderdale Broadcast, Inc." 20 FCC 2d 498, 17 RR 2d 1004 (1969). In addition, it appears that at the time of the amendment in question, Carillo had subscribed to 18 percent of Vieques Radio's outstanding stock; thus, his name was required in the publication. However, we have no reason to doubt Vieques Radio's claim of inadvertence, and in light of this fact and the fact that this isolated incident took place over two years ago, we will add the issue on a comparative basis only.

9. Accordingly, it is ordered, That the petition to add issues, filed January 22, 1974, by Cavallaro Broadcasting Corporation, is granted to the extent indicated herein, and is denied in all other respects; and

10. It is further ordered, That the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine the efforts made by Vieques Radio Corporation to ascertain the community needs and interests of the area to be served by its proposed station and the means by which the applicant proposes to meet those needs and interests.

(b) To determine whether a grant of the application of Vieques Radio Corporation would be consistent with the provisions of section 310(a) (4) of the Communications Act of 1934, as amended.

(c) To determine whether the applicant has violated § 1.580(f) (1) of the Commission's rules and, if so, to determine the effect thereof upon the applicant's comparative qualifications to be a Commission licensee.

11. It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof under issues (a) and (b) added herein shall be on Vieques Radio Corporation.

Adopted: August 27, 1974.

Released: August 29, 1974.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-20727 Filed 9-6-74; 8:45 am]

FEDERAL ENERGY ADMINISTRATION WHOLESALE PETROLEUM ADVISORY COMMITTEE Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Wholesale Petroleum Advisory Committee will meet Monday, September 23, 1974, at 9 a.m. in the Garden Lounge, Del Webb Towne House Hotel, 8th & Market Streets, San Francisco, California.

The Committee was established to advise the Administrator, Federal Energy Administration, with expert and technical advice concerning the wholesale trade of selling heating oil, residual fuel, and gasoline.

The agenda for the meeting is as follows:

- I. Old Business.
 - A. Review and Discussion of Problems Concerning Allocation and Pricing of no lead gasoline.
 - B. Comments on Market Share Situation.
 - C. Committee Reorganization.
- II. New Business.
 - A. Discussion of Allowable Margins.
 - B. Discussion of Antifreeze Availability.
 - C. Review of Two-Tier Crude Oil Pricing System.
 - D. Discussion of Deallocation of Fuels.
 - E. Discussion of Class of Trade Allocation System.
 - F. Review of Proposed Regulations.
 - G. Remarks from the Floor (10 minute rule).

The meeting is open to the public; however, space and facilities are limited.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Ms. Lois Weeks, Advisory Committee Management Office, (202) 961-7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on September 3, 1974.

ROBERT E. MONTGOMERY, JR.,
General Counsel.

[FR Doc.74-20688 Filed 9-6-74; 8:45 am]

FEDERAL POWER COMMISSION [Docket No. RP73-108] PANHANDLE EASTERN PIPE LINE CO. Order Approving Rate Settlement AUGUST 30, 1974.

On August 1, 1974, the Presiding Administrative Law Judge certified to the

Commission for approval a proposed settlement agreement in the above-entitled proceeding. If approved, the settlement agreement would resolve all issues in this proceeding. The proposed settlement rates would result in a reduction of approximately \$16.7 million annually in Panhandle's presently effective rates.

This proceeding involves a general rate increase application filed by Panhandle on May 15, 1973, for jurisdictional natural gas sales and services of \$36.9 million annually based on estimated costs and sales for the 12-month period ending January 31, 1973, as adjusted. By Commission order issued June 28, 1973, the proposed increase was suspended for the maximum statutory period of 5 months, following which the increased rates became effective on December 1, 1973, subject to refund.

Commencing on March 14, 1974, and continuing intermittently until July 29, 1974, conferences were held between and among the parties to the proceeding. The subject settlement agreement is the result of these conferences. The proposed settlement agreement was received as a part of the record on July 29, 1974, and was certified to the Commission, together with the entire hearing record relating thereto, on August 1, 1974. At the July 29, 1974, prehearing conference, all parties in attendance were provided the opportunity to state their positions with respect to the proposed settlement. All parties commenting either supported the settlement or took no position on it. No party opposed the settlement. Public notice of the settlement was issued on August 14, 1975, providing for comments to be filed on or before August 21, 1974. No additional comments have been received in response to the notice. The principal provisions of the settlement agreement may be summarized as follows:

(1) *Article I* is an introductory statement of the formal proceedings and settlement conferences in the subject docket. *Article II* is a statement of the settlement rates, referenced to the appropriate appendices, for the several time periods in which various rate changes occur as a result of PGA filings by Panhandle and for a major increase in Panhandle's employees salaries and wages. This article, and the appropriate appendices, set forth both the rates upon which refunds will be computed, as well as the rates which will be applied prospectively. Refunded amounts will include interest computed at 7 percent per annum for the period from date of payment to the date of refund.

(2) *Article III* sets forth the agreed-to jurisdictional cost of service, jurisdictional demand units and sales volumes, and total system sales volumes, which are reflected in the rates applicable to prospective jurisdictional sales.

(3) *Article IV* provides for a revision in Panhandle's depreciation rates from the previously Commission approved composite rate of 3.5 percent to new depreciation rates of 4 percent for transmission property, 8 percent for gathering property, and 3.5 percent for storage property. This article also provides that

no further revision shall be made to Panhandle's depreciation rates prior to January 1, 1977.

(4) *Article V* provides for an "Advance Payment Tracker" to be reflected in the commodity charges of Panhandle's two-part rates and in its one-part rates. Advance payments for gas totaling \$22,136,832 are included in the settlement cost of service rate base. The cost of service effect of advance payment changes from the established advance payment base will be computed by applying a return and income tax factor of 12.97 percent times the change in the advance payment base. The Commission is not precluded from suspending rate increases related to advance payments and allowing such rate changes to be made effective subject to refund.

(5) *Article VI* describes the manner in which any changes in Federal Income tax rates or imposition of new Federal Income taxes will be reflected in Panhandle's rates. If any such changes occur, the commodity component of its two-part rates and its one-part rates will be increased or decreased, as the case may be, by \$0.0015 per Mcf for each 1 percent by which the new effective tax rate is more or less than 48 percent.

(6) *Article VII* provides for a moratorium on rate increases until November 1, 1975, except for increases to reflect adjustments for purchased gas costs, advance payments, and federal income tax rates. This article provides, however, that the moratorium shall not preclude Panhandle from proposing a research and development provision pursuant to Order No. 483 in Docket No. R-462, and to implement such provision if approved by the Commission.

(7) *Article VIII* incorporates certain procedural conditions and provides for waiver of the Commission's regulations if required to permit the settlement terms and provisions to become effective as proposed.

In addition, the settlement agreement incorporates certain proposed tariff sheets¹ pursuant to which Panhandle would apply a demand charge adjustment in the form of a commodity surcharge in computing charges to its customers. The proposed demand charge adjustment will allow Panhandle's distributor customers to recover increased costs of gas purchased by them during periods of curtailment in deliveries by Panhandle. Panhandle's ability to recover its proper level of revenues will not be affected. The proposed tariff sheets are attached to the settlement agreement as Appendix G(b).

The settlement incorporates rates applicable to four separate time periods. Rates for the period December 1, 1973, to February 1, 1974, are based on a total company cost of service of \$335.8 million, as set forth in Appendix A hereto. Rates for the period February 1, 1974, to May 1, 1974, are based on the previous cost of

¹ Interim Original Tariff Sheets 42-C.1 and 42-C.2, to Panhandle's FPC Gas Tariff, Original Volume No. 1.

service adjusted for an increase in commodity rates of 2.35 cents per Mcf representing increased purchased gas costs which become effective February 1, 1974, in Docket No. RP73-36. Rates for the period May 1, 1974, to August 1, 1974, are based on a total company cost of service of approximately \$339 million (Appendix A). This cost of service reflects the inclusion of \$3.17 million of increased wage expenses which became effective on May 1 and May 6, 1974. Rates for the period from and after Aug. 1, 1974, are based on a total company cost of service of approximately \$354.7 million (Appendix A). This cost of service reflects the further inclusion of \$15.7 million of costs associated with the construction and operation of Panhandle's Denver-Julesburg Basin gas supply project certificated by the Commission in Docket No. CP 72-181. Inclusion of the Denver-Julesburg costs was contingent upon the project being placed in service prior to November 1, 1974. On August 1, 1974, Panhandle notified the Commission that the subject facilities had been completed and placed in service.

In addition, the August 1 rates include additional increased purchased gas costs of 3.79 cents per Mcf which became effective on August 2, 1974, in Docket No. RP73-36.

The settlement costs of service include a return on Panhandle's net investment rate base of 8.31 percent resulting in an allowance of 11.75 percent on common equity. The settlement capitalization and rate of return components are shown in Appendix B hereto. We find the settlement costs of service, rate of return, and resulting rates to be reasonable and in the public interest, and they are hereby approved.

Based on our review of the proposed settlement agreement, the entire record relating thereto, and the comments of the parties, we find that the settlement agreement represents a reasonable resolution of the issues in this proceeding in the public interest, and that accordingly it should be approved. However, that portion of Panhandle's rates represented by its most recent PGA increase in Docket No. RP73-36 should be made effective on August 2, 1974, rather than August 1 as contemplated by the settlement agreement.

The Commission finds: The settlement of this proceeding on the basis of the settlement agreement certified by the Presiding Judge on August 1, 1974, is reasonable and proper and in the public interest in carrying out the provisions of the Natural Gas Act, and such agreement should be approved as hereinafter ordered.

The Commission orders: (A) The settlement agreement certified by the Presiding Judge on August 1, 1974, is incorporated by reference and made a part hereof, and is approved and adopted.

(B) Within 30 days from the date of this order, Panhandle shall file with the Commission revised tariff sheets in conformity with the terms of the settlement agreement.

(C) That portion of Panhandle's rates which represent the increased cost of purchased gas as filed by Panhandle on June 14, 1974, shall become effective on August 2, 1974, rather than August 1, in accordance with the Commission's order of July 31, 1974, in Docket No. RP73-36.

(D) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission,

its staff, Panhandle, or by any other party or person affected by this order in any proceedings now pending or hereafter instituted by or against Panhandle or any other person or party.

(E) The Secretary shall cause the prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A.—Panhandle Eastern Pipe Line Company Docket No. RP73-108

| Item | Settlement Costs of Service | | |
|------------------------------------|-----------------------------|---------------|----------------|
| | December 1, 1973 | May 1, 1974 | August 1, 1974 |
| Operation and maintenance..... | \$235,461,633 | \$238,579,596 | \$251,465,167 |
| Depreciation and amortization..... | 32,587,643 | 32,587,643 | 34,771,963 |
| Other gas revenues—credit..... | (8,021,125) | (8,021,125) | (12,603,813) |
| Return (8.31 percent)..... | 37,637,945 | 37,670,332 | 40,164,188 |
| Taxes—Federal income..... | 25,081,289 | 25,099,726 | 27,141,434 |
| State income..... | 1,946,268 | 1,947,804 | 1,970,906 |
| Other..... | 11,115,210 | 11,115,210 | 11,733,878 |
| Total cost of service..... | 335,808,863 | 338,979,126 | 354,663,703 |

APPENDIX B.—Panhandle Eastern Pipe Line Company
Capitalization and Rate of Return, January 31, 1974, Docket No. RP73-108

| Line No. | Amount | Ratio | | Weighted return |
|---|---------------|---------|---------|-----------------|
| | | Percent | Percent | |
| 1..... Long term debt..... | \$324,277,000 | 57.14 | 6.38 | 3.65 |
| 2..... Preferred Stock..... | 37,821,000 | 6.66 | 6.88 | 0.46 |
| 3..... Accumulated deferred income tax..... | 2,428,082 | 0.43 | 0.00 | 0.00 |
| 4..... Common equity..... | 203,010,116 | 35.77 | 11.75 | 4.20 |
| 5..... Total..... | \$567,536,198 | 100.00 | | 8.31 |

[FR Doc.74-20651 Filed 9-6-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 4, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

DEPARTMENT OF AGRICULTURE

Forest Service: Selway Bitterroot Wilderness Use Study, Form —, Annual, Planchon, Visitor groups in Selway Bitterroot Wilderness in Mont.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Departmental: Prototype Evaluation for the Basic Homes Program, Form—, Single time, CVAD, Individuals.

NATIONAL SCIENCE FOUNDATION

The General Public and Community Leaders View the Revenue-Sharing Program, Form 51259A, 51259B, Single time, Ellett/Wann, General public and community leaders.

Sewerage Facilities Planning Questionnaire Water Facilities, Planning Questionnaire, Form—, Single time, Ellett, Public works Directors of cities with 25,000-100,000 pop.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration: General Requirements of the Federal Motor Vehicle Standards, Form HS 189, Occasional, Lowry, Importers of nonconforming vehicles.

DEPARTMENT OF TRANSPORTATION

Departmental: Boston SMSA Manufacturers Space Use Survey, Form—, Single time, Strasser/Ellett/Sunderhauf, Manufacturers in greater Boston area.

REVISIONS

None

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service: Regulations—Food Stamp Program and Disaster Procedures, Form —, Occa-

sional, Evinger, State and local agencies.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc. 74-20764 Filed 9-6-74; 8:45 am]

PENNSYLVANIA AVENUE
DEVELOPMENT CORPORATION
COMMUNITY ADVISORY GROUP

Notice of Meeting

Pursuant to the provisions of section 10 of Pub. L. 92-463, effective January 5, 1973, notice is hereby given that a meeting of the Community Advisory Group will be held on Thursday, September 19, 1974 at 2 p.m.

The meeting will be held in the conference room of the Pennsylvania Avenue Development Corporation, Suite 1148 of the Pennsylvania Building, 425 13th Street Northwest, Washington, D.C.

The purpose of the meeting will be to present a progress report and review of the unofficial Pennsylvania Avenue Plan 1974 as proposed. Potential landscape schemes as developed by the Corporation's consultants for the Avenue will also be discussed.

The meeting will be open to the public to the extent that space and facilities will permit.

For further information call Ms. Katherine Gresham, Urban Planner, Pennsylvania Avenue Development Corporation, Washington, D.C. Area code 202/343-9423.

PETER T. MESZOLY,
General Counsel.

[FR Doc.74-20738 Filed 9-6-74;8:45 am]

OWNERS AND TENANTS ADVISORY BOARD

Notice of Meeting

Pursuant to the provisions of section 10 of Pub. L. 92-463, effective January 5, 1973, notice is hereby given that a meeting of the Owners and Tenants Advisory Board will be held on Wednesday, September 18, 1974 at 2 p.m.

The meeting will be held in the conference room of the Pennsylvania Avenue Development Corporation, Suite 1148 of the Pennsylvania Building, 425 13th Street Northwest, Washington, D.C.

The purpose of the meeting will be to present a progress report and review of the unofficial Pennsylvania Avenue Plan 1974 as proposed. Potential landscape schemes as developed by the Corporation's consultants for the Avenue will also be discussed.

The meeting will be open to the public to the extent that space and facilities will permit.

For further information call Ms. Katherine Gresham, Urban Planner, Pennsylvania Avenue Development Corporation, Washington, D.C. Area code 202/343-9423.

PETER T. MESZOLY,
General Counsel.

[FR Doc.74-20739 Filed 9-6-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

BOSTON STOCK EXCHANGE

Application for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 30, 1974.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

MAREMONT CORPORATION (DELAWARE); FILE NO. 7-4645

Upon receipt of a request, on or before September 14, 1974, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-20705 Filed 9-6-74; 8:45 am]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Amendment to Option Plan

Notice is hereby given that the Chicago Board Options Exchange, Inc. (CBOE) has filed a proposed amendment to its Option Plan pursuant to Rule 9b-1 under the Securities Exchange Act of 1934 (17 CFR 240.9b-1).

The main thrust of the new proposal, which is a new Rule 4.17, would be to prohibit members from entering orders for opening purchase transactions and opening writing transactions (subject to several exceptions) in any series of options as to which, as of the last previous trading day's close, (i) the market price of the underlying stock was more than 5 points below the exercise price and (ii) the option premium was less than one-half point.

Under the proposal there would be automatic imposition and removal of restrictions at the commencement of each

trading day depending on whether the stated conditions were met as of the previous close, without the need for any action or notice by the Exchange.

The proposed amendment will become effective upon the 30th day after this notice appears in the FEDERAL REGISTER, or upon such earlier date as the Commission may allow unless the Commission shall disapprove the change in whole or in part as being inconsistent with the public interest or the protection of investors.

All interested persons are invited to submit their views and comments on the proposed amendment to CBOE's plan either before or after it has become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to file number 10-54. The proposed amendment is, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street NW., Washington, D.C.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

AUGUST 27, 1974.

[FR Doc.74-20703 Filed 9-6-74; 8:45 am]

SMALL BUSINESS ADMINISTRATION

INVESAT CORP.

[License No. 04/04-0110]

Application for a License as a Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA), pursuant to § 107.102 of the regulations governing small business investment companies (SBIC's) (13 CFR 107.102 (1974)) under the name of Invesat Corporation, Jackson, Mississippi for a license to operate in the State of Mississippi as an SBIC under the provisions of the Small Business Investment Act of 1958 (Act), as amended (15 U.S.C. 661 et seq.).

The applicant is registering under the Securities Act of 1933 and the Investment Company Act of 1940. It appears that there will not be any single stockholder owning ten (10) or more percent of the issued and outstanding stock.

The proposed officers and directors are:

J. Thomas Noojin, 3077 E. Colonial Way, Atlanta, Georgia, President.

Reuben V. Anderson, 538½ North Farish Street, Jackson, Mississippi, Secretary-Treasurer, Director.

James B. Campbell, 4152 North Honey-suckle Dr., Jackson, Mississippi, Director.

Douglas L. Conner, 123 North Washington St., Starkville, Mississippi, Director.

Mel D. Ellis, First National Bank, Meridian, Mississippi, Director.

Miller P. Holmes, Delta National Bank, P.O. Box 750, Yazoo City, Mississippi, Director.

Thomas J. Long, 2605 13th Street, Gulf South Building, Gulfport, Mississippi, Chairman of the Board of Directors, Director.

Kent E. Lovelace, Jr., 2500 14th Street, Gulfport, Mississippi, Director.

Lewis F. Mallory, Jr., National Bank of Mississippi, P.O. Drawer 391, Starkville, Mississippi, Director.

Frank Oakes, P.O. Box 83, McComb, Mississippi, Director.

Harry D. Owen, 202 East Pearl Street, Jackson, Mississippi, Director.

Jerry Owens, 300 Katie Avenue, Hattiesburg, Mississippi, Director.

Thomas C. Parry, P.O. Box 388, Yazoo City, Mississippi, Director.

Herman Pride, 1072 Lynch Street, Jackson, Mississippi, Vice President, Director.

The company will begin operations with private capital of approximately \$1.5 million. No concentration in any particular industry is planned. The applicant intends to make investments in small business concerns, with growth potential located primarily in the State of Mississippi.

In addition, the applicant plans to form a wholly-owned subsidiary known as Invesat Capital Corporation to operate as a section 301(d) licensee, as defined in the Act. A section 301(d) Licensee is a small business investment company, the investment policy of which is to provide equity funds, long-term loans and management assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantage.

It is anticipated that the wholly-owned subsidiary will have initial capital of \$150,000 and the officers and directors of the parent will also serve on the subsidiary's Board of Directors.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any interested person may, not later than September 19, 1974 submit to SBA, in writing, relevant comments on the proposed company. Any communication should be addressed to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Jackson, Mississippi.

Dated: September 4, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator
for Investment.

[FR Doc.74-20756 Filed 9-5-74; 10:17 am]

[Declaration of Disaster Loan Area 1088;
Amdt 1]

FLORIDA

**Amendment to Declaration of Disaster
Loan Area**

As a result of heavy rains and flooding which occurred June 27 to July 1, 1974, the State of Florida was declared a disaster loan area. This amendment redefines the incidence period as having commenced on June 24, 1974. (See 39 FR 28481.)

All other conditions under this Declaration remain the same.

Dated: August 9, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74-20709 Filed 9-6-74;8:45 am]

**CASPER DISTRICT ADVISORY COUNCIL
Meeting**

The Small Business Administration Casper District Advisory Council will convene at 1 p.m., e.d.t., Friday, September 27, 1974, in the Hospitality Room of the Pacific Power & Light Company, 206 South Third Street, Laramie, Wyoming, to discuss such business as may be presented by members and the staff of the Small Business Administration.

Dated: August 30, 1974.

JOHN JAMESON,
*Director, Office of Advisory
Councils, Small Business
Administration.*

[FR Doc.74-20708 Filed 9-6-74;8:45 am]

**MONTPELIER DISTRICT ADVISORY
COUNCIL
Meeting**

The Small Business Administration Montpelier District Advisory Council will convene at 12 noon, e.d.t. Tuesday, September 24, 1974, at the Space Research Corporation, North Troy, Vermont, to discuss the assignment of projects for the Council in the coming year and to review the current programs in Vermont.

Dated: August 30, 1974.

JOHN JAMESON,
*Director, Office of Advisory
Councils, Small Business Ad-
ministration.*

[FR Doc.74-20707 Filed 9-6-74;8:45 am]

DEPARTMENT OF LABOR

Office of Federal Contract Compliance

**STATE AND LOCAL GOVERNMENT EQUAL
EMPLOYMENT OPPORTUNITY REQUIRE-
MENT FOR FEDERALLY ASSISTED CON-
STRUCTION CONTRACTS**

Approval of the County of San Diego Bid Conditions and Affirmative Action Requirements and Opportunity for Appeal

Background. 41 CFR 60-1.4(b) (2) (39 2365, January 21, 1974) prescribes procedures whereby State and local governments intending to impose

affirmative action hiring and/or training requirements on federally assisted construction already subject to Federal minority hiring and/or training plans established pursuant to Executive Order 11246, as amended, shall submit such requirements to the Director of the Office of Federal Contract Compliance. Such State and local requirements will be deemed applicable to federally assisted construction contracts unless the OFCC Director, or in the case of an appeal of the Director's determination, the Assistant Secretary for Employment Standards, determines that such requirements are inconsistent with the Order or incompatible with the effective implementation of the Federal minority hiring and/or training plan (either voluntary or imposed) in the area.

Pursuant to 41 CFR 60-1.4(b) (2), the County of San Diego submitted its Bid Conditions and Affirmative Action Requirements for Equal Employment Opportunity to the OFCC Director. In relevant part, the County EEO bid conditions are substantially similar to the Federal EEO Bid Conditions incorporating the Federal hiring and training plan in effect in San Diego. The County EEO bid conditions, like the Federal EEO Bid Conditions, consist of four parts and operate in a similar manner.

Part I of the County EEO bid conditions incorporates the Federal hiring and training plan known as the San Diego Plan which was formulated by local contractors, contractors associations, building trades unions and minority organizations and includes annual employment goals for individual trades. Signatories of the Federal San Diego Plan are also subject to the terms and conditions of Part I of the County's EEO bid conditions when performing county assisted construction work.

For those contractors and unions not signatory to, or for any reason, not eligible to or desirous of participating in the Federal San Diego Plan, Part II of the County's EEO bid conditions sets forth mandatory affirmative action requirements generally paralleling those of the Federal San Diego Plan. The principal distinction with respect to the applications of Parts I and II is that the obligations of contractors under Part II are individual obligations that run to their own work forces and as to which they must make good faith efforts to reach goals for minority utilization. Under Part I of the Federal San Diego Plan, the minority utilization obligations are trade obligations and it is the administrative committee of the San Diego Plan that assigns "fair share" goals to the individual members of the trade. The ultimate goals for Part II of both the Federal and County bid conditions are 24 to 30 percent. The Federal EEO Bid Conditions, however, require achievement of these goals by 1976, while the County bid conditions are effective through 1977.

Part III of the County's EEO bid conditions consists of a Bidders' Certification form which is required to be completed by all bidders. The Bidders' Certification is a material condition of the

bid conditions and failure to submit the certification will render the bid nonresponsive to the invitation for bids.

Part IV recites the terms and conditions under which contractors must perform their responsibilities under either Part I or Part II of the bid conditions. Furthermore, Part IV provides that those contractors or subcontractors who do not meet their goals or show a good faith effort to do so will be subject to one or more sanctions including termination, suspension and liquidated damages equal to 1/4 of 1 percent of the contract price for each day of non-compliance, such amount to be no less than \$25 per day but no more than \$100 per day.

Copies of the County of San Diego Bid Conditions and Affirmative Action Requirements for Equal Opportunity may be obtained from the County Contract Compliance Office, Human Resources Agency, 5555 Overland Avenue, Building 11, San Diego, California 92123, or Philip J. Davis, Director, Office of Federal Contract Compliance, U.S. Department of Labor, 14th and Constitution Avenue, N.W., Washington, D.C. 20210.

Decision. After careful review of the County of San Diego Bid Conditions and Affirmative Action Requirements for Equal Employment Opportunity, in accordance with the provisions of 41 CFR 60-1.4(b) (2), I have determined that the County's EEO bid conditions are not inconsistent with Executive Order 11246, as amended, and not incompatible with the effective implementation of the Federal San Diego Plan. Accordingly, the County of San Diego may include its EEO bid conditions in federally assisted construction contracts.

Rights of Appeal. On August 30, 1974, in accordance with 41 CFR 60-1.4(b) (2), I communicated my determination to Mr. Victor L. Reed, Contract Compliance Coordinator, Human Resources Agency, by registered mail, return receipt requested.

Pursuant to 41 CFR 60-1.4(b) (2), any persons or groups affected by my determination, including construction contractors, labor organizations, associations or other organizations of construction trades contractors and/or labor organizations, and minority community groups, may appeal this determination to Mr. Bernard E. DeLury, Assistant Secretary for Employment Standards, 14th and Constitution Avenue, N.W., Washington, D.C. 20210, by requesting a hearing by September 30, 1974. Following this appeal period, if any requests for a hearing have been filed with the Assistant Secretary, the Department of Labor shall then designate an administrative law judge who shall conduct a hearing to make proposed findings and a recommended decision to the Assistant Secretary upon the basis of the record before him. The administrative law judge shall give reasonable notice of the opportunity to participate in such hearing by registered mail, return receipt requested, to those requesting the hearing and shall also give reasonable notice of such hearing in the FEDERAL REGISTER to inform

all other persons, organizations and other entities affected by my determination of their opportunity to participate in the hearing. Each participant shall have the right to counsel and a fair opportunity to present his case, including such cross-examination as the administrative law judge may deem appropriate in the circumstances. Within 80 days of the close of the appeal period for requesting a hearing, the Assistant Secretary shall make a final decision on the basis of the record before him, which shall consist of the rulings and recommended decision of the administrative law judge, and the exceptions and briefs filed subsequent to the administrative law judge's decision.

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

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

[FR Doc.74-20744 Filed 9-6-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 586]

ASSIGNMENT OF HEARINGS

SEPTEMBER 4, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after September 9, 1974.

MC 130228, Moreno Tours, Inc., now assigned September 9, 1974, at New York, N.Y., is postponed indefinitely.

MC 114211 Sub 222, Warren Transport, Inc., now assigned October 1, 1974, will be held in Room 1614, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street, Chicago, Ill.

MC 114273 Sub 161, Cedar Rapids Steel Transportation, Inc., now assigned October 2, 1974, will be held in Room 1614, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Chicago, Ill.

MC 139335 Sub 2, Jackson Transfer, Inc., now assigned October 3, 1974, will be held in Room 1614, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Chicago, Ill.

MC 116519 Sub 21, Frederick Transport Limited, now assigned October 7, 1974, will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Chicago, Ill.

MC 123639 Sub 155, J. B. Montgomery, Inc., now assigned October 21, 1974, will be held in Room 595, U.S. Courthouse, 1929 Stout St., Denver, Colo.

FF-426 Sub 1, Express Forwarding and Storage Co., Inc., now assigned October 16, 1974, at New York, N.Y., will be held in Room B-2231, 26 Federal Plaza.

MC-F-12114, Preston Trucking Company, Inc.—Purchase (Portion)—Express/S.D.Z.

(Irvin Klein, Trustee), now assigned October 7, 1974, at New York, N.Y., will be held in Room A-238, 26 Federal Plaza.

MC 139645, Service Motor Freight, Inc., now assigned October 9, 1974, at New York, N.Y., will be held in Room A-238, 26 Federal Plaza.

MC 99208 Sub 12, Skyline Transportation, Inc., now assigned October 1, 1974, will be held in Room LL-8, 301 Cumberland Bldg., Knoxville, Tenn.

MC 127834 Sub 99, Cherokee Hauling and Rigging, Inc., now assigned October 8, 1974, will be held in Room 844, 167 N. Main St., Memphis, Tenn.

MC 108676 Sub 58, A. J. Metler Hauling & Rigging, Inc., now assigned October 7, 1974, will be held in Room 844, 167 N. Main St., Memphis, Tenn.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-20748 Filed 9-6-74;8:45 am]

[Finance Docket No. 26877]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

Abandonment Between Winthrop, Sibley County, and Klossner, Nicollet County, Minnesota

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding, because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. ss 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Sibley and Nicollet Counties, Minn., within 15 days of the date of service of this order, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 27th day of August 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

INTERSTATE COMMERCE COMMISSION

NOTICE

[Finance Docket No. 26877]

THE CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY ABANDONMENT BETWEEN WINTHROP, SIBLEY COUNTY, AND KLOSSNER, NICOLLET COUNTY, MINNESOTA

The Interstate Commerce Commission hereby gives notice that by order dated

August 27, 1974, it has been determined that the proposed abandonment of the line of the Chicago and North Western Transportation Company between Winthrop, Sibley County, and Klossner, Nicollet County, a distance of approximately 12.8 miles all in Minnesota, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321 et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental effects of the proposed abandonment are insignificant because no major adverse ecological effects are anticipated if the action is authorized. The amount of freight shipped over the line is relatively minor, and there are no new developmental plans in the area dependent on this line for rail service. Furthermore, the Minnesota Department of Natural Resources has expressed its desire to purchase the right-of-way for recreational purposes or a wildlife habitat area.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before September 24, 1974.

[FR Doc.74-20750 Filed 9-6-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

SEPTEMBER 4, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before September 19, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-2261 (Sub-No. E2), filed May 28, 1974. Applicant: KEENAN TRANSFER AND STORAGE, INC., P.O. Box 3258, Albany, Ga. 31702. Applicant's representative: J. Sewell Elliott, Suite 506, American Federal Bldg., Macon, Ga. 31201. Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Florida on, east, and southeast of a line from the Florida-Georgia State line along U.S. Highway 221 to Perry, thence along Florida Highway 361 to Keaton Beach on the Gulf of Mexico to points in Alabama and Georgia on, north, and east of a line from the Alabama-Mississippi State line along U.S. Highway 80 to the junction of Interstate Highway 85, thence along Interstate Highway 85 to the junction of U.S. Highway 27 at La Grange, Ga., thence along U.S. Highway 27 to the Georgia-Tennessee State line. The purpose of this filing is to eliminate the gateway of La Grange, Ga., and points within 35 miles thereof.

No. MC-2261 (Sub-No. E3), filed May 28, 1974. Applicant: KEENAN TRANSFER AND STORAGE, INC., P.O. Box 3258, Albany, Ga. 31702. Applicant's representative: J. Sewell Elliott, Suite 506, American Federal Bldg., Macon, Ga. 31201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission from points in Florida on and east of a line from the Georgia-Florida State line along U.S. Highway 221 to Perry, thence along Florida Highway 361 to Keaton Beach and the Gulf of Mexico to points in Alabama and Georgia on, north, and east of a line from the Alabama-Mississippi State line along U.S. Highway 278 to the junction of U.S. Highway 78, thence along U.S. Highway 78 to the junction of Interstate Highway 20, thence along Interstate Highway 20 to the Alabama-Georgia State line, thence along the Alabama-Georgia State line to the southern boundary of Carroll County, Ga., thence along the southern boundary of Carroll County to Georgia Highway 100, thence along Georgia Highway 100 to the junction of Georgia Highway 18 thence along Georgia Highway 18, to Woodbury, thence along Georgia Highway 85 to Atlanta, thence along U.S. Highway 23 to the Georgia-North Carolina State line. The purpose of this filing is to eliminate the gateway of La Grange, Ga., and points within 35 miles thereof.

No. MC-2261 (Sub-No. E4), filed May 28, 1974. Applicant: KEENAN TRANSFER AND STORAGE, INC., P.O. Box 3258, Albany, Ga. 31702. Applicant's representative: J. Sewell Elliott, Suite 506, American Federal Bldg., Macon, Ga. 31201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission from points in Florida on and west of a line from the Georgia-Florida State line along U.S. Highway 221 to Perry, thence along Florida Highway 361 to Keaton Beach and the Gulf of Mexico, to points in Georgia on, north, and west of Interstate Highway 85. The purpose of this filing is to eliminate the gateway of La Grange, Ga., and points within 35 miles thereof.

No. MC-2261 (Sub-No. E5), filed May 28, 1974. Applicant: KEENAN TRANSFER AND STORAGE, INC., P.O. Box 3258, Albany, Ga. 31702. Applicant's representative: J. Sewell Elliott, Suite 506, American Federal Bldg., Macon, Ga. 31201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Florida on and west of a line from the Georgia-Florida State line along U.S. Highway 319 to Wakulla, thence along Florida Highway 363 to the Gulf of Mexico at St. Marks, to points in Georgia on and east of a line from the Georgia-Tennessee State line along U.S. Highway 27 to the junction of Georgia Highway 109 at La Grange, and on and north of a line from La Grange along Georgia Highway 109 to Greenville, thence along Georgia Highway 18 to the junction of U.S. Highway 19, thence along U.S. Highway 19 to the junction of Georgia Highway 16, thence along Georgia Highway 16 to Jackson, thence along Georgia Highway 36 to Covington, thence along Georgia Highway 81 to Walnutgrove thence along Georgia Highway 138 to the junction of U.S. Highway 78, thence along U.S. Highway 78 to Athens, thence along Georgia Highway 72 to the Georgia-South Carolina State line. The purpose of this filing is to eliminate the gateway of La Grange, Ga., and points within 35 miles thereof.

No. MC-2261 (Sub-No. E6), filed May 28, 1974. Applicant: KEENAN TRANSFER AND STORAGE, INC., P.O. Box 3258, Albany, Ga. 31702. Applicant's representative: J. Sewell Elliott, Suite 506, American Federal Bldg., Macon, Ga. 31201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission from points in North Carolina and South Carolina on and east of a line from the North Carolina-Virginia State line along North Carolina Highway 18 to Wilkesboro, thence along North Carolina Highway 115 to Statesville, thence along U.S. Highway 70 to Salisbury, thence along Interstate Highway 85 to Kannapolis, thence along U.S. Highway 601 to Camden, S.C., thence along U.S. Highway 1 to Columbia, thence along Interstate Highway 20 to the South Carolina-Georgia State line and the Savannah River thence along the Savannah River to the Atlantic Ocean to points in Georgia and Alabama on and west of a line from the Tennessee-Alabama State line along U.S. Highway 231 to the junction of Alabama Highway 66, thence along Alabama Highway 66 to the junction of U.S. Highway 431, thence along U.S. Highway 431 to the junction of Alabama Highway 86, thence along Alabama Highway 86 to the Georgia-Alabama State line, thence along Georgia Highway 244 to the junction of Georgia Highway 109, thence along Georgia Highway 109 to the junction of U.S. Highway 29, thence along U.S. Highway 29 to La Grange, thence along U.S. Highway 27 to Columbus, thence along Alabama Highway 26 to the junc-

tion of U.S. Highway 82, thence along U.S. Highway 82 to the junction of U.S. Highway 29, thence along U.S. Highway 29 to the Alabama-Florida State line. The purpose of this filing is to eliminate the gateway of La Grange, Ga., and points within 35 miles thereof.

No. MC-2261 (Sub-No. E8), filed May 28, 1974. Applicant: KEENAN TRANSFER AND STORAGE, INC., P.O. Box 3258, Albany, Ga. 31702. Applicant's representative: J. Sewell Elliott, Suite 506, American Federal Bldg., Macon, Ga. 31201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Tennessee, North Carolina, and South Carolina on and east of a line from the Tennessee-Kentucky State line along Tennessee Highway 56 to the junction of Tennessee Highway 108, thence along Tennessee Highway 108 to the junction of Tennessee Highway 27, thence along Tennessee Highway 27 to the Tennessee-Georgia State line and on and west of a line from Kitty Hawk, N.C., along U.S. Highway 158 to Elizabeth City, thence along U.S. Highway 17 to the junction of U.S. Highway 13, thence along U.S. Highway 13, to the junction of U.S. Highway 64, thence along U.S. Highway 64, to the junction of North Carolina Highway 49, thence along North Carolina 49 to Charlotte, thence along Interstate Highway 85 to the South Carolina-Georgia State line, to points in Georgia and Alabama on and south of a line from the Mississippi-Alabama State line along Interstate Highway 10 to Mobile, thence along Interstate Highway 65, to Montgomery, thence along Interstate Highway 85 to La Grange, Ga., thence along U.S. Highway 27 to Columbus, Ga., thence along U.S. Highway 280 to the junction of Georgia Highway 55, thence along Georgia Highway 55 to the junction of U.S. Highway 82, thence along U.S. Highway 82 to Albany, thence along U.S. Highway 19 to the Georgia-Florida State line. The purpose of this filing is to eliminate the gateway of La Grange, Ga., and points within 35 miles thereof.

No. MC-2261 (Sub-No. E8), filed May 28, 1974. Applicant: KEENAN TRANSFER AND STORAGE, INC., P.O. Box 3258, Albany, Ga. 31702. Applicant's representative: J. Sewell Elliott, Suite 506 American Federal Bldg., Macon, Ga. 31201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Tennessee, North Carolina, and South Carolina on and east of a line from the Tennessee-Kentucky State line along Tennessee Highway 56 to the junction of Tennessee Highway 108, thence along Tennessee Highway 108 to the junction of Tennessee Highway 27, thence along Tennessee Highway 27 to the Tennessee-Georgia State line and on and west of a line from Kitty Hawk, N.C., along U.S. Highway 158 to Elizabeth City, thence along U.S. Highway 17 to the junction of U.S. Highway

13, thence along U.S. Highway 13, to the junction of U.S. Highway 64, thence along U.S. Highway 64, to the junction of North Carolina Highway 49, thence along North Carolina 49 to Charlotte, thence along Interstate Highway 85 to the South Carolina-Georgia State line, to points in Georgia and Alabama on and south of a line from the Mississippi-Alabama State line along Interstate Highway 10 to Mobile, thence along Interstate Highway 65, to Montgomery, thence along Interstate Highway 85 to La Grange, Ga., thence along U.S. Highway 27 to Columbus, Ga., thence along U.S. Highway 280 to the junction of Georgia Highway 55, thence along Georgia Highway 55 to the junction of U.S. Highway 82, thence along U.S. Highway 82 to Albany, thence along U.S. Highway 19 to the Georgia-Florida State line. The purpose of this filing is to eliminate the gateway of La Grange, Ga., and points within 35 miles thereof.

No. MC-2261 (Sub-No. E9), filed May 28, 1974. Applicant: KEENAN TRANSFER AND STORAGE, INC., P.O. Box 3258, Albany, Ga. 31702. Applicant's representative: J. Sewell Elliott (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission from points in Tennessee on and west of a line from the Tennessee-Virginia State line along U.S. Highway 23, to Kingsport, thence along U.S. Highway 11W to the junction of U.S. Highway 25E, thence along U.S. Highway 25E, to Knoxville, thence along U.S. Highway 11, via Tennessee Highway BR2 to Chattanooga, thence along U.S. Highway 27 to the Georgia-Tennessee State line to points in Alabama and Georgia on and south of a line from the Alabama-Florida State line along Alabama Highway 1 to Dothan, thence along U.S. Highway 431 to the junction of Alabama Highway 87, thence along Alabama Highway 87 to the junction of Interstate Highway 85, thence along Interstate Highway 85 to La Grange, Ga., thence along U.S. Highway 27 to the junction of Georgia Highway 190, thence along Georgia Highway 190 to Manchester, thence along Georgia Highway 41 to Buena Vista, thence along Georgia Highway to Americus, Ga., thence along U.S. Highway 280 to Cordele, Ga., thence along Interstate Highway 75 to Tifton, thence along U.S. Highway 82 to Waycross, thence along U.S. Highway 84 to Brunswick, thence along the unnumbered Toll Road to Sea Island. The purpose of this filing is to eliminate the gateway of La Grange, Ga., and points within 35 miles thereof.

No. MC-2261 (Sub-No. E10), filed May 28, 1974. Applicant: KEENAN TRANSFER AND STORAGE, INC., P.O. Box 3258, Albany, Ga. 31702. Applicant's representative: J. Sewell Elliott, Suite 506 American Federal Bldg., Macon, Ga. 31201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission,

from points in Georgia on and west of a line from Manchester, Ga., along Georgia Highway 41 to the junction of Georgia Highway 55, thence along Georgia Highway 55 to Dawson, thence along U.S. Highway 82 to Albany, thence along Georgia Highway 3 to Carmilla, thence along Georgia Highway 333 to the Georgia-Florida State line and points in Georgia east of a line from Manchester along U.S. Highway Alternate 27 to Columbus, thence along the Georgia-Alabama State line to the Florida State line to points in Tennessee and points in South Carolina and North Carolina on and north of a line from the Atlantic Ocean at Wilmington, N.C., along U.S. Highway 74 to the junction of North Carolina Highway 211, thence along North Carolina Highway 211 to the junction of U.S. Highway 220, thence along U.S. Highway 220 to the junction of North Carolina Highway 24, thence along North Carolina Highway 24 to Charlotte, thence along U.S. Highway 29 to the South Carolina-Georgia State line. The purpose of this filing is to eliminate the gateway of LaGrange, Ga., and points within 35 miles thereof.

No. MC-2261 (Sub-No. E11), filed May 28, 1974. Applicant: KEENAN TRANSFER & STORAGE, INC., P.O. Box 3258, Albany, Ga. 31702. Applicant's representative: J. Sewell Elliott, Suite 506 American Federal Bldg., Macon, Ga. 31201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission from Columbus, Ga., to points in Florida, Tennessee, North Carolina, and South Carolina. The purpose of this filing is to eliminate the gateway of LaGrange, Ga., and points within 35 miles thereof.

No. MC-8958 (Sub-No. E6), filed June 4, 1974. Applicant: THE YOUNGSTOWN CARTAGE CO., 825 West Federal St., Youngstown, Ohio 44501. Applicant's representative: John P. McMahon, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* of the kind used in construction and manufacture, and *contractors' equipment and machinery*, (1) between points in Ohio, on the one hand, and, on the other, points in Massachusetts, Rhode Island, Connecticut, and Delaware, and the District of Columbia (points in that part of Pennsylvania on and east of U.S. Highway 15 and Niles, Ohio)*; and (2) between points in Ohio, on the one hand, and, on the other, points in New York, that part of New Jersey on and north of a line beginning at the New York-New Jersey State line, thence along Interstate Highway 287 to junction New Jersey Highway 31, thence along New Jersey Highway 31 to junction Interstate Highway 80, thence along Interstate Highway 80 to the New Jersey-Pennsylvania State line, and that part of Pennsylvania on and north of Interstate Highway 80, and on and east of U.S. Highway 15 Niles, Ohio)*. The purpose of this filing is to

eliminate the gateways indicated by asterisks above.

No. MC-8958 (Sub-No. E7), filed June 4, 1974. Applicant: THE YOUNGSTOWN CARTAGE CO., 825 West Federal St., Youngstown, Ohio 44501. Applicant's representative: John P. McMahon, Suite 1800-100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* of the kind used in construction and manufacture, and *contractors' equipment and machinery*, between points in Pennsylvania, on the one hand, and, on the other, points in that part of Ohio on, west, and north of a line beginning at Lake Erie, thence along Interstate Highway 71 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 30S near Mansfield, thence along U.S. Highway 30S to junction U.S. Highway 30 near Delphos, thence along U.S. Highway 30 to the Ohio-Indiana State line. The purpose of this filing is to eliminate the gateway of Niles, Ohio.

No. MC-15897 (Sub-No. E38), filed June 2, 1974. Applicant: O.K. TRANSFER AND STORAGE COMPANY, 207 South Union, Shawnee, Okla. 74807. Applicant's representative: Wilburn L. Williamson, Suite 280 National Foundation Life Center, 3535 N.W. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Texas, on, west, and north of a line beginning at the Texas-New Mexico State line, thence along U.S. Highway 87 to junction Texas Highway 349, thence along Texas Highway 349 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction Texas Highway 118, thence along Texas Highway 118 to the United States-Mexico International Boundary line near Boquillas, on the one hand, and, on the other, points in Kentucky. The purpose of this filing is to eliminate the gateway of points in Creek County, Okla., and Lamar County, Texas.

No. MC-15897 (Sub-No. E39), filed June 2, 1974. Applicant: O.K. TRANSFER AND STORAGE CO., 207 South Union, Shawnee, Okla. 74807. Applicant's representative: Wilburn L. Williamson, Suite 280 National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Texas on, south, and west of a line beginning at the United States-Mexico International Boundary line near El Paso, thence along Interstate Highway 10 to junction U.S. Highway 181, thence along U.S. Highway 181 to Corpus Christi, on the one hand, and on the other, points in Look, Lake, McHenry, Boone, Winnebago, Stephenson, and Jo Daviess Counties, Ill. The purpose of this filing is to eliminate

the gateway of points in Creek County, Okla., and Lamar County, Texas.

No. MC-15897 (Sub-No. E49), filed June 2, 1974. Applicant: O.K. TRANSFER AND STORAGE CO., 207 South Union, Shawnee, Okla. 74807. Applicant's representative: Wilburn L. Williamson, Suite, 280, National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Mississippi on and north of U.S. Highway 80 and in and south of Coahoma, Tallahatchie, Yalobuscha, Calhoun, Chickasaw, and Monroe Counties, on the one hand, and, on the other, points in that part of Kansas on and west of U.S. Highway 81. The purpose of this filing is to eliminate the gateway of points in Creek County, Okla., and Lamar County, Texas.

No. MC-16903 (Sub-No. E11), filed June 4, 1974. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, Ind. 47401. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone*, cut, uncut, finished, and in the rough from points in Potter, Cameron, and Clinton Counties, Pa., to points in Minnesota (points in Milwaukee County, Wis.)*, points in North Dakota and South Dakota (points in Blue Earth County, Minn.)*, points in Arkansas, Louisiana, and Mississippi (points in Cumberland County, Tenn.)*, and points in Florida (points in Campbell County, Va.)*; (2) *Dressed and sawed stone* from points in Potter, Cameron, and Clinton Counties, Pa., to points in Nebraska, Kansas, and Oklahoma (points in Monroe County, Ind.)*; (3) *Stone* (except when moving in bulk) from points in Potter, Cameron, and Clinton Counties, Pa., to points in Colorado (points in Monroe County, Ind.)*. The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC-16903 (Sub-No. E13), filed June 4, 1974. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, Ind. 47401. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone, marble, and granite*, cut, uncut, finished or in the rough (except when moving in bulk), from Campbell County, Va., to points in Colorado (points in Monroe County, Ind.)*; (2) *Stone, marble, granite, and slate*, cut, uncut, finished or in the rough from points in Campbell County, Va., to points in South Carolina (points in Surry County, N.C.)*; (3) *Stone and marble* cut, uncut, finished, or in the rough from points in Campbell County, Va., to points in Texas (points in Union

County, Ill.)*. The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC-16903 (Sub-No. E14), filed June 4, 1974. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, Ind. 47401. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone, granite, and marble*, cut, uncut, finished or in the rough, from points in Pickens County, Ga., to points in Kansas, Missouri, Oklahoma, and Illinois (points in Cumberland County, Tenn.)*, points in Indiana, Michigan, Ohio, West Virginia, Pennsylvania, Maryland, Delaware, New Jersey, New York, Virginia, and the District of Columbia (points in Knox County, Tenn.)*, points in Kentucky (points in Cumberland County, Tenn., and Knox County, Tenn.)*, points in Vermont and New Hampshire (points in Knox County, Tenn., and Albemarle County, Va.)*, and points in Maine (points in Knox County, Tenn., and Albemarle County, Tenn.)*. The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC-16903 (Sub-No. E15), filed June 4, 1974. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, Ind. 47401. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone and marble*, cut, uncut, finished and in the rough from points in Rutland County, Vt., to points in Texas (points in Union County, Ill.)*. The purpose of this filing is to eliminate the gateway marked with asterisks above.

No. MC-16903 (Sub-No. E19), filed June 4, 1974. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, Ind. 47401. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Stone*, cut, uncut, finished, and in the rough, from points in Sequatchie County, Tenn., to points in Minnesota, North Dakota, and South Dakota (points in Milwaukee County, Wis.)*, points in Oklahoma (points in Jasper County, Mo.)*, and points in New York, Pennsylvania, Massachusetts, Rhode Island, Connecticut, and New Jersey (points in Scioto County, Ohio)*; (2) *Stone* from points in Sequatchie County, Tenn., to points in Iowa (points in Monroe County, Ind.)*; (3) *Dressed and sawed stone* from points in Sequatchie County, Tenn., to points in Nebraska (points in Monroe County, Ind.)*; (4) *Stone, granite, and marble*, cut, uncut, finished and in the rough from points in Sequatchie County, Tenn., to points in Kansas (points in Jasper County, Mo.)*; (5) *Stone, marble,*

and granite (except when moving in bulk), from points in Sequatchie County, Tenn., to points in Colorado (points in Monroe County, Ind.)*; and (6) *stone, slate, marble, and granite*, from points in Sequatchie County, Tenn., to points in Vermont, New Hampshire, and Maine (points in Holmes County, Ohio)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-16903 (Sub-No. E21), filed June 4, 1974. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, Ind. 47401. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone*, cut, uncut, finished, and in the rough (except when moving in bulk and except commodities the transportation of which require the use of special equipment), from points in Delaware, Chester, Bucks, and Philadelphia Counties, Pa., to points in Minnesota, North Dakota, and South Dakota (points in Milwaukee County, Wis.)*; (2) *dressed and sawed stone* (except when moving in bulk and except commodities the transportation of which require the use of special equipment), from points in Delaware, Chester, Bucks, and Philadelphia Counties, Pa., to points in Nebraska, Oklahoma, Louisiana, Arkansas, and Mississippi (points in Monroe County, Ind.)*; (3) *stone* (except when moving in bulk, and except commodities the transportation of which require the use of special equipment), from points in Delaware, Chester, Bucks, and Philadelphia Counties, Pa., to points in Iowa, Missouri, and Kansas (points in Monroe County, Ind.)*; (4) *stone, marble, and granite* (except when moving in bulk, and except commodities the transportation of which require the use of special equipment), from points in Delaware, Chester, Bucks, and Philadelphia Counties, Pa., to points in Colorado (points in Monroe County, Ind.)*; and (5) *stone and marble* (except when moving in bulk and except commodities the transportation of which require the use of special equipment), from points in Delaware, Chester, Bucks, and Philadelphia Counties, Pa., to points in Texas (points in Union County, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-16903 (Sub-No. E22), filed June 4, 1974. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, Ind. 47401. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone*, cut, uncut, finished, and in the rough (except when moving in bulk and except commodities the size or weight of which require the use of special equipment), from points in Montgomery and Baltimore Counties, Md., to points in Minnesota, North Dakota, and South Dakota (points in Milwaukee County, Wis.)*; (2) *stone* (except when moving

in bulk, and except commodities the size or weight of which require the use of special equipment), from points in Montgomery and Baltimore Counties, Md., to points in Iowa and Kansas (points in Monroe County, Ind.)*; (3) *dressed and sawed stone* (except when moving in bulk and except commodities the size or weight of which require the use of special equipment), from points in Montgomery and Baltimore Counties, Md., to points in Nebraska, Oklahoma, and Arkansas (points in Monroe County, Ind.)*; (4) *stone, marble, and granite* (except when moving in bulk and except commodities the size or weight of which require the use of special equipment), from points in Montgomery and Baltimore Counties, Md., to points in Colorado (points in Monroe County, Ind.)*; and (5) *stone, granite, and marble*, cut, uncut, finished, and in the rough (except when moving in bulk and except commodities the size or weight of which require the use of special equipment), from points in Montgomery and Baltimore Counties, Md., to points in Texas (points in Jasper County, Mo., and Union County, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC-16903 (Sub-No. E24), filed June 4, 1974. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, Ind. 47401. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone* (except in bulk), from points in Las Cruces County, N. Mex., to (a) points in Michigan, Ohio, New York, Pennsylvania, New Jersey, and the District of Columbia (points in Monroe County, Ind.)*; (b) points in Vermont and New Hampshire (points in Monroe and Holmes Counties, Ind.)*; (2) *stone and marble* (except in bulk), from points in Las Cruces, N. Mex., to points in Maine (points in Union County, Ill.)*; (3) *stone and marble*, cut, uncut, finished, and in the rough (except in bulk) from points in Las Cruces County, N. Mex., to points in Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, and Georgia (points in Knox County, Tenn.)*; and (4) *dressed and sawed stone* (except in bulk), from points in Las Cruces County, N. Mex., to points in Massachusetts, Rhode Island, and Connecticut (points in Monroe County, Ind.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-16903 (Sub-No. E25), filed June 4, 1974. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, Ind. 47401. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone and marble*, cut, uncut, finished, and in the rough (except in bulk), from points in Etowah, Calhoun, and Talladega Counties, Al., to points in Indiana and Kentucky (points in Cumber-

land County, Tenn.)*; and points in Virginia, Maryland, Delaware, the District of Columbia, New Jersey, Pennsylvania, and New York (points in Surry County, N.C.)*; and (2) *marble* (except in bulk), from Gantt's Quarry, Ala., to points in Indiana, Kentucky, Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, and the District of Columbia (points in Cumberland County, Tenn., and Surry County, N.C.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-16903 (Sub-No. E26), filed June 4, 1974. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, Ind. 47401. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone and marble* (except in bulk) from points in Sumner and Cowley Counties, Kans., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island (points in Holmes County, Ohio)*; and (2) *stone*, cut, uncut, finished, and in the rough (except in bulk), from points in Sumner and Cowley Counties, Kans., to points in New York, New Jersey, Delaware, Maryland, and the District of Columbia (points in Cameron County, Pa.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-16903 (Sub-No. E27), filed June 4, 1974. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, Ind. 47401. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone and marble* (except in bulk), from points in Hartford County, Md., to points in Colorado. The purpose of this filing is to eliminate the gateway of points in Monroe County, Ind.

No. MC-16903 (Sub-No. E30), filed June 4, 1974. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, Ind. 47401. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dressed and sawed stone* (except machine finished stone), from points in Avery, Watauga, Mitchell, and Yancey Counties, N.C., to points in Minnesota, North Dakota, South Dakota, and Nebraska (points in Monroe County, Ind.)*; (2) *Stone* (except machine finished stone and except when moving in bulk), from points in Avery, Watauga, Mitchell, and Yancey Counties, N.C., to points in Colorado (points in Monroe County, Ind.)*; and points in Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine (points in Harford County, Md.)*; and (3) *stone* (except machine finished stone), from points in Avery, Watauga, Mitchell, and Yancey Counties, N.C., to

points in Iowa, Kansas, and Missouri (points in Monroe County, Ind.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-59150 (Sub-No. E1), filed June 4, 1974. Applicant: PLOOF TRANSFER CO., INC., 1901 Hill St., Jacksonville, Fla. 32207. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight require the use of special handling or rigging, between points in that part of Georgia in and south of Seminole, Decatur, Grady, Thomas, Brooks, Lowndes, Lanier, Clinch, Ware, Brantley, and Glynn Counties, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC-59150 (Sub-No. E2), filed June 4, 1974. Applicant: PLOOF TRANSFER CO., INC., 1901 Hill Street, Jacksonville, Florida 32207. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Florida 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight, require the use of special handling or rigging, between points in Georgia, in and south of Early, Baker, Mitchell, Colquitt, Cook, Berrien, Atkinson, Ware, Pierce, Brantley, and Glynn Counties, on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC-59150 (Sub-No. E4), filed June 4, 1974. Applicant: PLOOF TRANSFER CO., INC., 1901 Hill St., Jacksonville, Florida 32207. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Florida 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight require the use of specialized handling or rigging, between points in that part of Georgia in and south of Early, Baker, Mitchell, Colquitt, Cook, Berrien, Atkinson, Ware, Pierce, Brantley, and Glynn Counties, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC-59150 (Sub-No. E5), filed June 4, 1974. Applicant: PLOOF TRANSFER CO., INC., 1901 Hill St., Jacksonville, Florida 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Florida 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight, require the use of special handling or rigging, between points in that part of Alabama in and south of Washington, Clarke, Monroe, Butler, Crenshaw, Pike, Dale, and Dothan Counties, on the one hand, and on the other, points in that part of Georgia in,

south, and west of Seminole, Decatur, Mitchell, Worth, Crisp, Wilcox, Telfair, Jeff Davis, Appling, Wayne, Long, Liberty, Bryan, and Chatham Counties. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC-59150 (Sub-No. E7), filed June 4, 1974. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight require the use of special handling or rigging, between points in Mobile and Baldwin Counties, Ala., on the one hand, and, on the other, points in that part of Georgia in and south of Floyd, Bartow, Cherokee, Forsyth, Hall, Banks, Franklin, and Hart Counties. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC-88368 (Sub-No. E28), filed May 15, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* (1) from points in Pennsylvania to points in Alabama (points in Jefferson County, Ohio, points in Harlan County, Ky., and points in Virginia)*; points in California in and north of Mendocino, Glenn, Butte, and Plumas Counties (points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, Newton, Kans., and points within 15 miles thereof, points in Colorado, and points in Washington east of the Cascade Mountains)*; points in Colorado (points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, and Newton, Kans., and points within 15 miles thereof)*; points in Idaho (points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, Newton, Kans., and points within 15 miles thereof, and points in Colorado, Montana, and Wyoming, and points in Kimball, Banner, and Cheyenne Counties, Nebr.)*; points in Illinois within 100 miles of Danville, Ill., including Danville (points in Jefferson County, Ohio and Bloomington, Ill., and points within 25 miles thereof)*; Harlan, Iowa, and points in Iowa within 15 miles thereof (points in Jefferson County, Ohio and Bloomington, Ill., and points within 25 miles thereof)*; points in Kansas (points in Jefferson County, Ohio and Bloomington, Ill., and points within 25 miles thereof)*; points in Harlan County, Ky., points in Jefferson County, Ohio)*; points in Louisiana (points in Jefferson County, Ohio, points in Harlan County, Ky., and Birmingham, Ala., and points within 100 miles thereof)*; points in Mississippi (points in Jefferson County, Ohio, points in Harlan County, Ky., and points in Alabama within 100 miles of Birmingham, Ala.)*; points in

Missouri (points in Jefferson County, Ohio, and Bloomington, Ill., and points within 25 miles thereof)*; points in Montana (points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, Newton, Kans., and points within 15 miles thereof, points in Kimball, Banner, and Cheyenne Counties, Nebr., and points in Wyoming)*;

Points in Nebraska (points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, and Newton, Kans., and points within 15 miles thereof)*; points in New Mexico (points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, points in Cowley County, Kans., and points in Canadian County, Okla.)*; points in Oklahoma (points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof and points in Cowley County, Kans.)*; points in Oregon (points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, Newton, Kans., and points within 15 miles thereof, points in Colorado, and points in Washington east of the Cascade Mountains)*; points in Texas (points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, points in Cowley County, Kans., points in Harlan County, Ky., Florence, Sheffield, and Tuscumbia, Ala., and points in Mississippi)*; points in Washington (points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, Newton, Kans., and points within 15 miles thereof, and points in Colorado)*; and points in Wyoming (points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, Newton, Kans., and points within 15 miles thereof, and points in Kimball, Banner, and Cheyenne Counties, Nebr.)*; and (2) from Philadelphia, Pa., to points in Maine, New Hampshire, Rhode Island, and Vermont (Boston, Mass., and points within 25 miles thereof)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-95540 (Sub-No. E276), filed May 3, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: CLYDE W. CARVER, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen Foods*, from Tifton, Ga., to points in Kentucky on, north and west of a line beginning at the Kentucky-Indiana State line and extending along U.S. Highway 421 to its junction with Kentucky Highway 55, thence along Kentucky Highway 55 to its junction with Kentucky Highway 44, thence along Kentucky Highway 44 to its junction with Interstate Highway 65, thence along Interstate Highway 65 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC-95540 (Sub-No. E601), filed May 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's repre-

sentative: Clyde W. Carver, 5299 Roswell Rd. NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in New Jersey on and south of U.S. Highway 30, to points in Colorado on and south of U.S. Highway 160. The purpose of this filing is to eliminate the gateway of Pile and Spaulding Counties, Ga.

No. MC-107515 (Sub-No. E7) (Correction), filed May 29, 1974, published in the FEDERAL REGISTER August 16, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen meats and meat products*, from Luling, Texas, to points in Massachusetts, New Jersey, Maryland, Delaware, Connecticut, Rhode Island, New Hampshire, Vermont, Maine, that part of Pennsylvania on and east of U.S. Highway 219, that part of Virginia on and east of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 29 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Virginia Highway 29, thence along Virginia Highway 29 to junction Virginia Highway 39, thence along Virginia Highway 39 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-Maryland State line, and that part of New York on and east of a line beginning at the Pennsylvania-New York State line, thence along U.S. Highway 220, to junction New York 70, thence along New York Highway 21 to the International Boundary line between the United States and Canada, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Gatesville, N.C. The purpose of this correction is to correct the spelling of the origin point.

No. MC-107515 (Sub-No. E8) (Correction), filed May 29, 1974, published in the FEDERAL REGISTER August 16, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, and frozen edible meat products*, from Palestine, Texas, to points in West Virginia, and those parts of Virginia and Pennsylvania on and west of U.S. Highway 15. The purpose of this filing is to eliminate the gateway of Atlanta, Ga. The purpose of this correction is to reflect the correct gateway to be eliminated.

No. MC-108449 (Sub-No. E15), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, in bulk, in tank vehicles, and restricted to the transportation of commodities moving in foreign commerce, from the port of entry at or near Noyes, Minn., on the United States-Canada Boundary line, to points in South Dakota on and north of U.S. Highway 12 and on and east of U.S. Highway 281. The purpose of this filing is to eliminate the gateway of West Fargo, N. Dak.

No. MC-108449 (Sub-No. E16), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, and restricted to commodities moving in foreign commerce, from the port of entry at or near Noyes, Minn., on the United States-Canada Boundary line, to points in that part of South Dakota on, north, and west of a line beginning at Winship, and extending along U.S. Highway 281 to its junction with U.S. Highway 12, thence along U.S. Highway 12 to Webster, thence along South Dakota Highway 25 to Howard, thence along South Dakota Highway 34 to Madison, thence along South Dakota Highway 19 to its junction with South Dakota Highway 46, thence along South Dakota Highway 46 to the South Dakota-Iowa State line. The purpose of this filing is to eliminate the gateway of the terminal facilities of the Kanab Pipe Line Company located at or near Jamestown, N. Dak.

No. MC-108449 (Sub-No. E17), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Minneapolis and St. Paul, Minn., and points within ten miles thereof, to points in Illinois. The purpose of this filing is to eliminate the gateway of the storage facilities utilized by American Oil Company in Dubuque, Iowa.

No. MC-108449 (Sub-No. E18), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minnesota 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Minneapolis and St. Paul, Minn., and points within ten miles thereof, to points in Missouri. The purpose of this filing is to eliminate the gateway of the Williams Brothers Pipe

Line Company Terminal located at or near Spencer or Spirit Lake, Iowa.

No. MC-108449 (Sub-No. E33), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minnesota 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Minneapolis and St. Paul, Minn., and points within ten miles thereof, to points in Wyoming. The purpose of this filing is to eliminate the gateway of the terminal facilities of the Kanab Pipe Line Company located on or near Aberdeen, S. Dak.

No. MC-108449 (Sub-No. E34), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minnesota 55113, Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Minneapolis and St. Paul, Minn., and points within ten miles thereof, to points in Montana. The purpose of this filing is to eliminate the gateway of the terminal facilities of the Kanab Pipe Line Company located at or near Aberdeen, S. Dak.

No. MC-108449 (Sub-No. E35), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Winona, Minn., to points in Illinois. The purpose of this filing is to eliminate the gateways of La Crosse, Wis., and the storage facilities utilized by American Oil Co. in Dubuque, Iowa.

No. MC-108449 (Sub-No. E38), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minnesota 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the port of entry on the United States-Canada International Boundary line at Pine Creek, Minnesota, to points in Missouri.

NOTE.—The authority expires December 6, 1977.

The purpose of this filing is to eliminate the gateways of Mentor, Minn., and the Williams Brothers Pipe Line Company Terminal located at or near Spencer or Spirit Lake, Iowa.

No. MC-108449 (Sub-No. E40), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County

Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Fargo, N. Dak., and points within 10 miles thereof, to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of McGregor, Minn.

No. MC-110525 (Sub-No. E824) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER August 22, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Pennsylvania to points in New Mexico. The purpose of this filing is to eliminate the gateway of Addyston, Ohio. The purpose of this correction is to establish the correct "E" number—previously published as E569.

No. MC-111545 (Sub-No. E371) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER July 31, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Valves, hydrants, indicator posts, floor stands, fittings, sleeves, and covers*, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Alabama within 175 miles of Chattanooga, Tenn., to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Anniston, Ala. The purpose of this correction is to indicate the complete list of destination States.

No. MC-111545 Sub-No. E526), filed June 2, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers or equalizers* for air, gas, or liquids; (2) *Machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas, or liquids; and (3) *Parts, attachments, and accessories* for use in the installation and operation of (1) and (2) above, from points in that part of Minnesota on and east of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 218 to Owatonna, thence along Interstate Highway 35 to Minneapolis, thence along U.S. Highway 52 to the Minnesota-South Dakota State line, to points in that part of Louisiana on, east, and south of a

line beginning at the Louisiana-Arkansas State line, thence along U.S. Highway 167 to Alexandria, thence along U.S. Highway 165 to junction Interstate Highway 10, thence along Interstate 10 to the Louisiana-Texas State line, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment. The purpose of this filing is to eliminate the gateways of Davenport, Iowa, and the plant and warehouse facilities of the Trane Company at Clarksville, Tenn.

No. MC-111545 (Sub-No. E531), filed May 27, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies*, moving in connection therewith, between points in the Lower Peninsula of Michigan, on the one hand, and, on the other, points in that part of Missouri on and west of a line beginning at the Mississippi River, thence along Missouri Highway 47 to Hawk Point, thence along Missouri Highway 47 to Old Mines, thence along Missouri Highway 21 to the Missouri-Arkansas State line, restricted to the transportation of commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of Keokuk, Iowa.

No. MC-111545 (Sub-No. E532), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, from the District of Columbia to points in that part of Colorado on, south, and west of a line beginning at the Colorado-Kansas State line, thence along U.S. Highway 24 to Limon, thence along U.S. Highway 40 to Denver, thence along U.S. Highway 87 to the Colorado-Wyoming State line. The purpose of this filing is to eliminate the gateways of Ringgold, Ga., and Miami, Okla.

No. MC-111545 (Sub-No. E533), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, from points in Ohio to points in Colorado. The purpose of this filing is to eliminate the gateways of Keokuk, Iowa, and St. Joseph, Mo.

No. MC-111545 (Sub-No. E543), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and contractor's equipment*, the transportation of which, because of size or weight, requires the use of special equipment, from points in Minnesota to points in New Mexico. The purpose of this filing is to eliminate the gateway of points in Missouri.

No. MC-111545 (Sub-No. E544), filed May 30, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery and contractor's equipment*, the transportation of which, because of size or weight, requires the use of special equipment, points in Oklahoma and Texas, on the one hand, and, on the other, points in Illinois, Iowa, Minnesota, and that part of Wisconsin within 300 miles of Ames, Iowa (points in Missouri)*; (2) *Heavy machinery and contractor's equipment*, the transportation of which, because of size or weight, requires the use of special equipment, between points in Oklahoma and Texas, on the one hand, and, on the other, points in that part of Wisconsin, not within 300 miles of Ames, Iowa (points in Iowa and points in Missouri)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-111545 (Sub-No. E545), filed May 30, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such tractors* (except tractors used in pulling commercial highway trailers), *scrapers, motor graders, wagons, engines* (except aircraft and missile engines), *generators, engines and generators combined, welders, and road rollers*, as are machinery and contractor's equipment, from points in Iowa, Minnesota, Nebraska, Wisconsin, and points in that part of Illinois on and north of a line beginning at the Illinois-Iowa State line, thence along U.S. Highway 136 to Heyworth, thence along U.S. Highway 51 to Bloomington, thence along U.S. Highway 66 to Chenoa, thence along U.S. Highway 24 to the Illinois-Indiana State line, to points in Alabama, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment. The purpose of this filing is to eliminate the gateway of the plant site of Caterpillar Tractor Company, at or near Peoria, Ill.

No. MC-111545 (Sub-No. E546), filed May 30, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such tractors* (except tractors used in pulling commercial highway trailers), *scrapers, motor graders, wagons, engines* (except aircraft and missile engines), *generators, engines and generators combined, welders, and road rollers*, as are machinery and contractor's equipment, from points in Iowa, Minnesota, Nebraska, Wisconsin, and points in that part of Illinois on and north of a line beginning at the Illinois-Iowa State line, thence along U.S. Highway 136 to Heyworth, thence along U.S. Highway 51 to Bloomington, thence along U.S. Highway 66 to Chenoa, thence along U.S. Highway 24 to the Illinois-Indiana State line, to points in Alabama, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment. The purpose of this filing is to eliminate the gateway of the plant site of Caterpillar Tractor Company, at or near Peoria, Ill.

PORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such tractors* (except tractors used in pulling commercial highway trailers), *scrapers, motor graders, wagons, engines* (except aircraft and missile engines), *generators, engines and generators combined, welders and road rollers*, as are highway and bridge construction and maintenance machinery and equipment and parts and attachments of and for such commodities from points in Iowa, that part of Illinois on and north of a line beginning at the Illinois-Iowa State line, thence along U.S. Highway 136 to Heyworth, thence along U.S. Highway 51 to Bloomington, thence along U.S. Highway 66 to Chenoa, thence along U.S. Highway 24 to the Illinois-Indiana State line, that part of Minnesota on and south of U.S. Highway 12, and points in Wisconsin, except Green Bay and points within 50 miles of Green Bay, to points in Alabama, Florida, Georgia, North Carolina, and South Carolina. The purpose of this filing is to eliminate the gateway of the plant site of Caterpillar Tractor Co., at or near Peoria or Decatur, Ill.

No. MC-113908 (Sub-No. E15), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Nixa, Mo., to points in California. The purpose of this filing is to eliminate the gateway of points in Oklahoma.

No. MC-113908 (Sub-No. E27), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar Stock and vinegar*, in bulk, in tank vehicles, from points in California and Washington, to points in New York and Pennsylvania. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC-113908 (Sub-No. E39), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Nixa, Mo., to points in Texas. The purpose of this filing is to eliminate the gateway of Rogers, Ark.

No. MC-113908 (Sub-No. E55), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Nixa, Mo., to points in Texas. The purpose of this filing is to eliminate the gateway of Rogers, Ark.

TRANSPORT CORPORATION, P.O. Box 3180, G.S.S., Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats and animal oils*, in bulk, in tank vehicles, from the plant site of Wilson & Co., Inc., at or near Cherokee, Iowa, to points in Mississippi, Alabama, Georgia, South Carolina, Tennessee, and points in that part of Kentucky south of U.S. Highway 60. The purpose of this filing is to eliminate the gateway of Springfield or Verona, Mo.

No. MC-113908 (Sub-No. E62), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Fremont, Bailey, and Belding, Mich., to points in California (except points in Del Norte, Siskiyou, Humboldt, Trinity, and Shasta Counties). The purpose of this filing is to eliminate the gateway of points in Tennessee.

No. MC-113908 (Sub-No. E63), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverage base*, used as alcoholic liquors and neutral spirits, in bulk, in tank vehicles, from Auburndale and Lake Alfred, Fla., to Denver, Colo. The purpose of this filing is to eliminate the gateway of Cicero, Ill.

No. MC-113908 (Sub-No. E65), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar, vinegar stock, and apple juice*, in bulk, in tank vehicles, (1) from points in Texas, to points in New York, Pennsylvania, and Maryland; and (2) points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 81 to junction U.S. Highway 281, thence along U.S. Highway 281 to the United States-Mexico International Boundary line near Hidalgo to points in Delaware. The purpose of this filing is to eliminate the gateway of Belding, Mich.

No. MC-113908 (Sub-No. E100), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kansas 66603. Authority sought to op-

erate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Nixa, Mo., to points in California. The purpose of this filing is to eliminate the gateway of points in Arkansas.

No. MC-113908 (Sub-No. E108), filed June 4, 1974. Applicant: ERICKSON TRANSPORT, P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicle, from Hutchinson, and Wichita, Kansas to points in that part of California in and north of San Francisco, Alameda, San Joaquin, Calaveras, and Alpine Counties. The purpose of this filing is to eliminate the gateway of points in Missouri.

No. MC-113908 (Sub-No. E116), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from points in Washington, to points in that part of Oklahoma east of U.S. Highway 81. The purpose of this filing is to eliminate the gateway of Marionville, Mo.

No. MC-113908 (Sub-No. E129), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen liquid fertilizer solution*, in bulk, in tank vehicles, from Nebraska City, Nebr., to points in that part of Iowa on and south of U.S. Highway 20, and points in that part of Kansas on and north of a line beginning at the Colorado-Kansas State line, thence along U.S. Highway 40 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Kansas-Missouri State line. The purpose of this filing is to eliminate the gateway of Waverly, Mo.

No. MC-114301 (Sub-No. E11), filed May 30, 1974. Applicant: DELAWARE EXPRESS CO., P.O. Box 97, Elkton, Md. 21921. Applicant's representative: Walter J. Winther (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Baltimore, Md., to points in Maryland, Pennsylvania, and Delaware, within 20 miles of Newark, Del., and Cranbury, N.J. The purpose of this filing is to eliminate the gateway of Newark, Del., and Havre de Grace, Md.

No. MC-119531 (Sub-No. E196), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Co-

lumbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibre drums*, from Van Wert, Ohio, to points in Wisconsin and Iowa. The purpose of this filing is to eliminate the gateway of Addison, Ill.

No. MC-119531 (Sub-No. E241), filed May 17, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind., to points in New Jersey. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC-119531 (Sub-No. E242), filed May 17, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plant site of St. Regis Paper Co., at or near Willis, Mich., to Cleveland, Ohio. The purpose of this filing is to eliminate the gateway of that part of Ohio on, west, and north of a line beginning at Sandusky, Ohio, and extending along Ohio Highway 4 to Marion, thence along U.S. Highway 30S to junction U.S. Highway 30 near Delphos, and thence along U.S. Highway 30 to the Ohio-Indiana State line.

No. MC-119531 (Sub-No. E243), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Paper cartons*, from Bremen, Canal Winchester, and Lancaster, Ohio, (1) to points in Wisconsin and (2) to points in Missouri; and (B) *Fiberboard cartons*, to points in Minnesota. The purpose of this filing is to eliminate the gateways of (1) Rockdale, Ill., for (A) (1) above; (2) the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind., for (A) (2) above; and (3) Anderson, Ind., for (B) above.

No. MC-119531 (Sub-No. E244), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pulpboard*, from Noblesville, Ind., (a) to points in West Virginia, and (b) to Cleveland, Ohio, and (2) *Pulpboard containers*, from Noblesville, Ind., to points in Maryland. The purpose of this filing is to eliminate the gateways of (a) Circleville, Ohio for (1) (a) above; (b) points in Ohio for (1) (b) above; and (c) Mt. Vernon, Ohio for (2) above.

No. MC-119531 (Sub-No. E246), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, (1) from the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind., to points in New Jersey; (2) from the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind., to points in New York and Pennsylvania. The purpose of this filing is to eliminate the gateways of (a) Cleveland, Ohio, for (1) above; and (b) the plant and warehouse sites of Container Corporation of America at Ravenna, Ohio, for (2) above.

No. MC-119531 (Sub-No. E247), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Pulpboard and pulpboard products*, from Medina, Ohio, to points in Indiana and Illinois; (B) *Fiberboard containers*, from Medina, Ohio, to points in Minnesota; (C) *Paper cartons*, from Medina, Ohio, to points in Wisconsin; and (D) *Pulpboard and pulpboard products*, from Medina, Ohio, to points in Missouri. The purpose of this filing is to eliminate the gateways of (1) Cleveland, Ohio for (A) above; (2) Cleveland, Ohio and Anderson, Ind. for (B) above; (3) Cleveland, Ohio and Rockdale, Ill. for (C) above; and (4) Cleveland, Ohio and the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind. for (D) above.

No. MC-119531 (Sub-No. E248), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard and pulpboard products*, from points in Indiana on and north of U.S. Highway 30 to that part of Kentucky on and east of Interstate Highway 75, and from points in Indiana on and east of a line beginning at the Michigan-Indiana State line and extending along Indiana State Highway 9 to Columbia City, thence along U.S. Highway 30 to the Indiana-Ohio State line, to points in Kentucky on and east of Interstate Highway 65 (except Louisville). The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio.

No. MC-119531 (Sub-No. E249), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Corrugated paper cartons*, knocked down, from the plant site and warehouse facilities of Container Corporation of America and Continental Can Company, Inc., at St. Louis, Mo., and from the plant site and warehouse facilities of Container Corporation of America at Chesterfield, Mo., points in Michigan on and south of a line beginning at Ludington, Mich., and extending along U.S. Highway 10 to Saginaw, thence along U.S. Highway 23 to Bay City, thence along the shore of the Saginaw Bay to the shore of Lake Huron, and thence along the shore of Lake Huron to Port Huron. The purpose of this filing is to eliminate the gateway of Anderson, Ind.

No. MC-119531 (Sub-No. E250), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated paper cartons*, from the plant and warehouse facilities of Container Corporation of America and Continental Can Company, Inc., at St. Louis, Mo., and from the plant site and warehouse facilities of Container Corporation of America at Chesterfield, Mo., to points in West Virginia. The purpose of this filing is to eliminate the gateway of Circleville, Ohio.

No. MC-119531 (Sub-No. E251), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard, boxes*, from the plant site of Container Corporation of America at Carol Stream, Ill., (a) to points in New York, New Jersey, and Pennsylvania; and (b) to points in West Virginia. The purpose of this filing is to eliminate the gateways of (1) Cleveland, Ohio, for (a) above; and (2) Circleville, Ohio, for (b) above.

No. MC-119531 (Sub-No. E252), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Fiberboard containers*, from Cincinnati, Ohio, to points in Minnesota, and Wisconsin, and (B) *pulpboard and pulpboard products*, from Cincinnati, Ohio, to points in Missouri. The purpose of this filing is to eliminate the gateways of Anderson, Ind. for (A) above and (2) the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind., for (B) above.

No. MC-119531 (Sub-No. E253), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative:

Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, closures* for metal containers, and *equipment*, used in the manufacture, sale, and distribution of metal containers and metal container closures, from Baltimore, Md., North Bergen, N.J., and Winchester, Va., to points in Arkansas, Kansas, Minnesota, and Nebraska, restricted (1) to the transportation of traffic originating at the plant site and warehouse facilities of Crown Cork and Seal Co., Inc. at Baltimore, Md., North Bergen, N.J., and Winchester, Va.; (2) against the transportation of commodities in bulk; (3) to movement in mixed loads with the commodities specified above; and (4) against the transportation of commodities requiring the use of special equipment. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio.

No. MC-119531 (Sub-No. E254), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiber board containers*, from Indiana, (2) to points in Minnesota, and (3) to points in Kentucky on and west of Interstate Highway 65 and points in Missouri. The purpose of this filing is to eliminate the gateways of (A) Cleveland, Ohio for (1) above, (5) Cleveland, Ohio, and Anderson, Ind. for (2) above, and (C) Cleveland, Ohio and the plant site and warehouse site of Weyerhaeuser Company at Columbus, Ind.

No. MC-119531 (Sub-No. E255), filed June 2, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap paper and waste paper*, from points in West Virginia, to points in Missouri (except points east of a line beginning at Crystal City, Mo., and extending along U.S. Highway 67 to the Missouri-Arkansas State line). The purpose of this filing is to eliminate the gateway of the plant and warehouse sites of Weyerhaeuser Co. at Columbus, Ind.

No. MC-119531 (Sub-No. E256), filed June 2, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper boxes*, knocked down, from Louisville, Ky., and Jeffersonville, Ind., to points in Michigan on and south of a line beginning at Ludington, Mich., and extending along U.S. Highway 10 to Saginaw, thence along U.S. Highway 23 to Bay City, thence along the shore of the

Saginaw Bay to the shore of Lake Huron, and thence along the shore of Lake Huron to Port Huron, restricted to traffic originating at the plant and warehouse sites of Container Corporation of America at Louisville, Ky., and Jeffersonville, Ind. The purpose of this filing is to eliminate the gateway of Anderson, Ind.

No. MC-119531 (Sub-No. E257), filed June 2, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood pulp, scrap paper, and supplies* (except commodities in bulk), used in the manufacture of pulpboard and pulpboard products, from points in Kentucky (except points east of a line beginning at the Indiana-Kentucky State line and extending along Kentucky Highway 69 to its intersection with U.S. Highway 231, thence along U.S. Highway 231 to its intersection with Interstate Highway 65, and thence along Interstate Highway 65 to the Kentucky-Tennessee State line) and points in Missouri, to Cincinnati, Ohio. The purpose of this filing is to eliminate the gateway of the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind.

No. MC-119531 (Sub-No. E259), filed June 2, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard cans*, from the plant and warehouse sites of Container Corporation of America at Ravena, Ohio, to points in New Jersey on and north of U.S. Highway 30. The purpose of this filing is to eliminate the gateway of Bradford, Pa.

No. MC-119531 (Sub-No. E260), filed June 2, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibre drums*, from Louisville, Ky., to points in Wisconsin, and points in Iowa (except points south of a line beginning at Muscatine, Iowa, and extending along Iowa Highway 92 to Winterset, and thence along U.S. Highway 169 to the Iowa-Missouri State line). The purpose of this filing is to eliminate the gateway of Addison, Ill.

No. MC-119531 (Sub-No. E261), filed June 2, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated pulpboard boxes*, from North Chicago, Ill., (a) to Cleveland, Ohio, (b) to points in New Jersey, New

York, and Pennsylvania, and (c) to points in Kentucky on and east of Interstate Highway 65. The purpose of this filing is to eliminate the gateway of (1) points in Indiana for (a) above, (2) points in Indiana and Cleveland, Ohio for (b) above, and (3) the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind.

No. MC-119531 (Sub-No. E263), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molded plastic containers*, from the plant site and warehouse facilities of Continental Can Company, Inc., at Three Rivers, Mich., to points in Tennessee on and west of Tennessee Highway 69, restricted to the transportation of traffic originating at the above-described origin point. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC-119531 (Sub-No. E264), filed June 2, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Rockdale, Ill., (a) to points in West Virginia, and (b) to New York, N.Y. The purpose of this filing is to eliminate the gateways of (1) Zanesville, Ohio, for (a) above, and (2) Zanesville, Ohio, and Vienna, W. Va. for (b) above.

No. MC-119531 (Sub-No. E265), filed June 2, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *Common carrier*, by motor vehicle, over irregular routes, transporting: *Molded plastic containers*, from Massillon, Ohio, to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC-119531 (Sub-No. E266), filed June 2, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Pulpboard and pulpboard products*, from Circleville, Ohio, to Addison, Ill., and (B) *Fiber cylindrical containers*, from Circleville, Ohio, to points in Iowa (except points south of a line beginning at Muscatine, Iowa, and extending along Iowa Highway 92 to Winterset and thence along U.S. Highway 169 to the Iowa-Missouri State line). The purpose of this filing is to eliminate the gateways of (1) Anderson, Ind., for (A) above, and (2) Anderson, Ind., and Addison, Ill.

No. MC-119531 (Sub-No. E268), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati,

Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Empty glass containers*, from the plant site of the Liquid Box Corp., and the plant site of Continental Can Company, Worthington, Ohio, to points in Minnesota and Iowa; and (B) *Glass containers*, from the plant site of the Liquid Box Corp., and the plant site of Continental Can Co., Worthington, Ohio, to points in Missouri. The purpose of this filing is to eliminate the gateways of (1) Lapel, Ind., for (A) above, and (2) the plant and warehouse sites of Midland Glass Co., Inc., at or near Terre Haute, Ind.

No. MC-119531 (Sub-No. E271), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass containers*, from Zanesville, Ohio, to points in Wisconsin, Minnesota, and Iowa. The purpose of this filing is to eliminate the gateway of Lapel, Ind.

No. MC-119531 (Sub-No. E272), filed May 26, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard cartons*, from the plant and warehouse sites of Fremont Container Co. at Fremont, Ohio, to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Rockdale, Ill.

No. MC-119531 (Sub-No. E274), filed May 26, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Supplies used in the manufacture of pulpboard* (except in bulk), from points in New York and Pennsylvania, to Chicago and Rock Island, Ill. The purpose of this filing is to eliminate the gateway of Coshocton, Ill.

No. MC-125335 (Sub-No. E9), filed June 4, 1974. Applicant: GOOD-WAY, INC., P.O. Box 2283, York, Pa. 17405. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except dressed poultry) from points in West Virginia east of Interstate Highway 77 to points in Massachusetts, Connecticut, Rhode Island, New Jersey, and the District of Columbia, points in Maryland, Pennsylvania, Virginia, and West Virginia within 40 miles of Hagerstown, Md., points in Pennsylvania in excess of 40 miles of Ha-

gerstown east of U.S. Highway 11 and south of U.S. Highway 22, points in New York on and east of Interstate Highway 87, points in North Carolina, and Georgia on and east of Interstate Highway 95, points in Florida and Louisiana, and Mobile, Ala. The purpose of this filing is to eliminate the gateway of Hagerstown, Md., and Winchester, Va.

No. MC-125335 (Sub-No. E10), filed June 4, 1974. Applicant: GOOD-WAY, INC., P.O. Box 2283, York, Pa. 17405. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except dressed poultry), from points in the District of Columbia to points in West Virginia, Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Nebraska, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Louisiana, Florida, and Hagerstown, Maryland, and points in Maryland, Virginia, and Pennsylvania, within 40 miles of Hagerstown, points in Pennsylvania (except as previously noted) on, and west of U.S. Highway 219, and those points in Maryland west of a line from the Maryland-West Virginia State line along U.S. Highway 522 to the junction of Interstate Highway 70, thence along Interstate Highway 70 to the Maryland-Pennsylvania State line. The purpose of this filing is to eliminate the gateways of Winchester, Va., and Hagerstown, Md.

No. MC-125335 (Sub-No. E11), filed June 4, 1974. Applicant: GOOD-WAY, INC., P.O. Box 2283, York, Pa. 17405. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen food* (except dressed poultry), from points in Pennsylvania on and east of Interstate Highway 81 and south of Interstate Highway 78 to Hagerstown, Md., and points in Maryland, Virginia, and Pennsylvania within 40 miles of Hagerstown and points in Maryland (except as previously noted) west of a line from the Maryland-West Virginia State line along U.S. Highway 522 to the junction of Interstate Highway 70, thence along Interstate Highway 70 to the Maryland-Pennsylvania State line, points in Pennsylvania (except as previously noted), on, and west of U.S. Highway 119 south of Interstate Highway 80 and on and west of U.S. Highway 219 north of Interstate Highway 80, and points in West Virginia, Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, and Nebraska. The purpose of this filing is to eliminate the gateways of Hagerstown, Md., and Winchester, Va.

No. MC-125335 (Sub-No. E12), filed June 4, 1974. Applicant: GOOD-WAY, INC., P.O. Box 2283, York, Pa. 17405. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor ve-

hicle, over irregular routes, transporting: *Frozen foods* (except dressed poultry), from points in Massachusetts, Connecticut, New York, New Jersey, Delaware, Pennsylvania, the District of Columbia, and points in Maryland, West Virginia, and Virginia within 40 miles of Hagerstown, Md., to points in North Carolina, South Carolina, Kentucky, Tennessee, Georgia, Alabama, Louisiana, and Florida. The purpose of this filing is to eliminate the gateway of Winchester, Va., and Hagerstown, Md.

No. MC-125335 (Sub-No. E13), filed June 4, 1974. Applicant: GOOD-WAY, INC., P.O. Box 2283, York, Pa. 17405. Applicant's representative: Chester A. Zyblut, 1522 K St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except dressed poultry), (1) from points in Massachusetts and Connecticut to Hagerstown, Md., and points in Pennsylvania, Maryland, and Virginia within 40 miles of Hagerstown, points in Maryland (except as previously noted) west of a line from the Maryland-West Virginia State line along U.S. Highway 522 to the junction of Interstate Highway 70, thence along Interstate Highway 70 to the Maryland-Pennsylvania State line, points in Pennsylvania (except as previously noted) on, and west of U.S. Highway 219, points in West Virginia, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, and Nebraska; (2) from points in New York on and south of U.S. Highway I-84, and points in New Jersey on and north of New Jersey Highway 33 to Hagerstown, Md., and points in Pennsylvania, Maryland, and Virginia within 40 miles of Hagerstown, Md., and points in Maryland (except as previously noted) west of a line from the Maryland-West Virginia State line along U.S. Highway 522 to the junction of Interstate Highway 70, thence along Interstate Highway 70 to the Maryland-Pennsylvania State line, points in Pennsylvania (except as previously noted) on and west of U.S. Highway 219, and points in West Virginia, Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, and Nebraska, and (3) from points in New Jersey on and south of New Jersey Highway 33, and points in Delaware to Hagerstown, Md., and points in Maryland, Pennsylvania, and Virginia within 40 miles of Hagerstown, points in Maryland (except as previously noted) west of a line from the Maryland-West Virginia State line along U.S. Highway 522 to the junction of Interstate Highway 70, thence along Interstate Highway 70 to the Maryland-Pennsylvania State line, points in Pennsylvania (except as previously noted) on and west of U.S. Highway 119 south of U.S. Highway I-80, and on and west of U.S. Highway 219, north of U.S. Highway I-80, and points in West Virginia, Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, and Nebraska. The purpose of this filing is to eliminate the gateway of Hagerstown, Md., and Winchester, Va.

No. MC-134755 (Sub-No. E1), filed June 4, 1974. Applicant: CHARTER EXPRESS, INC., 1959 East Turner, Springfield, Mo. 65804. Applicant's representative: Warren H. Sapp, Suite 910 Fairfax Bldg., 101 West Eleventh, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat by-products, and articles, distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions on Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk in tank vehicles), from the site of the plant of Iowa Beef Packers, Inc., located at or near Emporia, Kansas to points in Massachusetts, Maine, Connecticut, Vermont, New Hampshire, Rhode Island, New York, New Jersey, Delaware, Maryland, Pennsylvania, West Virginia, Virginia, and the District of Columbia (Springfield, Mo.);* (2) *Meats, meat products, and meat by-products, 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 (except hides and commodities in bulk, in tank vehicles), from the plant-site and storage facilities of Missouri Beef Packers, Inc., at or near Phelps City, Mo., to points in Massachusetts, Maine, Connecticut, Vermont, New Hampshire, Rhode Island, New York, New Jersey, Delaware, Maryland, Pennsylvania, West Virginia, Virginia, and the District of Columbia restricted to the transportation of traffic originating at the plantsite and storage facilities of Missouri Beef Packers, Inc., at or near Phelps City, Mo. (Macon, Mo.);* (3) *Unfrozen bakery goods*, from the plant-site of the United States Baking Co. at Seeleyville, Ind., to points in Colorado (Sedalia, Mo.);* (4) *Cheese*, from points in Kansas, to New York, N.Y., and Baltimore, and Hagerstown, Md. (Springfield, Mo.).* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-136553 (Sub-No. E2), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th St., Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bags, and in bulk (except tank vehicles), from Dubuque, Iowa, to points in Nebraska on and west of a line beginning at the South Dakota-Nebraska State line, thence along U.S. Highway 83 to its junction with Nebraska Highway 2, thence along Nebraska Highway 2 to its junction with Nebraska Highway 21, thence along Nebraska Highway 21 to its junction with U.S. Highway 283, thence along U.S. Highway 283 to the Nebraska-Kansas State line. The purpose of this filing is to eliminate the gateway of Rock Island, Ill., and Webster City, Iowa.

No. MC-136553 (Sub-No. E3), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th St., Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bags, and in bulk (except in tank vehicles), from Rock Island, Ill., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC-136553 (Sub-No. E4), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th St., Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, from Rock Island, Ill., to points in Indiana and those in that part of Michigan on and west of U.S. Highway 27, and on and south of Interstate Highway 96. The purpose of this filing is to eliminate the gateway of Streator, Ill.

No. MC-136553 (Sub-No. E6), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th St., Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bags, from Fulton, Ill., to points in Nebraska on or west of U.S. Highway 385. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa, Rock Island, Ill., and Webster City, Iowa.

No. MC-136553 (Sub-No. E7), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th St., Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bags and in bulk (except tank vehicles), from Streator, Ill., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC-136553 (Sub-No. E8), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th St., Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bags, and in bulk (except in tank vehicles), from Streator, Ill., to points in Nebraska (except points on, south, and east of a line beginning at the Iowa-Nebraska State line, and extending along U.S. Highway 30 to its intersection with U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line). The purpose of this filing is to eliminate the gateway of Webster City, Iowa.

No. MC-136553 (Sub-No. E9), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bags and in bulk (except in tank vehicles), from Dubuque, Iowa, to points in Indiana on and east of U.S. Highway 31 and on and south of U.S. Highway 24, and points in Michigan commencing at St. Joseph, Mich., and extending along Lake Michigan to Muskegon, thence along Interstate Highway 96 to its junction with U.S. Highway 27, thence along U.S. Highway 27 to the Michigan-Indiana State line, thence along the Michigan-Indiana State line to U.S. Highway 33, thence along U.S. Highway 33 to St. Joseph, Mich. The purpose of this filing is to eliminate the gateway of Streator, Ill.

No. MC-136553 (Sub-No. E10), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th St., Dubuque, Iowa 52001. Applicant's representative: Arthur Pape, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bags, and in bulk (except tank vehicles), from Dubuque, Iowa, to points in Iowa on and south of a line beginning at Davenport, Iowa, and extend along U.S. Highway 61 to its junction with Iowa Highway 92, thence along Iowa Highway 92 to its junction with Iowa Highway 48, thence along Iowa Highway 48 to its junction with U.S. Highway 6, thence along U.S. Highway 6 to the Iowa-Nebraska State line. The purpose of this filing is to eliminate the gateway of Rock Island, Ill.

No. MC-136553 (Sub-No. E11), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th St., Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bulk, in dump vehicles, from Clinton, Iowa, to points in Iowa on, south, and west of a line beginning at Davenport, Iowa, and extending along Interstate Highway 80 to its junction with U.S. Highway 218, thence along U.S. Highway 218 to its junction with U.S. Highway 63, thence along U.S. Highway 63 to the Iowa-Minnesota State line. The purpose of this filing is to eliminate the gateway of Rock Island, Ill.

No. MC-136553 (Sub-No. E12), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th St., Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*

and fertilizer materials, dry, in bulk, in dump vehicles, from Clinton, Iowa, to points in Indiana east of U.S. Highway 31 and south of U.S. Highway 24, and points in Michigan within an area beginning at St. Joseph, and extending along Lake Michigan to Muskegon, thence along Interstate Highway 96 to its junction with U.S. Highway 27, thence along U.S. Highway 27 to the Michigan-Indiana State line, thence along the Michigan-Indiana State line to U.S. Highway 33, thence along U.S. Highway 33 to St. Joseph, Mich. The purpose of this filing is to eliminate the gateway of Streator, Ill.

No. MC-136553 (Sub-No. E13), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, from Henry, Ill., to points in Nebraska (except points on, south, and east of a line beginning at the Iowa-Nebraska State line, and extending along Interstate Highway 80 to its intersection with U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line). The purpose of this filing is to eliminate the gateway of Webster City, Iowa.

No. MC-136553 (Sub-No. E14), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bulk, in dump vehicles, from Clinton, Iowa, to points in Nebraska (except those points on, south, and east of a line beginning at the Iowa-Nebraska State line and extending along U.S. Highway 30 to its intersection with U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line). The purpose of this filing is to eliminate the gateway of Rock Island, Ill., and Webster City, Iowa.

No. MC-136553 (Sub-No. E15), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, origin territory: From points in Missouri on and east of a line starting at the Iowa-Missouri State line and extending along U.S. Highway 61 to its junction with Missouri Highway 19, thence along Missouri Highway 19 to its junction with U.S. Highway 66, thence along U.S. Highway 66 to its junction with U.S. Highway 63, thence along U.S. Highway 63, to its junction with Missouri Highway 17, thence south along Missouri Highway 17 to its junction with U.S. Highway 63,

thence south along U.S. Highway 63 to the Missouri-Arkansas State line (except points in Missouri within the St. Louis, Mo.-East St. Louis, Ill. Commercial Zone); to points in Minnesota and points in Wisconsin on and north of a line beginning at the Illinois-Wisconsin State line and extending along U.S. Highway 151 to its junction with Wisconsin Highway 23 near Fond du Lac, Wis., thence along Wisconsin Highway 23 to Sheboygan, Wisconsin. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC-136553 (Sub-No. E16), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer, and dry fertilizer materials*, from Prairie du Chien, Wis., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Webster City, Iowa.

No. MC-136553 (Sub-No. E17), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, from Prairie du Chien, Wis., to points in Michigan on, south, and west of a line beginning at Lake Michigan and extending along Interstate Highway 96 to its intersection with U.S. Highway 27, thence along U.S. Highway 27 to the Michigan-Indiana State line, and points in Indiana (except those on, north, and west of a line beginning at the Illinois-Indiana State line and extending along Indiana Highway 2 to its intersection with U.S. Highway 421, thence along U.S. Highway 421 to Lake Michigan. The purpose of this filing is to eliminate the gateway of Streator, Ill.

No. MC-136553 (Sub-No. E18), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, in bulk, in dump vehicles, from Marseilles, Ill., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC-136553 (Sub-No. E19), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, in bulk, in dump vehicles, from Marseilles, Ill., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Webster City, Iowa.

No. MC-136553 (Sub-No. E20), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bags and in bulk (except in tank vehicles), from Dubuque, Iowa, to points in Illinois south of U.S. Highway 136. The purpose of this filing is to eliminate the gateway of Rock Island, Ill.

No. MC-136553 (Sub-No. E21), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bags and in bulk (except in tank vehicles), from Prairie du Chien, Wis., to points in Wisconsin on and south of a line beginning at the Illinois-Wisconsin State line and extending along Wisconsin Highway 69 to its junction with Wisconsin Highway 81, thence east along Wisconsin Highway 81 to its junction with Wisconsin Highway 15, thence along Wisconsin Highway 15 to its junction with Wisconsin Highway 11, thence along Wisconsin Highway 11 to Racine, Wis. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC-136553 (Sub-No. E22), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bulk, in dump vehicles, from Clinton, Iowa, to points in Illinois south of U.S. Highway 136. The purpose of this filing is to eliminate the gateway of Rock Island, Ill.

No. MC-136553 (Sub-No. E23), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bulk, in dump vehicles, from Clinton, Iowa, to points in Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line and extending along U.S. Highway 10 to its junction with Wisconsin Highway 27, thence along Wisconsin Highway 27 to its junction with U.S. Highway 8, thence along U.S. Highway 8 to its junction with Wisconsin Highway 47, thence along Wisconsin Highway 47 to its junction with Wisconsin Highway 22, thence east along U.S. Highway 22 to its junction with U.S. Highway 41, thence along U.S. Highway 41 to Marinetta, Wis. The purpose of this filing is to eliminate the gateway of Rock Island, Ill.

No. MC-136553 (Sub-No. E24), filed June 3, 1974. Applicant: ART PAPE

TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wooden pallets*, and (2) *Lumber*, in mixed loads with wooden pallets, from Chicago, Ill., to points in Minnesota, points in Wisconsin on or west of a line beginning at the Illinois-Wisconsin State line and extending along U.S. Highway 61 to its junction with U.S. Highway 53, thence along U.S. Highway 53 to its junction with U.S. Highway 10, thence along U.S. Highway 10 to its junction with Wisconsin Highway 27, thence along Wisconsin Highway 27 to its junction with U.S. Highway 63, thence along U.S. Highway 63 to Ashland, Wis. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC-136553 (Sub-No. E25), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients* (except in bulk), from Chicago, Ill., to points in Minnesota, points in Wisconsin on and west of a line beginning at the Illinois-Wisconsin State line, and extending along U.S. Highway 61 to its junction with U.S. Highway 53, thence along U.S. Highway 53 to its junction with U.S. Highway 10, thence along U.S. Highway 10 to its junction with Wisconsin Highway 27, thence along Wisconsin Highway 27 to its junction with U.S. Highway 63, thence along U.S. Highway 63 to Ashland, Wis., and points in Missouri on and west of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 83 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to its junction with U.S. Highway 65, thence along U.S. Highway 65 to its junction with U.S. Highway 54, thence along U.S. Highway 54 to its junction with U.S. Highway 71, thence along U.S. Highway 71 ending at the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC-136553 (Sub-No. E26), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bags, from Chicago, Ill., to points in Minnesota and points in Wisconsin south and west of a line beginning at the Illinois-Wisconsin State line and extending along U.S. Highway 61 to its junction with U.S. Highway 53, thence along U.S. Highway 53 to its junction with U.S. Highway 10, thence along U.S. Highway 10 to the Wisconsin-Minnesota State line. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC-136553 (Sub-No. E27), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from points in Iowa on and east of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 52 to Dubuque, Iowa, on and within a line to points in Wisconsin commencing at the Illinois-Wisconsin State line and extending along U.S. Highway 151 to its junction with Wisconsin Highway 11, thence along Wisconsin Highway 11 to its junction with Wisconsin Highway 81, thence along Wisconsin Highway 81 to its junction with Wisconsin Highway 15, thence along Wisconsin Highway 15 to its junction with Wisconsin Highway 11, thence along Wisconsin Highway 11 to its junction with Wisconsin Highway 43, thence along Wisconsin Highway 43 to Kenosha, thence along Lake Michigan to the Wisconsin-Illinois State line, thence along the Wisconsin-Illinois State line to U.S. Highway 151. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC-136553 (Sub-No. E28), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bulk, in dump vehicles, from Clinton, Iowa, to points in Iowa on, south, and east of a line beginning at the Minnesota State line and extending along U.S. Highway 63 to its intersection with U.S. Highway 18, thence along U.S. Highway 18 to the Wisconsin-Iowa State line. The purpose of this filing is to eliminate the gateway of Prairie du Chien, Wis.

No. MC-136553 (Sub-No. E29), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bags, and in bulk (except in tank vehicles), from the plantsite and warehouse facilities of Eter Bros., Inc., located at or near Webster City, Iowa, to points in Illinois on, east, and north of a line beginning at the Iowa-Illinois State line, and extending along U.S. Highway 67 to its intersection with U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC-136553 (Sub-No. E31), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate

as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bags, and in bulk (except in tank vehicles), from the warehouse of Eter Bros., Inc., at or near Webster City, Iowa, to points in Indiana, and those in Michigan on, west, and north of a line beginning at the Indiana-Michigan State line and extending along U.S. Highway 27 to its intersection with Interstate Highway 96, thence along Interstate Highway 96 to Lake Michigan. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa, and Streator, Ill.

No. MC-136553 (Sub-No. E32), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bags, and in bulk (except in tank vehicles), from Dubuque, Iowa, to points in Iowa on and north of a line beginning at McGregor, and extending along Iowa Highway 76 to its junction with Iowa Highway 9, thence along Iowa Highway 9 to its junction with U.S. Highway 52, thence along U.S. Highway 52 to its junction with Iowa Highway 24, thence along Iowa Highway 24 to its junction with U.S. Highway 18, thence along U.S. Highway 18 to its junction with Iowa Highway 4, thence along Iowa Highway 4 to its junction with Iowa Highway 3, thence along Iowa Highway 3 to its junction with U.S. Highway 75, thence along U.S. Highway 75 to Sioux City, Iowa. The purpose of this filing is to eliminate the gateway of Prairie Du Chien, Wis.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-20747 Filed 9-6-74;8:45 am]

[Notice No. 151]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before September 30, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters

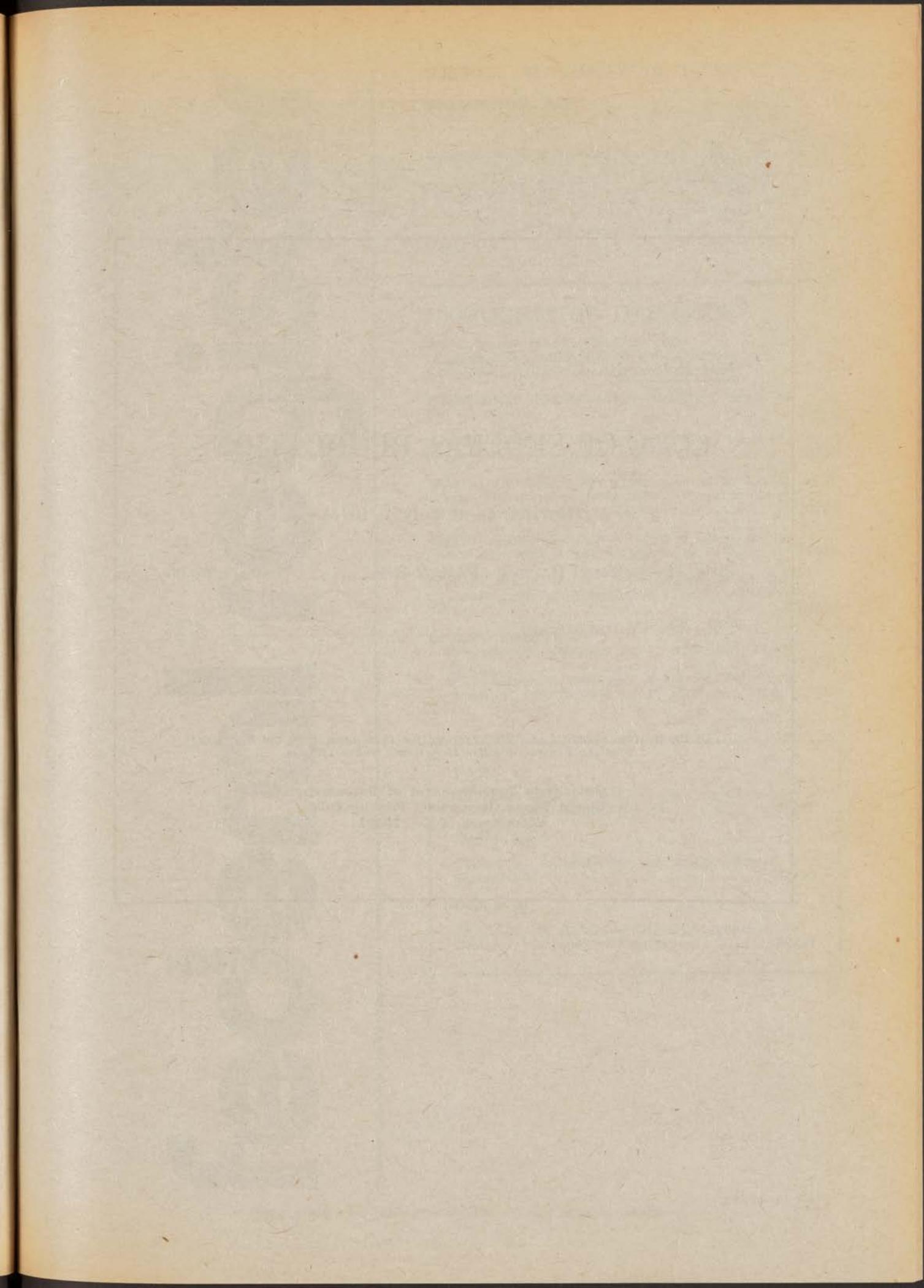
relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75332. By order of August 27, 1974 the Motor Carrier Board approved the transfer to W. N. Daul Transfer Lines, Inc., Kewaunee, Wis., of the operating rights in Certificate No. MC-68717 issued December 10, 1954, to Walter N. Daul, doing business as W. N. Daul Transfer Line, Kewaunee, Wis., authorizing the transportation of general commodities, with exceptions, over regular routes between specified points in Wisconsin and household goods between Kewaunee, Wis., on the one hand, and, on the other, points in the Chicago, Ill., commercial zone. Rolfe E. Hanson, 121 W. Doty St., Madison, Wis., 53703, attorney for applicants.

No. MC-FC-75339. By order of September 3, 1974, the Motor Carrier Board approved the transfer to Plegge Truck Service, Inc., 424 Park Drive, Bethalto, Ill., of the operating rights in Certificates Nos. MC-31122 and MC-31122 (Sub-No. 1) issued September 6, 1943, and August 1, 1949, to Edward W. Plegge, doing business as Plegge Truck Service, 424 Park Drive, Bethalto, Ill. 62010, authorizing the transportation of livestock and agricultural commodities, over a regular route from Bethalto, Ill., to St. Louis, Mo., and general commodities, usual exceptions, over the same regular route from St. Louis, Mo., to Bethalto, Ill., serving points in St. Louis County, Mo., within the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission and points within 5 miles of Bethalto, Ill., as intermediate and off-route points.

No. MC-FC-75340. By order of August 27, 1974 the Motor Carrier Board approved the transfer to Shippers Best Express, Inc., Salt Lake City, Utah, of the operating rights in Permit No. MC-138056 (Sub-No. 1) issued June 21, 1973 to Dick Simon Trucking, Inc., Salt Lake City, Utah, authorizing the transportation of frozen cherries and bottled and canned fruit juices from plant sites at or near Payson, Provo and Moroni, Utah to points in California. Chester A. Zyblut, 1522 K St. NW., Washington, D.C. 20005, attorney for applicants.

No. MC-FC-75348. By order of September 3, 1974, the Motor Carrier Board approved the transfer to Burkhardt Bros., Inc., Scituate, Mass., of Certificates Nos. MC-3844 and MC-3844 Sub-2 issued by the Commission November 17, 1959, and August 2, 1960, respectively, to Savin Hill Movers, Inc., Scituate, Mass., authorizing the transportation of household goods between Boston, Mass., on the one hand, and, on the other, points in Connecticut, New Hampshire, New York, Rhode Island, and Vermont, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Rhode Island, between Philadelphia, Pa., on the one hand, and, on the other, points in New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, and



Just Released

CODE OF FEDERAL REGULATIONS

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