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H.R. 15572..... Pub. Law 93–414
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S. 821..... Pub. Law 93–415
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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 7—Agriculture

CHAPTER VIII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (SUGAR), DEPARTMENT OF AGRICULTURE

SUBCHAPTER H—DETERMINATION OF WAGE RATES

[Docket No. SI-325]

PART 864—SUGARCANE; LOUISIANA

Fair and Reasonable Wage Rates

The Sugar Act requires Louisiana sugarcane producers, as one of the conditions with which they must comply to be eligible for government payments under the Act, to pay all workers employed in the production, cultivation, and harvesting of sugarcane in full at not less than minimum wage rates determined by the Secretary of Agriculture to be fair and reasonable. Such determination may not be made until after investigation and opporutnity for interested persons to testify on whether the wage rates established under the previous year's determination continue to be fair and reasonable or whether such determination should be amended. A public hearing was held at Houma, Louisiana, on May 20, 1974.

The determination, which becomes effective on September 16, 1974, increases the minimum wage rate for tractor and truck drivers and harvester bottom blade and hoist operators by 45 cents per hour, and the minimum rate for all other workers by 40 cents per hour.

Pursuant to the provisions of section 301(c)(1) of the Sugar Act of 1948, as amended (herein referred to as "Act"), after investigation and consideration of the evidence obtained at the public hearing held in Houma, La., on May 20, 1974, the following determination is hereby issued. The regulations previously appearing in these sections under "Determination of Wage Rates; Sugarcane; Louisiana" remain in full force and effect as to the crops to which they were applicable.

Part 864 is revised to read as follows:

Sec.
864.23 Requirements.
864.24 Applicability of wage requirements.
864.25 Payment of wages.
864.26 Evidence of compliance.
864.27 Subterfuge.
864.28 Claim for unpaid wages.
864.29 Failure to pay all wages in full.
864.30 Checking compliance.

AUTHORITY: Sections 864.23 to 864.30 issued under secs. 301, 403, 61 Stat. 929, as amended, 932 (7 U.S.C. 1131, 1153).

§ 864.23 Requirements.

A producer of sugarcane in Louisiana shall be deemed to have complied with the wage provisions of the Act if all persons employed on the farm in harvesting work, as provided in § 864.24, shall have been paid in accordance with the following:

(a) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates required by existing legal obligations, regardless of whether those obligations resulted from an agreement (such as a labor union agreement) or were created by State or Federal legislative action, or at rates as agreed upon between the producer and the worker, whichever is higher, but not less than the following, which shall become effective on September 16, 1974, and shall remain in effect until amended, superseded, or terminated:

(1) *Work performed on a time basis.*

Class of worker:	Rate per hour
Harvester, loader, and transfer loader operators	$2.50
Tractor drivers, truck drivers, harvester bottom blade operators, and hoist operators	2.50
All other harvesting workers	2.30

(2) *Workers 14 and 15 years of age when employed on a time basis.* For workers 14 and 15 years of age, the rate shall be not less than 85 percent of the applicable hourly rate for the class of worker prescribed in paragraph (a)(1) of this section. (The Act provides that the employment of workers under 14 years of age, or the employment of workers 14 and 15 years of age for more than 8 hours per day, will result in a deduction from Sugar Act payments to the producer.)

(3) *Handicapped workers when employed on a time basis.* The wage rate for workers certified by the Regional Director, Wage and Hour Division, U.S. Department of Labor, 1931 Ninth Avenue, South, Birmingham, AL 35215, to be handicapped because of age or physical or mental deficiency or injury, and whose productive capacity is thereby impaired, shall be not less than 75 percent of the applicable hourly rate for the class of worker prescribed in paragraph (a)(1) of this section.

(4) *Work performed on a piecework basis.* The piecework rate for any operation shall be as agreed upon between the producer and the worker. The hourly rate of earnings of each worker employed on piecework during each pay period (not to be in excess of two weeks) shall average for the time worked at piecework rates during such pay period not less than the applicable hourly rate for the class of worker prescribed in paragraph (a) (1), (2), and (3) of this section.

(b) *Compensable working time.* For work performed under paragraph (a) of this section, compensable working time commences at the time the worker is required to start work and ends upon completion of work in the field, except time taken out for meals during the working day. If the producer requires the operator of mechanical equipment, driver of animals, or any other class of worker to report to a place other than the field, such as an assembly point or a tractor shed located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Time spent in performing work directly related to the principal work performed by the worker, such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time.

(c) *Equipment necessary to perform work assignment.* (1) The producer shall furnish without cost to the worker any equipment required in the performance of any work assignment. The worker may be charged for the cost of such equipment in the event of its loss or destruction through negligence of the worker.

(2) Equipment includes, but is not limited to, hand and mechanical tools and special wearing apparel, such as boots and raincoats, required to discharge the work assignment.

§ 864.24 Applicability of wage requirements.

The wage requirements of this part apply to all persons who are employed or who work on the farm in operations directly connected with the harvesting of 1974-crop sugarcane on any acreage from which sugarcane is marketed or processed for the production of sugar or any 1974-crop acreage which qualifies as bona fide abandoned. Such persons include field overseers or supervisors while directing other workers, and those workers employed by an independent contractor who perform services on the farm. The wage requirements are not applicable to persons who voluntarily perform work without pay on the farm for a religious or charitable institution or organization; inmates of a prison who work on a farm operated by the prison; truck drivers employed by a contractor engaged only in hauling sugarcane; members of a cooperative arrangement among producers for the exchange of labor to be performed by themselves or members of their families; persons who have an agreement with the producer to perform all work on a specified acreage in return for a share of the crop or crop

proceeds if such share, including the share of any Sugar Act payments, results in earnings at least as much as would otherwise be received in accordance with the requirements of this part for the work performed; custom operators or independent contractors and members of their immediate families; or workers performing services which are indirectly connected with the harvesting of sugarcane, including but not limited to mechanics, welders, and other maintenance workers and repairmen.

§ 864.25 Payment of wages.

Workers shall be paid by check or in currency for all work performed, except to the extent that the cash payment is reduced by the following deductions: Cash advances made to the worker by the producer; the market value or the amount agreed upon for supplies furnished by the producer at the request of the worker; meals, lodging, and transportation expense which the producer agreed to furnish for a stated amount; and mandatory deductions such as taxes and Social Security contributions. In addition, a producer may deduct the amounts he has paid to a third party on behalf of the worker in connection with his employment as a farm worker which are acknowledged in writing signed by the worker or his agent or substantiated by other evidence acceptable to the county ASC committee to be an indebtedness of the worker, and which cover the expense of services and benefits furnished the worker by the third party, and which the worker or his agent has agreed may be deducted from his wages, such as public utilities, medical services, group hospitalization or other insurance for the benefit of the worker. As evidence of payments to a third party for which a deduction is made from the earnings of a worker, the producer shall maintain for a period of 3 years, for the inspection of the worker and the local county ASCS office, receipted bills or other written satisfactory evidence that support such deductions. Payments made to a labor contractor, supervisor, or labor trainer, or the cost of meals, lodging, transportation, and insurance covering injury or illness resulting from employment, any or all of which the producer agreed to furnish the worker free of charge, shall not be deducted from cash wages due the worker. When any deductions are made, the producer shall furnish to the worker, at time of settlement, a statement showing the gross amount of wages due for work performed and the amount of each deduction properly identified.

§ 864.26 Evidence of compliance.

Each producer subject to the provisions of this part shall keep and preserve, for a period of 3 years following the date on which his application for a Sugar Act payment is filed, such wage records as will demonstrate that each worker has been paid in full in accordance with the requirements of this part. Wage records should set forth dates work was performed, the class of work performed, units of work (piecework or hours), agreed upon rates per unit of work, total earnings and any permissible deductions, and the amount paid each worker. The producer shall furnish upon request to the appropriate Agricultural Stabilization and Conservation County Committee such records or other evidence as may satisfy such committee that the requirements of this part have been met.

§ 864.27 Subterfuge.

The producer shall not reduce the wage rates to workers below those determined in accordance with the requirements of this part through any subterfuge or device whatsoever.

§ 864.28 Claim for unpaid wages.

Any person who believes he has not been paid in accordance with this part may file a wage claim with the local Agricultural Stabilization and Conservation County Committee against the producer on whose farm the work was performed. Such claim must be filed on Form SU–191, entitled "Claim Against Producer for Unpaid Wages" within 2 years from the date the work with respect to which the claim is made was performed. Detailed instructions and Forms SU–191 are available at the local county ASCS office. Upon receipt of a wage claim the county office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The county ASC committee shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the Louisiana State Agricultural Stabilization and Conservation Committee, 3737 Government Street, Alexandria, LA 71303, which shall likewise consider the facts and notify the producer and worker in writing of its recommendation for settlement of the claim. If the recommendation of the State ASC committee is not acceptable either party may file an appeal with the Deputy Administrator, Programs, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, DC 20250. All such appeals shall be filed within 15 days after the date the written notice of the recommended settlement is mailed by the respective committee, otherwise such recommended settlement will be applied in making payments under the Act. If a claim is appealed to the Deputy Administrator, Programs, his decision shall be binding on all parties insofar as payments under the Act are concerned. Appeals procedures are set forth and explained fully in Part 780 of this title.

§ 864.29 Failure to pay all wages in full.

(a) Notwithstanding the provisions of this part requiring that all persons employed on the farm in the harvesting of sugarcane be paid in full for all such work as one of the conditions to be met by a producer for payment under the Act, if the producer has failed to meet this condition but has met all other conditions, a portion of such payment, representing the remainder after deducting from the payment the amount of accrued unpaid wages, may be disbursed to producer(s) upon a determination by the county committee (1) that the producer has made a full disclosure to the county committee or its representatives of any known failure to pay all workers on the farm wages in full as a condition for payment under the Sugar Act; and (2) that either (i) the failure to pay all workers their wages in full was caused by the financial inability of the producer, or (ii) the failure to pay all workers in full was caused by an inadvertent error or was not the fault of the producer or his agent, and the producer has used reasonable diligence to locate and to pay in full the wages due all such workers. If the county committee makes the determination as heretofore provided in this paragraph, such committee shall cause to be deducted from the payment for the farm the full amount of the unpaid wages which shall be paid promptly to each worker involved if he can be located, otherwise the amount due shall be held for his account, and the remainder of the payment for the farm, if any, shall be made to the producer. If the county committee determines that the producer did not pay all workers in full because of an inadvertent error that was not discovered until after he received his Sugar Act payment, the producer shall be placed on the claims control record for the total amount of the unpaid wages.

(b) Except as provided in paragraph (a) of this section, if upon investigation the county committee determines that the producer failed to pay all workers on the farm the required wages, the entire Sugar Act payment with respect to such farm shall be withheld from the producer until such time as evidence is presented to the county committee which will satisfy the county committee that all workers have been paid in full the wages earned by them; or if unpaid workers cannot be located and the county committee determines that the producer used reasonable diligence to locate such workers, the amounts of unpaid wages shall be deducted from the Sugar Act payment computed for the farm and the balance released to the producer after the expiration of 1 year from the date payment would otherwise be made. If payment had been made to the producer prior to the county committee's determination that all workers on the farm have not been paid in full, the producer shall be placed on the claims control record for the total payment until the county committee determines that all workers on the farm have been paid in full, the producer refunds the entire amount of the debt, or a setoff in the amount of the debt is made from a program payment otherwise due the producer, or the county committee after determining that the producer used reasonable diligence to locate such workers has recovered from such producer the amount of unpaid wages computed for the farm.

§ 864.30 Checking compliance.

The procedures to be followed by county ASCS offices in checking compliance with the wage requirements of this part are set forth under the heading "Wage Rate Determinations" in Handbook 3–SU, issued by the Deputy Administrator, Programs, Agricultural Stabilization and Conservation Service. Handbook 3–SU may be inspected at local county ASCS offices, and copies may be obtained from the Louisiana State ASCS Office, 3737 Government Street, Alexandria, LA 71303.

STATEMENT OF BASES AND CONSIDERATIONS

General. The foregoing determination provides fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the harvesting of 1974-crop sugarcane in Louisiana as one of the conditions with which producers must comply to be eligible for payments under the act.

Requirements of the act and standards employed. Section 301(c)(1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane with respect to which an application for payment is made, shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing, and in making such determinations, the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i.e., cost of living, prices of sugar and by-products, income from sugarcane, and cost of production), and the differences in conditions among various sugar-producing areas.

Wage determination. This determination differs from the prior determination in that minimum hourly wage rates are increased by 45 cents per hour for tractor and truck drivers and harvester bottom blade and hoist operators and by 40 cents per hour for harvester and loader operators and all other harvesting workers. The new minimum hourly wage rates established for work during the harvest season are $2.50 for harvester, loader, and transfer loader operators; tractor and truck drivers, and harvester bottom blade and hoist operators, and $2.30 for all other workers.

Prior wage determinations have established minimum rates for harvesting of one year's crop and production and cultivation of the next year's crop. The powers vested in the Secretary under the Sugar Act will terminate on December 31, 1974, except that he will retain the power to make payments under Title III of the Act under programs applicable to the crop year 1974 and previous crop years. The Secretary has no power to make payments on the 1975 crop of sugarcane or establish minimum wages to be complied with during any phase of the production, cultivation, or harvesting of that crop (including the harvesting of seed cane).

Therefore, this determination establishes no minimum wage rates for production or cultivation of the 1975 crop of sugarcane. The minimum wage rates established on September 17, 1973 (38 FR 25427) for workers employed in the production and cultivation of 1974-crop sugarcane (including cane harvested for seed) continue in effect for all 1974-crop production and cultivation work. All 1974-crop harvesting work (including any such work done after December 31, 1974) will be subject to the minimum wage rates set out in this determination. Any work performed with respect to the 1975 crop, whenever performed, is not subject to regulation under the Sugar Act. Other provisions of the prior determination continue unchanged.

A public hearing was held in Houma, Louisiana on May 20, 1974, at which interested persons were afforded the opportunity to testify on whether the wage rates established for Louisiana sugarcane fieldworkers in the wage determination which became effective on September 17, 1973, continue to be fair and reasonable under the circumstances, or whether such determination should be amended.

One witness appearing at the public hearing on behalf of sugarcane fieldworkers recommended a minimum wage rate of $4.00 per hour for all workers. In addition, it was recommended that such rate should be increased by 40 cents per hour for each $1.00 per cwt. increase in the price of sugar throughout the year. Another witness suggested that it is inconceivable that the season's average price of sugar could fall below 15 cents per pound and recommended, at such level, a minimum wage of $4.00 per hour for harvester and loader operators, $3.75 per hour for tractor drivers, truck drivers, harvester bottom blade operators and hoist operators, and $3.50 per hour for all other harvest workers. This witness also recommended an increase in the basic wages of 40 cents per hour for each classification of harvest work for each dollar per cwt. increase in the season's average price of sugar above 15 cents per pound. He further recommended that minimum hourly wages for cultivating the 1975 crop be set at $4.15 for tractor drivers and $3.90 for all other workers.

One witness was of the opinion that the season's average price of sugar will be at least 17 cents a pound and suggested a minimum hourly rate of $4.80 for harvest operators, $4.55 for tractor drivers, and $4.30 for scrappers and other workers.

An Associate Professor of Economics, not affiliated with any organization, stated his concern that determinations of fair and reasonable returns to workers are influenced by arguments from special interests, both growers and workers, and too little influenced by objective economic analysis. His concern related to the completeness and accuracy of the cost information obtained at public hearings which is available to the Secretary for consideration before establishing wage rates because there is no requirement to compel full disclosure by the growers or to require sworn testimony relative to full cost and profit information. He suggested that government economists make a thorough economic analysis of the growing and harvesting of cane and that reactions to such a study by representatives, growers and workers at public hearings be directed to the adequacy and completeness of the information contained in the study.

In support of their recommendations on wage rates, worker representatives testified that an average farm family on the plantation consisting of six persons had an average income in 1973 of $3,000, the average hourly wage was close to $2 indicating the worker worked approximately 1,500 hours, a decrease of over 250 hours since 1970. An hourly rate of $4 is needed in order to survive at the poverty level given the increase in the cost of living. They further testified that the average amount spent for feeding a worker's family represents almost two-thirds of the family income, a percentage far above that spent by other groups in our society.

Worker representatives also testified that while there has been some improvement in the housing conditions, most company-supplied houses are still very substandard; the general health conditions are no better; and that workers are at a disadvantage at the wage hearings because of a fear that they will lose their jobs and houses if they appear.

Representatives of sugarcane producers recommended that there be no change in the number of worker classifications for production and cultivation and harvest work. They also recommended that the minimum rate for Harvester, Loader and Transfer Loader Operators be increased by 25 cents to $2.35; that rates for Tractor Drivers, Truck Drivers, Harvester Bottom Blade Operators and Hoist Operators be increased by 20 cents to $2.25 and that the rate for all other harvest workers be increased by 10 cents to $2.00. For production and cultivation work, the spokesmen recommended hourly wages of $2.20 for tractor drivers and $2.00 for all other workers, an increase for each classification of 20 cents and 10 cents, respectively.

In support of the recommendation for the increase in the minimum wages, the grower representatives stated that many producers did not benefit from the higher level of sugar prices because they settled with processors on a delivered average price basis, the wages recommended far exceed those established under the Fair Labor Standards Act, that the increases of 20 cents and 25 cents for all workers in the mechanical equipment categories would equal or exceed the increase in the cost of living during the past year, and that the recommended increase of 10 cents per hour for the categories of "all other workers" could price workers out of the labor market because the value of the worker's service may not equal the wage.

The spokesmen also testified that much thought had been given to a supplementary wage provision for harvest workers. In a brief submitted after the

hearing, the grower representatives reaffirmed their feeling that no adjustments in the basic wage rates as recommended at the hearing are needed. However, if the Department concludes that a supplementary pay provision is necessary, they recommended that: (1) It apply only to harvest work; (2) it not apply to any producer whose 1974 crop production is damaged by disaster or climate conditions resulting in per acre sugar production less than 90 percent of the previous five years' average production on the farm; (3) the sum of the basic hourly wage and supplementary pay for each worker classification not exceed the limit of $2.65, $2.50 and $2.20 per hour; (4) wages paid in excess of the basic minimum rate be credited against supplementary pay; (5) the supplementary pay provisions would only become effective when the price of raw sugar is higher than a specified price based on 120 percent of the Department's projection of the average Sugar Act price objective during the season's average pricing period; (6) the basic minimum rates per hour should be increased by .8, .7, and .6 cents per hour, respectively for the various worker classifications for each full one-tenth cent that the price of sugar averages above the fixed price; (7) the supplementary pay provision not apply to any worker employed for less than 216 hours during the 1974-crop harvest, and (8) the supplementary pay should be decreased to take into account any salvage or frozen cane harvested on the farm.

One witness, testifying on behalf of the American Sugar Cane League, presented an analysis of economic conditions on Louisiana sugarcane farms. He stated that wage rates have been increased for 13 consecutive years, even in years of adverse growing and harvesting conditions. He further stated that labor costs in producing sugarcane have not decreased in proportion to the reduction in the amount of man labor requirements in producing sugarcane. While total direct costs, labor and non-labor combined, have increased, direct costs other than labor have increased faster. The farmer has substituted more expensive technology for labor, but the reduced amount of labor has cost him about as much as or more than before. Thus, a larger share of the benefits of the increased technology have gone to the laborer than to the farm producer.

Consideration has been given to the testimony and recommendations presented at the public hearing; to the returns, costs, and profits of producing sugarcane obtained by field survey for recent crops and recast in terms of price and production conditions likely to prevail for the 1974 crop; and to other standards generally considered in wage determinations, including the cost of living and the producers' ability to pay wages.

This determination increases the minimum wage rates for tractor and truck drivers and harvester bottom blade and hoist operators by 45 cents per hour and for harvester and loader operators and all other workers by 40 cents per hour. Minimum hourly rates for work associated with the harvest of 1974-crop Louisiana sugarcane are $2.50 for mechanical equipment operators and $2.30 for all other workers. The wage differential between skilled and unskilled workers has been maintained to equitably reflect the differences in worker responsibilities. It is also believed that a greater increase in wages for unskilled workers would place their minimum wage rate at a level greater than the value of their services, which in turn would have the effect of curtailing their employment opportunities.

The recommendations of the various labor representatives for increases in the minimum hourly wage rates substantially in excess of those established in this determination coupled with a fixed increase per hour in the basic rate for each $1 increase in the season's average price of sugar above a predetermined level have not been adopted. The rates established in this determination represent an increase of approximately 21 percent over the rates currently in effect. This is about 10 percent more than the anticipated increase of 11 percent in the cost of living for calendar year 1974. The earnings of all workers on sugarcane farms in Louisiana are expected to average about $2.33 per hour in 1974, or $.58 more than the projected average general farm wage in the State.

Increasingly high sugar prices have prevailed thus far during 1974. Louisiana producers, however, did not gain from the full effect of these high prices for 1973-crop sugarcane because most of the crop was marketed in late 1973 or early 1974. Prospects are favorable for the 1974 crop. The USDA Crop Reporting Board, in the August issue of CROP PRODUCTION, forecast that the 1974 crop would be growing on about 2 percent less acreage than the 1973 crop but that the yield of tons of cane per acre would be more than 16 percent greater. This indicates about a 14 percent increase in sugarcane production in 1974. This, along with anticipated higher prices of sugar, should afford producers the opportunity to improve their overall profit position. Accordingly, the wage increases in this determination appear to be fair and reasonable for workers and fully within the producers' ability to pay.

This determination will remain in effect for all 1974-crop harvest work unless and until amended, superseded, or terminated.

On the basis of an examination of all relevant factors, the provisions of this determination are deemed to be fair and reasonable. Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

NOTE: The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to the approval of the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date. This determination shall become effective on September 16, 1974.

Signed at Washington, D.C. on September 11, 1974.

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

[FR Doc.74-21557 Filed 9-17-74;8:45 am]

[Docket No. SH-327]

PART 865—SUGARCANE; TEXAS

Fair and Reasonable Wage Rates

The Sugar Act requires Texas sugarcane producers, as one of the conditions with which they must comply to be eligible for government payments under the act, to pay all workers employed in the production, cultivation, and harvesting of sugarcane in full at not less than minimum wage rates determined by the Secretary of Agriculture to be fair and reasonable. Such determination may not be made until after investigation and opportunity for interested persons to testify on whether the wage rates established under the previous year's determination continue to be fair and reasonable or whether such determination should be amended. A public hearing was held at McAllen, Texas, on July 18, 1974.

The determination, which becomes effective on October 14, 1974, increases the minimum wage rate by 30 cents per hour for all 1974-crop harvest workers.

Pursuant to the provisions of section 301(c)(1) of the Sugar Act of 1948 (7 U.S.C. 1131(c)(1)), as amended (herein referred to as "act"), after investigation and consideration of the evidence obtained at the public hearing held in McAllen, Texas on July 18, 1974, the following determination is hereby issued. The regulations previously appearing in these sections under "Determination of Wage Rates; Sugarcane; Texas" remain in full force and effect as to the crops to which they were applicable unless and until they are superseded in subsequent determinations.

Sec.
865.1 Requirements.
865.2 Applicability of wage requirements.
865.3 Payment of wages.
865.4 Evidence of compliance.
865.5 Employment of workers through a labor contractor or crew leader.
865.6 Subterfuge.
865.7 Claim for unpaid wages.
865.8 Failure to pay all wages in full.
865.9 Checking compliance.

AUTHORITY: Secs. 301, 403, 61 Stat. 929, as amended, 932 (7 U.S.C. 1131, 1153).

§ 865.1 Requirements.

A producer of sugarcane in Texas shall be deemed to have complied with the wage provisions of the act if all persons employed on the farm in harvesting work, as provided in section 865.2, shall have been paid in accordance with the following:

(a) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates required by existing legal obligations, regardless of whether those obligations resulted from an agreement (such as a labor union agreement) or were created by State or Federal legislative action, or at rates as agreed upon between the producer and the worker, whichever is higher, but not less than the following, which shall become effective on October 14, 1974, and shall remain in effect for 1974-crop harvest work until amended, superseded, or terminated:

(1) *Work performed on a time basis.*

Class of worker:	Rate per hour
(i) Tractor drivers, truck drivers, and principal operators of mechanical harvesting and loading equipment	$2.75
(ii) All other workers	$2.45

(2) *Workers 14 and 15 years of age when employed on a time basis.* For workers 14 and 15 years of age, the rate shall be not less than 85 percent of the applicable hourly rate prescribed for the class of worker described in paragraph (a) (1) of this section. (The act provides that the employment of workers under 14 years of age, or the employment of workers 14 and 15 years of age for more than 8 hours per day, will result in a deduction from Sugar Act payments to the producer.)

(3) *Apprentice operators of tractors and mechanical harvesting and loading equipment when employed on a time basis.* The hourly wage rate for a learner or apprentice, who is being trained as a tractor driver, truck driver or the principal operator of mechanical harvesting or loading equipment, shall be not less than $2.45. The training period for such workers shall not exceed six workweeks.

(4) *Handicapped workers when employed on a time basis.* The wage rate for workers certified by the Regional Director, Wage and Hour Division, U.S. Department of Labor, Room 13F–12, Federal Building, U.S. Courthouse, 1100 Commerce Street, Dallas, TX 75202, to be handicapped because of age or physical or mental deficiency or injury, and whose productive capacity is thereby impaired, shall be not less than 75 percent of the applicable hourly rate prescribed for the class of worker described in paragraph (a) (1) of this section.

(5) *Work performed on a piecework basis.* The piecework rate for any operation shall be as agreed upon between the producer and the worker. The hourly rate of earnings of each worker employed on piecework during each pay period (not to be in excess of two weeks) shall average for the time worked at piecework rates during such pay period not less than the applicable hourly rate prescribed for the class of worker described in paragraph (a) (1), (2), (3), or (4) of this section.

(b) *Compensable working time.* For work performed under paragraph (a) of this section, compensable working time commences at the time the worker is required to start work and ends upon completion of work in the field, except time taken out for meals during the working day. If the producer requires the operator of mechanical equipment, driver of animals, or any other class of worker to report to a place other than the field, such as an assembly point or tractor shed located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Time spent in performing work directly related to the principal work performed by the worker, such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time.

(c) *Equipment necessary to perform work assignment.* The producer shall furnish without cost to the worker any equipment required in the performance of any work assignment. The worker may be charged for the cost of such equipment in the event of its loss or destruction through negligence of the worker. Equipment includes, but is not limited to, hand and mechanical tools and special wearing apparel, such as boots and raincoats, required to discharge the work assignment.

§ 865.2 Applicability of wage requirements.

The wage requirements of this part apply to all persons who are employed or who work on the farm in operations directly connected with the harvesting of 1974-crop sugarcane on any acreage from which sugarcane is marketed or processed for the production of sugar or any 1974-crop acreage which qualifies as bona fide abandoned. Such persons include field overseers or supervisors while directing other workers, and those workers employed by an independent contractor who perform services on the farm. The wage requirements are not applicable to persons who voluntarily perform work without pay on the farm for a religious or charitable institution or organization; inmates of a prison who work on a farm operated by the prison; truck drivers employed by a contractor engaged only in hauling sugarcane; members of a cooperative arrangement among producers for the exchange of labor to be performed by themselves or members of their families; persons who have an agreement with the producer to perform all work on a specified acreage in return for a share of the crop or crop proceeds if such share, including the share of any Sugar Act payments, results in earnings at least as much as would otherwise be received in accordance with the requirements of this part for the work performed; custom operators or independent contractors and members of their immediate families; or workers performing services which are indirectly connected with the harvesting of sugarcane, including but not limited to mechanics, welders, and other maintenance workers and repairmen.

§ 865.3 Payment of wages.

(a) Workers shall be paid by check or in currency for all work performed, except to the extent that the payment is reduced by the following deductions: cash advances made to the worker by the producer; the market value or the amount agreed upon for supplies furnished by the producer at the request of the worker; meals, lodging, and transportation expenses which the producer agreed to furnish for a stated amount; and mandatory deductions such as taxes and Social Security contributions. In addition, a producer may deduct the amounts he has paid to a third party on behalf of the worker in connection with his employment as a farm worker which are acknowledged in writing signed by the worker or his agent or substantiated by other evidence acceptable to the county ASC committee to be an indebtedness of the worker, and which cover the expense of services and benefits furnished the worker by the third party, and which the worker or his agent has agreed may be deducted from his wages, such as public utilities, medical services, group hospitalization or other insurance for the benefit of the worker. As evidence of payments to a third party for which a deduction is made from the earnings of a worker, the producer shall maintain for a period of three years, for the inspection of the worker and the local county ASCS office, receipted bills or other written satisfactory evidence that support such deductions. Deductions may not be made for payments to a labor contractor or crew leader for his services; or for any items which the producer agreed to furnish the worker free of charge.

(b) The producer shall furnish the worker at the time of payment of wages or, if payment of wages is made through a labor contractor or crew leader, require the labor contractor or crew leader to furnish the worker at the time of payment of wages a statement showing the producer's and worker's names, the gross earnings, the items and amounts of deductions, and the net earnings of the worker, and the producer or the labor contractor or crew leader shall obtain the worker's signature acknowledging receipt of wages earned which shall in no event be less than those required by this part.

§ 865.4 Evidence of compliance.

Each producer subject to the provisions of this part shall keep and preserve, for a period of three years following the date on which his application for a Sugar Act payment is filed, such wage records as will demonstrate that each worker has been paid in full in accordance with the requirements of this part. Wage records should set forth dates work was performed, the class of work performed, units of work (piecework or hours), agreed upon rates per unit of work, total earnings and any permissible deductions, and the amount paid each worker. The producer shall furnish upon request to the appropriate Agricultural Stabilization and Conservation County Committee such records or other evidence as may satisfy such committee that the requirements of this part have been met.

§ 865.5 Employment of workers through a labor contractor or crew leader.

(a) If a producer employs workers through a labor contractor or crew leader, the producer may make payment of workers' wages through such labor contractor or crew leader: *Provided,* That the producer obtain from such contractor or crew leader and have on file (1) a copy of his authorization signed by each worker to collect wages due each such worker; (2) a copy of each worker's statement of earnings as required by § 865.3, or a wage record sheet such as any one of those shown in Exhibit 16 of Handbook 3–SU, available in county ASCS offices, showing the names of the producer and worker, dates work was performed, class of work performed, hours worked, agreed upon wage rate, total earnings, deductions, and the amount of wages due the worker; and (3) the signature of the worker acknowledging receipt of wages earned which shall in no event be less than those required by this part. The producer is responsible for paying to the labor contractor or crew leader the fee for his services, and the producer shall have on file a statement signed by the labor contractor or crew leader showing the amount of the fee being paid by the producer to the labor contractor or crew leader for his services, and showing that such fee is over and above the wages agreed upon by the contractor and producer which shall in no event be less than those required by this part.

(b) Responsibility for insuring that workers actually receive the minimum wage or the agreed upon wage, whichever is higher, less only deductions authorized by this part, rests with the producer. Whenever it appears that a worker has received less than the minimum or agreed upon wage, whichever is higher, less deductions authorized by this part, the producer shall not have met the requirements of this part for eligibility for payment under the act until it is determined that all workers on the farm hae been paid in full: *Provided, however,* That a producer who, having acted in good faith to fulfill his obligation to insure that the minimum or agreed upon wage is actually received by the workers, has obtained and has on file documents which meet the requirements set forth in paragraph (a) of this section and which show payment of wages in accordance with this part, shall have met the requirements of this part. However, in cases where the worker files a claim in the county ASCS office that he has not been paid wages in accordance with this part and it is found by the county committee that the worker's signature has been forged or he has been forced to sign under duress or by fraud, the producer shall not have met the requirements of this part for eligibility for payment under the act until the county committee determines that all workers on the farm have been paid in full.

§ 865.6 Subterfuge.

The producer shall not reduce the wage rates to workers below those determined in accordance with the requirements of this part through any subterfuge or device whatsoever.

§ 865.7 Claim for unpaid wages.

Any person who believes he has not been paid in accordance with this part may file a wage claim with the local Agricultural Stabilization and Conservation County Committee against the producer on whose farm the work was ducer on whose farm the work was performed. Such claim must be filed on Form SU–191, entitled "Claim Against Producer for Unpaid Wages," within two years from the date the work with respect to which the claim is made was performed. Detailed instruction and Forms SU–191 are available at the local county ASCS office. Upon receipt of a wage claim the county office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The county ASCS committee shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the Texas State Agricultural Stabilization and Conservation Committee, USDA Building, College Station, TX 77840, which shall likewise consider the facts and notify the producer and worker in writing of its recommendation for settlement of the claim. If the recommendation of the State ASC Committee is not acceptable, either party may file an appeal with the Deputy Administrator, Programs, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All such appeals shall be filed within 15 days after the date the written notice of the recommended settlement is mailed by the respective committee, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Deputy Administrator, Programs, his decision shall be binding on all parties insofar as payments under the act are concerned. Appeals procedures are set forth and explained fully in Part 780 of this title.

§ 865.8 Failure to pay all wages in full.

(a) Notwithstanding the provisions of this part requiring that all persons employed on the farm in the harvesting of sugarcane be paid in full for all such work as one of the conditions to be met by a producer for payment under the act, if the producer has failed to meet this condition but has met all other conditions, a portion of such payment, representing the remainder after deducting from the payment the amount of accrued unpaid wages, may be disbursed to producer(s) upon a determination by the county committee (1) that the producer has made a full disclosure to the county committee or its representative of any known failure to pay all workers on the farm wages in full as a condition for payment under the Sugar Act; and (2) that either (1) the failure to pay all workers their wages in full was caused by the financial inability of the producer; or (ii) the failure to pay all workers in full was caused by an inadvertent error or was not the fault of the producer or his agent, and the producer has used reasonable diligence to locate all such workers and to pay in full the wages due them. If the county committee makes the determination as heretofore provided in this paragraph, such committee shall cause to be deducted from the payment for the farm the full amount of the unpaid wages which shall be paid promptly to each worker involved if he can be located, otherwise the amount due shall be held for his account, and the remainder of the payment for the farm, if any, shall be made to the producer. If the county committee determines that the producer did not pay all workers in full because of an inadvertent error that was not discovered until after he received his Sugar Act payment, the producer shall be placed on the claims control record for the total amount of the unpaid wages.

(b) Except as provided in paragraph (a) of this section, if upon investigation the county committee determines that the producer failed to pay all workers on the farm the required wages, the entire Sugar Act payment with respect to such a farm shall be withheld from the producer until such time as evidence is presented to the county committee which will satisfy the county committee that all workers have been paid in full the wages earned by them; or if unpaid workers cannot be located, and the county committee determines that the producer used reasonable diligence to locate such workers, the amounts of unpaid wages shall be deducted from the sugar Act payment computed for the farm and the balance released to the producer after the expiration of 1 year from the date payment would otherwise be made. If payment has been made to the producer prior to the county committee's determination that all workers on the farm have not been paid in full, the producer shall be placed on the claims control record for the total payment until the county committee determines that all workers on the farm have been paid in full, the producer refunds the entire amount of the debt, or a setoff in the amount of the debt is made from a program payment otherwise due the producer, or the county committee after determining that the producer used reasonable diligence to locate such workers has recovered from such producer the amount of unpaid wages computed for the farm.

§ 865.9 Checking compliance.

The procedure to be followed by county ASCS offices in checking compliance with the wage requirements of this part are set forth under the heading "Wage Rate Determinations" in Handbook 3–SU, issued by the Deputy Administrator, Programs, Agricultural Stabilization and Conservation Service. Handbook 3–SU may be inspected at local county ASCS offices, and copies may be ob-

tained from the Texas State ASCS Office, USDA Building, College Station, TX 77840.

STATEMENT OF BASES AND CONSIDERATIONS

General. The foregoing determination provides fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the harvesting of 1974-crop surgarcane in Texas as one of the conditions with which producers must comply to be eligible for payments under the act.

Requirements of the act and standards employed. Section 301(c)(1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane with respect to which an application for payment is made, shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing, and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended, (i.e., cost of living, prices of sugar and by-products, income from sugarcane, and cost of production), and the differences in conditions among various sugar-producing areas.

Wage determination. This determination differs from the prior determination in that minimum hourly wage rates are increased by 30 cents per hour for all workers employed in the harvesting of 1974-crop sugarcane. The new minimum hourly rates are $2.75 per hour for tractor drivers and principal operators of mechanical harvesting and loading equipment, and $2.45 per hour for all other harvest workers.

Prior wage determinations have established minimum rates for harvesting of one year's crop and production and cultivation of the next year's crop. The powers vested in the Secretary under the Sugar Act will terminate on December 31, 1974, except that he will retain the power to make payments under Title III of the Act under programs applicable to the crop year 1974 and previous crop years. The Secretary has no power to make payments on the 1975 crop of sugarcane or establish minimum wages to be complied with during any phase of the production, cultivation or harvesting of that crop (including the harvesting of seed cane).

Therefore, this determination establishes no minimum wage rates for production or cultivation of the 1975 crop of sugarcane. The minimum wage rates established on October 15, 1973 (38 FR 28059) for workers employed in the production and cultivation of 1974-crop sugarcane (including cane harvested for seed) continue in effect for all 1974-crop production and cultivation work. All 1974-crop harvesting work (including any such work done after December 31, 1974) will be subject to the minimum wage rates set out in this determination. Any work performed with respect to the 1975 crop, whenever performed, is not subject to regulation under the Sugar Act. Other provisions of the prior determination continue unchanged.

A public hearing was held in McAllen, Texas, on July 18, 1974, at which interested persons were afforded the opportunity to testify on whether the wage rates established for Texas sugarcane fieldworkers in the wage determination which became effective on October 15, 1973, continue to be fair and reasonable under the circumstances, or whether such determination should be amended.

Testimony was presented at the hearing by representatives of both sugarcane producers and sugarcane fieldworkers. Producer representatives generally recommended no change in the present wage determination but, suggested that in establishing wage rates, the Department should consider the possibility of some catastrophe which could reduce yields of sugarcane in the Rio Grande Valley. Witnesses appearing on behalf of the fieldworkers recommended minimum hourly wage rates from $3.45 to $4.60 for principal machine operators and from $3.30 to $4.30 for all other workers, based on expected increased grower returns due to high sugar prices.

Consideration has been given to the testimony recommendations presented at the public hearing; to the expected yields, production, and profitability of the Texas sugar industry; and to other generally related standards normally considered in wage determinations, including the cost of living, and producers' ability to pay.

The wage rates established in the determination are identical to those recently announced for similar work in the Florida sugarcane industry. It has been the Department's intention that wage rates for Florida and Texas be on a par since production and price conditions are expected to be comparable in the two areas. Despite the freeze in December of 1973 which severely damaged the initial crop of sugarcane in Texas, producers still managed to harvest a substantial portion of the crop although yields suffered tremendously. Because of the high sugar prices prevailing during the marketing of the crop, growers' returns, per ton of cane, were greater than earlier estimated at the time the freeze occurred. Prospects for the 1974 Texas sugarcane crop appear very favorable at this time. The August issue of the Department's Crop Production report forecasts an indicated 28,000 acres for harvest and a yield of 37.0 tons of sugarcane per acre. Tonnage of sugarcane is estimated at slightly more than 1 million tons, an increase of about 63 percent from that harvested for the 1973 crop. With indicated favorable sugar prices, Texas producers should improve their overall profit position. Consequently, the wage increases in this determination are expected to be within the producers' ability to pay.

This determination will remain in effect for all 1974-crop harvest work unless and until amended, superseded, or terminated.

On the basis of an examination of all relevant factors, the provisions of this determination are deemed to be fair and reasonable. Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

NOTE: The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to the approval of the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date. This determination shall become effective on October 14, 1974.

Signed at Washington, D. C. on September 12, 1974.

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

[FR Doc.74-21610 Filed 9-17-74;8:45 am]

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

[Avocados Regulation 16, Amendment 2]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Maturity Requirements

This amendment to Avocado Regulation 16 adds an alternative method of determining maturity requirements for Miguel variety of avocados. The addition of the minimum diameter requirement will facilitate the maturity determination of these avocados in that pickers will be able to "ring pick" instead of estimating the weight of the individual fruit.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida, 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 recommendation of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the maturity requirements for the handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) 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 amended regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and good cause

exists for making the provisions hereof effective as hereinafter set forth. Shipments of Florida avocados are currently regulated pursuant to Avacado Regulation 16 (39 FR 20801; 30105) and, unless sooner modified or terminated, will continue to be so regulated until April 30, 1975. It is necessary, in order to effectuate the declared policy of the act, to make this amended regulation effective during the period and in the manner hereinafter set forth so as to provide for appropriate regulation of the handling of such avocados; compliance with this amended regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof, and it relieves restrictions by permitting shipment of Miguel avocados if they reach specified minimum diameters at an earlier date than now provided.

Recent maturity studies on the Miguel variety have established minimum diameters alternate to the minimum weight indices of maturity, which were the only maturity indices available, heretofore. The minimum diameter requirement will facilitate the maturity determination of these avocados on the tree and will enable pickers to "ring pick," thus assisting pickers to avoid the harvesting of immature fruit.

Order. The provisions of paragraph (a) (2) of § 915.316 (Avacodo Regulation 16; 39 FR 20801; 30105) are amended by adding in Table I minimum diameters to the minimum weights applicable to the Miguel variety, so that after such changes the portion of Table I relating to the Miguel variety of avocados reads as follows:

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Miguel	8-5-74	22 oz. $3^{13}/_{16}$ in	8-19-74	20 oz. $3^{12}/_{16}$ in	9-2-74	18 oz. $3^{19}/_{16}$ in	9-16-74

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

Dated, Sept. 13, 1974, to become effective September 13, 1974.

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

[FR Doc.74–21611 Filed 9–17–74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74–NW–10]

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

Alteration of Control Zone; Correction

On August 15, 1974, FR Doc. 74–18748 was published in the FEDERAL REGISTER (39 FR 29340). This document altered the description of the Hillsboro, Oregon, Control Zone. A review of the document disclosed that the description of the Astoria, Oregon, Control Zone was printed in place of the description of the Hillsboro, Oregon, Control Zone. Action is taken herein to substitute the correct Control Zone description.

Since the change is editorial in nature and imposes no additional burden on any person; notice and public procedures hereon are unnecessary.

In view of the foregoing, FR Doc. 74–18748 (39 FR 29340) is corrected effective immediately, by deleting all after the signature block and substituting therefor the following:

"In § 71.171 (39 FR 354), the description of the Hillsboro, Oregon, Control Zone is amended to read:

HILLSBORO, OREGON

Within a 5-mile radius of Portland-Hillsboro Airport (Latitude 45°32'15"N, Longitude 122°56'46"W); within 2 miles each side of the Newberg VORTAC 007° radial, extending from the 5-mile radius area to 8 miles south of the airport; and within 2 miles each side of the 039° bearing from the airport, extending from the 5-mile radius area to 9.5 miles northeast of the airport. This control zone will be effective during the time established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

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

Issued in Seattle, Wash., on September 9, 1974.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.74–21563 Filed 9–17–74;8:45 am]

[Airspace Docket No. 74–NW–12]

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

Alteration of Control Zone; Correction

On August 15, 1974, FR Doc. 74–18747 was published in the FEDERAL REGISTER (39 FR 29341). This document altered the description of the Astoria, Oregon, control zone. A review of the document disclosed that the description of the control zone was omitted when the document was published.

Action is taken herein to add the description of the control zone.

Since this change is editorial in nature and imposes no additional burden on any person, notice and public procedures hereon are unnecessary.

In view of the foregoing, FR Doc. 74–18747 (39 FR 29341) is corrected effective immediately by adding the following:

In § 71.171 (39 FR 354) the description of the Astoria, Oregon, control zone is amended to read:

ASTORIA, OREG.

Within a 5-mile radius of Clatsop County Airport, Astoria, Oreg. (Latitude 46°09'25" N., Longitude 123°52'38" W.), within 2 miles each side of the Astoria VOR 268° radial, extending from the 5-mile radius zone to 8 miles W of the VOR, and within 4.5 miles each side of the Astoria VOR 309° radial, extending from the 5-mile radius zone to 16 miles NW of the VOR.

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

Issued in Seattle, Wash., on September 9, 1974.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.74–21562 Filed 9–17–74;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C–2522]

PART 13—PROHIBITED TRADE PRACTICES

Carnation Co., et al. and Erwin Wasey, Inc.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.20 *Comparative data or merits;* § 13.135 *Nature of product or service;* § 13.170 *Qualities or properties of product or service;* 13.170–64 Nutritive. Subpart—Misrepresenting oneself and goods—Goods: § 13.1575 *Comparative data or merits;* § 13.1685 *Nature;* § 13.1710 *Qualities or properties.*

(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, Carnation Co., et al., Los Angeles, Calif., Docket C–2522, July 15, 1974]

In the matter of Carnation Company, a Corporation, Erwin Wasey, Inc., a Corporation

Consent order requiring a Los Angeles, Calif., seller and distributor or Carnation Instant Chocolate Flavored Nonfat Dry Milk and its Los Angeles, Calif., advertising agency, among other things to cease misrepresenting and falsely advertising that its product is the nutritional equivalent of milk or reconstituted nonfat dry milk. Further, respondents are required for a one-year period to clearly disclose in all advertising for such a product that it is not equivalent nutritionally to milk or reconstituted non-fat dry milk.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered That respondent Carnation Company, a corporation, and respondent Erwin Wasey, Inc., a corporation, and their successors and assigns and respondents' 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 the product designated as Carnation Instant Chocolate Flavored Nonfat Dry Milk, or any other product of similar composition or possessing substantially similar properties, do forthwith cease and desist from directly or indirectly:

1. Disseminating, or causing the dissemination of any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which represents directly or by implication that any such product is the nutritional equivalent of milk or of reconstituted non-fat dry milk, through the use of the name Carnation Instant Chocolate Flavored Nonfat Dry Milk or otherwise.

2. Disseminating, or causing the dissemination of any advertisement by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of any such product in commerce, as "commerce" is defined in the Federal Trade Commission Act, which contains any representation prohibited by Paragraph 1 hereof.

It is further ordered That respondents Carnation Company and Erwin Wasey, Inc. shall forthwith cease and desist, for a period of one (1) year from the date this Order becomes final, from disseminating any advertisement in commerce, as "commerce" is defined in the Federal Trade Commission Act, for any product subject to this Order, unless such advertisement contains a clear and conspicuous disclosure that such product is not the nutritional equivalent of non-fat milk, except that no such disclosure shall be required in any advertisement that promotes the use of any such product as a substitute for non-milk beverages. *Provided, however,* That the aforesaid disclosure shall be required in any advertisement that states or represents that any product subject to this order contains, or is made with, non-fat dry milk.

It is further ordered That respondents shall forthwith distribute a copy of this Order to each of their operating divisions.

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

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

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.

Decision and order issued by the Commission July 15, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-21588 Filed 9-17-74;8:45 am]

[Docket No. C-2518]

PART 13—PROHIBITED TRADE PRACTICES

International Paper Co.

Subpart—Combining or conspiring: § 13.400 *To discriminate or stabilize prices through basing point or delivered price systems;* § 13.431 *To exchange future price information.* Subpart—Selling and quoting, on systematic price matching bases: § 13.2190 *Basing point and delivered price systems.*

(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, International Paper Company, New York, N.Y., Docket C-2518, July 1, 1974]

In the matter of International Paper Company, a corporation

Consent order requiring a New York City manufacturer of softwood plywood, among other things to cease using a basing point system of pricing; requiring firm give customers the option of paying f.o.b. prices on picked-up purchases for a 10-year period; disclose the amount of actual freight on customers' invoices covering shipments sold on a delivered price basis; and requiring that in quoting prices the company base estimated weights upon actual experience determined by representative sampling or by other reasonable methods.

The pertinent portions of the Decision and Order, including further order requiring report of compliance therewith, is as follows: [1]

The order shall not become effective until thirty (30) days after the Commission enters final orders to cease and desist, resulting from litigation or consent, against Boise Cascade Corporation, Champion International Corporation, Georgia-Pacific Corporation, Weyerhaeuser Company and Willamette Industries, Inc. An order shall be considered final either by operation of law or by failure of any of the above companies to seek court review, or if court review is had as to said companies, at such time as court review is final as to all said companies. In the event the Commission obtains a final order to cease and desist, or if the Commission or any court enters an order to dismiss the complaint against any of the companies named above, International Paper Company shall for a period of thirty (30) days thereafter have the option to accept such order or dismissal in lieu of the order contained in this consent agreement.

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

ORDER

I. Definitions. "Softwood plywood"—material consisting of sheets of softwood glued or cemented together with the grains of adjacent layers arranged at right angles or at a wide angle usually being made of uniformly thin veneer sheets on either side of a thicker central layer.

"Softwood lumber"—softwood cut at sawmills into various sizes and shapes from coniferous wood trees.

"Particleboard"—wood panel products made from wood particles mixed with a synthetic resin or other binder and formed by heat and pressure.

"Basing point system"—a method of pricing or price computation for products produced by respondent or on hand at respondent's mill or distribution point by which that respondent quotes a delivered price computed in whole or in part on a systematic basis upon freight charges from a location or locations which are geographically different from the actual point of shipment to the customer, or computed in whole or in part upon a mode of transportation which differs from the mode actually used.

"f.o.b. price"—a price set for purchases by the customer at the distribution point or originating mill which is not based in whole or in part on a basing point system of pricing, and which does not systematically vary according to the location of the customer. An f.o.b. price shall mean a price determined for, but not necessarily different for, each mill and distribution point operated by respondent. It shall not be set at an artificial level for the purpose of affecting purchases at the mill or distribution point at an f.o.b. price.

"Actual freight charge"—freight charges determined by distance, carrier rates, and respondent's estimated weights developed in accordance with the standards set forth in Paragraph III.

II. *It is ordered* That respondent, International Paper Company, a corporation, its successors and assigns, and its officers, agents, representatives, and employees, directly or indirectly, through any corporate or other device in connection with the sale and distribution of particle board and softwood lumber and softwood plywood in "commerce," as "commerce" is defined in the Federal Trade Commission, Act, shall within sixty (60) days from the date of entry hereof:

1. Cease and desist from engaging individually, or in combination with competitors, in establishing, maintaining or using a basing point system of pricing.

2. For a period of ten (10) years, give customers the option of receiving a quotation and purchasing at f.o.b. prices in quantities of at least a truckload (approximately 40,000 lbs.) of the products covered by this order produced by respondent or on hand at respondent's mill or distribution point when the customer furnishes its own or arranges transporta-

tion compatible with respondent's facilities and complies with reasonable loading schedules and procedures of respondent. Additional cost attributable to customer pickup may be passed on to customers making pickup in the form of a surcharge above the f.o.b. price.

3. For a period of ten (10) years, state on invoices to customers for truckload or carload shipments by common or contract carrier sold on a delivered price basis the amount of actual freight charge to customers, the common or contract carrier rates from the place of shipment, the specified estimated weights if and when used, and the f.o.b. price.

III. *It is further ordered,* That respondent does within one hundred twenty (120) days cease and desist from adopting or maintaining estimated weights as a basis for calculating freight charges in quoting delivered prices on softwood plywood when such estimates are not based upon the experience of actual weights of softwood plywood produced by the respondent individually. Such experience shall be accumulated and updated by representative sampling or by other reasonable methods at least once a year for five (5) years.

IV. *It is further ordered,* That respondent shall cease and desist from directly or indirectly communicating, relaying or reporting to any manufacturer of softwood plywood, softwood lumber, or particleboard, information relating to prices, terms or conditions of sale (including transportation rates, charges or routing information) at which these products are sold or may be sold, except in connection with a bona fide sale to, or purchase from, such manufacturer or in connection with negotiations related thereto.

V. Nothing contained in this order shall be interpreted as prohibiting respondent, when acting individually, (1) from granting allowances to meet lower prices of competitors, (2) from absorbing all or any part of actual freight charges on shipment to any geographic area, (3) from charging the same delivered price to all customers within the normal area for delivery by a distribution point or mill when delivered by respondent's vehicles, or (4) from making otherwise legal communications to governmental bodies and trade or news publications.

VI. *It is further ordered,* That respondent shall notify all persons having sales and policy responsibilities in its organization of the terms of the order and publish same in at least two major trade journals or periodicals twice annually for each of two years from the date of this order.

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

VIII. *It is further ordered,* That within sixty (60) days from the date of service of this order, and on a periodic basis thereafter, the respondent shall submit, in writing, to the Federal Trade Commission a report setting forth in detail the manner and form in which respondent is meeting its compliance obligations.

Decision and order issued by the Commission July 1, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-21587 Filed 9-17-74;8:45 am]

[Docket No. C-2519]

PART 13—PROHIBITED TRADE PRACTICES

Vancouver Plywood Co., Inc.

Subpart—Combining or conspiring: § 13.400 *To discriminate or stabilize prices through basing point or delivered price systems;* § 13.431 *To exchange future price information.* Subpart—Selling and quoting, on systematic price matching bases: § 13.2190 *Basing point and delivered price systems.*

(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, Vancouver Plywood Co., Inc., Florien, La., Docket C-2519, July 1, 1974]

In the matter of Vancouver Plywood, Co., Inc., a corporation

Consent order requiring a Florien, La., manufacturer of softwood plywood, among other things to cease using a basing point system of pricing; requiring firm give customers the option of paying f.o.b. prices on picked-up purchases for a 10-year period; disclose the amount of actual freight on customers' invoices covering shipments sold on a delivered price basis; and requiring that in quoting prices the company base estimated weights upon actual experience determined by representative sampling or by other reasonable methods.

The pertinent portions of the Decision and Order, including further order requiring report of compliance therewith, is as follows: [1]

The order shall not become effective until thirty (30) days after the Commission enters final orders to cease and desist, resulting from litigation or consent, against Boise Cascade Corporation, Champion International Corporation, Georgia-Pacific Corporation, Weyerhaeuser Company and Willamette Industries, Inc. An order shall be considered final either by operation of law or by failure of any of the above companies to seek court review, or if court review is had as to said companies, at such time as court review is final as to all said companies. In the event the Commission obtains a final order to cease and desist, or if the Commission or any court enters an order to dismiss the complaint against any of the companies named above, Vancouver Plywood Co., Inc., shall for a period of thirty (30) days thereafter have the option to accept such order or dismissal in lieu of the order contained in this consent agreement.

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

ORDER

I. *Definitions.* "Softwood plywood"—material consisting of sheets of softwood glued or cemented together with the grains of adjacent layers arranged at right angles or at a wide angle usually being made of uniformly thin veneer sheets on either side of a thicker central layer.

"Softwood lumber"—softwood cut at sawmills into various sizes and shapes from coniferous wood trees.

"Basing point system"—a method of pricing or price computation for products produced by respondent or on had at respondent's mill or distribution point by which that respondent quotes a delivered price computed in whole or in part on a systematic basis upon freight charges from a location or locations which are geographically different from the actual point of shipment to the customer, or computed in whole or in part upon a mode of transportation which differs from the mode actually used.

"f.o.b. price"—a price set for purchases by the customer at the distribution point or originating mill which is not based in whole or in part on a basing point system of pricing, and which does not systematically vary according to the location of the customer. An f.o.b. price shall mean a price determined for, but not necessarily different for, each mill and distribution point operated by respondent. It shall not be set at an artificial level for the purpose of affecting purchases at the mill or distribution point at an f.o.b. price.

"Actual freight charge"—freight charges determined by distance, carrier rates, and respondent's estimated weights developed in accordance with the standards set forth in paragraph III.

II. *It is ordered,* That respondent, Vancouver Plywood Co., Inc., a corporation, its successors and assigns, and its officers, agents, representatives, and employees, directly or indirectly, through any corporate or other device in connection with the sale and distribution of softwood lumber and softwood plywood in "commerce," as "commerce" is defined in the Federal Trade Commission Act, shall within sixty (60) days from the date of entry hereof:

1. Cease and desist from engaging individually, or in combination with competitors, in establishing, maintaining or using a basing point system of pricing.

2. For a period of ten (10) years, give customers the option of receiving a quotation and purchasing at f.o.b. prices in quantities of at least a truckload (approximately 40,000 lbs.) of the products covered by this order produced by respondent or on hand at respondent's mill or distribution point when the customer furnishes its own or arranges transportation compatible with respondent's facilities and complies with reasonable loading schedules and procedures of respondent. Additional cost attributable to customer pickup may be passed on to

customers making pickup in the form of a surcharge above the f.o.b. price.

3. For a period of ten (10) years, state on invoices to customers for truckload or carload shipments by common or contract carrier sold on a delivered price basis the amount of actual freight charge to customers, the common or contract carrier rates from the place of shipment, the specified estimated weights if and when used, and the f.o.b. price.

III. *It is further ordered,* That respondent does within one hundred twenty (120) days cease and desist from adopting or maintaining estimated weights as a basis for calculating freight charges in quoting delivered prices on softwood plywood when such estimates are not based upon the experience of actual weights of softwood plywood produced by the respondent individually. Such experience shall be accumulated and updated by representative sampling or by other reasonable methods at least once a year for five (5) years.

IV. *It is further ordered,* That respondent shall cease and desist from directly or indirectly communicating, relaying or reporting to any manufacturer of softwood plywood or softwood lumber, information relating to prices, terms or conditions of sale (including transportation rates, charges or routing information) at which these products are sold or may be sold, except in connection with a bona fide sale to, or purchase from, such manufacturer or in connection with negotiations related thereto.

V. Nothing contained in this order shall be interpreted as prohibiting respondent, when acting individually, 1) from granting allowances to meet lower prices of competitors, 2) from absorbing all or any part of actual freight charges on shipment to any geographic area, 3) from charging the same delivered price to all customers within the normal area for delivery by a distribution point or mill when delivered by respondent's vehicles, or 4) from making otherwise legal communications to governmental bodies and trade or news publications.

VI. *It is further ordered,* That respondent shall notify all persons having sales and policy responsibilities in its organization of the terms of the order and publish same in at least two major trade journals or periodicals twice annually for each of two years from the date of this order.

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

VIII. *It is further ordered,* That within sixty (60) days from the date of service of this order, and on a periodic basis thereafter, the respondent shall submit, in writing, to the Federal Trade Commission a report setting forth in detail the manner and form in which respondent is meeting its compliance obligations.

Decision and order issued by the Commission July 1, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-21589 Filed 9-17-74;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

Antioxidants and/or Stabilizers for Polymers

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 4B2968), filed by the B. F. Goodrich Co., 500 Main St., Akron, OH 44318, and other relevant material, concludes that § 121.2566 of the food additive regulations should be amended to broaden the provision for safe use of 1,3,5-tris(3,5-di-*tert*-butyl-4-hydroxybenzyl)-*s*-triazine-2,4,6(1*H*,3*H*,5*H*)-trione as an antioxidant and/or stabilizer in the manufacture of polyethylene for use in articles intended to contact nonfatty foods.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2566(b) is amended by revising use No. 2 in the limitations column for the item "1,3,5,-Tris(3,5-di-*tert*-butyl-4-hydroxybenzyl)-*s*-triazine-2,4,6(1*H*,3*H*,5*H*)-trione" to read as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

* * * * * * * * * * *

(b) List of substances:

	Limitations
* * * * *	* * * * *
1,3,5-Tris(3,5-di-*tert*-butyl-4-hydroxybenzyl)-*s*-triazine-2,4,6(1*H*,3*H*,5*H*)-trione.	For use only: * * * * * 2. In polyethylene complying with § 121.2501: (a) At levels not to exceed 0.1 weight percent. (b) At levels not to exceed 0.5 weight percent in contact with nonfatty food.
* * * * *	* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before October 18, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective September 18, 1974.

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

Dated: September 11, 1974.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.74-21541 Filed 9-17-74;8:45 am]

SUBCHAPTER C—DRUGS

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Oxytetracycline Hydrochloride

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (8-769V) filed by Pfizer, Inc., 235 E. 42d St., New York, NY 10017, proposing revised labeling for safe and effective use of oxytetracycline hydrochloride injection for the treatment of cattle, swine, and poultry. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135b is amended in § 135b.65 by adding a new paragraph (d) as follows:

§ 135b.65 Oxytetracycline hydrochloride injection.

* * * * *

(d)(1) *Specifications.* The drug contains 50 milligrams of oxytetracycline hydrochloride in each milliliter of sterile solution.

(2) *Sponsor.* See code No. 030 in § 135.501(c) of this chapter.

(3) *Conditions of use.* (i) In beef cattle and non-lactating dairy cattle as follows:

(*a*) It is used for the treatment of pneumonia and shipping fever complex associated with *Pasteurella spp.* and *Hemophilus spp;* foot-rot and diphtheria

caused by *Spherophorus necrophorus;* bacterial enteritis (scours) caused by *Escherichia coli;* wooden tongue caused by *Actinobacillus lignieresi;* leptospirosis caused by *Leptospira pomona;* wound infections and acute metritis caused by staphy lococcal and streptococcal organisms.

(*b*) Administer by intravenous or intramuscular injection at 3 to 5 milligrams of oxytetracycline per pound of body weight per day. In the treatment of severe foot-rot and severe forms of the indicated diseases, a dosage level of 5 milligrams per pound of body weight per day is recommended.

(*c*) If the labeling of the drug bears the statement "Federal law restricts this drug to use by or on the order of a licensed veterinarian", it may include additional directions for use in beef cattle and non-lactating dairy cattle for the treatment of anaplasmosis caused by *Anaplasma marginale,* and anthrax caused by Bacillus anthracis in which case the drug is given at 3 to 5 milligrams of oxytetracycline per pound of body weight per day for anthrax, and at 5 milligrams per pound of body weight per day for anaplasmosis.

(ii) In swine as follows:

(*a*) It is used for the treatment of bacterial enteritis (scours, colibacillosis) caused by *Escherichia coli;* pneumonia caused by *Pacteurella multocida;* and leptospirosis caused by *Leptospira pomona.* Administered to sows as an aid in the control of infectious enteritis (baby pig scours, colibacillosis) in suckling pigs caused by *Escherichia coli.*

(*b*) Administer by intramuscular injection at 3 to 5 milligrams of oxytetracycline per pound of body weight per day to swine. Administered to sows at 3 milligrams of oxytetracycline per pound of body weight approximately 8 hours before farrowing or immediately after farrowing.

(iii) In poultry (broilers, turkeys, and breeding chickens) as follows:

(*a*) It is used for the treatment of air sacculitis (air-sac disease, chronic respiratory disease) caused by *Mycoplasma gallisepticum* and *Escherichia coli;* fowl cholera caused by *Pasteurella multocida;* infectious sinusitis caused by *Mycoplasma gallisepticum;* and infectious synovitis caused by *Mycoplasma synoviae.*

(*b*) Administered subcutaneously to chickens 1 day to 2 weeks of age at 6.25 milligrams of oxytetracycline per bird per day diluted with 1 part of the drug to 3 parts of sterile water; to chickens 2 to 4 weeks of age using the same diluted product at 12.5 milligrams of oxytetracycline per bird; to chickens 4 to 8 weeks of age without dilution at 25 milligrams of oxytetracycline per bird; to chickens 8 weeks of age (broilers and light pullets) at 50 milligrams of oxytetracycline per bird; to adult chickens at 100 milligrams of oxytetracycline per bird.

(*c*) Administered subcutaneously to turkeys 1 day to 2 weeks of age and 2 to 4 weeks of age at the same dosage as chickens; to turkeys 4 to 6 weeks of age at 50 milligrams of oxytetracycline as the undiluted product per bird; to turkeys 6 to 9 weeks of age at 100 milligrams of oxytetracycline per bird; to turkeys 9 to 12 weeks of age at 150 milligrams of oxytetracycline per bird; to turkeys 12 weeks of age and older at 200 milligrams of oxytetracycline per bird. In light turkey breeds, no more than 25 milligrams per pound of body weight is administered. For the treatment of infectious sinusitis in turkeys, ¼ to ½ milliliter of the drug is injected directly into each swollen sinus depending upon the age of the bird and the severity of the condition. At the time that the sinuses are treated, the drug should also be administered subcutaneously to the birds according to the dosage schedule given in paragraph (d) (3) (iii) (*c*) of this section. If refilling of the sinuses occurs, the treatment may be repeated in 5 to 7 days.

(iv) Treatment of all diseases should be instituted early. Treatment should continue for 24 to 48 hours beyond the remission of disease symptoms, but not exceed a total of 4 consecutive days. If no improvement is noted within 24 to 48 hours, diagnosis and therapy should be reevaluated.

(v) When injecting intramuscularly in adult livestock, do not inject more than 10 milliliters at any one site. The volume administered per injection site should be reduced according to age and body size so that 1 to 2 milliliters are injected in smaller animals such as small calves and young pigs. Intravenous administration is recommended in cattle when daily dosage exceeds 50 milliliters.

(vi) Treatment must be discontinued at least 5 days prior to slaughter for chickens and turkeys and at least 22 days prior to slaughter for cattle and swine. When administered intramuscularly to animals within 30 days of slaughter, muscle discoloration may necessitate trimming of the injection site(s) and surrounding tissues during the dressing procedure.

(vii) Not for use in lactating dairy animals. Do not administer to laying hens unless the eggs are used for hatching only.

Effective date. This order shall be effective September 18, 1974.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i).)

Dated: September 11, 1974.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.74-21542 Filed 9-17-74;8:45 am]

SUBCHAPTER J—RADIOLOGICAL HEALTH

PART 1000—GENERAL

Assembly and Reassembly of Diagnostic X-ray Systems; Correction

In FR Doc. 74-17220 appearing at page 27432 in the FEDERAL REGISTER of Monday, July 29, 1974, in the first sentence of paragraph (a) (4) of § 1000.16 *Assembly and reassembly of diagnostic X-ray systems,* the reference "paragraph (c)" is changed to read "paragraph (d)."

Dated: September 11, 1974.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.74-21544 Filed 9-17-74;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-74-267]

PART 275—LOW RENT PUBLIC HOUSING

Prototype Cost Limits for Public Housing

In the FEDERAL REGISTER issued for Friday, May 17, 1974 (39 FR 17678) prototype per unit cost schedules were published pursuant to section 15(5) of the U.S. Housing Act of 1937. Consideration of subsequent factual project cost data and other information received from the Des Moines Insuring Office indicates that the prototype costs for Mason City, Iowa, published May 17, 1974, should be revised as set forth below in the table entitled Prototype Per Unit Cost Schedule.

The change in schedule will be effective September 18, 1974. Timely written comments will be considered in preparing revisions to cost limits for individual areas. Comments with respect to cost limits for a given location may be filed with the appropriate HUD Area Office. The offices were listed in our publication of May 17, 1974.

Accordingly, amend the appendix to 24 CFR Part 275 as follows:

1. On page 17724 of the issue for Friday, May 17, 1974, delete the existing costs for Mason City, Iowa and substitute in lieu thereof the revised prototype per unit costs shown on the table set forth hereinafter entitled Prototype Per Unit Cost Schedule. (Sec. 7(d) of Department of HUD Act, 42 U.S.C. 3535(d)).

Effective date: This amendment is effective September 18, 1974.

SHELDON B. LUBAR,
Assistant Secretary-Commissioner.

APPENDIX.—*Prototype per unit cost schedule*

Region VII

	Number of bedrooms						
	0	1	2	3	4	5	6
Mason City, Iowa:							
Detached and semidetached	10,550	12,700	15,700	18,650	22,500	25,000	26,150
Row dwellings	10,100	12,150	14,950	17,800	21,400	23,850	24,900
Walk-up	8,900	11,050	14,050	17,300	20,000	21,150	22,200
Elevator-structure	14,400	16,750	21,200				

[FR Doc.74-21485 Filed 9-17-74;8:45 am]

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-361]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 **Status of participating communities.**

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Colorado	Weld	Unincorporated areas	Sept. 16, 1974. Emergency			
Florida	Plam Beach	South Palm Beach, town of	do	Jan. 16, 1974		
Pennsylvania	York	Carroll, township of	do			
Do	Butler	Cranberry, township of	do			
Do	Jefferson	Henderson, township of	do			
Do	Centre	Walker, township of	do			
Virginia	Southampton	Unincorporated areas	do			

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

Issued: September 9, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-21449 Filed 9-17-74;8:45 am]

[Docket No. FI-362]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 **Status of participating communities.**

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
California	Orange	Westminster, city of	Sept. 6, 1974. Emergency	June 14, 1974		
Do	Santa Clara	Los Altos, city of	do	June 7, 1974		
Illinois	Du Page	Darien, city of	do			
Maryland	Talbot	Unincorporated areas	do			
Massachusetts	Middlesex	Belmont, town of	do	July 26, 1974		
Do	Hampden	Hampden, town of	do	June 21, 1974		
Mississippi	Itawamba	Fulton, city of	do	Jan. 16, 1974		
Missouri	Clay	Mosby, city of	do			
Do	do	Claycomo, village of	do	Jan. 23, 1974		
Do	St. Louis	Pine Lawn, city of	do	Apr. 5, 1974		
New Jersey	Ocean	Island Heights, borough of	do	July 19, 1974		
New York	Erie	Grand Island, town of	do	Aug. 2, 1974		
Nebraska	Hall	Wood River, city of	do	May 31, 1974		
Ohio	Huron	Norwalk, city of	do	Nov. 23, 1973		
Pennsylvania	Columbia	Millville, borough of	do			
Do	York	Windsor, township of	do			

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

Issued: September 6, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-21450 Filed 9-17-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 258-2]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Enforcement Policies

Subpart A of 40 CFR Part 52 sets forth general provisions relating to the approval and promulgation of state implementation plans under the Clean Air Act by the Environmental Protection Agency (EPA). Following a recent review of these provisions, the Administrator has concluded that it would be helpful to amend them in certain respects in order to clarify EPA's policy and its interpretation of the law on certain points relating to plan enforcement. Accordingly, the following amendments are being promulgated:

(1) 40 CFR 52.02(d) is being amended to make clear that permit conditions and permit denials issued pursuant to approved or promulgated procedures for the review of stationary and indirect sources are enforceable as plan requirements.

(2) 40 CFR 52.23 is being amended to make clear (a) that a violation of a regulation which is part of an approved implementation plan is subject to federal enforcement to the same extent as a violation of a federally-promulgated regulation; and (b) that stationary and indirect source permit conditions and denials are federally enforceable.

Since the foregoing amendments are interpretative in nature and merely clarify EPA's intent and policy, the Administrator for good cause finds that it is unnecessary to subject them to the notice and public comment procedures of the Administrative Procedure Act. For the same reason, the Administrator finds good cause for making the amendments effective immediately upon publication.

(42 U.S.C. 1857g(a))

Dated: September 12, 1974.

JOHN QUARLES,
Acting Administrator.

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

1. In § 52.02, paragraph (d) is hereby revised to read as follows:

§ 52.02 Introduction.

* * * * *

(d) All approved regulatory provisions of each plan are incorporated by reference in this part. Regulatory provisions of a plan approved or promulgated by the Administrator, and all permit conditions or permit denials issued pursuant to approved or promulgated regulations for the review of new or modified stationary or indirect sources, are enforceable by the Administrator and the State, and by local agencies in accordance with their assigned responsibilities under the plan.

* * * * *

2. Section 52.23 is hereby revised to read as follows:

§ 52.23 Violation and Enforcement.

Failure to comply with any provisions of this part, or with any approved regulatory provision of a state implementation plan, or with any permit condition or permit denial issued pursuant to approved or promulgated regulations for the review of new or modified stationary or indirect sources, shall render the person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act. With regard to compliance schedules, a person or Governmental entity will be considered to have failed to comply with the requirements of this part if it fails to timely submit any required compliance schedule, if the compliance schedule when submitted does not contain each of the elements it is required to contain, or if the person or Governmental entity fails to comply with such schedule.

[FR Doc.74-21628 Filed 9-17-74;8:45 am]

[FRL 260-8]

PART 169—BOOKS AND RECORDS OF PESTICIDE PRODUCTION AND DISTRIBUTION

On October 25, 1973, notice was published in the FEDERAL REGISTER (38 FR 29481) proposing regulations for the maintenance and inspection of books and records of pesticide production and distribution pursuant to sections 8 and 25 of the Federal Insecticide, Fungicide, and Rodenticide Act as amended (7 U.S.C. 136f, 136w(a)).

Section 8(a) of the Act provides that "[the] Administrator may prescribe regulations requiring producers to maintain such records with respect to their operations and the pesticides and devices produced as he determines are necessary for the effective enforcement of the [the] Act." The regulations, as proposed, set forth the scope and types of books and records required to be maintained by producers of pesticides and devices, the periods of time that such books and records are to be retained, and the procedures to be followed in the inspection of such books and records.

Written comments on the proposed regulations were invited and received from interested parties. All of the comments have been reviewed and are on file with the Agency. Certain of these comments have been incorporated into the revised regulations in an effort to balance the Agency's requirements against the need to protect legitimate trade secrets of the individual businessman and the burden of imposing upon pesticide producers major changes or additions to current record-keeping practices. Accordingly, the Agency has deleted certain requirements as unnecessary for the effective enforcement of the Act, has generally reduced the time periods for which records must be kept, and has clarified certain ambiguities which had caused concern. Comments, modifications, and policy issues are described below.

COMMENTS AND REVISIONS

1. *Maintenance of books and records—§ 169.2.* A large number of comments asserted that the scope of the required records exceeded the Agency's statutory authority under section 3(a) of the Act. These comments took the position that EPA's authority to require the maintenance of records extends only to those records which are specifically mentioned under section 8(b). In the context of this argument, it is the Agency's view that section 8(b) addresses both different parties and different purposes than section 8(a) and is therefore irrelevant in determining the scope of records which may be required under section 8(a). The clear language of the statute under section 8(a) grants the Administrator such authority to require books and records as "* * * he determines are necessary for the effective enforcement of the Act."

Comments on behalf of those regulated took the position that "effective enforcement" should be given a relatively narrow construction, presumably limited to such matters as label violations or formulation variations. The Agency interprets the words "for effective enforcement of the Act" as referring to enforcement of all the provisions of the Act, including provisions containing prohibitions against failing to register a pesticide, making unlawful claims for a registered pesticide, distributing or selling a registered pesticide the composition of which differs from that described in the registration applications, violating regulations prescribing coloring or discoloring requirements, adulterating or misbranding pesticides or misbranding devices, furnishing false guaranties, advertising a pesticide without designating its restricted use classification, distributing, selling or using pesticides subject to stop sale, use or removal orders, failing to register an establishment for the production of pesticides or devices, falsifying records required to be maintained or applications to be submitted, failing to file required reports, failing to disclose any factual information concerning unreasonable adverse effects on the environment, adding or taking substances from pesticides in a manner inconsistent with the Act, testing pesticides on human beings without their informed and voluntary consent, and disposing or storing pesticides and their packages and containers without complying with requirements of the Act.

As promulgated the regulations do not include certain requirements which although useful are not absolutely necessary to the Agency. In attempting to narrow its focus, the Agency has determined to impose only such record-keeping requirements as are essential to current enforcement responsibilities. For example, the Agency has deleted § 169.4(b)(2) requiring distributors to keep records of sales of pesticides classified for restricted use. Likewise, records relating to disposal under revised § 169.2(i) have been pared to include only those products with label

instructions for disposal. When regulations governing classification of products, certification of applicators, and disposal become effective, the need for record-keeping in connection with the new regulations will be reviewed.

Several parties commented that many of the required records would be duplicative of other statutory requirements for submitting annual or other reports (sections 3, 6, and 7). However, the Agency contends that although the records required under Section 8 may be in part duplicative, such records are indispensable in enabling the Agency to verify the accuracy of information submitted in these required reports. The Agency takes the further position with reference to this argument that records required under section 8 do not represent isolated implementation of one section of the Act alone but rather are related to all other sections of the Act which may depend upon record-keeping for their necessary implementation.

Most of the required records (those pertaining to production, shipment, inventory, batch identification and quantity) will enable the Agency to identify, track and isolate violative batches or shipments of pesticides. In this way, the effectiveness of EPA stop sale, use, or removal orders and seizures pursuant to section 13 of the Act, in addition to recalls, will be greatly enhanced, while the producer and the Agency will be spared actions against non-violative shipments. Records showing brand names and quantities of devices produced will enable enforcement of section 12(a)(1)(F) of the Act which proscribes the sale of "any device which is misbranded."

A second type of record-keeping requirement (disposal, pesticide tests on humans, adverse effects, and research data) pertains largely to human health and environmental effects of pesticide products. Such information is essential to Agency efforts to identify areas of possible future harm to man and the environment for purposes of possible cancellation or other enforcement action.

Section 19 of the Act provides that pesticides shall be disposed of in accordance with regulations promulgated by the Administrator. On this basis, a number of comments suggested that the Agency's intention to require producers to maintain records of the disposal of excess pesticides or pesticide containers was not within the scope of section 8. However, as noted at the outset, it is the Agency's view that section 8 permits requirement of any record "necessary for the effective enforcement of [the] Act." This must necessarily include records of disposal of excess pesticides and used containers which pose not only a potential short-range danger to the environment, but also potential long-term hazards including contamination of drinking water and future building sites. Such records are deemed essential to the effective enforcement of section 19 and the regulations promulgated thereunder.

Although the basic requirement has been retained, the regulation has been somewhat revised in line with certain comments received, including those addressed to the difficulty and impracticability of keeping records on the numbers of containers disposed of or the dates of disposal.

The regulations now require information on the method, date, types and amounts of pesticides disposed of by the producer or his contractor and, in the case of used containers accumulated during production, the method, dates and disposal sites. With regard to container disposal the Agency will consider satisfactory a general statement attested to by a responsible firm official regarding disposal methods and sites with specific records only for deviations from the described practices. The requirement to maintain records of disposal of pesticides extends only to those products whose labels bear disposal instructions and to any other products specified under any regulations promulgated pursuant to section 19.

Section 12(a)(2)(P) makes it unlawful to use any pesticide on human beings except under certain conditions. Records of pesticide tests on human beings will allow the Agency to assure compliance with the statutory requirements.

Section 6(a)(2) requires the registrant to furnish any factual information coming to his attention regarding unreasonable adverse effects on the environment. Records of actual events which have occurred with respect to a registered pesticide, including research data, will ensure compliance with section 6(a)(2) and will enable the Agency to broaden its surveillance capability in monitoring potential unreasonable adverse effects on the environment and in making determinations with respect to registration classification changes, suspension or cancellation of a registered product pursuant to section 6(b) of the Act.

Among the more specific comments received was the concern that the Agency was exceeding its authority by requiring producers to keep copies of all domestic advertising of restricted use pesticides for which the producer is responsible, including any radio and television scripts. Still others contended that advertising is the responsibility of the FTC, not EPA. However, section 12(a)(2)(E) of the Federal Insecticide, Fungicide, and Rodenticide Act establishes the Agency's authority over the advertising of restricted use pesticides. Section 12(a)(2)(E) provides that it is an unlawful act for a registrant to advertise a product registered for a restricted use without giving the classification assigned to it. Records of domestic advertising of restricted use pesticides will enable the Agency to effectively monitor advertising of such pesticides. Such records will also establish the producer's responsibility for advertising claims for his products. Accordingly the requirement was maintained. In connection with this same requirement, comments were received objecting to the provision requiring producers to keep on file copies of all current labels and labeling. The requirement was considered to be within the scope of the Agency's authority. However, since the Agency has copies of labels and labeling on file with data submitted for registration, and can inspect labels on products released for shipment at the producer's establishment, the provision was deemed to be unnecessary for enforcement purposes.

In a related area, section 12(a)(2)(C) makes it an unlawful act to give a false guaranty for a pesticide. Section 12(b)(1) provides an exemption for such violation to any person holding a guaranty signed by the seller. Records of guaranties will enable the Agency to determine whether a producer has given a guaranty which is false in any particular. Then, liability can be established for violations of the Act where one party has acted in reliance on the guaranty of another.

Section 17(a) of the Act exempts from the provisions of the Act pesticides or devices intended solely for export and prepared or packed according to the specifications or directions of the foreign purchaser. Records of the specifications or directions will enable the Agency to determine which pesticides or devices are actually intended for export and are not subject to the provisions of the Act for purposes of enforcement under section 12.

The Agency also received comments and questions with respect to whether these requirements apply to foreign producers who plan to import pesticides into the United States. Since pesticides imported for sale in the United States are subject to the provisions of the Act, the law requires that the demands on foreign pesticide producers should be no less than those for domestic producers. Accordingly, foreign producers are expected to keep books and records on those products which are for importation into the United States.

2. *Retention and disposition of books and records—§ 169.3.* A general concern of industry with regard to record-keeping and retention requirements focused on the economic implications of such obligations. It has been alleged that promulgation of the regulations as proposed would mean that numerous records, in addition to those already kept by producers, would be required and that a special set of records for the exclusive use of EPA would have to be maintained. Further, producers have complained of the burden of retaining records over time, especially the long-term retention required for records dealing with disposal, adverse environmental effects and human testing.

The Agency has carefully evaluated these comments. Inquiries indicate that as a general matter such records as are specified in section 169.2, as revised, are already kept by most producers. Moreover, no producer will be required to keep a duplicate set of records for purposes of furnishing information to EPA. To the extent information required to be maintained by the regulations is kept in company records presently maintained as part of business operations, no change

will be necessary. The maintenance of such records is to be done in accordance with the producer's current record-keeping practices. Inspection of records will be sought only at "reasonable times" or when the producer is ordinarily open for business. In the case of those producers using centralized or computerized record-keeping systems, no change in their operations is required by these regulations. Such producers shall be required to retrieve such records upon EPA request, within the same time frames necessary to obtain such information in the course of their own business operations.

As stated above, in view of the fact that most producers already keep most of the records required by the regulations, together with the stated policy of reasonableness in making inspection demands, the Agency has concluded that the record-keeping requirements under Section 8 do not pose an undue financial burden on responsible producers.

Underlying the basic requirement that books and records be maintained is the assumption that such records be retained for periods of time sufficient to make them of some practical use. The time periods in the revised regulations reflect an effort to balance the need for maintaining certain records over time against the burden of retention and storage.

For numerous production and shipment data, the Agency has determined that a two-year retention period (as opposed to a five-year specification in the proposed regulations) is adequate to permit inspection, sampling and determinations of violations.

Records dealing with disposal of pesticides, together with records detailing any pesticide tests conducted on humans, are still required to be retained for twenty years. As pointed out in comments by environmental groups, when viewed in terms of the necessity of such records to insure the public health against any potential long-term deleterious effects of pesticides, such retention periods are reasonable. Considering the general embryonic state of the scientific art of predicting the long-term epidemiological effects of most pesticides, such periods may be found to be inadequate or in some cases may be unnecessarily long. As the Agency develops further expertise, these periods of record retention may be modified accordingly. Because the Agency recognizes the burden which the maintenance of such records for 20 years would place on most producers, it has been determined that the Agency will assume the greater share of that burden, by accepting such records for maintenance in regional offices after the first three (3) years. If the records are not forwarded to the Agency the producer must retain the records for the twenty-year period. The Agency intends to publish at a later date the procedures and guidelines to be followed in submitting such books and records to regional offices for retention.

Certain records are required to be retained for an undefined period bounded either by expiration of the product's valid registration, by the expiration of the producer's contract with foreign purchasers, or by the registrant's termination of business. These include records of product specifications for foreign purchasers, of unreasonable adverse effects on the environment, of research data, and of guarantees. The proposed requirement specifying retention of records containing data concerning illnesses, injuries, accidents and other occurrences to employees resulting from pesticide production (§ 169.3(b)(3)) has been deleted and is considered subsumed, insofar as pesticide-related illnesses and injuries are covered, by the adverse effects record requirement under revised § 169.2(k).

3. *Inspection—§ 169.4.* Industry comments indicated a belief that Agency inspection of records should be limited to those records specifically enumerated under section 8(b) of the Act: To so limit inspection would make great portions of material required to be maintained nonreviewable and therefore useless. The practical effect would be to render section 8(a) of the Act largely a nullity. Moreover, section 12(a)(2)(B) of the Act makes it an unlawful act to refuse inspection "of any records required pursuant to section 8." The unlawful act provision is not limited to section 8(b), reenforcing the Agency's legal position that any records properly required under section 8(a) may be inspected. Original § 169.4 (a) and (b) of the regulations as proposed appear in the revised regulations as § 169.3 (a) and (b).

Although all records required to be maintained under these regulations are subject to inspection, the following particularly sensitive records will be inspected only with the prior approval of the Regional Administrator for the region in which the inspection is to take place: records of the complete formula of products not registered, or not the subject of an application for registration, or not produced under an Experimental Use Permit (§ 169.2(a)); records of specifications or directions of a foreign purchaser for the production of pesticides and devices intended solely for export to any foreign country (§ 169.2(h)); records of tests conducted on human beings whether performed by the producer himself or authorized and/or paid for by the producer (§ 169.2(j)); and records containing research data relating to registered pesticides (§ 169.2(l).

Proposed § 169.4(c) regarding inability has been retained as revised § 169.3 (d). This section and § 169.1(d) are considered adequate to address the issue of exemptions for failure arising from incapacity, of any person to maintain, furnish or permit access to any records as required by these regulations.

A new § 169.3(c) has been added to provide for confidentiality by reference to section 10 of the Act. In light of the legitimate concerns of the industry that a proposed requirement providing for maintenance of records revealing "composition of the formulation" (proposed §§ 169.1(d), 169.2(a)) might suggest an attempt at regulation of quality control, specifically disallowed by the Act) and might cause some infringement on rightfully held trade secrets, these two proposed sections were deleted.

Section 139.1 of these revised regulations contains definitions of terms used in the proposed regulations. All terms not otherwise defined have the same meaning as those used in the Act.

Section 169.2 of these revised regulations sets forth the types of books and records which shall be maintained by producers of pesticides and the periods of time for which such records shall be retained. Any establishment which falls within the purview of section 7 of the Act shall maintain the books and records required under section 8. In the event that any person both produces and distributes pesticides, the requirements to maintain certain records apply to products produced by him. In the revised regulations, the record retention requirements (formerly § 169.3) have been combined with the record maintenance requirements under § 169.2.

Section 169.3 of these revised regulations specifies provisions for inspection of records required to be maintained by producers and available from others including distributors.

Effective date: These regulations will be effective October 18, 1974, and shall be enforceable December 17, 1974.

JOHN QUARLES,
Acting Administrator.

SEPTEMBER 13, 1974.

A new 40 CFR Part 169 is established to read as follows:

Sec.
169.1 Definitions.
169.2 Maintenance of records.
169.3 Inspection.

AUTHORITY: Secs. 8 and 25, Federal Insecticide, Fungicide, and Rodenticide Act, as amended by the Federal Environmental Pesticide Control Act of 1972 (86 Stat. 987, 997).

§ 169.1 Definitions.

Terms used in this part shall have the meanings set forth for such terms in the Federal Insecticide, Fungicide, and Rodenticide Act as amended. In addition, as used in this part, the following terms shall have the meanings set forth below:

(a) *Amount of pesticide.* The term "amount of pesticide" means the weight or volume of the pesticide, expressed as weight for solid or semi-solid products and as weight or volume for liquid products.

(b) *Batch.* The term "batch" means a quantity of a pesticide product made in one operation or lot or if made in a continuous or semicontinuous process or cycle, the quantity produced during an interval of time to be specified by the producer.

(c) *Device.* The term "device" means any device or class of device as defined by the Act and determined by the Administrator to be subject to the provisions of the Act.

(d) *Inability.* The term "inability" means the incapacity of any person to maintain, furnish or permit access to

any records under this Act and regulations, where such incapacity arises out of causes beyond the control and without the fault or negligence of such person. Such causes may include, but are not restricted to acts of God or of the public enemy, fires, floods, epidemics, quarantine restrictions, strikes and unusually severe weather but in every case the failure must be beyond the control and without the fault or negligence of said person.

(e) *Producer.* The term "producer" means the person who manufactures, prepares, compounds, propagates, or processes any pesticide or device.

§ 169.2 Maintenance of records.

All producers of pesticides or devices subject to this Act, including pesticides produced pursuant to an experimental use permit, shall maintain the following records:

(a) Records showing the product name, EPA Registration Number, Experimental Permit Number if the pesticide is produced under an Experimental Use Permit, amounts per batch and batch identification (numbers, letters, etc.) of all pesticides produced. In cases where a pesticide is not registered, is not the subject of an application for registration, or is not produced under an Experimental Use Permit, the records shall also show the complete formula. The batch identification shall appear on all production control records. These records shall be retained for a period of two (2) years.

(b) Records showing the brand names and quantities of devices produced. These records shall be retained for a period of two (2) years.

(c) Records showing the following information regarding the receipt of all pesticides and devices:

(1) Brand name of pesticide or device.
(2) Name and address of shipper.
(3) Name of delivering carrier.
(4) Date received, and
(5) Quantities received.

These records are not intended to cover receipt of pesticides used for in-plant maintenance, extermination or sanitation programs, etc. Shipping and receiving documents such as invoices, freight bills, receiving tickets, etc., which provide the required information will be considered satisfactory for the purposes of this section. These records shall be retained for a period of two (2) years.

(d) Records showing the following information regarding the shipment of all pesticides and devices.

(1) Brand name of pesticide or device.

(2) Name and address of consignee and where the pesticide is produced pursuant to an experimental use permit the information required under Section 5 and any regulations promulgated thereto regarding the distribution of such pesticides.

(3) Name of originating carrier.

(4) Date shipped or delivered for shipment, and

(5) Quantities shipped or delivered for shipment.

Such records are required regardless of whether any shipment or receipt of shipment is between plants owned or otherwise controlled by the same person. Shipping and receiving documents such as invoices, freight bills, receiving tickets, etc., which provide the required information will be considered satisfactory for the purposes of this section. These records shall be retained for a period of two (2) years.

(e) Inventory records with respect to the types and amounts of pesticides or quantities of devices in stock which he has produced. These records may be disposed of when a more current inventory record is prepared.

(f) Copies of all domestic advertising of restricted uses of any pesticide registered for restricted use for which the producer is responsible including any radio or television scripts for all such pesticides. These records shall be retained for a period of two (2) years.

(g) Copies of all guarantees given pursuant to section 12(a)(2)(C) of the Act. These records shall be retained for a period of one (1) year after expiration of the guarantee.

(h) In the case of pesticides or devices intended solely for export to any foreign country, copies of the specifications or directions of the foreign purchaser for the production of the pesticides or devices. These records shall be retained for a period of two (2) years after expiration of the contract.

(i) Records on the method of disposal (burial, incineration, etc.) date or dates of disposal, location of the disposal sites, and the types and amounts of pesticides disposed of by the producer or his contractor. With regard to the disposal of containers accumulated during production, the Agency will consider satisfactory a statement, attested to by a responsible firm official, describing in general terms the method and location of disposal, e.g., all containers are taken periodically to a certain site. Records of deviations from normal practice must be maintained. In addition any records on the disposal of pesticides and/or containers specified pursuant to section 19 of the Act and any regulations promulgated thereto shall also be maintained. The above requirements apply to those products bearing label instructions for disposal and to any other products specified under any regulations promulgated pursuant to section 19. These records shall be retained for twenty (20) years or may be forwarded after three (3) years to the Environmental Protection Agency Regional Administrator for maintenance.

(j) Records of any tests conducted on human beings whether performed by the producer himself or authorized and/or paid for by the producer. Such records shall include: the names and addresses of subjects tested, dates of tests, types of tests, written consent of subjects to test and all information and instructions given to the subjects regarding the nature and purpose of the tests and of any physical and mental health consequences which were reasonably foreseen therefrom, and any adverse effects of the tests on the subjects, including any such effects coming to the attention of the producer after completion of the tests. These records shall be retained for twenty (20) years or may be forwarded after three (3) years to the Environmental Protection Agency Regional Administrator for maintenance.

(k) Records of any factual information coming to the attention of the producer regarding any unreasonable adverse effects on the environment including water, air, land, and all plants and man and other animals living therein by any pesticide produced by him. These records shall be retained as long as the registration is valid and the producer (including its successors or assigns) is in business or for a period of two (2) years after such information is submitted to the Administrator pursuant to section 6(a)(2) of the Act.

(l) Records containing research data relating to registered pesticides. These records shall be retained as long as the registration is valid and the producer is in business.

§ 169.3 Inspection.

(a) *Producers.* Any producer of any pesticide or device subject to this Act shall, upon request of any officer or employee of the Agency or of any State or political subdivision, duly designated by the Administrator, furnish or permit such person at all reasonable times to have access to and to copy all records required to be maintained by this part. Such inspection will be conducted in accordance with procedures detailed in section 9(a) of the Act.

(b) *Distributors, carriers, dealers, etc.* Any distributor, carrier, dealer, or any other person who sells or offers for sale, delivers or offers for delivery any pesticide or device subject to this Act, shall, upon request of any officer or employee of the Agency or of any State or political subdivision, duly designated by the Administrator, furnish or permit such person at all reasonable times to have access to and copy all records showing the delivery or holding of such pesticide or device, including the quantity, the date of shipment and receipt, and the name and address of the consignor and consignee, and any guarantee received pursuant to section 12(b)(1) of the Act.

(c) *Confidentiality.* Any record which is subject to the regulations under this part, and which may be confidential, shall be treated in accordance with the provisions of section 10 of the Act.

(d) *Inability.* (1) In the event of the inability of any person to produce records containing the information required to be maintained, furnished for inspection, or given access to, all other records and information regarding the same shall be provided.

(2) Where no such inability exists and any such person fails to give access to and permit copying of such records as required, such failure shall be deemed

a refusal to keep records required or a refusal to allow the inspection of any such records or both.

[FR Doc.74-21627 Filed 9-17-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

PART 5A-1—GENERAL

Subpart 5A-1.3—General Policies

CONTRACT NUMBERING

This change to the General Services Administration Procurement Regulations (GSPR) revises and transfers instructions on advance notices of award and contract numbering from Chapter 5, GSPR, to Chapter 5A, GSPR.

The table of Contents for Part 5A-1 is amended to revise § 5A-1.350 and add §§ 5A-1.352, 5A-1.352-2, 5A-1.352-3, and 5A-1.352-4 as follows:

5A-1.350 Advance notices of contract award.
5A-1.352 Contract numbering.
* * * * *
5A-1.352-2 Numbering system.
5A-1.352-3 Numbering of small contracts.
5A-1.352-4 Contract Register.

1. Section 5A-1.350 is revised as follows:

§ 5A-1.350 Advance notices of contract award.

Advance notice of award may be given by the contracting officer in writing, by telegraph, or orally. Notices shall include the identification of the invitation, description of the item quantity, price, and contract number assigned. Advance notices shall be followed as soon as possible by formal contract documents.

(a) *Written notices.* The form and content of written notices shall be essentially as shown in § 5A-76.101. Federal Supply Schedule contracts involving catalogs and price lists shall conform to the requirements of § 5A-73.120.

(b) *Telegraphic notices.* Telegraphic notices shall contain all of the information discussed in this § 5A-1.350. In addition, a statement that written confirmation will follow shall be made.

(c) *Oral notices.* Oral notices may be given only when the circumstances surrounding the procurement do not allow time for telegraphic notice and shall include all information normally included in written notices. Notices shall also include a statement that written confirmation will follow.

(d) *Circumstances which warrant advance notice.* Advance notices of contract award may be issued by contracting officers under any of the circumstances listed below:

(1) A bid is about to expire and it is necessary to issue an award promptly.

(2) Prompt action is necessary to give the contractor an opportunity to secure materials.

(3) Delivery or performance is urgent and cannot await release of formal contract documents.

(4) Prompt action is necessary to secure advance predelivery samples.

(5) Prompt action is necessary to permit contractors to proceed with preparation of necessary catalogs and other Federal Supply Schedule data.

(6) Prospective contractor requests early notification and gives sufficient reason to the satisfaction of the contracting officer.

(7) Other circumstances which have been approved by the head of the procuring activity warrant advance notice.

(e) *Prevalidation.* If the contract requires prevalidation, funds shall be obligated prior to the release of the advance notice of award.

2. Section 5A-1.352 is added as follows:

§ 5A-1.352 Contract numbering.

Contracts shall be numbered as prescribed below.

3. Section 5A-1.352-1 is revised as follows:

§ 5A-1.352-1 Contracts required to be numbered.

All contracts and agreements involving the payment of $20,000 or more in a single payment and all multiple-payment contracts, regardless of amount, shall be numbered. Contracts involving the payment of less than $20,000 in a single payment may or may not be numbered depending upon the needs of the procuring activity. In case of doubt whether the amount to be paid under a contract will be more or less than $20,000, or whether more than one payment may be necessary, the contract shall be numbered.

4. Sections 5A-1.352-2, 5A-1.352-3, and 5A-1.352-4 are added as follows:

§ 5A-1.352-2 Numbering system.

(a) Contract numbers shall be placed in the space provided on the contract or, if no space is provided, in the upper right corner of the contract.

(b) Contract numbers shall be assigned in sequence from 00001 thru 99999. When all numbers have been assigned, the sequence will begin again at 00001. The procuring activity shall maintain records to ensure continuity and control of issuance of contract numbers. (See § 5A-1.352-4.)

(c) Each contract number shall be prefixed by use of the symbol "GS," followed by a dash and the appropriate activity designation set forth in § 5A-1.352-2(d).

(d) The following designations shall be used to identify the appropriate activity (Central Office or GSA region) in which the procuring activity is located:

00 Central Office
01 Region 1
02 Region 2
03 Region 3
04 Region 4
05 Region 5
06 Region 6
07 Region 7
08 Region 8
09 Region 9
10 Region 10

(e) The following designations shall be used to identify the procuring office:

C—Automated Data and Telecommunications Service.
E—Office of Administration.
J—Office of Property Management, FSS.
S—Office of Procurement, FSS.
T—Office of Transportation and Public Utilities, FSS.
W—Office of Personal Property Disposal, FSS.

(f) An example of the numbering system is: GS-02S-00001.

(1) The letters "GS" denote the General Services Administration.

(2) The number "02" identifies the location of the procuring office, in this case Region 2.

(3) The letter "S" identifies the procuring office, in this case the Office of Procurement.

(4) The number "00001" identifies the first contract made by the procuring office in this series.

(g) Each negotiated contract shall contain the symbol "NEG" inserted immediately above the contract number. Additional identification not inconsistent with that prescribed above may be used if necessary for the internal control and routing of contracts and related documents. Additional identification should be held to the minimum consistent with adequate control of contracts.

§ 5A-1.352-3 Numbering of small contracts.

Contracts negotiated under small purchase procedures in § 1-3.203 shall not normally be numbered. However, a contract number may be assigned (for reference and reporting purposes) when the resulting purchase order is to be written by an office other than the office awarding the contract. Purchase orders of this type shall be identified by special entries as provided below:

(a) An assigned contract number and a notation that the number was assigned for reference purposes only.

(b) A reference to the supplier's quotation.

(c) A reference to "Sec. 302(c)(3), 41 U.S.C. 252(c)(3)."

§ 5A-1.352-4 Contract Register.

GSA Form 2728, Procurement Contract Register, shall be used to ensure continuity and control of contract numbers and for registering pertinent contract data. See § 5A-16.950-2728 of this chapter for illustration of the form.

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

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

Dated: August 28, 1974.

L. E. SPANGLER,
Acting Commissioner,
Federal Supply Service.

[FR Doc.74-21552 Filed 9-17-74;8:45 am]

PART 5A-3—PROCUREMENT BY NEGOTIATION

Subpart 5A-3.8—Price Negotiation Policies and Techniques

MISCELLANEOUS AMENDMENTS

This change to the General Services Administration Procurement Regula-

tions (GSPR) clarifies the meaning of "only proposal received" as related to offers under the Multiple-Award Federal Supply Schedule Program, and provides procedures for approval of waivers or excuses for failure to submit cost and pricing data.

The table of contents for Part 5A–3 is amended to delete § 5A–3.850, and to add the following new entries:

5A–3.802	Preparation for negotiation.
5A–3.802–1	Consideration of late proposals.
5A–3.807–6	Refusal to provide cost or pricing data.

1. Section 5A–3.802 is added as follows:

§ 5A–3.802 Preparation for negotiation.

When time does not permit the use of written solicitations, telegraphic or telephonic requests for proposals may be used; provided all other requirements of Parts 1–3 and 5A–3 are complied with. Telegraphic and telephonic requests must make specific reference to all terms and conditions which will apply. Information as to the reasons for the use of telegraphic or telephonic requests shall be retained in the file.

2. Section 5A–3.802–1 is added as follows:

§ 5A–3.802–1 Consideration of late proposals.

When Multiple-Award Federal Supply Schedule Program solicitations are issued and offers are received in accordance with § 1–3.802–1(c)(3), such offers are within the meaning of the term "only proposal received" as used in § 1–3.803–(c).

3. Section 5A–3.807–3 is amended as follows:

§ 5A–3.807–3 Requirements for cost or pricing data.

* * * * *

(b) Approval of the appropriate Assistant Commissioner shall be obtained in all cases where it is determined that the requirement for cost or pricing data may be waived. (See § 1–3.807–3(b).)

(c) Excuse for failure to submit subcontractor cost and pricing data except when limited to the allowing of additional time, shall require approval of the Director of the appropriate procurement division. (See § 1–3.807–3(d)(2).)

* * * * *

4. Section 5A–3.807–6 is added as follows:

§ 5A–3.807–6 Refusal to provide cost or pricing data.

Whenever a contractor refuses to provide cost or pricing data, the matter shall be referred to the appropriate Assistant Commissioner. (See § 1–3.807–6.)

§ 5A–3.850 [Deleted]

5. Section 5A–3.850 is deleted.

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

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

Dated: August 30, 1974.

L. E. SPANGLER,
Acting Commissioner, FSS.

[FR Doc.74–21566 Filed 9–17–74;8:45 am]

CHAPTER 7—AGENCY FOR INTERNATIONAL DEVELOPMENT, DEPARTMENT OF STATE

[AIDPR Notice 75–1]

PART 7–7—CONTRACT CLAUSES

PART 7–15—CONTRACT COST PRINCIPLES AND PROCEDURES

Compensation of Commercial Contractor Personnel

This AIDPR Notice sets forth new provisions governing compensation for employees of commercial contractors, including an overseas recruitment incentive and lump sum annual leave payment, and the procedures by which salaries in excess of the Foreign Service Class I level are approved.

Subpart 7–7.50 Clauses for Cost Reimbursement Type Contracts

1. § 7–7.5002–2 is amended by changing the date in the title from "Dec. 1970" to "Sept. 1974" and revising paragraph (a) to read as follows:

§ 7–7.5002–2 Leave and Holidays.

LEAVE AND HOLIDAYS (SEPTEMBER 1974)

(a) *Vacation leave overseas.* (1) The Contractor may grant to his employees working overseas under this Contract, vacations of reasonable duration in accordance with the Contractor's established practice for his employees, but in no event shall such vacation leave be earned at a rate exceeding twenty-six (26) work days per annum. Vacation leave is provided under this Contract primarily for purposes of affording necessary rest and recreation to regular employees during their tour of duty in the cooperating country. The Contractor's Chief of Party, the employee and the cooperating country institution associated with this project shall develop vacation leave schedules early in the employee's tour of duty taking into consideration project requirements, employee preference, and other factors.

(2) Leave taken during the concluding weeks of an employee's tour shall be included in the established leave schedule and be limited to that amount of leave which can be earned during a twelve month period unless approved in accordance with paragraph (a)(3) of this section.

(3) Vacation leave earned but not taken by the end of the employee's tour pursuant to paragraphs (a) (1) and (2) of this section will be forfeited, unless the requirements of the project precluded the employee from taking such leave and the contracting officer, with the endorsement of the mission, approves one of the following as an alternative:

(i) Taking, during the concluding weeks of the employee's tour, leave not permitted under paragraph (a)(2) of this section, or

(ii) Lump-sum payment for leave not taken provided such leave does not exceed the number of days which can be earned by the employee during a twelve month period.

* * * * *

Subpart 7–15.2 Principles and Procedures for Use in Cost-Reimbursement Type Supply and Research Contracts with Commercial Organizations

2. Section 7–15.205–6 is revised to read as follows:

§ 7–15.205–6 Compensation for personal services.

(a) *General.* (1) Specific limitations on compensation for personal services, including fringe benefits, may be spelled out or incorporated by reference in AID contracts. Where the provisions of the contract are inconsistent with this section, such provisions will govern.

(2) Direct compensation of personnel will be reimbursable, in accordance with the contractor's established policies and procedures and FPR 1–15.205–6 except as provided in paragraphs (b) through (j) of this section. Such policies, procedures, and practices shall be the same as used in contracts and grants with other Government agencies and accepted by the U.S. Government agency assigned primary audit responsibility for the contractor, shall be in writing, and shall be made available to the contracting officer or his designated representative, upon request.

(3) Short term employees and regular employees serving overseas less than 18 months may receive an overseas recruitment incentive in accordance with the contractor's established policy and practice provided that the average incentive for all such employees does not exceed 10 per cent of the base annual salary of all employees eligible for the incentive. An overseas recruitment incentive is reimbursable only if the incentive amount is shown by the Contractor at the time the employee is nominated. The incentive is a fixed dollar amount which remains constant throughout the employee's appointment under the contract. The incentive is payable only as a lump-sum amount after the employee has completed his tour of duty in the cooperating country under the contract. If the overseas recruitment incentive causes the employee's salary to exceed the FSR–1 level, contracting officer approval must be obtained as in (b)(2) of this section. Employees serving overseas eighteen months or more may not receive any recruitment incentive.

(b) *Salaries and wages.* (1) Salaries and wages exclude overseas differential and other allowances associated with overseas service but include payments for personal services (including fees and honoraria) computed on a daily rate or other time basis different from an annual rate. Daily rates of compensation are computed on the basis of a 260-day work year made up to 5-day (8 hour) work weeks.

(2) Any compensation (i.e., the employee's or consultant's base annual salary plus overseas recruitment incentive, if any) which exceeds the maximum level of the Foreign Service Class I (FSR–1) (or the equivalent daily rate) as set forth in the payment schedule of the Uniform State/AID/USIA Regulations, as from time to time amended, will be reimbursed only with the written approval of the contracting officer. Con-

tracting officer approval of salaries in excess of the FSR–1 rate will be based upon a memorandum from the technical office and approved by the assistant administrator or mission director having program responsibility for the project in support of which the contract is written. The technical office is responsible for evaluating the reasonableness of the proposed salary, taking into account such factors as the degree of technical competence required, the scope of supervisory responsibilities involved, and the relationship of the proposed salary level to the contractor's customary salary level, and other pertinent information. Copies of all memoranda approved by the assistant administrator or mission director will be furnished to the Support Division, Office of Contract Management.

(c) – (f) [Reserved].

(g) *Fringe benefits.* AID contracts spell out rules and principles governing reimbursement of specific fringe benefits related to overseas service, including leave, holidays, differential, allowances, travel, transportation, and similar costs. The contract provisions are set forth in Part 7–7.

(h) – (j) [Reserved].

Subpart 7–15.3—Principles for Determining Costs Applicable to Research and Development Under Grants and Contracts With Educational Institutions

3. New § 7–15.309–7 is added as follows:

§ 7–15.309–7 Compensation for personal services.

Specific limitations on compensation for personal services are set forth in AIDPR 7–7.5501–5 and 7–7.5502–4. Contracting officer approval of salaries in excess of the maximum level of the Foreign Service Class I (FSR–1) (or the equivalent daily rate) will be based upon a memorandum from the technical office and approved by the assistant administrator or mission director having program responsibility for the project in support of which the contract is written. The technical office is responsible for evaluating the reasonableness of the proposed salary, taking into account such factors as the degree of technical competence required, the scope of supervisory responsibilities involved, and the relationship of the proposed salary level to the contractor's customary salary level, and other pertinent information. Copies of all memoranda approved by the assistant administrator or mission director will be furnished to the Support Division, Office of Contract Management.

Effective Date. This AIDPR Notice is effective on September 1, 1974. However, it may be observed earlier. Procuring activities are to incorporate the clauses set forth above in each new cost reimbursement contract with commercial organizations. For existing contracts with commercial organizations, the clauses above are to be incorporated into the first amendment or modification executed after September 1, 1974 (except amendment solely for the purpose of incorporating indirect cost rates). Any exceptions are to be treated as deviations as set forth in AIDPR 7–1.107.

Filing. This notice should be filed in front of the main text of the Agency for International Development Procurement Regulations.

Dated: September 4, 1974.

WILLARD H. MEINECKE,
Acting Assistant Administrator for Program and Management Services.

[FR Doc.74–21569 Filed 9–17–74;8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—MEDICAL CARE AND EXAMINATIONS

PART 37—SPECIFICATIONS FOR MEDICAL EXAMINATIONS OF UNDERGROUND COAL MINERS

Second Round of Chest Roentgenographic Examinations; Further Extension of Time for Submission of X-rays

On April 25, 1974, the regulations governing the second round of medical examinations of underground coal miners, which were promulgated in 1973 (38 FR 20076), were amended to extend the examination period to September 30, 1974 (39 FR 14592). These regulations require, among other things, that mine operators, pursuant to a plan approved by the Secretary of Health, Education, and Welfare, provide to each underground coal miner the opportunity for a chest x-ray examination and that the Secretary provide (either directly or by third-party agreement) the examination of any such miner whenever the mine operator cannot or does not provide the examination. The initial extension of time was adopted because the number of approved x-ray facilities was fewer than necessary to permit operators to fulfill their responsibilities under their respective plans within the original time limit. The initial extension of time is sufficient for the examination of miners employed at mines with approved operator plans. But, because these examinations have imposed heavy demands on the approved x-ray examination facilities, it has not been possible also to schedule the examinations of miners employed at mines which have no approved examination plans.

In view of the foregoing and to permit the second round examination of all underground miners in accordance with section 203 of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 843), (1) it is necessary to extend the date for the completion of the second round examinations to December 30, 1974, and (2) it is found, pursuant to section 553 of Title 5, United States Code, that it would be impracticable and contrary to the public interest to give notice of proposed rulemaking and opportunity for public participation in the rulemaking which extends the date.

Therefore, § 37.3(a) is amended as set forth below, effective September 18, 1974.

Dated: September 5, 1974.

THEODORE COOPER,
Acting Assistant Secretary for Health.

Approved: September 12, 1974.

FRANK CARLUCCI,
Acting Secretary.

In the first sentence of paragraph (a) of § 37.3 the date reading "September 30, 1974" is changed to read "December 30, 1974."

(Sec. 203, 83 Stat. 763; 30 U.S.C. 843)

[FR Doc.74–21591 Filed 9–17–74;8:45 am]

Title 45—Public Welfare

CHAPTER X—OFFICE OF ECONOMIC OPPORTUNITY

PART 1061—CHARACTER AND SCOPE OF SPECIFIC COMMUNITY ACTION PROGRAMS

Subpart—Use of EFMS Funds for Food Stamp Activities

OEO grantees receiving Emergency Food and Medical Services funds have previously been informed, through a communication from the Director, of the accompanying policy statement. OEO is now incorporating this statement into its formal policy system.

Subpart—Use of EFMS Funds for Food Stamp Activities, §§ 1061.12–1 through 1061.12–7, is added as follows.

Sec.
1061.12–1 Applicability.
1061.12–2 Purpose.
1061.12–3 Background.
1061.12–4 Policy.
1061.12–5 Implementation.
1061.12–6 Examples of EFMS contributions and FNS reimbursements—how it works.
1061.12–7 EFMS funds as a factor in eligibility determination.

AUTHORITY: Sec. 602, 78 Stat. 530; (42 U.S.C. 2942).

BERT A. GALLEGOS,
Director Designate.

§ 1061.12–1 Applicability.

This subpart applies to all grant programs financially assisted under Section 222(a)(5) of the Economic Opportunity Act, as amended, if the assistance is administered by the Office of Economic Opportunity.

§ 1061.12–2 Purpose.

The purpose of this subpart is to advise grantees funded under Section 222(a)(5) (Program Account 55) of the appropriateness of using EFMS funds to supplement Department of Agriculture (Food and Nutrition Service) contributions to the Food Stamp Program, and to call the grantees' attention to this activity as a means of obtaining maximum impact per EFMS dollar spent on Food Stamp-related activities.

§ 1061.12–3 Background.

(a) The Food and Nutrition Service by law may reimburse participating State agencies an amount equal to 62½% of the sum of the direct salary, travel and travel-related costs (including fringe benefits) of personnel and their immedi-

ate supervisors for such time as they are engaged in reimbursable activities relating to the Food Stamp Program. Reimbursable activities include personnel at the local agency primarily (i.e. at least 51 percent of their time) engaged in Food Stamp outreach, certification and quality control functions relating specifically to non-public assistance food stamp applicants and recipients; fair hearing functions relating to the public assistance and non-public assistance categories; and certain costs associated with State outreach activities.

(b) State agencies administering Food Stamp Programs are not limited in seeking or utilizing funds to only those funds traditionally made available by State or local governmental bodies but may also use monies from other puplic (including Federal) and private sources such as churches, foundations, CAAs, etc.

§ 1061.12–4 Policy.

(a) Monies received from grantees funded under section 222(a)(5) (Program Account 55) may be used by State and local agencies to hire administrative personnel for activities as noted in § 1061.12–3. Therefore, OEO encourages grantees to make available to State welfare agencies (or political subdivisions where a State has so delegated) any money which they receive under the EFMS Program provided, however, that the money is used by the welfare agencies to hire administrative personnel to implement a broader distribution of food services to the poor.

(b) Such monies received by the State welfare agencies are not considered a part of the 62½ percent matching funds from the U.S. Department of Agriculture Food Stamp Program. (This currently can amount to 62½ percent of the total cost unless EFMS funds and/or contributions from other sources exceed 37½ percent. In such cases the Department of Agriculture (FNS) contribution will be proportionately reduced.)

§ 1061.12–5 Implementation.

(a) When a grantee chooses to use EFMS funds to supplement the State Food and Nutrition Service contribution the appropriate instrument for formalizing the agreement will be "Standard Contract Form for Delegation of a Program Account" (appendix F, OEO Instruction 6710–1, Applying for a CAP Grant).

(b) The grantee funded under section 222(a)(5) should also be aware that non-public assistance household certification personnel hired through the use of EFMS funds, must meet State merit system personnel standards and must be employees of the State agency. Also, State agency Food Stamp outreach personnel conducting outreach activities in the field may have unclassified or non-merit system status but must be State agency or local welfare agency employees.

§ 1061.12–6 Examples of EFMS contributions and FNS reimbursements—how it works.

(a) The following are offered as examples of how EFMS funds could be used and the resultant reimbursement by FNS:

(1) If EFMS provides 37½ percent of a full-time eligible non-public assistance certification worker's salary, then FNS will reimburse an amount equal to a full 62½ percent of the worker's salary;

(2) If EFMS provides 80 percent of a full-time eligible non-public assistance certification worker's salary, FNS will reimburse an amount equal to only 20 percent of the worker's salary; or

(3) If EFMS provides 10 percent of a full-time eligible non-public assistance certification worker's salary, then FNS will reimburse a full 62½ percent of the worker's salary BUT not 90 percent.

(b) The first example is obviously the "best buy" as it maximizes EFMS funds by providing approximately 3 workers in contrast to the one worker who would have been hired if EFMS funds had been used exclusively.

§ 1061.12–7 EFMS funds as a factor in eligibility determination.

EFMS funds distributed to clients shall be counted as income for purposes of determining eligibility and basis of coupon issuance for the Food Stamp Program (however, in accordance with 7 CFR 271.3(c)(1)(ii)(e) EFMS funds distributed to a client as a nonrecurring lump sum payment shall not be considered as income for food stamp purposes).

Effective date. The provisions of this subpart are effective October 18, 1974.

[FR Doc.74–21558 Filed 9–17–74;8:45 am]

CHAPTER XII—ACTION

PART 1211—VOLUNTEER GRIEVANCE PROCEDURES

Provisions Made for All ACTION Volunteers

On March 12, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 9547) proposing to add a new Part 1211 to Title 45, Code of Federal Regulations, which would provide a grievance procedure under which all ACTION volunteers would be entitled to present, be heard on, and obtain resolution of grievances. Interested persons were given until April 10, 1974, to submit comments and views covering the proposed new Part. Approximately 35 comments were received with the result that a number of revisions, discussed below, have been made in the proposed regulations. Following is a summary of the principal comments and the major revisions to the regulation.

1. A number of comments questioned the method of selection of a Hearing Examiner contained in the draft regulations. Several alternative proposals were suggested. In recognition of the legitimate concerns expressed that the method of selection be designed to assure the impartiality of the Hearing Examiner, § 1211.1–12(e) has been changed to place the responsibility for the selection of the Hearing Examiner with the Chief, Labor and Employees Relations Branch of ACTION, rather than with the respective Regional Directors. Other alternatives, such as the naming of a permanent, rotating panel of Hearing Examiners; designation by agreement between grievant and Regional Director; and placement of the responsibility for selection entirely outside the agency were considerd. Each of these alternatives proved to have defects, when viewed in the light of the necessity of the prompt resolution of grievances and the likelihood, based upon ACTION's experience thus far with an interim grievance procedure, that the number of grievances requiring a formal hearing will be small. The method of selection chosen is consistent with that employed by ACTION for employee grievances. The Chief, Labor and Employees Branch of ACTION, is a staff officer who will not be involved in the merits of any volunteer grievance. His sole function in the grievance procedure will be the selection of an impartial Hearing Examiner. This isolation of the selection function, together with the standards provided for examiners will assure impartiality. To further assure impartiality, the regulation has been amended to provide that Hearing Examiners may not be employees of ACTION, except for persons whose principal employment by ACTION is acting as a Hearing Examiner or Administrative Law Judge.

2. Several commentators also expressed concern about the exclusion of the level of support provided to a project from the procedure contained in § 1211.1–5(a). The section has been modified, in response to these comments, to make clear that this exclusion relates only to the level of support provided to sponsors, and does not restrict the right of volunteers who believe they are not receiving adequate support as required by section 105 of the Domestic Volunteer Service Act of 1973 to file a grievance with respect to such matters.

3. There were a number of suggestions that the Hearing Examiner's decision on grievances be final and binding on the agency. In the agency's opinion, its responsibility for operation of the programs covered by the procedure precludes assignment of final, binding decisions on grievances to a Hearing Examiner. Accordingly, this suggestion has not been adopted.

4. In response to comments that the procedure was too lengthy, and, conversely, that agencywide management should participate in the final determination of grievances, one level of the informal procedure has been eliminated, and the Deputy Director of ACTION has been substituted for the Associate Director for Domestic and Anti-Poverty Programs as the final reviewing authority.

5. Part-time volunteers, and full-time volunteers serving in programs operating under grants from ACTION have been eliminated from coverage by the procedure. This action was taken because the responsibilities of grantees for these volunteers, and their support, is much more substantial than in the case of volunteers who receive their support directly from ACTION. In the case of UYA volun-

teers, since volunteers are full-time students at universities, it was felt that interference by ACTION in the relationship between student and university might violate the provisions of Section 409 of the Act. In all cases, grants to program sponsors will contain provisions requiring the grantee to provide volunteers with a method of expressing, and obtaining resolution of grievances.

6. A number of other technical changes in the procedure were made to clarify the provisions thereof.

In consideration of the foregoing, Chapter XII of Title 45 of the Code of Federal Regulations is amended by adding a new Part 1211 as set forth below, effective October 21, 1974.

Dated: September 13, 1974.

JOHN L. GANLEY,
Deputy Director.

Sec.

1211.1–1 Purpose.
1211.1–2 Applicability.
1211.1–3 Definitions.
1211.1–4 Policy.
1211.1–5 Matters not covered.
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1211.1–14 Grievance file and examiner's report.
1211.1–15 Decision by regional director.
1211.1–16 Appeal to Deputy Director of ACTION.
1211.1–17 Disposition of grievance and appeals files.
Appendix A—Standard For Examiners.

AUTHORITY: Sections 104(d), 402(14), 420, Pub. L. 93–113; 87 Stat. 398, 407 and 414.

§ 1211.1–1 Purpose.

This Part establishes procedures under which certain volunteers under Pub. L. 93–113 may present and obtain resolution of grievances.

§ 1211.1–2 Applicability.

This Part applies to all volunteers enrolled under Part A of Title I of the Domestic Volnuteer Service Act of 1973, Pub. L. 93–113, 87 Stat. 396, and all full-time volunteers serving under Part C of Title I of the Act, other than volunteers enrolled in programs conducted under a grant from ACTION.

§ 1211.1–3 Definitions.

(a) "Volunteer" means a person enrolled and currently serving as a full-time volunteer under Part A of Title I of the Domestic Volunteer Service Act of 1973, or as a full-time volunteer under Part C of Title I of the Act, other than volunteers serving in programs conducted under a grant from ACTION, and may involve more than one such person when a common grievance is involved. For the purpose of this Part, a volunteer whose service has terminated shall be deemed to be a volunteer for a period of 90 days thereafter.

(b) "Grievance" means a request for individual relief by a volunteer personally affected in a matter arising out of a volunteer work situation or the terms and conditions of the volunteer's service in which the volunteer believes there has been a deviation from, misinterpretation of or misapplication of laws, published regulations or ACTION policies or procedures governing his service. Requests for relief by more than one volunteer arising from a common cause within one region may be treated as a single grievance. The term includes complaints of discrimination by ACTION on account of race, creed, belief, color, national origin, sex, age, or political affiliation.

(c) "State Program Officer" means that ACTION official who is directly responsible, at the first level, for the project in which the volunteer is serving. If more than one project is involved, it means that lowest level ACTION Regional Office employee who has direct administrative responsibility for all projects involved within the region.

(d) "Sponsor" means a public or private nonprofit agency to which ACTION has assigned volunteers.

(e) "Hearing Examiner" or "Examiner" means a person having the qualifications described in Appendix A appointed to conduct an inquiry with respect to a grievance.

(f) The "Act" means the Domestic Volunteer Service Act of 1973, Pub. L. 93–113, 87 Stat. 396, as amended from time to time.

§ 1211.1–4 Policy.

It is ACTION's policy to provide volunteers the widest latitude to present their grievances and concerns to appropriate officials of ACTION and of sponsoring organizations. ACTION recognizes that it is in its interest as well as the interest of sponsors and volunteers to provide a method for expeditious and informal resolution of differences. However, it recognizes that some volunteer dissatisfactions will arise which require a more formal procedure. This regulation is designed to assure that the rights of individual volunteers are recognized, and to provide formal ways for them to seek action with confidence that they will obtain just treatment. The success of the system will, however, only be achieved by the exercise of understanding, fairness and good judgment by AC TION employees, sponsors, and volunteers alike.

§ 1211.1–5 Matters not covered.

The following matters are excluded from the definition of a grievance, and are not eligible for processing under this Part:

(a) (1) The establishment of a project, its continuance or discontinuance, the number of volunteers assigned to it, increases or decreases in the level of support provided to a project, or suspension or termination of a project.

(2) Support provided to individual volunteers in accordance with section 105(b) of the Act, is not "support provided to a project," and grievances based on the adequacy thereof are not excluded from the definition of a grievance by this section.

(b) Matters for which a separable appeals procedure is provided.

(c) The provisions of any law, published rule, regulation, policy or procedure, or actions taken in compliance therewith.

(d) Matters which are, by law, subject to final administrative review outside ACTION.

(e) Matters in which the relief requested is not personal to the volunteer.

(f) Matters affecting the curriculum, program of instruction, administration or personnel of any educational institution or school system.

(g) Actions taken in compliance with the terms of a contract, grant or other agreement.

§ 12.1–6 Freedom to initiate grievances.

The initiation of a grievance shall not be construed as reflecting on a volunteer's standing, performance or desirability as a volunteer. ACTION intends that each supervisor and sponsor maintain a healthy atmosphere in which a volunteer can speak freely and have frank discussions of problems. A volunteer who initiates a grievance shall not be subjected to restraint, interference, coercion, discrimination or reprisal.

§ 1211.1–7 Entitlement to representation.

A volunteer may be accompanied, represented and advised by a representative of his own choice at any stage of the proceeding. A person chosen by the volunteer must be willing to represent him and not be disqualified because of conflict of position.

§ 1211.1–8 Time for preparation and presentation.

(a) A volunteer must be given a reasonable amount of time off from his assignment to prepare and present his grievance or appeal.

(b) A volunteer's representative, if he is a volunteer or an employee of ACTION, must be given a reasonable amount of time off from his assignment to present a grievance or appeal.

(c) ACTION will not pay travel expense or per diem travel allowances for either a volunteer or his representative in connection with the preparation of a grievance or appeal. The Hearing Examiner must authorize payment of travel expense and per diem at standard government rates for necessary attendance of the volunteer, his representative and necessary witnesses who are volunteers or ACTION employees at a hearing, and for the volunteer or his representative to conduct the necessary examination of the grievance file provided in § 1211.1–14(b). The Hearing Examiner may authorize payment of travel expense and per diem at standard government rates for other necessary witnesses. The Hearing Examiner may not authorize payment of travel expense or per diem to any witness if he determines that the required testimony can be satisfactorily obtained by affidavit, written interrogatories or deposition at less cost.

§ 1211.1–9 Access to agency records.

(a) A volunteer is entitled to review non-restricted material in his official volunteer folder and any nonrestricted documents of the agency relevant to the grievance.

(b) A volunteer may review relevant documents in the possession of a sponsor to the same extent ACTION would be entitled to review them.

(c) Restricted documents include, but are not limited to:

(1) Documents annotated as Top Secret, Secret or Confidential.

(2) Documents not subject to the disclosure under the requirements of the Freedom of Information Act (5 U.S.C. 552), such as reference checks secured under a pledge of confidence, official volunteer folders of other volunteers, or privileged intra-agency memoranda.

§ 1211.1–10 Time limits.

Each grievance shall receive full, impartial and prompt consideration. To assure prompt consideration, the following time limits are established:

(a) The informal procedure shall be completed within 21 days after the date a volunteer initiates the grievance.

(b) The volunteer may present a formal grievance, in writing, either in person or by mail, to the appropriate Regional Director not later than 15 days after receipt of a response to an informal grievance. The Regional Director shall, upon receipt of a formal grievance, immediately notify the Chief, Labor and Employees Relations Branch.

(c) A Hearing Examiner shall be appointed, when necessary, within 7 days after the Chief, Labor and Employees Relations Branch is notified of the presentation of a formal grievance.

(d) The Hearing Examiner's inquiry shall commence within 7 days after referral. The examiner shall issue his report as soon as possible, but within 30 days after referral, except when a hearing is held. If a hearing is held, the examiner shall issue his report within 45 days after the referral.

(e) The volunteer shall file his comments on the grievance file with the Hearing Examiner not later than 5 days after the Hearing Examiner makes it available to him for examination.

(f) The Regional Director shall issue his decision not later than 10 days after receipt of the grievance file, and Hearing Examiner's report.

(g) An appeal from the decision of the Regional Director to the Deputy Director of ACTION must be filed not later than 15 days after the decision of the Regional Director is delivered to the volunteer.

(h) The Deputy Director shall issue his decisions on an appeal not later than 15 days after it is filed.

§ 1211.1–11 Informal grievance procedure.

(a) *Initiation of grievance.* A volunteer may initiate a grievance within 15 days after the event giving rise to the grievance occurs, or within 15 days after he becomes aware of it. A volunteer may present a grievance arising out of a continuing condition or practice at any time. A volunteer initiates a grievance by presenting it in writing to the chief executive officer of the sponsor, or his representative designated to receive grievances from volunteers. The designated representative may not be the immediate supervisor of volunteers assigned to the sponsor. All volunteers must, upon assignment to the sponsor, or upon designation of the representative, be informed of his identity. The chief executive officer of the sponsor or his designated representative shall respond in writing to the grievance within 5 working days after receipt. The chief executive officer or his designee may not refuse to answer a complaint on the basis that it is not a grievance as defined in § 1211.1–3(b), or that it is excluded from coverage under § 1211.1–5. He may, however, in his response, refuse to grant the relief requested on either of these grounds.

(b) *Consideration by ACTION State program officer.* If the matter is not resolved to the volunteer's satisfaction by the sponsor's chief executive officer, the volunteer may submit the grievance in writing to the ACTION State Program Officer who has responsibility for the project within 5 working days after receipt of the decision of the sponsor's chief executive officer. If the grievance involves a matter over which the sponsor has no control, the procedures described in section (a) may be omitted, and the volunteer may present his grievance in writing directly to the State Program Officer within the time limits specified in subsection (a). In cases of direct submission to the State Program Officer, the chief executive officer of the sponsor, or his designee shall indicate his agreement or disagreement with direct submission to the State Program Officer. The State Program Officer may not refuse to receive a complaint, even if he believes it does not constitute a grievance, and shall respond to it in writing within 5 working days after receipt.

(c) *Discussion.* All parties to the informal grievance procedure must be prepared to participate in full discussion of the grievance, and to permit the participation of others who may have knowledge of the circumstances of the grievance in the discussion. State Program Officers and other ACTION employees may participate in discussions, and give interpretations of ACTION policies and procedures, at the request of any party, even prior to submission of a grievance to them.

(d) *Sponsor grievance procedure.* A sponsor may substitute his own grievance procedure for the procedure described in paragraph (a) of this section. Any such procedure must provide the volunteer with an opportunity to present his grievance at least as comprehensive as that contained in this section, must meet the time limits of this section, and must be provided in writing to all volunteers.

§ 1211.1–12 Initiation of formal grievance procedure.

(a) *Submission of grievance to regional director.* If a volunteer is dissatisfied with the response of the State Program Officer required by § 1211.1–11(d), he may present his grievance in writing to the Regional Director of ACTION having administrative responsibility for the project to which the volunteer is assigned. To be eligible for the formal grievance procedure, the volunteer must have completed action under the informal procedure contained in § 1211.1–11.

(b) *Contents of grievance.* The volunteer's grievance must be in writing, contain sufficient detail to identify the grievance, specify the relief requested, and be assigned by the volunteer or a person designated by the volunteer to be his representative for the purposes of the grievance.

(c) *Time limit.* The volunteer must submit his grievance to the Regional Director within 15 days after receipt of the informal response from the State Program Officer.

(d) *Rejection of grievance.* The Regional Director may reject the grievance if:

(1) It was not filed within the time limit specified in subsection (c).

(2) The grievance consists wholly of matters not contained within the definition of a grievance or excluded from coverage under § 1211.1–5.

A notice of rejection must be in writing and specify the reasons for rejection. A notice of rejection may be appealed in the manner provided in § 1211.1–16.

(e) *Referral to hearing examiner.* Unless the grievance is rejected, the Regional Director shall notify the Chief, Labor and Employees Relations Branch that appointment of a Hearing Examiner will be required, and the Chief, Labor and Employees Relations shall, within seven days after such notification, secure the services of a Hearing Examiner, who shall possess the qualifications specified in Appendix A to this part. The Hearing Examiner selected must be fair, impartial and objective, and may not be an employee of ACTION other than an employee whose principal duties are those of Hearing Examiner or Administrative Law Judge. If the grievance involves a complaint of discrimination against ACTION the Chief, Labor and Employees Relations Branch shall consult with the Assistant Director of ACTION for Minority Affairs prior to appointing a Hearing Examiner.

§ 1211.1–13 Inquiry by hearing examiner.

(a) *Scope of inquiry.* 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 include:

(1) The securing of documentary evidence,

(2) Personal interviews, including telephone interviews,

(3) Group meetings,

(4) Affidavits, written interrogatories or depositions,

(5) A hearing.

If he determines that the grievance involves relevant disputed issues of

fact, the Examiner must hold a hearing unless it is waived by the volunteer. If the grievance does not involve relevant disputed issues of fact, the Hearing Examiner need not hold a hearing, but must provide the parties an opportunity for oral presentation of their respective positions.

(b) *Conduct of hearing.* If a hearing is held, the conduct of the hearing and production of witnesses shall conform with the following requirements:

(1) The hearing shall be held at a time and place determined by the Hearing Examiner who shall consider the convenience of parties and witnesses and expense to the Government in making his decision.

(2) The hearing may be open to the public or, in his discretion, the Hearing Examiner may limit attendance to persons determined by the Examiner to have a direct connection with the grievance. If requested by the volunteer, the hearing must be closed to the public.

(3) The hearing shall be conducted so as to bring out pertinent facts, including the production of pertinent records.

(4) Rules of evidence shall not be applied strictly, but the Examiner may exclude irrelevant or unduly repetitious testimony or evidence.

(5) Decisions on the admissibility of evidence or testimony shall be made by the Examiner.

(6) Testimony shall be under oath or affirmation, administered by the Examiner.

(7) The Examiner shall give the parties an opportunity to present oral and written testimony that is relevant and material, and to cross-examine witnesses who appear to testify.

(8) The Examiner may exclude any person from the hearing for conduct that obstructs the hearing.

(c) *Witnesses.* (1) All parties are entitled to produce witnesses.

(2) Volunteers, employees of a sponsor, and employees of ACTION shall be made available as witnesses when requested by the Examiner. The Examiner may request witnesses on his own initiative. Parties shall furnish to the Examiner and to opposing parties a list of proposed witnesses, and an explanation of what the testimony of each is expected to show, at least ten days before the date of the hearing. The Hearing Examiner may waive the time limit in appropriate circumstances.

(3) Employees of ACTION shall remain in a duty status during the time they are made available as witnesses.

(4) Volunteers, employees and any other persons who serve as witnesses shall be free from coercion, discrimination or reprisal for presenting their testimony.

(d) *Recording of Hearing.* A grievant may make a recording of the hearing at his own expense if no verbatim transcript is made.

(e) *Report of Hearing.* The Examiner shall determine how any hearing shall be reported and shall have either a verbatim transcript or written summary of the hearing prepared, which shall include all pertinent documents and exhibits submitted to and accepted by him. If the hearing is reported verbatim, the Examiner shall make the transcript a part of the record of the proceedings. If the hearing is not reported verbatim, a suitable summary of pertinent portions of the testimony shall be made part of the record of proceedings. When agreed to in writing, the summary constitutes the report of the hearing. If the Examiner and the parties fail to agree on the hearing summary, the parties are entitled to submit written exceptions to any part of the summary, and these written exceptions and the summary constitute the report of the hearing and shall be made a part of the record of proceedings.

§ 1211.1–14 Grievance file and examiner's report.

(a) *Preparation and content.* 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.

(b) *Review by volunteer.* On completion of his inquiry, the Examiner shall make the grievance file available to the volunteer and his representative for review and comment. Their comments, if any, shall be submitted within 5 days after the file is made available and shall be included in the file.

(c) *Examiner's report.* After the volunteer has been given an opportunity to review the grievance file, the Examiner shall prepare a report of his findings and recommendations and submit it with the grievance file to the Regional Director. The Examiner shall also furnish the volunteer a copy of the report.

§ 1211.1–15 Decision by Regional Director.

The Regional Director shall consider the Examiner's report and the grievance file and issue a written decision to the volunteer within ten days. If the Regional Director does not accept the Examiner's recommendations, the decision shall set forth the basis for the determination.

§ 1211.1–16 Appeal to Deputy Director of ACTION.

(a) If a volunteer is dissatisfied with the decision of the Regional Director, he may appeal the decision to the Deputy Director of ACTION.

(b) *Contents of appeal.* Contents of the volunteer's appeal must be in writing, specify those portions of the Regional Director's decision with which he disagrees and the reasons for his disagreement, and identify those parts of the grievance file or report of the Hearing Examiner which support his appeal. The volunteer shall provide a copy of his appeal to the Regional Director.

(c) *Time limit.* The volunteer must file his appeal with the Deputy Director and provide a copy thereof to the Regional Director within 15 days after receipt of the Regional Director's decision.

(d) *Appeal file.* The Regional Director shall, upon receipt of a copy of the volunteer's appeal, immediately transmit the grievance file, Hearing Examiner's report and a copy of his decision to the Deputy Director. These documents, together with the volunteer's appeal shall constitute the appeal file, and shall provide the sole basis for decision on the appeal.

(e) *Deputy Director's decision.* The Deputy Director shall issue a written decision on the appeal to the volunteer within ten days after receipt of the appeal file. He may delegate responsibility for deciding appeals to the Associate Director for Domestic and Anti-Poverty Programs. The decision shall include a statement of the basis for his determination. The Deputy Director's decision is final.

§ 1211.1–17 Disposition of Grievance and Appeal Files.

All grievance and appeals files shall be forwarded to the Associate Director of ACTION for Domestic and Anti-Poverty Programs after the grievance has been settled, or a final decision has been made and implemented. No part of a grievance or appeal file may be made part of, or included in, a volunteer's official personnel folder.

APPENDIX A

STANDARD FOR EXAMINERS

An examiner must meet the requirements specified in either (1), (2), (3), or (4) below:

(1) (a) Current employment in grade GS–12 or equivalent, or above.

(b) Satisfactory completion of a specialized course of training prescribed by the Civil Service Commission for examiners.

(c) At least four years of progressively responsible experience in administrative, managerial, professional, investigative, or technical work which has demonstrated the possession of:

(i) The personal attributes essential to the effective performance of the duties of an examiner, including integrity, discretion, reliability, objectivity, impartiality, resourcefulness, and emotional stability.

(ii) A high degree of ability to

Identify and select appropriate sources of information; collect, organize, analyze, and evaluate information; and arrive at sound conclusions on the basis of that information;

Analyze situation; make an objective and logical determination of the pertinent facts; evaluate the facts; and develop practicable recommendations or decisions on the basis of facts;

Recognize the causes of complex problems and apply mature judgment in assessing the practical implications of alternative solutions to those problems;

Interpret and apply regulations and other complex written material;

Communicate effectively orally and in writing, including the ability to prepare clear and concise written reports; and

Deal effectively with individuals and groups, including the ability to gain the cooperation and confidence of others.

(iii) A good working knowledge of

The relationship between volunteer administration and over-all management concerns; and

The principles, systems, methods, and administrative machinery for accomplishing the work of an organization.

(2) Designation as an arbitrator on a panel of arbitrators maintained by either the Federal Mediation and Conciliation Service or the American Arbitration Association.

(3) Current or former employment as, or current eligibility on the Civil Service Commission's register for, Hearing Examiner, GS-935-0.

(4) Membership in good standing in the National Academy of Arbitrators.

(5) A former Federal employee who at the time of leaving the Federal service was in grade GS-12 or equivalent, or above, and who meets all the requirements specified for an examiner except completion of the prescribed training course, may be used as an examiner upon satisfactory completion of the training course.

[FR Doc.74-21605 Filed 9-17-74;8:45 am]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER I—MILITARY PERSONNEL

PART 888—ENLISTMENT IN THE UNITED STATES AIR FORCE

PART 888b—ENLISTMENT IN THE AIR FORCE RESERVE

Miscellaneous Amendments

This update expands the discussion of enlistment incentives for the Guaranteed Training Enlistment Program (GTEP) and revises the criteria for the enlistment of applicants. The change also fully incorporates Air Force Reserve enlistment procedures. This update implements new policy changes that were required due to changes in enlistment procedures at the Armed Forces Examining and Entrance Stations and Department of Defense directed enlistment programs and criteria in support of the all volunteer force environment.

Subchapter I, Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

1. Part 888, Enlistment in the Regular Air Force is amended as indicated below.

a. Part 888 is retitled "Enlistment in the United States Air Force".

b. Section 888.1 is amended by revising paragraph (h) to read as follows:

§ 888.1 Definitions.

* * * * *

(h) *Dependents.* For enlistment purposes and without regard to the definition for pay and allowances, medical care, base exchange privileges, etc., a dependent is: (1) A spouse or (2) any unmarried natural legitimate or illegitimate or adopted child of the applicant if the child is under 18 years of age regardless of whether or not the applicant has custody of the child. For male applicants the term "natural child" includes any illegitimate child claimed by the applicant or determined to be his by court order, or (3) stepchild of the applicant who resides with the applicant if the stepchild is under 18 years of age, or (4) any other person who receives over half of their financial support from the applicant.

* * * * *

c. Section 888.6(b) is amended by adding new subparagraphs (14) and (15) as shown, by revising Note 2 and by adding a new Note 4 to read as follows:

§ 888.6 Mental and education requirements.

* * * * *

(b) * * *

(14) A member of another branch of the active U.S. Armed Forces.

(15) Without a spouse but with one or more dependents under age 18 (Note 4). See § 888.1(h) for definition of dependents.

Note * * *

2. Selective Service Registrants previously classified 4-F on medical and mental grounds are eligible for processing and enlistment providing they meet all current eligibility criteria. Reclassification action from 4-F to 1-A by the local Selective Service Board is not required.

* * * * *

4. Applicant may request a dependency waiver when the child or children have been placed in the custody of some other person by court order irrespective of applicant's responsibility to provide child support payments.

d. Section 888.7 is amended by revising paragraph (b) (4) and (5), by adding a new paragraph (d) (paragraph (c) is reserved), by designating paragraph (c) to (e), and by redesignating paragraph (d) to (f) and revising it to read as follows:

§ 888.7 Obtaining specific authority for enlistment.

* * * * *

(b) * * *

(4) Separated under AFM 39-10, paragraph 3-8m, and coded RE-1. Waivers may not be processed until 12 months after date of separation.

(5) Separated for dependency or hardship reasons. Waivers may not be processed until 12 months after date of separation. Include the following with request:

(i) Statement of applicant that the hardship or dependency condition is permanently terminated.

(ii) Proof in the form of affidavits or sworn statements that the hardship or dependency condition has ended. These statements may be made by the applicant or by other members of his community familiar with the home conditions involved.

(iii) The burden of furnishing proof that the conditions at the time of discharge have changed is upon the applicant.

(c) [Reserved]

(d) *Authorizations required from ATC/RS or AFRES.* Applicants convicted or adjudicated for an offense listed in AFM 33-3, Table 2-8 are ineligible to enlist without appropriate waiver. On request of applicant or in meritorious cases, an application for waiver may be submitted.

(e) *Uniform guidelines of typical offenses.* * * *

(f) *The effects of illegal drug usage on enlistment/appointment eligibility are:*

(1) *Enlistment.* An applicant is ineligible for enlistment if he/she has:

(i) Illegally used marijuana more than four times, or

(ii) Ever used LSD, or

(iii) Ever illegally used narcotics or dangerous drugs, or

(iv) Illegally been a supplier or casual supplier of any drugs as defined in AFR 30-19, Paragraph 1.

(2) *Officer Training/Commissioning Programs.* An applicant is ineligible for appointment or enlistment for an officer training program if he/she has ever illegally used or been a supplier or casual supplier of marijuana, dangerous drugs, or narcotics.

(3) *Waivers.* Specific instructions relative to granting waivers for preservice drug abuse is in For Official Use Only correspondence.

e. Section 888.12 is amended by revising paragraph (b) to read as follows:

§ 888.12 Nonprior service program.

* * * * *

(b) Nonprior service male applicants who are found disqualified on AFQT for enlistment at the AFEES are not required to complete physical examination.

* * * * *

f. Section 888.15 is amended by revising paragraph (g) to read as follows:

§ 888.15 Prior service program.

* * * * *

(g) *Priority for enlistment of PS applicants.* (1) Without regard to the PS Required Skills List or PS quota provided the individual is:

(i) An airman removed from the Temporary Disability Retired List and authorized to return to active duty.

(ii) Authorized to enlist by a letter issued by AFMPC/DPMMPA.

(iii) A disenrolled AFROTC cadet who is a former enlisted member released from active duty under the AFROTC Airman Scholarship and Commissioning Program. Disenrollment must be for reasons other than inaptitude or reasons involving undesirable traits of character.

(2) Applicants who possess a skill shown on the PS Required Skills List provided a quota exists and who meets TAFMS requirement.

(3) A prior service woman separated for pregnancy enlisting prior to first anniversary of date of separation providing a PS quota exists.

(4) Former military members who possess a skill convertible to an AFSC on the PS Required Skills List.

(5) Former military members enlisting for retraining.

g. Section 888.21 is revised to read as follows:

§ 88.21 Selected applicants to Officer Training School (OTS).

These are individuals who have successfully completed all qualifying examinations and have been notified by Air Training Command, in writing, of selection to attend OTS. Except as pre-

scribed in this section, processing is the same as for regular enlistees.

h. Section 888.23 is amended by revising paragraphs (a), and (b)(1) to read as follows:

§ 888.23 National Guard and Reserve members of the Air Force on extended active duty.

(a) *Identification.* A reservist of the Air Force currently serving on extended active duty may request discharge for the purpose of immediate enlistment in the Regular Air Force provided he qualifies according to this subpart. An airman in this category is not required to have an AFSC on the Prior Service Required Skills List.

(b) *Qualifications.* (1) Airman must have served on current extended active duty tour for 12 months or longer and be in grade E–3 or higher.

* * * * *

1. A new subpart B is added to read as follows:

Subpart B—Enlistment in the United States Air Force Reserve

888.50 General.
888.51 Standards for enlistment in the USAFR.
888.52 Qualifications for enlistment.
888.53 Enlistment of nonprior service applicants.
888.54 Enlistment of prior service applicants.
888.55 Responsibility for recruiting.
888.56 Recruiter processing of applicants.
888.57 Verification of applicant's enlistment eligibility.
888.58 Medical examination.
888.59 Enlistment processing of applicants.
888.60 Preparation of documents at enlistment activity.
888.61 Enlistment oath.
888.62 Assignment orders.
888.63 Applicants not enlisted.
888.64 Airmen erroneously enlisted.
888.65 Officer Training School selectees.
888.66 Transportation and subsistence.
888.67 Mobilization augmentees.

AUTHORITY: (10 U.S.C. 8012).

Subpart B—Enlistment in the United States Air Force Reserve

§ 888.50 General.

This subpart specifies criteria and enlistment procedures for nonprior/prior service applicants into the United States Air Force Reserve (USAFR). Requests for clarification on any segment of this subpart should be directed to AFRES/RS, Robbins Air Force Base, GA 31098.

§ 888.51 Standards for enlistment in the USAFR.

Reserve enlistment standards are the same as for the minimum standards for Regular Air Force enlistment unless otherwise specified in this subpart.

§ 888.52 Qualifications for enlistment.

An applicant who does not meet requirements stated in this subpart and the applicable Air Force regulations may not be enlisted unless waiver is specifically authorized and has been requested and approved in writing. AFRES/RS is the waiver approving authority unless otherwise specified.

(a) *Citizenship requirements.* Section 888.3 applies.

(b) *Age.* (1) Age qualifications, male/female USAFR applicants.

(i) *Rule 1.* If applicant has no prior service and age at enlistment is 17 but less than 35, then minimum prior service requirement is none.

(ii) *Rule 2.* If applicant has prior service (see note) and age at enlistment is up to and including 35, then minimum prior service requirement is none.

(iii) *Rule 3.* If applicant has prior service (see note) and age at enlistment is 36 but under 38, then minimum prior service requirement is one year.

(iv) *Rule 4.* If applicant has prior service (see note) and age at enlistment is 38 but under 41, then minimum prior service requirement is two years.

(v) *Rule 5.* If applicant has prior service (see note) and age at enlistment is 41 but under 58, then minimum prior service requirement is two years plus number of years applicant is over age 40.

NOTE: AFRES/RS may waive the age requirement for an applicant without sufficient prior service who possesses a technical skill required by the USAFR provided the applicant is less than 58 years old at the time of enlistment. An applicant who is 58 years or older is ineligible to enlist. Waiver may not be requested. Minimum age for enlistment in the U.S. Air Force Reserve is 17 years, when DD Form 373 has been properly executed by parents or legal guardians. The minimum age for enlistment of males and females to qualify for AFROTC contract status is 17.

(2) If applicant has no living parent or legal guardian, AFRES/RS or his designee may waive parental consent.

(c) *Education.* Female applicants must be high school graduates or score in mental category I or II on the Armed Services Vocational Aptitude Battery (ASVAB).

(d) *Mentral requirements.* (See NOTE 1, 2, 3, and 4.)

(1) *Rule 1.* If applicant has no prior service, then qualifying score on ACT, AQE or ASVAB is 40 on the mechanical, administrative, general or electronics aptitude cluster (notes).

(2) *Rule 2.* If applicant has prior service, then qualifying score on ACT, AQE or ASVAB is 40 on general aptitude cluster and aptitude percentile for AFSC in accordance with AFM 35–1, table 5–2 and aptitude in accordance with AFM 35–1.

NOTES: 1. An individual whose enlistment is required by AFR 53–10 (Appointment to the USAF Academy) or AFR 53–27 (Officer Training School (OTS) is exempt from the mental test requirements.

2. See AFM 35–8 (Air Force Military Personnel Testing System), chapter 11, for retest provisions.

3. Waiver requests for prior service applicants not meeting the required mental requirements should be directed to AFRES/RS for consideration and final determination.

4. Nonhigh school graduate must score at least 40 on general and 40 or higher on at least one other aptitude area on the AQE, ASVAB, or ACT.

5. Applicants scoring in mental category III (49 and below) on ASVAB must score a minimum of 45 in the general aptitude area.

(e) *Physical standards.* Applicants must meet medical standards in AFM 160–1 (Medical Examinations and Medical Standards) or AR 40–501 (for males examined at AFEES), as applicable.

(f) *Drug abuse.* Refer to § 888.7 to determine eligibility of applicants who have used drugs.

(g) *Alcoholism.* Applicants are ineligible for enlistment if they are alcohol dependent persons or have a history of alcoholism. Alcoholism is defined as psychological and/or physical dependency on alcohol.

(h) *Basic Military Training School, USAF.* Applicants must complete Basic Military Training School, USAF, unless they have completed basic military training (BMT) in any of the Armed Services. Members are not eligible to participate in reserve training until they complete BMT. When an applicant requires BMT, the Reserve Recruiter will notify AFRES/RS or their designee of the date of enlistment and the month BMT quota is desired. The BMT quota must be requested for the earliest practicable entry date consistent with the enlistee's availability. The required entry date must not be later than 180 days after date of enlistment. The applicant may not be enlisted if he cannot enter BMT within this period. Successful completion of BMT will be a requirement for continued employment of an Air Reserve Technician (ART).

(i) *Moral disqualifications.* The Reserve Recruiter must include a recommendation, forwarded through the Reserve Detachment Commander, based on a personal interview with the applicant and any statement the applicant desires to make regarding the reasons for his disqualification.

(j) *Uniform guidelists of typical offenses.* See § 888.7(c).

(k) *Preenlistment security investigation.* Prior service and nonprior service applicants will be processed in accordance with § 888.11.

(l) *Conditions that bar enlistment.* Section 888.6(b) applies.

§ 888.53 Enlistment of nonprior service applicants.

(a) Within available recruiting quotas, applicants may be enlisted to fill authorized grade and skill vacancies in category A units organized to serve as a unit upon mobilization and category B units. Applicants enlisting are required to serve on initial Active Duty for Training (AC DUTRA) for at least 120 days. When ordered to ACDUTRA, AF Form 458, Statement of Tour of Duty, will be prepared and distributed according to pertinent Air Force regulations. DD Form 214 will be prepared upon completion of the initial ACDUTRA tour. After completing the initial ACDUTRA tour, an airman will return to his USAFR unit of assignment and must participate satisfactorily in ready reserve training for the remainder of his enlistment or until reassigned from the ready reserve.

(b) Nonprior service applicants may be enlisted provided:

(1) They are 17 but not yet 35 years of age.

(2) They meet the requirements or eligibility for enlistment under this subpart and certify their understanding on AF Form 888, Statement of Understanding and Agreement (Nonprior Service Enlistee), of participation requirements.

(3) Before enlistment, they meet the mandatory qualifications for entry in the AFSC in which enlisted.

(4) A vacancy or projected vacancy exists in a category A or B unit, and is available in grade and skill for which applicant is qualified. The Reserve Recruiter must have an allotted BMT and a technical training or on-the-job training quota before an enlistment can be effected. Nonprior service quotas will not be used to fill positions above the grade E–4 without prior approval of AFRES/DPR.

(5) They are not medical, dental, veterinary, osteopathy, podiatry, or optometry students.

(c) Upon completion of preenlistment actions, the Reserve Recruiter will request a training quota from AFRES/RS. Requests must be made a minimum of 2 weeks prior to desired ACDUTRA entry date and will include course desired, BMT entry date desired, alternate date, with individual's full name, social security account number, complete address and telephone number.

(d) When otherwise qualified applicants question their denial of enlistment because of nonselection for a quota vacancy, they will be advised:

(1) That they may have their name retained on a waiting list pending the availability of a vacancy or projected vacancy and may check their status at any time.

(2) Of other reserve units to which they may apply for enlistment.

(3) If they feel additional consideration of their application is warranted, they may appeal the denial. Appeal will be in writing and will be forwarded to AFRES/RS. The Recruiter will provide assistance in preparing the appeal.

(e) Terms of enlistment and date of rank. (1) Six years for male nonprior service applicants 17 through 26 years of age.

(2) Males who are 27 years of age and older, and have passed their military obligation age, may enlist for periods of 2, 3, 4, 5, or 6 years.

(3) Two, 3, 4, 5, or 6 years for females.

(f) Date of rank for nonprior service enlistees is the date of enlistment into the United States Air Force Reserve.

(g) Four years to nonprior service applicants in mental categories I, II, and III. The number of initial four-year enlistments will not exceed 20 percent of the total nonprior service accessions for each unit. Four-year enlistments are authorized only in units with manning below 90 percent. Authority for the four-year enlistment expires on April 1, 1975.

§ 888.54 Enlistment of prior service applicants.

The eligibility, criteria, and qualifications for enlistment of prior service applicants are generally the same as for enlistment of nonprior service applicants as specified in § 888.53.

(a) *Documentary verification.* (1) Prior to enlistment of an applicant who was previously a member of the armed forces or reserve components, documentary verification of this service must be furnished. The DD Form 214 issued for the applicant's last period of active service is the governing document used to determine applicant's eligibility. The original DD Form 214/215 or a duly signed and authenticated copy will be used to verify prior military service and eligibility for enlistment. All previous service will be verified. If errors appear on the DD Form 214, a DD Form 215 from the appropriate records center will be obtained. Information will not be requested by telephone.

(2) Enlistment eligibility for technical training in certain AFSCs requires evidence of previous security clearance held at termination of last enlistment. The following procedures apply prior to requesting an enlistment assignment from ARPC Central Vacancy Control Center, Denver, CO:

(i) For applicants whose last period of service was in the Air Force the information will be obtained from the DD Form 214/215; however, if at the time of separation, any information was omitted, an SF 180, Request Pertaining to Military Records, will be submitted.

(ii) For applicants whose last period of service was other than the U.S. Air Force, an SF 180 will also be submitted.

(3) Acceptability of applicants with prior service. See § 888.15.

(b) *Counselling.* (1) In addition to requirements specified above, prior service applicants will be advised that all PS enlistments are approved for a required AFSC or for training into a critical or shortage AFSC to fill immediate personnel objectives.

(2) Prior service applicants are not entitled to, nor will they receive any special consideration for promotion or skill advancement based upon previous military service. Each applicant must meet all requirements for promotion and skill upgrade in accordance with current Air Force directives.

(c) *Period of enlistment.* The enlistment period for prior service enlistees is 1, 2, 3, 4, 5, or 6 years. If applicant has a remaining Military Service Obligation (MSO), the period of enlistment must be equal to or greater than the MSO. Male prior service personnel may enlist for a period of one year one time.

(d) *Grade determination.* Grade determination for prior service is determined by the Reserve CBPO in accordance with pertinent Air Force regulations. If required, the applicant will complete AF Form 809, Application for Grade Determination, and the recruiter will make appropriate recommendation.

(e) *AFSC determination.* Personal classification boards convened by the Reserve CBPO and functioning under AFM 35–1 must review the qualifications for AFSC determination (including skill level) of the following applicants:

(1) Applicants with prior Air Force service whose awarded AFS will not convert to a current AFS.

(2) An applicant with prior service who is being considered for a position vacancy comparable to his civilian experience, education, or other training.

(3) Those under consideration for grade determination as prescribed by AFM 33–3; table 6–4.

(f) *Reenlistment code.* This code is primary consideration in establishing the enlistment/reenlistment eligibility of an applicant with previous military service. An explanation of the entries made for former Air Force personnel is as follows:

(1) "NA"—Airman reenlisting with 24 hours or being released from involuntary recall to extended active duty.

(2) "1"—Applicant is eligible for enlistment.

(3) "2"—Applicant is barred from enlistment by AFM 33–3, Table 3–6, chapter 3.

(4) Blank—No entry is made when directed by HQ USAF.

(g) *Assignment information.* (Refers to applicants who currently hold Reserve status, usually inactive Reserve ARPC.) Applicant will complete in triplicate, DD Form 1644, Ready Reserve Service Agreement, which will be witnessed by the recruiter.

§ 888.55 Responsibility for recruiting.

(a) AFRES/RS is responsible for recruiting applicants for Ready Reserve vacancies or projected vacancies and coordinating on all matters pertaining to the Ready Reserve Recruiting Program. AFRES/RS establishes appropriate priorities and quotas for recruiting. The category A or B unit must have a vacancy or projected vacancy within its Unit Detail Listing (UDL).

(b) Accord all personnel, regardless of race, color, religion, sex, or national origin, equal opportunity for enlistment.

§ 888.56 Recruiter processing of applicants.

(a) Explain the USAFR Program in which applicant is interested and requests information.

(b) Determine applicant's qualifications and eligibility for enlistment and determine whether or not applicant would be available and able to participate in the applicable Reserve Program.

(c) Advise applicant of complete enlistment procedures that will be applicable and required in his case.

(d) The Reserve Recruiter must explain the following subjects to qualified applicants before enlisting them:

(1) Military Service Obligation (MSO) and participation requirements.

(2) Explanation of terms.

(3) USAFR assignment and retention.

(4) Screening the Ready Reserve.

(5) Inactive duty training for pay and allowances.

(6) Tours of Annual Active Duty for Training (ANACDUTRA) and special tours of active duty to support unusual requirements of the active force.

(7) School and special tours of ACDUTRA.

(8) Article 83, Uniform Code of Military Justice. Emphasis is placed on the applicant's disclosure of any condition not already contained in his application papers which may disqualify him for enlistment and of the implications and penalties involved should such condition(s) come to the attention of military authorities after enlistment is accomplished. If the applicant makes a disclosure at this time, a waiver for the disqualifying condition, if appropriate, may be processed. If not appropriate, the applicant will be disqualified.

(9) Waiver of physical disability compensation during the same period in which pay is received for military service rendered.

(10) The requirement that applicant possess his social security account number card at the time of enlistment.

(11) Pay, allowances, and dependency status. Applicant will be thoroughly counselled on pay and entitlements that he could expect to receive if ordered to extended active duty and the financial burdens facing married individuals serving in the lower enlisted grades. In addition, applicant will be counselled of the fact that in the event of mobilization/extended active duty, the Air Force is not obligated to provide monetary or other assistance to his family unless proof of their dependency on him is furnished to the satisfaction of the Air Force.

(e) Recruiter completes the following actions:

(1) Fills out Recruiting Prospect card.

(2) Tentatively qualifies the applicant.

(3) Schedules applicant for testing with AFEES/Active Service Tester, or local Reserve CBPO.

(4) Gives applicant two blank DD Forms 298 and instruction sheet for completion.

(5) Mails DD Form 369, Police Record Check, to local police in the areas applicant has lived for the past 5 years, if required.

(6) Have applicant fill out and sign AF Form 2030, USAF Drug Abuse Certificate (Enlistment Only). If required, complete AF Form 2031, Drug Abuse Circumstances (Instructions to Recruiter), within 7 days before enlistment.

(7) If applicant is a minor, recruiter insures DD Form 373 (Parental/Guardian Consent) is signed by the parents in the recruiter's or Notary Public's presence.

(8) Schedules applicant for physical. Physical will normally be administered after ACT/AQE or ASVAB mental testing is completed.

(9) Obtains results of ACT/AQE or ASVAB test. Informs applicant of test results.

(10) If applicant qualifies, recruiter reaffirms enlistment date.

(11) Recruiter and applicant select career field based upon existing vacancies and test results.

(12) Recruiter secures vacancy from Air Reserve Personnel Center (ARPC) and obtains BMT quota number from AFRES/RSO or USAFR CBPO. (Ten days minimum advance notice is required on both).

(13) Prepares a work copy of DD Form 4.

(14) Recruiter and applicant sign work copy of DD Form 4.

(15) Prepares work copy of enlistment/reenlistment order.

(16) Reviews DD Form 398 to assure required entries have been made and that the document is legible and complete and that there are no inconsistencies between the entries.

(17) Assembles enlistment documents and places them into an envelope, seals it, and gives it to the applicant for delivery to the enlistment activity (AFEES or USAFR CBPO).

(18) Provides advance notice of applicant's arrival to the enlistment activity as required.

(19) Assures applicant goes to enlistment activity for further enlistment processing.

§ 888.57 Verification of applicant's enlistment eligibility.

Identify, age, education/citizenship, and moral qualifications will be verified.

§ 888.58 Medical examination.

Each applicant eligible in other respects must undergo a medical examination to determine if physically qualified for enlistment. If, in the opinion of the examining medical officer, an exception to physical standards is appropriate, he will make his recommendation and forward it along with a copy of any additional supporting evidence to AFRES/SG, Robins AFB, GA 31098, for final determination of enlistment eligibility.

§ 888.59 Enlistment processing of applicants.

Applicants will be processed and enlisted at the appropriate Armed Forces Examining and Entrance Stations (AFEES). USAFR CBPOs may complete enlistment processing when AFEES processing would be impractical.

§ 888.60 Preparation of documents at enlistment activity.

(a) DD Form 4, Enlistment Contract—Armed Forces of the United States.

(b) DD Form 44, Record of Military Status of Registrant.

(c) Enlistment/reenlistment orders.

(d) For Air Reserve Technician (ART) enlistees, DD Form 359, Referral for Consideration.

(e) Enlistment by a USAFR agency other than unit of assignment. The enlistee will be advised that the sponsoring agency will contact enlistee and provide pertinent instructions and information about enlistment status.

§ 888.61 Enlistment oath.

The oath of enlistment may be administered by any commissioned officer of the Armed Forces of the United States.

§ 888.62 Assignment orders.

Reserve orders announcing the enlistment and assignment of the Reservists are published in accordance with AFR 10–7.

§ 888.63 Applicants not enlisted.

(a) An applicant rejected for enlistment because of failure to meet mental or physical qualifications will be informed verbally of the reasons for rejection and encouraged to apply at a later date if circumstances in the future permits his enlistment consideration.

(b) An applicant found qualified but declines to enlist may be counselled. If counselling is unsuccessful, applicant may be considered an eloper and processed in accordance with pertinent Air Force regulations.

§ 888.64 Airmen erroneously enlisted.

(a) If an airman has been erroneously enlisted and a waiver is not appropriate, the case will be fully documented and forwarded through channels to the Commander, ARPC. He may disapprove the recommended discharge, if in his opinion the case is without merit. However, if the case appears to have merit, it will be forwarded to AFMPC/DPMAKE, Randolph AFB TX 78148 for final decision.

(b) Service performed during an erroneous enlistment is not creditable for any purpose.

§ 888.65 Officer Training School selectees.

These are individuals who have successfully completed all qualifying examinations and have been notified by AFRES/DPAT in writing of selection to attend OTS. Processing is the same as for regular enlistees except AF Form 2061, USAF Drug Abuse Certificate (Appointment/Officer Training Applicant Only), will be completed in lieu of AF Form 2030. AF Form 2031 will be completed if appropriate.

§ 888.66 Transportation and subsistence.

Except outside the United States, transportation and subsistence are authorized at Government expense to place of enlistment. If found not qualified or required to await further orders, applicants will be returned at Government expense. Appiicants who intentionally conceal disqualifications will not be returned at Government expense. The expense of transportation of Reserve applicants to and from the AFEES or Reserve CBPO will be borne by USAFR.

§ 888.67 Mobilization augmentees.

Major commands are responsible for recruiting mobilization augmentees. AFRES recruiters assist in recruiting MAs by referring them to ARPC. They serve in selected positions at HQ USAF, as well as with major commands and separate operating agencies of the Air Force. They are assigned to the CRPO at ARPC, and the recruiting and assignment of MAs managed by ARPC. Information regarding this program may be obtained from ARPC Recruiting Command Post, 3800 York Street, Denver CO 80205.

2. Part 888b is deleted in its entirety. See Subpart B of Part 888.

(10 U.S.C. 8012)

By order of the Secretary of the Air Force.

STANLEY L. ROBERTS,
Colonel, USAF Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.74–21573 Filed 9–17–74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[No. 24026]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

PART 25—SATELLITE COMMUNICATIONS

Clarification of Regulations

1. Preparatory to the reprinting of the revised edition of Volume VII of the Commission's rules and regulations, numerous editorial changes were made involving a variety of revisions and amendments in Parts 21 and 25.

2. Adoption of these changes is desirable in order to clarify the rules, make them uniform as to usage and terminology, delete obsolete material, and otherwise improve them from an editorial standpoint. Since the changes are editorial in nature, the prior notice and effective date and provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553) are not applicable. The changes below will be included in the revised edition of Volume VII which will be available from the Superintendent of Documents, U.S. Government Printing Office, in the near future.

3. Accordingly, *it is ordered*, pursuant to authority contained in sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's rules and regulations. That effective September 18, 1974, Parts 21 and 25 are amended as set forth below.

Adopted: September 9, 1974.

Released: September 11, 1974.

(Secs. 4, 5, 303, 307, 48 Stat., as amended, 1066, 1068, 1082, 1083; 47 U.S.C. 154, 155, 303, 307)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JOHN M. TORBET,
Executive Director.

Chapter I of Title 47 of the Code of Federal Regulations is amended with respect to Parts 21 and 25. The "E" in "earth station" should not be capitalized and should be corrected throughout where it appears. The following additional changes are made as follows:

§ 21.501 [Amended]

1. Section 21.501(1)(4) is amended by substituting "D" for "F" in the middle of the paragraph and "E" and "G" for "D" and "F", respectively, at the end of the paragraph.

2. Section 25.151(e) is amended to read as follows:

§ 25.151 Scope, purpose and application of this subpart.

* * * * *

(e) The procurement is made by or on behalf of the International Telecommunications Satellite Organization (INTELSAT) established pursuant to Definitive Arrangements (TIAS 7532) which went into effect on February 12, 1973, at Washington and the Special Agreement signed pursuant to Article II of the Interim Arrangements. Such procurements are governed by the INTELSAT Procurement Regulations, copies of which may be obtained from the Communications Satellite Corporation, Washington, D.C. 20024.

3. In § 25.202, paragraphs (a) and (f) are amended to read as follows:

§ 25.202 Frequencies, frequency tolerance and emission limitations.

(a) *Frequency bands.* The following frequency bands are available for use by the communication-satellite service on a shared basis with terrestrial radio services. Precise frequencies and bandwidths of emission will be assigned on a case-by-case basis.

Earth-to-satellite
5925–6425 MHz[2][3]

Satellite-to-earth
3700–4200 MHz[1]

[1] This band may also be used for the transmission of tracking and telemetering signals associated with the communication-satellite space stations operating in the same band.

[2] This band may also be used for the transmission of telecommand signals associated with communication-satellite earth stations operating in the same band.

[3] This band is not available for assignment to mobile earth stations.

* * * * *

(f) *Frequency tolerance, space stations.* The carrier frequency of each space station transmitter authorized in these services shall be maintained within 0.002 percent of the reference frequency.

§ 25.204 [Amended]

4. Section 25.204(b) is amended by substituting the words "paragraph (c) of this section" for the words "paragraphs (c) and (d) of this section" at the end of the paragraph.

§ 25.252 [Amended]

5. Section 25.252(a), footnote 1 is amended by substituting the symbol "$J \geq$" for the symbol "$J>-$" at the end of the fourth sentence; in paragraph (b), the formula is amended by substituting the symbol "%" for the word "percent" and by placing the complete term "$10 \log_{10}(n_{\infty})$" on the same line.

§ 25.253 [Amended]

6. In § 25.253(a), the formula is amended by placing the complete term "$-20 \log_{10}(f/4)-L_s$" on the same line; (b)(3) is amended by inserting ")" between the words "arc" and "is", and in (f)(2) the formula is amended by leaving a space between "km" and "5°".

§ 25.510 [Deleted]

7. Section 25.510 is deleted in its entirety.

§ 25.511 [Deleted]

8. Section 25.511 is deleted in its entirety.

[FR Doc.74-21578 Filed 9-17-74;8:45 am]

[FCC 74-953; RM-2423]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in Kodiak, Alaska; Table of Assignments

1. The Commission has before it a petition submitted July 17, 1974, by the Alaska Educational Broadcasting Commission proposing that FM Channel 261A be assigned to Kodiak, Alaska. Petitioner points to the fact that in Alaska the so-called educational channels 201–220, and channels 221 to 260, are used for other purposes (§ 73.501(b)), thereby confining FM broadcast operations in Alaska to channels 261–300 for use by commercial and non-commercial educational licensees.

2. Nine Alaska communities are currently assigned FM channels in the Table of Assignments (§ 73.202(b)). FM stations are licensed or authorized in three of those communities. Anchorage, the largest city in Alaska, is assigned five channels, three of which are currently in use. A construction permit for use of a fourth channel there was granted July 12, 1974 (BPH–8688). At College, Alaska, Station KUAC, licensed to the University of Alaska, operates on Channel 284. Station KTOO, Juneau, Alaska, is licensed as a 10-watt educational station on Channel 282. FM channels are assigned to Cordova, Fairbanks, Ketchikan, Nome, Seward and Sitka, none of which are currently in use.[1]

3. Kodiak is an incorporated city with a population of 3,798[2] located on Kodiak Island which has a population of 9,409. Kodiak Station, with a population of 3,052, adjoins the city of Kodiak. According to petitioner, Kodiak is the largest incorporated city in Alaska without an FM assignment.

4. Section 73.207(a) of the Commission's rules requires that co-channel Class A stations be separated by 65 miles and that co-channel Class C stations be separated by 180 miles. Of the nine communities already assigned FM channels in Alaska, Seward, which is 195 miles to the northeast of Kodiak, is the nearest. The nearest point on the Canadian border is more than twice that distance. It is therefore evident that any of the 40 channels set aside for FM broadcast use in Alaska, including Channel 261A, could initially be assigned to Kodiak, in complete conformity with all Commission mileage separation requirements.

5. The Alaska Educational Broadcasting Commission states that if Channel 261A is assigned to Kodiak, it will, through an educational corporation or a school district functioning under its aegis, apply for its use.

6. It appears that a sufficient showing has been made to warrant the assignment of Channel 261A to Kodiak.

[1] Channel 284, the sole channel assigned to Sitka, is unused. However, a government-operated 10-watt educational station, licensed to the Bureau of Indian Affairs, broadcasts on Channel 261A at Sitka.

[2] Population figures are from the 1970 U.S. Census.

Moreover, in view of the plethora of FM channels that could be assigned to Kodiak, it would appear that initiating a rule making proceeding to examine whether to make the requested assignment would serve no useful purpose and is therefore unnecessary, 5 U.S.C. 553(b)(3)(B).

7. 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 18, 1974, § 73.202(b) of the Commission's rules and regulations, the FM Table of Assignments, is amended with respect to the city listed below to read as follows:

City	*Channel No.*
• • •	• • •
Kodiak, Alaska	261A
• • •	• • •

8. *It is further ordered*, That this proceeding is terminated.

Adopted: September 5, 1974.

Released: September 10, 1974.

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

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-21580 Filed 9-17-74;8:45 am]

[FCC 74-957; Docket No. 20028]

PART 76—CABLE TELEVISION SERVICE
Carriage of Late-Night Television
Programming by Cable TV Systems

1. On April 17, 1974, the Commission adopted its notice of proposed rulemaking in Docket No. 20028 (39 FR 15160), FCC 74-433, 46 FCC 2d 446, which proposed amending the Commission's rules to allow cable television systems to import late-night programming from the sign-off of the last station which a cable system must carry to the sign-on of the first station which the system must carry. The Commission issued its notice in response to several proceedings which raised the question of cable carriage of late-night broadcasting.[1]

2. In considering this matter, we stated that our goal was to insure diversity of programming on cable systems without inflicting injury upon broadcast television stations. We observed that a number of television stations recently had moved to an all night or late-night programming schedule, thus offering, Par. 2, "cable systems a new source of programming, when the stations which they must carry are off the air." We therefore concluded in Par 6 that:

> Though most television viewers are content with conventional late evening and early night program schedules, a small but significant number have work schedules or personal habits which allow them to watch television only late at night. Accordingly, we believe that limited cable carriage of late-night broadcasting would further the public interest in program diversity.

Although we repeated our concern that cable carriage not harm local television stations, we stated our belief that importation of late-night programming would have no adverse economic impact on stations which already were off the air. We now are in receipt of comments from a number of parties, and are persuaded to adopt the rule substantially as proposed.

3. *Comments by Cable Television Interests.* The National Cable Television Association supported the "concept" behind the Commission's proposal, but urged several modifications to further the goal of program diversity without causing harm to existing broadcast service. First, NCTA advocated a rule that would allow cable systems to carry a full complement of signals at all hours. In support of this, NCTA stated that the "all-or-nothing" approach of the proposed rule was over-protective and inconsistent with the carefully weighed signal carriage requirements already in existence. NCTA also maintained that a smaller audience size during the late night did not justify a change in signal complement any more than such variation during the afternoon. Second, NCTA urged that systems be allowed to commence carriage of distant signals at a set time or at the beginning of the imported late-night programs. Finally, NCTA would modify the sign-off provision in order to prohibit importation of late-night programming only at the "true beginning" of the local station's broadcast day or the end of the program on the distant station, whichever occurred later.

4. Cablecom-General, Inc., favored adoption of the rule on the grounds that it would balance competing interests and stimulate program diversity. The rule also would encourage networking and interconnection among cable systems, Cablecom argued. Specifically, Cablecom supported the provisions allowing unrestricted importation and requiring no certificates of compliance for imported signals. Cablecom urged, however, that the rule permit unlimited distant signal carriage before the last local station's sign-off in the evening. Cablecom proposed that upon a substantial showing of adverse impact by a local broadcaster, the Commission stay importation. In addition, Cablecom argued that if a local station commenced late-night broadcasts subsequent to a cable system's importation, some type of grandfathering rights should accrue to the system. Cablecom suggested that in a grandfathering situation the Commission alternatively (a) allow the number of imported late-night stations to equal the number of local stations carried, with deletion as each local station engaged in late-night programming; (b) permit the number of late-night stations to equal the minimum signal carriage requirements applicable to the particular cable system, with deletion as above; (c) permit the number of distant signals to coincide with the minimum number of independent signals which a system could import, with no deletions except for rare circumstances; or (d) allow the number of imported distant signals to equal the number of local late-night stations.

5. TelePrompTer Corporation endorsed the Commission proposal as consistent with the goals of program diversity and avoidance of injury to broadcast stations. TelePrompTer advocated, however, several changes in the rules. Instead of requiring all local stations to be off the air before a system could import distant signals, TelePrompTer advocated a provision following the minimum service and bonus signal carriage rules. TelePrompTer argued that this proposal would be consistent with the Commission's concern regarding competition. In major markets, TelePrompTer maintained, late-night programming should have no more impact than unlimited carriage of foreign language stations. TelePrompTer also advocated allowing systems in major markets to begin carriage of any late-night station no later than 1:00 a.m. and allowing carriage to commence sooner if necessary to maintain the minimum service standard. This would provide program schedule certainty to subscribers, TelePrompTer stated. TelePrompTer also would modify the sign-on provision to allow more complete carriage of movies, and would add a grandfather provision requiring no deletions if a local station commenced late-night programming in the future.

6. Gerity Broadcasting Company also favored the rule. Gerity operates cable systems in an industrial area with unusual work schedules and therefore is especially interested in the proposed rule. Since its systems are located in a second-fifty market, Gerity advanced several suggestions for broadening the scope of the rule for such markets. First, Gerity would permit carriage of two distant late-night stations in accordance with the bonus signal rules for second-fifty markets. Second, Gerity proposed the same sign-on rule as TelePrompTer for the two distant stations, as well as allowing more complete carriage of movies. Finally, Gerity advocated a grandfather clause, on the ground that systems otherwise would be unwilling to invest in microwave equipment.

7. Verto Corporation and Universal Television Cable System, Inc. endorsed the proposed rule and stated that their subscribers had expressed strong support for its adoption. Verto and Universal stated that the reasons for this sentiment were that their areas have a substantial labor force working unusual hours, thereby creating a significant demand for late-night programming. Verto suggested that the rule be altered

[1] The various requests include the following: A "Request for Rule Making" filed by Davis Communications, Inc.; a petition for special relief (CSR-486) filed by Spectrum Cable Systems, Inc.; a petition for special relief (CSR-504) filed by Cable TV Company of York; and several applications for certificates of compliance.

so that a system could add one late-night signal whenever a local signal signed off, thereby providing continuity of service and similar service to all segments of the viewing public.

8. A group of seven cable television companies supported the proposal as adequately balancing the interests of cable systems, broadcasters, and the public. The companies urged that systems be allowed to commence carriage of late-night stations at the beginning of movies, if the last local station signs off any time during their broadcast. The companies also advocated expansion of the proposal to include video taping of programs already carried for replay after all local stations have signed off. In support of this position, they argued that program diversity would be enhanced, impact on local broadcasters would be minimal, and microwave savings for system operators would be substantial. The copyright questions inherent in this problem were acknowledged by the companies. In its reply comments, the seven companies maintained that strict application of the leap-frogging rules would be contrary to the public interest.

9. Cable TV Company of York urged adoption of the proposal. York maintained that the sign-on provision of the proposed rule unnecessarily protected local stations and deprived viewers of choice, and it urged adoption of a provision allowing maintenance of the minimum service complement. In the alternative, York argued that systems should be allowed to commence late-night programming after a majority of local stations concluded their broadcast day.

10. Metro Cable Company viewed the rule as helping to fulfill the need for television service after midnight. Metro Cable urged allowing cable systems to carry a full network and independent signal complement for late-night viewers. This would serve as a catalyst, Metro argued, for local broadcasters to expand their programming. Metro also advanced several proposals regarding sign-on and sign-off time that would allow more complete late-night programming while local stations were on the air.

11. A group of 82 cable companies supported the proposal as consistent with the Commission's objectives. The companies stated that although systems outside all television markets may carry any station, the proposed rule should specifically allow such systems to carry late-night programming without prior certification. The companies also argued that systems should be allowed to commence carriage if the particular program ended after all local stations had signed off. The impact on local broadcasters would be minimal, the companies maintained.

12. Communications Properties, Inc., maintained that there was substantial need for and availability of late-night programming. But the proposed rule should be altered. CPI urged as to the sign-on and sign-off provisions. CPI suggested allowing systems to carry distant signals thirty minutes after the end of prime time or after all local stations concluded their broadcast day, whichever occurred first.

13. A group of cable systems supported the rule as a reasonable approach to the problem of making television service available during the late-night hours.

14. *Comments by Copyright Owners.* In reply comments to a group of seven cable companies' suggestion that cable systems be allowed to videotape broadcasts and replay them during late-night hours, a group of seven motion picture suppliers regarded the request puzzling. The program suppliers argued that this issue was beyond the Commission's jurisdiction and specifically governed by provisions of the Copyright Act, 17 U.S.C. 1 (d) (1972). In support of their position, the suppliers noted that a license from a copyright owner was required to videotape and transmit copyrighted programs. The Copyright Act provides that the exclusive right to make reproductions of a copyrighted work is vested in the author and copyright owner. The program suppliers also maintained that the Communications Act of 1934 neither granted nor could grant the Commission the right to change copyright law. Aside from the legal issues involved, the program suppliers stated that videotaping would result in "widespread circulation of piratical tapes" in competition with the legitimate market.

15. MCA, Inc., argued that allowing cable systems to videotape programming was beyond the issues raised in the rule-making proceeding and beyond the Commission's authority. Such a practice would be an intrusion into copyright law and a copyright infringement, MCA claimed. MCA also observed that no party had urged that late-night program carriage be exempt from the Commission's syndicated exclusivity provisions. The exclusivity rule should apply, MCA believed, because § 76.151 of the rules refers to the major market signal carriage rules.

16. *Comments from the Public.* The Commission received a large number of letters from cable subscribers who favored adoption of the proposed rule. Most of the writers noted that they worked at unusual hours and therefore could watch television only late at night.

17. *Comments from Broadcast Television Interests.* Boston Broadcasters, Inc., licensee of Station WCVB-TV, Boston, Massachusetts, hailed the proposed rule as providing an important public service. Because of varying sign-off times of local stations, however, BBI suggested that the Commission select a fixed time, preferably 1:00 a.m., for the commencement of carriage of distant late-night programming signals. BBI argued that 1:00 a.m. typically marks the end of network programming and most frequently is the time at which late-night programming schedules begin. By the Commission adopting a 1:00 a.m. late-night programming standard, BBI asserted that cable television subscribers will be able to view late-night programs in their entirety. BBI viewed the Commission's provision for presuming a sign-off time of "must-carry" signals as "administratively unworkable." Without establishing a fixed time for commencement of late-night programming importation, BBI maintained, the cable operator would be left with the burden of daily checking the local stations' sign-off times—which might prohibit the system from engaging in late-night programming importation.

18. The American Broadcasting Company opposed adoption of the rules. It argued that the proposed rule was "fundamentally at odds" with Cable Television Report and Order, FCC 72-108, 36 FCC 2d 143 and the Consensus Agreement. Under the Consensus Agreement, ABC asserted that carriage of additional distant late-night programming signals was prohibited. ABC also argued that the proposed rule was in violation of the copyright provisions of the Consensus Agreement. Moreover, ABC maintained that it would be "highly inappropriate" to undertake this rule revision while the copyright legislation was under consideration by Congress. ABC also believed that adoption of the proposed rule would lead to further erosion of the Commission's 1972 rules. Should the Commission adopt a rule change, ABC suggested no additional station be carried until all the local stations have left the air, that a cable system be allowed to carry only one distant late-night programming signal, and that any additional signal should be carried in accordance with the leapfrogging principles. Finally, ABC proposed that the authority to carry distant late-night programming signals should cease when a local station expands its hours.

19. The Columbia Broadcasting System opposed adoption of the rule. Noting that cable systems do not pay for use of distant signals, it argued that the proposed rule created "one-way, unfair competition." CBS maintained that the proposed rule would discourage cable systems from producing local origination programming, because importation of distant late-night programming would provide a cost-free programming alternative. Distant late-night programming would attract more cable subscribers and increase cable systems' revenues, CBS argued, thus fragmenting the free television audience. CBS also argued that the benefits for the cable systems from the proposed rule would be inequitably balanced by the disadvantages suffered for broadcasters and/or program suppliers. If the Commission adopted the proposed rule, CBS argued, free television would need to compete with its own product. If the Commission permitted the importation of distant late-night programming, CBS maintained that it should do so only on the condition that the cable system be required to obtain retransmission consent from the original television station.

20. A group of nineteen television licensees argued that the proposed rule was inconsistent with the Cable Television Report and Order, supra, and the Consensus Agreement. They thus urged the Commission to withhold action pending enactment of copyright legislation. If the Commission did adopt the rule, how-

ever, they urged that the rule be modified in three ways. First, cable systems should not be permitted to carry additional distant signals until all local stations have left the air. Second, the Commission should limit the number of late-night signals and should implement leapfrogging restrictions. Finally, when any local station decided to extend its operating hours a cable system should be required to cease carriage of the distant signal for the extended period.

21. KMSO–TV, Inc., licensee of three television broadcast stations, argued that there was no compelling case to justify the importation of programs by cable systems on otherwise unauthorized signals. It asserted that there is a precipitous decline of audience after 10:00 p.m. and therefore that there was no significant viewer demand. Importation of late-night programming, KMSO–TV argued, would produce duplicated programs previously seen on at least one cable channel, rather than diversity of programming. KMSO–TV also asserted that the proposed rule posed a threat to television stations through erosion of revenues. Adoption of the rule, KMSO–TV maintained, would grant cable an unfair competitive advantage, thus threatening continued operation of smaller market television stations.

22. KTVB, Inc. argued that adoption of the rule would create needless regulatory problems and would not provide any real public benefit. If the Commission decided to adopt the rule, however, it urged the Commission to make several modifications. First, a cable system's distant late-night programming importation should be limited to one signal at a time. Second, a cable system should be required to cease importation of a distant signal after any "must-carry" station extends its operating hours. Third, a cable system should be allowed to carry a program to its completion only if the program does not extend more than thirty minutes after the sign-on of the first "must-carry" station. Fourth, the Commission should bar carriage of late-night programs which duplicate programs carried or to be carried by any "must-carry" stations within a twenty-four hour period in the Mountain Time Zone. Finally, the Commission should protect a station's entire broadcast day and thus eliminate the half-hour sign-off provision of the proposed rule.

23. Mid-Continent Telecasting, Inc., licensee of Station KOAM–TV, Pittsburg, Kansas, objected to what it viewed as a further erosion of the Commission's cable television rules. If the Commission decided to adopt the rule, however, it urged that it make several modifications. First, distant late-night programming importation should be limited to one signal at a time. Second, notification by a local station of an increase in its broadcast hours should automatically require a cable system to delete its distant late-night programming signal. Third, the Commission should eliminate the half-hour sign-off provision now contained in the proposed rule; a local station's programming should be carried in its entirety. Fourth, no more than one half of a distant station's program should be carried past the sign-on of any local station. Fifth, a cable system should give a 30 day advance notice of plans to engage in late-night programming importation. Sixth, the Commission should establish time zone provisions, so cable systems will be unable to evade their program exclusivity obligations. Finally, Mid-Continent advocated that a local television station should be given the opportunity to require deletion of a particular hour of late-night programming.

24. The Association of Maximum Service Telecasters, Inc., argued that adoption of the proposed rule would lead to abuse and erosion of the Commission's rules. It asserted that the proposed rule offers little benefit to the public, because only a very small proportion of the public would desire and be able to take advantage of the cable offering. Costs of microwave relay, MST also argued, may be prohibitive to smaller systems where the potential late-night audience is small. MST also asserted that importation of distant late-night programming signals would have a substantial adverse impact on local television service. MST maintained that importation of distant signals would produce duplication of programs, causing audience fragmentation and cutbacks in present local broadcast service. MST suggested that a cable system originate programming to fulfill needs for late-night programming.

25. Springfield Television, Inc., licensee of Television Broadcast Station KYTV, Springfield, Missouri, objected to the proposed rule and alternatively suggested modifications to the rule if the Commission adopted it. First, it advocated allowing the importation of only one distant signal at a time. Second, the sign-off to sign-on provision should be from the last local station to sign off to the first local station to sign on the following day. Third, Springfield Television argued that the local station's entire broadcast day should remain intact. Fourth, no more than one-half hour of a distant station's program should be carried past the sign-on time of the first local station. Fifth, Springfield Television also supported a time zone provision which would prevent cable systems from using time zone differences to evade their program exclusivity obligations. Finally, videotaping of a distant station's programs for late-night replay should be prohibited.

26. Westinghouse Broadcasting Company, Inc., argued that there was no compelling need for the proposed rule. It asserted that the proposed rule was inconsistent with the Commission's policy of requiring local stations to serve local needs. If there were a need for late-night programming in a particular area, however, Westinghouse maintained that existing commission special relief procedures provided an adequate method for consideration of individual requests.

Discussion

27. We believe that the proposed rule is desirable in order to achieve the public interest in high-quality cable television service and diversity of programming. Indeed, the letters from the public discussed in Paragraph 16, supra, only confirm that a "small but significant" portion of the population desires an opportunity to watch television late at night. Moreover, we do not believe that origination cablecasting is sufficient to fill this current void. Few cable systems can afford to buy enough syndicated programming to cover the late evening hours, and locally produced fare is beyond the capabilities of most communities. Finally, cable carriage of late night programming will not hurt the viability of broadcast television. For the reasons noted below, the proposed rule will create neither head-on competition for local stations nor any economic disincentive for local stations to expand their program days. Accordingly, we will adopt the rule with the minor modifications noted below.

28. We note that many parties have raised issues which are not properly part of this proceeding. Thus videotaping programs for late-night replay, imposing more stringent logging requirements on systems, and requiring retransmission consent simply are not material here. The parties are, of course, free to raise these issues in a more appropriate setting.

29. We will retain the proposed rule's lack of limitation on the number of late-night signals which a cable television system may carry. Although cable interests maintained that the proposed rule was too narrow and some broadcast interests that it was too broad, we believe that it strikes an appropriate competitive balance between cable and broadcast television. On the one hand, the rule protects local stations from head-on competition with imported signals. On the other, it allows a cable system to carry at least one signal during all times. We recognize that the rule will allow a cable system to duplicate a local station's programming after the station has begun to broadcast a program in some situations—particularly on the border of time zones where an imported station commences its broadcast of a program after a local station. We do not believe that this effect is sufficiently harmful, however, to justify expansion of our simultaneous exclusivity rules in § 76.93. After all, television stations currently face duplication of their programs from nonsimultaneous broadcasts.[3]

[3] We note that § 76.93(b)'s requirement of same-day exclusivity protection for Mountain Time Zone stations, of course, still remains fully in effect. Accordingly, a system may not carry a program which commences after midnight and which will be broadcast during the same day by a Mountain Time Zone station entitled to exclusivity protection. Indeed, we have proposed a similar provision in liberalizing the carriage of network news programs in our notice of proposed rulemaking in Docket No. 19859, FCC 73–1139, 43 FCC 2d 913.

30. We also remain convinced that application of our leapfrogging rule or certification requirement to carriage of late-night programming would be inappropriate. Our existing exceptions for importation of otherwise unavailable network programming, §§ 76.59 (d)(2), 61(e)(2), do not require compliance with the leapfrogging rules. Accordingly, we see no reason to extend the leapfrogging rules to an analogous situation. For similar reasons, we will dispense with any requirement of prior certification or notification.[3] Where a station can demonstrate actual harm from importation of late-night programming, of course, we will consider granting special relief pursuant to § 76.7.

31. In addition, we will retain the proposed rule's presumption that a station signs off on the hour or half hour if it "terminates operations less than thirty minutes after the hour or half hour * * *" As we indicated in our notice, this provision will cover situations in which a local station broadcasts public service announcements, devotionals, formal sign-offs and the like after it has presented its last major program of the day. A cable system thus may commence importation of late-night programming on the hour, without waiting for the final and often formalistic termination of a local station's broadcast day. We thus reject both the pure sign-off to sign-on rule advanced by broadcast interests and the presign-off formulation supported by cable interests. To be sure, the rule will result in some viewers' tuning out the last few minutes of a local station's broadcast and in other viewers' missing the beginning of an imported program. Nevertheless, we believe that this represents an appropriate balancing of the interests.

32. Similarly, we will retain the proposed rule's provision allowing cable systems to carry an imported program to its completion, even though a local station has signed on.[4] We already have established a policy of allowing cable systems to carry program to completion in other contexts,[5] and we see no reason to depart from that policy here. Indeed requiring a cable system to cease carriage immediately after a local station begins broadcasting would wreak havoc with viewers. We thus reject suggestions that we either set a particular time for commencing importation or that we allow a system to commence importation substantially before the sign-off of the last local station. Either formulation would create precisely the type of head-on competition which we seek to avoid, while neither would provide programming to an otherwise totally unserved public.

33. Finally, we wish to make clear that we will not grandfather cable systems' importation of late-night programming pursuant to the rule. Indeed, in Par. 8 of our notice we stated that "the rule may even encourage local late-night broadcasting," by giving local stations the power to terminate importation of distant signals through expansion of their own program days. Despite the comments of some cable interests, we do not believe that a lack of grandfathering rights will deter systems from carrying late-night programming. Though importation often will require either the constructing of microwave facilities or the leasing of common carrier channels, a system is not likely to lose its investment quickly. Stations usually expand their programming days by increments, an hour or two at a time. Moreover, a station must spend more to broadcast late at night than a cable system to import late-night programming. In the end, we leave these matters to the sound business judgment of both television stations and cable systems.

Authority for the rule amendment adopted herein is contained in sections 2, 4(i), and (j), 303, 307, 308, and 309 of the Communications Act of 1934, as amended.

Accordingly, *it is ordered*, That effective October 18, 1974, Part 76 of the Commission's Rules and Regulations is amended as set forth below.

(Secs. 2, 4, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1066, 1082, 1083, 1085; 47 U.S.C. 152, 154, 303, 307, 308, 309)

It is further ordered, That this proceeding is terminated.

Adopted: September 6, 1974.

Released: September 11, 1974.

FEDERAL COMMUNICATIONS COMMISSION[6]

[SEAL] VINCENT J. MULLINS, *Secretary.*

Part 76 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 76.57, paragraph (c) is added new to read as follows:

§ 76.57 Provisions for systems operating in communities located outside of all major and small television markets.

* * * * *

(c) In addition to the television broadcast signals carried pursuant to paragraphs (a) and (b) of this section, any television station during the period from sign-off of the last station which the cable television system must carry pursuant to § 76.57(a) to the sign-on of the first station which the cable television system must carry pursuant to § 76.57(a); *Provided, however,* That if a station terminates operations less than thirty minutes after the hour or half hour, it shall be deemed to have signed off on the prior hour or half hour respectively. A cable system may carry a program to its completion. Carriage of such additional stations shall not require prior approval in the certificating process and shall be consistent with the program exclusivity rules of Subpart F of this part.

2. In § 76.59(d), paragraph (3) is added new to read as follows:

§ 76.59 Provisions for smaller television markets.

* * * * *

(d) * * *

(3) Any television station during the period from sign-off of the last station which the cable television system must carry pursuant to § 76.59(a) to the sign-on of the first station which the cable television system must carry pursuant to § 76.59(a); *Provided, however,* That if a station terminates operations less than thirty minutes after the hour or half hour, it shall be deemed to have signed off on the prior hour or half hour respectively. A cable system may carry a program to its completion. Carriage of such additional stations shall not require prior approval in the certificating process and shall be consistent with the program exclusivity rules of Subpart F of this Part.

* * * * *

3. In § 76.61(e), subparagraph (3) is added new to read as follows:

§ 76.61 Provisions for first 50 major television markets.

* * * * *

(e) * * *

(3) Any television station, during the period from sign-off of the last station which the cable television system must carry pursuant to § 76.61(a) to the sign-on of the first station which the cable television system must carry pursuant to § 76.61(a); *Provided, however,* That if a station terminates operations less than thirty minutes after the hour or half hour, it shall be deemed to have signed off on the prior hour or half hour respectively. A cable system may carry a

[3] We note that the original proposed rule would not have dispensed with the certification requirement for systems located outside of all television markets. Since there is little reason to require certification only for these systems, the rule will apply to all cable television systems.

[4] It should be emphasized that the purpose of our action here is to permit the carriage of distant signals at times when local stations are not broadcasting. It is possible, of course, that with no limitation on the amount of time an imported late night program may carry over into the broadcast day of local stations, abuses can occur. Cable operators are cautioned that should such abuses develop, the Commission may find it necessary to impose some limitation on the amount of carryover, or to require discontinuation of imported programming at the beginning of a local station's broadcast day.

[5] Section 76.61(b)(2)(ii) thus provides that where a cable system must delete a program pursuant to the exclusivity rules, "a program substituted may be carried to its completion." And § 76.55(b) sets a general standard that "programs broadcast shall be carried in full, without deletion or alteration of any portion except as required by this part."

[6] Commissioner Reid concurring in the result.

program to its completion. Carriage of such additional stations shall not require prior approval in the certificating process and shall be consistent with the program exclusivity rules of Subpart F of this Part.

* * * * *

4. In § 76.155(a)(2), subparagraph (iv) is amended to read as follows:

§ 76.155 Notification.

(a) * * *

(2) * * *

(iv) As to programs to be deleted from signals regularly carried by the system pursuant to §§ 76.61(b), (c), (d), (e)(1), or (e)(2) and 76.63(a) (as it refers to § 76.61(b), (c), (d), (e)(1), or (e)(2)): the name of the programs; the call letters of the station from which the deletion is to be made; and the date, time, and duration of the deletion. Information, once supplied pursuant to paragraphs (a)(2)(i), (ii), (iii), or (a)(3) of this section, need not be repeated in any notification supplying the information required by this subparagraph.

* * * * *

[FR Doc.74-21579 Filed 9-17-74;8:45 am]

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM-56; Amdt. Nos. 172-27, 173-84, 174-23]

MISCELLANEOUS AMENDMENTS TO CHAPTER

The purpose of these amendments to the Hazardous Materials Regulations of the Department of Transportation is to change or delete certain incorrect references and to correct certain spelling and editorial errors.

Since these amendments concern editorial changes and corrections and impose no burden on any person, notice and public procedure thereon are considered unnecessary.

In consideration of the foregoing, 49 CFR Parts 172, 173, and 174 are amended as follows:

PART 172—LIST OF HAZARDOUS MATERIALS CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL MATERIALS SUBJECT TO PARTS 170–189 OF THIS SUBCHAPTER

In § 172.5 paragraph (a), the List of hazardous materials is amended as follows:

§ 172.5 List of hazardous materials.

(a) * * *

Article	Classed as—	Exemptions and packing (see sec.)	Labels required if not exempt	Maximum quantity in 1 outside container by rail express
(*change*) Lauroyl peroxide	Oxy. M	173.153(b), 173.157, 173.158	Org. per	25 pounds.

* * * * * * *

PART 173—SHIPPERS

(A) In Part 173 Table of Contents, § 173.247a is amended to read as follows:

Sec.
173.247a Vanadium tetrachloride and vanadium oxytrichloride.

(B) In § 173.128, the introductory text of paragraph (b) is deleted; next to the last sentence of the introductory text of paragraph (c) is amended to read as follows:

§ 173.128 Paints and related materials.

* * * * *

(c) * * * When offered for transportation by rail express, such shipments are exempt from specification packaging, marking, and labeling requirements, except that packages having inside containers of over 1 quart capacity each must be marked with name of contents and bear the flammable liquid label described in § 173.409. * * *

* * * * *

(C) In § 173.141, paragraph (a)(10) is revised to read as follows:

§ 173.141 Amyl mercaptan, butyl mercaptan, ethyl mercaptan, isopropyl mercaptan, propyl mercaptan, and aliphatic mercaptan mixtures.

(a) * * *

(10) Specification 51 (§ 178.245 of this subchapter). Portable tank. Each tank must be equipped with safety relief valves which must be in compliance with all requirements of § 173.315(i). A tank must not be liquid full at 130°F.

(D) In § 173.176, the introductory text of paragraph (g) is amended to read as follows:

§ 173.176 Matches.

* * * * *

(g) Matches, strike-on-box, book, and card packed in outside fiberboard or wooden boxes are not subject to the regulations in Parts 170–189 of this subchapter.

* * * * *

§ 173.225 Phosphorus sesquisulfide and phosphorus pentasulfide.

(E) In § 173.225, paragraph (b)(2) is amended by adding footnote 1 reference following Specification 53 in the first sentence, and adding footnote 1 to read as follows:

(F) In § 173.247a, the heading is revised to read as follows:

§ 173.247a Vanadium tetrachloride and vanadium oxytrichloride.

* * * * *

PART 174—CARRIERS BY RAIL FREIGHT

In § 174.532, paragraphs (l) (5) and (6) are revised to read as follows:

§ 174.532 Loading other hazardous materials.

* * * * *

(l) * * *

(5) Gas handlers. Each shipment of one or more carloads, as described in paragraphs (l)(1), (2), (3), and (4) of this section, shall be accompanied by a crew of qualified gas handlers, supplied with equipment to handle leaks or other container failure, which will permit the escape of gas. Gas handlers will remain with the shipment during the entire time that it is in the custody of the carrier. Gas handlers will, in the event of leakage or escape of gas, make repairs and perform decontamination, if necessary. If they need assistance they will advise the carrier's representative as to the nearest Department of Defense facility and aid required.

(6) Loading and bracing in cars. Drums must be loaded in cars having level floors. Cars equipped with metal corrugated ends or cars having bowed ends must be supplied with end wall bulkheads constructed in accordance with requirements for center gates. (See Sketch 1, Bureau of Explosives' Pamphlet No. 6.)

* * * * *

This amendment is effective September 30, 1974.

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

Issued in Washington, D.C. on September 13, 1974.

W. M. BENKERT,
Rear Admiral, Board Member for the United States Coast Guard.

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

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

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

[FR Doc.74-21606 Filed 9-17-74;8:45 am]

[1] Use of existing tanks authorized, but new construction not authorized.

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER C—ACCOUNTS, RECORDS, AND REPORTS

PART 1243—QUARTERLY OPERATING REPORTS—RAILROADS

[No. 35345 (Sub-No. 1)]

Railroad Quarterly Report of Freight Loss and Damage Claims

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 31st day of July 1974.

On August 23, 1973, Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (38 FR 22650) advising all interested persons that the Commission had under consideration a requirement for filing of quarterly reports of freight loss and damage claims by all class I common carriers by railroad, except switching and terminal companies. After consideration of all relevant matters submitted by interested parties, the reports proposed are hereby adopted with modifications, as shown by the instructions and schedules in the appendix attached to and made a part of this order.

Wherefore, and for good cause appearing:

It is ordered, That quarterly reports of railroad common carriers of property, form QL-D-R, Quarterly Report of Freight Loss and Damage Claims-Railroads, and the reporting rules and requirements thereto, as shown in the appendix attached hereto, be, and they are hereby, adopted and prescribed.

It is further ordered, That the reporting requirements prescribed hereby be made applicable to all class I common carriers of property by railroad, except switching and terminal companies, pursuant to the Commission's regulations set forth at 49 CFR 1240.1.

It is further ordered, That the reporting requirements prescribed hereby are to become effective with reports for the quarter beginning January 1, 1975, and shall remain in effect until further order of the Commission.

It is further ordered, That a new § 1243.4 be added to Title 49, Ch. X, Subchapter C, Part 1243, of the Code of Federal Regulations, to read as follows:

§ 1243.4 Freight loss and damage claims.

Commencing with reports for the 3 calendar months beginning January 1, 1975, and for subsequent quarters thereafter, until further ordered, all class I railroads, except switching and terminal companies, as defined in § 1240.1 of this chapter, subject to the provisions of part I of the Interstate Commerce Act, shall compile and file quarterly reports of freight loss and damage claims in accordance with quarterly report form QL&D-R, and instructions thereon.[1] Such quarterly reports shall be filed in duplicate in the office of the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, within 40 days after the end of the quarter to which they relate.

(Authority: Secs: 12, 20, 24 Stat. 383, 386; 49 U.S.C. 12, 20.)

And it is further ordered, That service of this order shall be made on all parties to the proceeding, on all class I railroads, except switching and terminal companies, subject to the provisions of section 20, part I of the Interstate Commerce Act, and upon every receiver, trustee, executor, administrator, or assignee of any such railroad company, and notice shall be given the general public by depositing a copy of this order in the Office of the Secretary of the Commission at Washington, D.C. 20423, and the filing of a copy thereof with the Director, Office of the Federal Register, for publication.

A supply of printed form QL&D-R will be furnished later.

This decision 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.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-21636 Filed 9-17-74;8:45 am]

[1] Filed as part of original document.

Title 50—Wildlife and Fisheries

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

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 20—MIGRATORY BIRD HUNTING

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

Open seasons and daily bag and possession limits for certain migratory game birds for the 1974-75 hunting season were published in the FEDERAL REGISTER of September 3, 1974 (39 FR 31883; FR Doc. 74-20064). It is found necessary to further clarify flywaywide restrictions in bag and possession limits under the conventional system as opposed to those under the point system, and to make shooting hours on opening day for taking extra teal during the regular season conform to the shooting hours of the regular duck seasons in the States of Delaware, Georgia, New York, and South Carolina. Therefore, the following amendments are necessary.

Section 20.105 is amended as follows:

§ 20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

* * * * *

(e) *Atlantic, Mississippi, and Central Flyways.*

Atlantic Flyway

* * * * *

Flywaywide Restrictions

* * * * *

Hooded mergansers—no more than 1 hooded merganser may be taken daily nor more than 2 hooded mergansers may be in possession, except under the point system (see § 20.105(g)).

* * * * *

Mississippi Flyway

* * * * *

Flywaywide Restrictions

* * * * *

Hooded mergansers—no more than 1 hooded merganser may be taken daily nor more than 2 hooded mergansers may be in possession, except under the point system (see § 20.105(g)).

* * * * *

Central Flyway

* * * * *

Flywaywide Restrictions

In all States in the Central Flyway:

Mallards—no more than 3 mallards of which not more than 1 mallard may be a hen may be taken daily nor more than 6 mallards of which not more than 2 mallards may be hens may be in possession, except under the point system (see § 20.105(g)).

* * * * *

Hooded mergansers—no more than 1 hooded merganser may be taken daily nor more than 2 hooded mergansers may be in possession, except under the point system (see § 20.105(g)).

* * * * *

(i) Extra teal during regular season. * * *

* * * * *

Seasons in the Atlantic Flyway

Connecticut	Oct. 19–Oct. 26.
Delaware	Nov. 6*–Nov. 14.
Georgia	Nov. 27*–Dec. 5.
Maine	Oct. 2*–Oct. 10.
New Hampshire	Oct. 2*–Oct. 10.
New York:	
Upstate	Oct. 16*–Oct. 24.
Lake Champlain	Oct. 9*–Oct. 17.
Long Island	Closed.
South Carolina	Nov. 20*–Nov. 28.
Vermont	Oct. 9*–Oct. 17.
West Virginia	Oct. 3*–Oct. 11.

* * * * *

The amendments make only clarifying and conforming changes and it is therefore determined that notice and public procedure thereon are impracticable, unnecessary, and contrary to the public interest.

Effective date: September 28, 1974.

(40 Stat. 755; 16 U.S.C. 703 et seq.)

F. V. SCHMIDT,
Deputy Director.

SEPTEMBER 12, 1974.

[FR Doc.74-21515 Filed 9-17-74;8:45 am]

PART 32—HUNTING

DeSoto National Wildlife Refuge, Nebr.

The following special regulation is issued and is effective on September 18, 1974.

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

NEBRASKA

DE SOTO NATIONAL WILDLIFE REFUGE

Public hunting of deer on the DeSoto National Wildlife Refuge, Nebraska, is permitted only on the area designated by signs as open to hunting. This area, comprising 1,200 acres, that lies west of the present Missouri River channel, is de-

lineated on a map available at refuge headquarters and from the Area Manager, U.S. Fish and Wildlife Service, 601 E. 12th, Federal Building, Kansas City, Missouri 64106. Hunting shall be in accordance with state regulations governing the hunting of deer with bow and arrow and shall be permitted only during the regular Nebraska archery deer season subject to special refuge hunting regulations as follows: September 21, 1974 through October 31, 1974, one-half hour before sunrise to one-half hour after sunset, from November 1, 1974 through November 8, 1974, 1 p.m. to one-half hour after sunset from November 18, 1974 through December 8, 1974, 1 p.m. to one-half hour after sunset, and from December 9, 1974, through December 31, 1974, one-half hour before sunrise to one-half hour after sunset.

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

JAMES E. FRATES,
Refuge Manager, DeSoto National Wildlife Refuge.

SEPTEMBER 10, 1974.

[FR Doc.74-21576 Filed 9-17-74;8:45 am]

proposed rules

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

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[27 CFR Part 7]

LABELING AND ADVERTISING OF MALT BEVERAGES

Postponed Hearing

The public hearing on proposed amendments to the above part, pertaining to ingredient labeling of malt beverages, which was announced for October 1, 1974 (FR Doc. 74-17720), has been postponed to February 3, 1975, at the same time and location. The last date for submission of written material and requests to present oral testimony has consequently been postponed to January 27, 1975.

The hearing is being postponed primarily because of Congressional interest in the proposed labeling of ingredients in all alcoholic beverages. The postponement would provide time for interested members of Congress to explore the ramifications of the proposed regulations in behalf of their constituents. Widespread international interest and the interrelationship of the three alcoholic beverage industries—beer, wine, and distilled spirts—insofar as regulations are concerned have also contributed to the decision.

Dated: August 26, 1974.

[SEAL] REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.74-21814 Filed 9-17-74;9:49 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Parts 4110, 4120, 4130]

GRAZING ADMINISTRATION

Bald Eagle Protection Act

Notice is hereby given that pursuant to the authority contained in paragraph (c) of section 1 of the Bald Eagle Protection Act (16 U.S.C. 668), as amended by the Act of October 23, 1972 (86 Stat. 1064), it is proposed to amend Parts 4110, 4120 and 4130 of Chapter II, Title 43 of the Code of Federal Regulations.

The purpose of this amendment is to incorporate into the regulations provisions of law making grazing licenses, permits, or leases subject to cancellation or reduction by the Bureau of Land Management where a licensee, permittee or lessee has been convicted of a violation of paragraph (a) of section 1 of the Bald Eagle Protection Act.

It is hereby determined that the publication of this proposed rulemaking is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

In accordance with the Department's policy on public participation in rulemaking (36 FR 8336), interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Washington, D.C. 20240 until October 18, 1974.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection in the Office of Public Affairs, Bureau of Land Management, Room 5627, Interior Building, Washington, D.C., during regular business hours (7:45 a.m.–4:15 p.m.).

Parts 4110, 4120, 4130 of Subchapter D of Chapter II, Title 43 of the Code of Federal Regulations are amended to read as follows:

PART 4110—GRAZING ADMINISTRATION (INSIDE GRAZING DISTRICTS) (THE FEDERAL RANGE CODE FOR GRAZING DISTRICTS)

1. A new subparagraph (17) is added to § 4115.2-1(e) of Part 4110 to read as follows:

§ 4115.2-1 License and permit procedures; requirements and conditions.

* * * * *

(e) * * *

(17) A grazing permit or license may be canceled or reduced, in whole or in part, upon the conviction of the permittee or licensee of a criminal violation under section 668(a) of the Bald Eagle Protection Act, 16 U.S.C.A. 668–668d (1973 Supp.) or any regulation or permit issued thereunder.

* * * * *

PART 4120—GRAZING ADMINISTRATION (OUTSIDE GRAZING DISTRICTS AND EXCLUSIVE OF ALASKA); GENERAL

2. A new subparagraph (14) is added to § 4125.1-1(i) of Part 4120 to read as follows:

§ 4125.1-1 Leasing procedures, requirements and conditions.

* * * * *

(i) * * *

(14) A grazing lease may be canceled or reduced, in whole or in part, upon the conviction of the lessee of a criminal violation under § 668(a) of the Bald Eagle Protection Act, 16 U.S.C.A. §§ 668–668d (1973 Supp.) or any regulation or permit issued thereunder.

PART 4130—GRAZING ADMINISTRATION (ALASKA)

3. Paragraph (h) of § 4131.2-7 of Part 4130 is amended by adding a new sentence at the end to read as follows:

§ 4131.2-7 Leases.

* * * * *

(h) * * * A grazing lease may be canceled or reduced, in whole or in part, upon the conviction of the lessee of a criminal violation under § 668(a) of the Bald Eagle Protection Act, 16 U.S.C.A. 668–668d (1973 Supp.) or any regulations or permit issued thereunder.

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

[FR Doc.74-21575 Filed 9-17-74;8:45 am]

Fish and Wildlife Service

[50 CFR Part 20]

MIGRATORY BIRD HUNTING; PROPOSED STEEL/NONTOXIC SHOT REGULATIONS

Notice of Hearing

On July 23, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 26745-26747) which would require that shotgun shells containing steel pellets or pellets made of such other materials as may be approved by the Director, U.S. Fish and Wildlife Service, be the only type of shot loads permitted for hunting ducks, geese, and swans (Anatidae), and coots (Fulica americana). It was proposed that this regulation be implemented beginning in 1976 in the Atlantic Flyway States and in 1977 in the Mississippi Flyway States and in 1978 in designated areas in the Central and Pacific Flyway States. This proposal followed issuance of a draft Environmental Impact Statement (EIS) on the proposal. A notice of the availability of the draft EIS was also published in the FEDERAL REGISTER on July 23, 1974, (39 FR 26764). Due to the interest shown, a hearing will be held in each flyway in accordance with Part 455, Chapter I, of the Departmental Manual. The dates, times, and places of the hearings are as follows:

Atlantic Flyway

Date: October 22, 1974.

Place: Auditorium, Department of the Interior, 18th and C Street, N.W., Washington, D.C.

Time: 9:00 a.m.–4:00 p.m.

Pacific Flyway

Date: October 31, 1974.

Place: California State Building, Room 1194, 455 Golden Gate Avenue, San Francisco, California.

Time: 9:00 a.m.–4:30 p.m.

Mississippi Flyway

Date: November 4, 1974.
Place: Auditorium, St. Louis County Library, 1640 South Lindbergh Blvd., St. Louis, Missouri.
Time: 9:00 a.m.–5:00 p.m.

Central Flyway

Date: November 6, 1974.
Place: Auditorium, Room 269, Denver Post Office Building, 1823 Stout Street, Denver, Colorado.
Time: 9:00 a.m.–4:00 p.m.

The EIS for this proposal is available for public inspection during normal business hours at or single copies may be obtained from the Fish and Wildlife Service, Office of Environmental Coordination, Department of the Interior, 18th and C Street, NW., Washington, D.C., and at the following U.S. Fish and Wildlife Service Regional Offices:

1500 N.E. Irving Street
Portland, Oregon 97208

517 Gold Avenue, S.W.
Albuquerque, New Mexico 87103

Federal Building, Fort Snelling
Twin Cities, Minnesota 55111

17 Executive Park Drive, N.E.
Atlanta, Georgia 30329

U.S. Post Office and Courthouse
Boston, Massachusetts 02109

10597 W. Sixth Avenue
P.O. Box 25486
Denver Federal Center
Denver, Colorado 80225.

Persons wishing to make an oral presentation or to submit their views in writing at any of these hearings should deliver a notice to that effect to the Director, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, no less than five working days before the date of the hearing at which the testimony is to be presented. A time limit of 10 minutes per witness is imposed in the case of oral testimony, although additional time may be granted in advance at the discretion of the Presiding Officer. This notice is published under authority of the Migratory Bird Treaty Act, 16 U.S.C. 704.

Dated: September 12, 1974.

NATHANIEL P. REED,
Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc.74–21516 Filed 9–17–74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 906]

HANDLING OF ORANGES GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Notice of Proposed Rulemaking

This notice proposes minimum grade and size requirements for oranges grown in the lower Rio Grande Valley in Texas for the period November 4, 1974, through November 2, 1975. The proposed requirements are designed to promote orderly marketing and provide consumers with an ample supply of acceptable quality fruit.

The proposal would establish regulations, pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, room 112A, U.S. Department of Agriculture, Washington, D.C., 20250, not later than October 1, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed regulation was recommended by the Texas Valley Citrus Committee, and it reflects the committee's appraisal of the need for regulation, and of the crop and current and prospective market conditions. Shipment of oranges from the production area is now in progress, and such shipments are regulated by grade and size through November 3, 1974, under § 906.352 Orange Regulation 25 (38 FR 28283). Fruit in such shipments is required to grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, U.S. Combination (with not less than 60 percent, by count, of the oranges in any lot thereof grading at least U.S. No. 1), or U.S. No. 2, and be at least $2^{6}/_{16}$ inches in diameter. The proposed grade and size requirements, which would become effective November 4, 1974, are the same as the requirements currently in effect and are necessary to ensure the continued shipment of ample supplies of fruit of the better grades and more desirable sizes in the interest of both growers and consumers. The action is necessary to maintain orderly marketing conditions by preventing the demoralizing effect on the market caused by the shipment of lower-quality and smaller-sized fruit when more than ample supplies of the more desirable grades and sizes are available to serve consumers' needs. The proposed requirements are consistent with the objectives of the act of promoting orderly marketing and protecting the interest of consumers.

Such proposal reads as follows:

§ 906.354 Orange Regulation 26.

(a) Order. During the period November 4, 1974, through November 2, 1975, no handler shall handle:

(1) Any oranges of any variety, grown in the production area, unless such oranges grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, U.S. Combination (with not less than 60 percent, by count, of the oranges in any lot thereof grading at least U.S. No. 1), or U.S. No. 2;

(2) Any oranges of any variety, grown in the production area, which are smaller than pack size 288, as such size is specified in § 51.691(c) of the U.S. Standards for Oranges (Texas and States other than Florida, California, and Arizona), except that the minimum diameter limit for pack size 288 oranges in any lot shall be 2-6/16 inches;

(3) Any oranges of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment; or

(4) Any oranges of any variety, grown as aforesaid, unless such oranges meet all the applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during the period.

(b) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, have the same meaning as is given to the respective term in the United States Standards for Oranges (Texas and States other than Florida, California, and Arizona) (7 CFR 51.680–51.714).

Dated: September 13, 1974.

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

[FR Doc.74–21613 Filed 9–17–74;8:45 am]

[7 CFR Part 906]

HANDLING OF GRAPEFRUIT GROWN IN THE LOWER RIC GRANDE VALLEY IN TEXAS

Notice of Proposed Rulemaking

This notice proposes minimum grade and size requirements for grapefruit grown in the Lower Rio Grande Valley in Texas for the period November 4, 1974, through November 2, 1975. The proposed requirements are designed to promote orderly marketing and provide consumers with an ample supply of acceptable quality fruit.

The proposal would establish regulations, pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than October 1, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed regulation was recommended by the Texas Valley Citrus Committee, and it reflects the committee's appraisal of the need for regulation and of the crop and current and prospective market conditions. Shipment of grapefruit from the production area is now in

progress, and such shipments are regulated by grade and size through November 3, 1974, under § 906.353 Grapefruit Regulation 25 (38 FR 28284). Fruit in such shipments is required to grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, or U.S. No. 2, and be at least 3 5/16 inches in diameter. The proposed grade and size requirements, which would become effective November 4, 1974, are necessary to ensure the continued shipment of ample supplies of fruit of the better grades and more desirable sizes in the interest of both growers and consumers. The action is necessary to maintain orderly marketing conditions by preventing the demoralizing effect on the market caused by the shipment of lower quality and smaller-sized fruit when more than ample supplies of the more desirable grades and sizes are available to serve consumers' needs. The proposed requirements are consistent with the objectives of the act of promoting orderly marketing and protecting the interest of consumers.

The proposed grade and size requirements are comparable to those in effect during the 1973–74 season. The proposed size requirements are more stringent during the first part of the season and are designed to delay the harvest of the fruit until such time as it reaches its full growth. Later in the season, about the end of February, Texas grapefruit normally reach their full growth, and much of the larger fruit has been picked. At that time it is desirable to allow shipment of smaller-sized grapefruit because the fruit has reached full size, and the remaining supplies of grapefruit are diminishing.

Such proposal reads as follows:

§ 906.355 Grapefruit Regulation 26.

(a) Order. During the period November 4, 1974, through November 2, 1975, no handler shall handle:

(1) Any grapefruit of any variety, grown in the production area, unless such grapefruit grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, or U.S. No. 2;

(2) Any grapefruit of any variety, grown in the production area, which are smaller than pack size 96, as such size is specified in § 51.630(c) of the U.S. Standards for Grapefruit (Texas and States other than Florida, California and Arizona), except that the minimum diameter limit for pack size 96 grapefruit in any lot shall be 3 9/16 inches: *Provided*, That during the period February 24, 1975, through November 2, 1975, no handler shall handle any grapefruit of any variety, grown in the production area, which are smaller than pack size 112, as such size is specified in § 51.630(c) of the aforesaid U.S. Standards for Grapefruit, except that the minimum diameter limit for pack size 112 grapefruit in any lot shall be 3 5/16 inches;

(3) Any grapefruit of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment; or

(4) Any grapefruit of any variety, grown as aforesaid, unless such grapefruit meet all the applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during the period.

(b) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, shall have the same meaning as is given to the respective term in the United States Standards for Grapefruit (Texas and States other than Florida, California and Arizona) (7 CFR 51.620–51.653).

Dated: September 13, 1974.

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

[FR Doc.74-21612 Filed 9-17-74;8:45 am]

[7 CFR Part 932]

OLIVES GROWN IN CALIFORNIA

Expenses, Rate of Assessment, and Carryover of Unexpended Funds

This notice invites written comments relative to the proposed Olive Administrative Committee expenses of $765,495.50 and an assessment rate of $15.00 per ton of regulated California olives to support committee activities during the 1974–75 fiscal year under marketing Order No. 932. It is also proposed that unexpended assessment income from 1973–74 and prior years be carried over as a committee reserve.

Consideration is being given to the following proposals submitted by the Olive Administrative Committee, established under the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), regulating the handling of olives grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that the expenses that are reasonable and likely to be incurred by the Olive Administrative Committee during the period September 1, 1974, through August 31, 1975, will amount to $765,495.50.

(b) That the Secretary of Agriculture fix the rate of assessment for said period, payable by each first handler in accordance with § 932.39, at $15.00 per ton of olives.

(c) That unexpended assessment funds is excess of expenses incurred during the fiscal year ended August 31, 1974, and prior years shall be carried over as a reserve in accordance with the applicable provisions of § 932.40.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 10, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: September 13, 1974.

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

[FR Doc.74-21614 Filed 9-17-74;8:45 am]

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Proposal To Designate Desirable Free Tonnage for Natural Thompson Seedless Raisins

Notice is given of a proposal to designate a desirable free tonnage for natural Thompson Seedless raisins of 155,000 tons which would be made available as free tonnage during the 1974–75 crop year. This action would be in accordance with the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), hereinafter referred to collectively as the "order", regulating the handling of raisins produced from grapes grown in California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was unanimously recommended by the Raisin Administrative Committee.

The Committee's recommendation is under § 989.54 of the order and is based on its review of shipment data, inventory data, and other matters, relating to a desirable free tonnage for natural Thompson Seedless raisins for the 1974–75 crop year.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 7, 1974. All written submissions should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: September 13, 1974.

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

[FR Doc.74-21556 Filed 9-17-74;8:45 am]

Packers and Stockyards Administration

[9 CFR Part 201]

MEAT AND MEAT FOOD PRODUCTS

Purchasers To Pay Promptly

On July 8, 1974, there was published in the FEDERAL REGISTER (39 FR 24913) a proposed rule that would require each packer, before the close of two business days after the meat or meat food products purchased are available for unloading, to pay the full amount of the purchase price unless otherwise expressly agreed between the parties before the purchase of the product.

The regulation was proposed at the request of meat packer associations and individual meat packers who were concerned about meat payment practices in the industry. They contended that packers were required to unfairly finance the operations of customers subject to the Act which resulted in an extreme financial burden. The regulation would provide for uniform meat and meat food product payment practices and correct the problems alleged to exist in the meat industry concerning payment practices. A period of 60 days was allowed for submission of comments by interested persons. Over 750 comments were received with a large majority of the comments expressing negative opinions on the proposal. The comments supporting the proposal did not establish a sufficient basis for its adoption by the Department. Therefore, it is concluded that there is no need, at the present time, to implement the proposed regulation and consequently the Department has decided to take no further action on this proposal.

The agency will continue its current program of proceeding formally against packers who have failed to pay for, accept or deliver meat or meat food products in accordance with contract terms when investigations indicate that violations of the Act have occurred. In addition, packers should continue to follow the procedure outlined in policy statement 203.7 with respect to disputes on meat transactions.

Done at Washington, D.C., September 13, 1974.

MARVIN L. MCLAIN,
Administrator, Packers and Stockyards Administration.

[FR Doc.74-21535 Filed 9-17-74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. OSH-36]

VINYL CHLORIDE

Correction of Hearing Transcript; Order to Show Cause

On June 25-28 and July 8-11, 1974 a public hearing was held regarding a proposed vinyl chloride standard. On August 23, 1974, Firestone Plastic Co., a division of Firestone Tire and Rubber Co. filed a Motion to Correct Transcript. The following Order to Show Cause is published to allow all interested participants to respond to that Motion. Copies of the Motion are available for examination and copying in Room 230, 1726 M Street, NW., Occupational Safety and Health Administration, Washington, D.C. 20210.

Signed at Washington, D.C., this 16th day of September, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

ORDER TO SHOW CAUSE

On August 23, 1974, a Motion to Correct Revised Transcript was filed by Firestone Plastic Co., a division of Firestone Tire and Rubber Co. in the above-captioned matter. The Movant asserts that a number of errors exist in the transcription of Firestone's presentation, including cross-examination of witnesses, as reflected in the official revised transcript of the proceedings. In support of its contentions, the Movant has attached to the motion an Appendix indicating the transcription errors that it alleges exist and a prepared corrected version.

In addition the Movant requests that the Occupational Safety and Health Administration be ordered and directed to review and compare the revised official transcript of the public hearing with the master tape transcription made by the U.S. Department of Labor, and that the revised transcript be further corrected, as necessary, in order to accurately reflect the testimony and evidence presented during the hearing.

On the basis of the above, it is hereby ordered, that all interested participants who wish to direct themselves to the motion filed by Firestone Plastic Company show cause before the undersigned on September 23, 1974, at 10 a.m., Suite 720, 1111 20th Street NW., Washington, D.C., as to why the motion should not be granted.

Dated: September 13, 1974, Washington, D.C.

GORDON J. MYATT,
Administrative Law Judge.

[FR Doc.74-21813 Filed 9-17-74;9:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

FOOD LABELING

Proposed Exemption From Declaration of Net Quantity of Contents

Manufacturers and processors may produce limited quantities of food products whose actual weight is unintentionally less than the net quantity designated on the label. This mislabeling may occur because of equipment malfunction or because the packaging art for a particular process has not been so refined as to eliminate all possibility of quantity variation.

In many instances, it is not feasible either to recycle or accurately to relabel the mislabeled product. Consequently, the food product must be destroyed to preclude its unlawful entry into interstate commerce.

The Pillsbury Co., in the interest of reducing such needless waste of food, has submitted a petition to amend 21 CFR 1.1c(a) by adding the following new paragraph (a)(14):

(14) Food in package form shall be exempt from the requirement that the declaration of the net quantity of contents accurately reveal the quantity of food in the package when such foods are sold by the manufacturer or processor directly to an institutional purchaser under a written agreement disclosing that the net quantity declaration is inaccurate and stipulating that such foods will be consumed by the institutional purchaser and shall not be further distributed to any other purchaser. Such agreement shall be kept on file by the manufacturer or processor for at least one year subsequent to the date of shipment of such foods to the institutional purchaser.

The full petition submitted by the Pillsbury Co. is on public display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

The Commissioner of Food and Drugs agrees with the basic concept of Pillsbury's proposal but is of the opinion that 21 CFR 1.8b is a more appropriate location for the proposed exemption and that, in order adequately to protect consumers, it is necessary that any such mislabeled product, in order to qualify for such exemption, meet all of the following conditions:

1. The label shall comply with all applicable requirements of Chapter I of Title 21 of the Code of Federal Regulations except with respect to the requirement of § 1.8b(g) that the label declaration of net quantity of contents shall accurately reveal the quantity of food in the package.

2. Such mislabeling of the product shall have resulted from equipment malfunction or from a product variation that is unavoidable from time to time in light of the present state of the packaging art in that particular industry.

3. The product shall be sold only to local, state, or federal government institutions (e.g., schools, prisons, and hospitals) and distribution of the product shall be made by the manufacturer or processor directly to such institution (i.e., not through a distributor).

4. The manufacturer or processor shall obtain from the purchaser of the product a signed statement that the purchaser is aware that the product is mislabeled and that any subsequent distribution of the product by the purchaser except for his own institutional use would constitute a violation of the Fair Packaging and Labeling Act (sec. 4(a)) and the Federal Food, Drug, and Cosmetic Act (sec. 403(e)). This statement shall be kept on file at the principal place of business of the manufacturer or processor for 2 years subsequent to the date of shipment of the product.

5. The outside of the shipping container of the product shall bear a conspicuous statement indicating the nature and extent of the mislabeling.

Accordingly, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and the Fair Packaging and Labeling Act (sec. 5(b), 80 Stat. 1298; 15 U.S.C. 1454) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that Part 1 be

amended in § 1.8b by adding a new paragraph (t) to read as follows:

§ 1.8b **Food labeling; declaration of net quantity of contents; when exempt.**

* * * * *

(t) Where the declaration of net quantity does not accurately reflect the actual quantity of the contents because of equipment malfunction or otherwise unintentional product variation, and the label conforms in all other respects to the requirements of this chapter, the mislabeled food product may be sold by the manufacturer or processor directly to institutions operated by a local or State government or by the Federal government (schools, prisons, hospitals, etc.), *Provided*, That:

(1) The purchaser shall sign a statement at the time of sale indicating that he is aware that the product is mislabeled and that any subsequent distribution by him of said product except for his own institutional use is unlawful. This statement shall be kept on file at the principal place of business of the manufacturer or processor for 2 years subsequent to the date of shipment of the product.

(2) The product shall be labeled on the outside of its shipping container with the statement: "Product Mislabeled. __% Maximum Variance Between Labeled and Actual Net Quantity of Contents of Enclosed Packages. This Product Not for Retail Distribution.", the blank to be filled in with the maximum percentage variance between the labeled and actual net quantity of contents of the individual packages in the shipping container. This statement shall appear prominently and conspicuously as compared to other printed matter on the shipping container and in boldface print or type on a clear, contrasting background in order to render it likely to be read and understood by the purchaser.

Interested persons may, on or before November 18, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: September 11, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–21545 Filed 9–17–74;8:45 am]

[21 CFR Part 15]

CEREAL FLOURS AND RELATED PRODUCTS

Proposed Improvement of Nutrient Levels of Enriched Farina; Correction

In FR Doc. 74–13471 appearing at page 20891 in the FEDERAL REGISTER of Friday, June 14, 1974, in the center column on page 20892, the sixth line of § 15.40 (d) which reads "paragraphs (c) and (d) of this section" is changed to read "paragraphs (b) and (c) of this section."

Dated: September 11, 1974.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.74–21543 Filed 9–17–74;8:45 am]

[21 CFR Part 328]

IN VITRO DIAGNOSTIC PRODUCTS FOR HUMAN USE

Proposed Establishment of Product Class Standard for Detection or Measurement of Glucose

Correction

In FR Doc. 74–14703, appearing at page 24136 in the issue for Friday, June 28, 1974, make the following corrections:

1. On page 24138, the first line of § 328.100(b) (2) (i) (*a*) should read as follows:

"(*a*) Specific rotation $[\alpha]_D^{25°}$, not less".

2. On page 24145 in the first column, the sixth line of § 328.102(e) (2) (ii) (*c*) (*1*) should read as follows:

"CO_2-free distilled water. When the solu-".

3. On page 24146, in the third column, under the center heading in § 328.102(e) (3) (v) (*b*) (3) for Barium hydroxide Solution, Saturated, the chemical formula in the first and second lines should read: "$(Ba(OH)_2 \cdot 8H_2O)$".

Social Security Administration

[20 CFR Part 405]

[Regs. No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Waiver of Life Safety Code Provisions

Notice is hereby given pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendment to the regulations set forth in tentative form below is proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendment provides that the Secretary, rather than the State agency, may waive, as to a particular hospital, specific provisions of the Life Safety Code of the National Fire Protection Association which are applicable to hospitals.

Hospitals would also be required to meet National Fire Protection Association standards on medical gases and inhalation therapy. These changes will conform the Conditions of Participation for Hospitals to the regulations on waiver of specific provisions of the Life Safety Code and the handling of medical gases and inhalation therapy applicable to skilled nursing facilities (20 CFR 405.1134(a)), published in the FEDERAL REGISTER of January 17, 1974 (39 FR 2247).

Prior to the final adoption of the proposed amendment, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before October 18, 1974.

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

The proposed amendment is to be issued under the authority contained in sections 1102, 1861(e), and 1871, 49 Stat. 647, as amended, 79 Stat. 314 as amended, 79 Stat. 331; 42 U.S.C. 1302, 1395x(e), 1395hh.

(Catalog of Federal Domestic Assistance Program No. 13,800, Health Insurance for the Aged—Hospital Insurance.)

Dated: August 21, 1974.

JAMES B. CARDWELL,
Commissioner of Social Security.

Approved: September 12, 1974.

FRANK CARLUCCI,
Acting Secretary of Health, Education and Welfare.

Regulations No. 5 of the Social Security Administration, as amended (20 CFR Part 405), are further amended as set forth below.

Section 405.1022 is amended by revising paragraph (b) to read as follows:

§ 405.1022 **Condition of participation-physical environment.**

* * * * *

(b) *Standard: Life safety from fire.* The hospital meets such provisions of the Life Safety Code of the National Fire Protection Association (21st Edition, 1967) as are applicable to hospitals; except that, the Secretary may waive, in consideration of State survey agency findings and recommendations, for such periods as deemed appropriate, specific provisions of such Code which, if rigidly applied, would result in unreasonable hardship upon a particular hospital, but only if such waiver will not adversely affect the health and safety of the patients; and except that the provisions of the Life Safety Code applicable to hospitals shall not apply in any State if the Secretary makes a finding that in such State there is in effect a fire and safety code, imposed by State law, which adequately protects patients in hospitals. The factors explaining the standard are as follows:

(1) The hospital:

(i) Meets the Life Safety Code standards as are applicable to hospitals;

(ii) Maintains written evidence of regular inspection and approval by State or local fire control agencies;

(iii) In anesthetic areas, has floor materials and mechanical equipment used which comply with the provisions of the National Fire Protection Association Standard No. 56A, Standard for the Use of Inhalation Anesthetics (1971);

(iv) Has nonflammable medical gas systems, such as oxygen and nitrous oxide, installed in the facility which comply with the applicable provisions of National Fire Protection Association Standard No. 56B, Standard for the Use of Inhalation Therapy (1968), and National Fire Protection Association Standard No. 56F, Nonflammable Medical Gas Systems (1970); and

(v) Has procedures for the proper routine storage and prompt disposal of trash.

(2) Written fire control plans contain provisions for prompt reporting of all fires; extinguishing fires; protection of patients, personnel and guests; evacuation; and cooperation with fire fighting authorities.

[FR Doc.74-21592 Filed 9-17-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-RM-11]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the transition area at Cherokee, Wyo.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, P.O. Box 7213, Denver, Colorado 80207. All communications received on or before October 7, 1974 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 E. 25th Avenue, Aurora, Colorado 80010.

New transitions based on the Cherokee, Wyo. VORTAC have been authorized to the Sinclair, Wyo. NDB. It is necessary to provide controlled airspace for protection of aircraft flying the new transition routes.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.181 (39 FR 440) amend transition area for Cherokee, Wyo. to read:

CHEROKEE, WYO.

That airspace extending upward from 1200 feet above the surface within 9 miles south and 6 miles north of the Cherokee, Wyo. VORTAC 261° radial extending from 8 miles east to 19 miles west of the VORTAC; and that airspace east of the Cherokee VORTAC within an arc of a 37-mile radius circle centered on the Cherokee VORTAC bounded on the north by the north edge of V-26 and on the south by the south edge of V-4, excluding that airspace within the Rawlins, Wyo. transition areas.

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

Issued in Aurora, Colorado, on September 9, 1974.

M. M. MARTIN,
Director,
Rocky Mountain Region.

[FR Doc.74-21561 Filed 9-17-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 76]

[Docket No. 19554]

CABLE TELECASTING OF CERTAIN PROGRAMS

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of Part 76, Subpart G, of the Commission's rules and regulations pertaining to the cablecasting of programs for which a per-program or per-channel charge is made.

1. On August 6, 1974, the Commission adopted a Further Notice of Proposed Rule Making and Order for Oral Argument, FCC 74-878, ____ FCC 2d ____ (released August 12, 1974) (39 F.R. 30498), in the above-entitled proceeding. Comment and reply comment dates were set at September 16, 1974, and September 30, 1974, respectively.

2. On September 6, 1974, American Broadcasting Companies, Inc., filed a "Request to Extend Dates for Comments and Reply Comments." ABC submits that more time is needed for the preparation of comments due to counsel's preplanned vacation schedules and the time required to update information previously submitted to the Commission as well as to respond to the complex issues associated with the proceeding. In light of these considerations, ABC requests that the dates for comments and reply comments be extended to September 20, 1974, and October 4, 1974, respectively.

3. We are of the opinion that the public interest would be served by extending the time in this proceeding. Accordingly, *it is ordered*, That the dates for filing comments and reply comments are extended to and including September 20, 1974, and October 4, 1974, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.289 of the Commission's rules.

Adopted: September 10, 1974.

Released: September 11, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DAVID D. KINLEY,
Chief,
Cable Television Bureau.

[FR Doc.74-21584 Filed 9-17-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 1204, 1260, 1261]

[Ex Parte No 308; Valuation Docket No. 1423 (1971 Report), (1972 Report)]

VALUATION OF COMMON CARRIER PIPELINES

Correction

In FR Doc. 74-20681 appearing at page 32333 in the issue for Friday, September 6, 1974, the correct headings should read as set forth above.

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.

INTERSTATE COMMERCE COMMISSION

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateways

SEPTEMBER 13, 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 30, 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 2368 (Sub-No. E74), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Wilmer B. Hill, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in Maryland Eastern Shore south of U.S. Highway 301, to points in West Virginia on, south, and west of a line beginning at the West Virginia-Kentucky State line and proceeding east along Interstate Highway 64 to Charleston, thence along Interstate Highway 77 to the Virginia-West Virginia State line, points in Virginia on, south, and west of a line beginning at the Virginia-West Virginia State line and proceeding along Virginia Highway 311 to Roanoke, thence along U.S. Highway 460 to its junction with U.S. Highway 360, thence along U.S. Highway 360 to Richmond, thence along Interstate Highway 95 to Petersburg, thence along Interstate Highway 85 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC 59393 (Sub-No. E3), (correction), filed May 14, 1974, published in the FEDERAL REGISTER August 29, 1974. Applicant: BESTWAY VAN LINES, INC., 401 Vine Street, N. Little Rock, Ark. 72114. Applicant's representative: Sheldon Silverman, Suite 550, Federal Bar Bldg. West, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, and *emigrant movables*, between points in Oklahoma (except Cimarron, Tex., and Beaver Counties, and Kiowa County and points within 50 miles thereof), on the one hand, and, on the other, points in that part of Texas west of a line beginning at the United States-Mexico International Boundary line near Del Rio, thence along U.S. Highway 277 to junction Texas Highway 6, thence Texas Highway 6 to junction U.S. Highway 283, thence along U.S. Highway 288 to the Texas-Oklahoma State line (except points in that part of Texas north of Interstate Highway 40). The purpose of this filing is to eliminate the gateway of Hobart, Okla. The purpose of this correction is to include the portion of the Texas territorial description appearing as "* * * thence along U.S. Highway 277 to junction Texas Highway 6 * * *" which was inadvertently omitted from the publication of August 29, 1974; to correct the description of Interstate Highway 40 which inadvertently appeared as U.S. Highway 40; and to correct the description of Texas County, Okla., which was inadvertently abbreviated in the publication of August 29, 1974.

No. MC 80428 (Sub-No. E1), filed May 12, 1974. Applicant: MCBRIDE TRANSPORTATION, INC., P.O. Box 430, Goshen, N.Y. 10924. Applicant's representative: S. Michael Richards, P.O. Box 225, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, bullion, currency, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, those injurious or contaminating to other lading, and articles moving under refrigeration), (1) from points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J., to points in Erie and Monroe Counties, N.Y., with no transportation on return except as otherwise authorized; and (2) from points in Wayne County, N.Y., to points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J., with no transportation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 106324 (Sub-No. E23), filed May 16, 1974. Applicant: GENERAL DELIVERY INC., P.O. Box 1813, Fairmont, W. Va. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph St., Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Machinery, materials, supplies, and equipment*, incidental to, or used in, the construction, development, operations, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, including pipeline development and *machinery, highway and building construction, materials, glassware, pottery ware, and crating materials* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Pennsylvania, on the one hand, and, on the other, points in West Virginia (points in Harrison County, W. Va.)*; and (B) *Materials and supplies* used in the manufacture and distribution of glass containers (except commodities in bulk), from points in Pennsylvania to points in West Virginia, restricted in (A) and (B) above against service between points in that part of West Virginia north of West Virginia Highway 7 on the one hand, and, on the other, points in Green, Fayette, and Somerset Counties, Pa., and that part of Pennsylvania west of U.S. Highway 19. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 106194 (Sub-No. E10), filed June 4, 1974. Applicant: HORN TRANSPORTATION, INC., P.O. Box 1808, Kansas City, Mo. 64141. Applicant's representative: Charles A. Minturn, 1221 Baltimore Ave., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except commodities, which because of size and weight require the use of special equipment and except oilfield and pipeline commodities as defined by the Commission in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459), from points in that part of Oklahoma on and north of a line beginning at the Oklahoma-New Mexico State line, thence along U.S. Highway 64 to junction Oklahoma Highway 3, thence along Oklahoma Highway 3 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction Oklahoma Highway 51, thence along Oklahoma Highway 51 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Oklahoma Highway 99, thence along Oklahoma Highway 99 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Oklahoma-Kansas State line, to points in Minnesota. The purpose of this filing is to eliminate the gateway of Hutchinson, Kans.

No. MC 107403 (Sub-No. E298), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Dry plastic materials,* in bulk, in tank or hopper-type vehicles, from points in Kentucky to points in New York. The purpose of this filing is to eliminate the gateway of Painesville, Ohio.

No. MC 107403 (Sub-No. E301), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petroleum products and coal tar products), in bulk, in tank vehicles, from Ashland, Ky., to points in Delaware and New Jersey within 100 miles of Philadelphia. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 107403 (Sub-No. E303), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals,* as defined in *The Maxwell Co., Extension—Addyston,* 63 M.C.C. 677 (except petrochemicals), in bulk, in tank vehicles, from Ashland, Ky., to points in Maryland and New York. The purpose of this filing is to eliminate the gateways of Marietta, Ohio, and Natrium, W. Va.

No. MC 107403 (Sub-No. E304), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Non-inflammable liquid chemicals* (except coal tar products, petroleum products, other than medicinal petroleum products, liquid wax), in bulk, in tank vehicles, from Ashland, Ky., to points in Connecticut and Rhode Island. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 107403 (Sub-No. E305), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals,* in bulk, in tank vehicles, from Ashland, Ky., to points in Iowa, Minnesota, and Nebraska. The purpose of this filing is to eliminate the gateway of Mapleton, Ill.

No. MC 107403 (Sub-No. E309), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry commodities* (except cement and fly ash), from points in Kentucky, to points in Hillsdale, Jackson, Lenawee, Monroe, Washtenaw, and Wayne Counties, Mich. The purpose of this filing is to eliminate the gateways of Pataskala and Toledo, Ohio.

No. MC 107403 (Sub-No. E313), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry commodities* (except cement and fly ash), in bulk, in tank vehicles, from points in West Virginia to points in Allen, Auglaize, Champaign, Defiance, Delaware, Erie, Franklin, Fulton, Hancock, Hardin, Henry, Huron, Knox, Licking, Logan, Lucas, Marion, Mercer, Morrow, Ottawa, Paulding, Putnam, Richland, Sandusky, Seneca, Shelby, Union, Van Wert, Williams, Wood, Wyandot Counties, Ohio. The purpose of this filing is to eliminate the gateway of Pataskala, Ohio.

No. MC 107403 (Sub-No. E315), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry commodities* (except cement and fly ash), in bulk, in tank vehicles, from points in West Virginia to points in Hillsdale, Jackson, Lenawee, Monroe, Washtenaw and Wayne Counties, Mich. The purpose of this filing is to eliminate the gateways of Pataskala and Toledo, Ohio.

No. MC 107403 (Sub-No. E318), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid petroleum products* (except benzene, fuel oil, gasoline, kerosene, and petrochemicals), from those points in West Virginia which are within 150 miles of Monongahela, Pa., to points in Maine and Vermont. The purpose of this filing is to eliminate the gateway of Congo, W. Va., and Newark, N.J.

No. MC 107403 (Sub-No. E348), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry chemicals* (except fly ash, salt, cement, and plastic materials), in bulk, in tank vehicles, from points in Allen, De Kalb, and Steuben Counties, Ind., Hillsdale, Jackson, Lenawee, Monroe, Washtenaw, and Wayne Counties, Mich., Defiance, Erie, Fulton, Henry, Lucas, Ottawa, Sandusky, and Williams Counties, Ohio, to points in New York on and west of a line beginning at Oswego, N.Y., and extending along New York Highway 57 to Syracuse, and thence along U.S. Highway 11 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateways of Birmingham and Painesville, Ohio.

No. MC 107403 (Sub-No. E618), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquids* (except milk, coal tar, coal tar products, milk petroleum, petroleum products, from points in Berks, Bucks, Chester, Lancaster, Lehigh, Montgomery, Northampton Counties, Pa., to points in Ohio. The purpose of this filing is to eliminate the gateway of Camden, N.J.

No. MC 107403 (Sub-No. E619), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Spent silica gel catalyst,* in bulk, in tank vehicles, from Philadelphia, to points in New York, North Carolina, South Carolina, and Virginia. The purpose of this filing is to eliminate the gateway of Claymont, Del.

No. MC 107403 (Sub-No. E620), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Fish oils, sea animal oil, vegetable oil and blends of each,* in bulk, in tank vehicles, from points in New York east of U.S. Highway 11, to points in Alabama, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, North Carolina, Tennessee, Virginia, and Wisconsin. (2) *Vegetable oils,* in bulk, in tank vehicles, from points in New York east of U.S. Highway 11, to points in South Carolina. The purpose of this filing is to eliminate the gateway of Newark, N.J.

No. MC 107403 (Sub-No. E621), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fish oil, sea animal oil, animal oils, and vegetable oils* (except tall oil), in bulk, in tank vehicles, from points in New York, to points in Illinois and Michigan. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC 107515 (Sub-No. E86), (Correction), filed May 29, 1974, published in the FEDERAL REGISTER September 5, 1974. Applicant: REFRIGERATED TRANSPORT, CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products,* as described in Section A of Appendix to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk, in bulk vehicles), from Oklahoma City, Okla., to Evansville, Ind., the District of Columbia,

points in Connecticut, Massachusetts, Rhode Island, Delaware, Kentucky, Maine, Maryland, Vermont, New Hampshire, West Virginia, Virginia, New Jersey, New York, Pennsylvania, and that part of Ohio on and south of a line beginning at the Ohio-Indiana State line, thence along U.S. Highway 40 to junction Interstate Highway 71, thence along Interstate Highway 71 to junction Interstate Highway 90, thence along Interstate Highway 90 to the Ohio-New York State line. The purpose of this filing is to eliminate the gateway of Booneville, Miss. The purpose of this correction is to establish the correct "E" number—previously published as E68.

No. MC 108449 (Sub-No. E124), filed May 22, 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 and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the terminal facilities of the Kaneb Pipe Line Company located at or near Aberdeen, S. Dak., to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 108449 (Sub-No. E125), filed May 22, 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 and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the terminal facilities of the Kaneb Pipe Line Company located at or near Aberdeen, S. Dak., to points in Iowa. The purpose of this filing is to eliminate the gateway of Marshall, Minn.

No. MC 108449 (Sub-No. E126), filed May 22, 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 and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the terminal facilities of the Kaneb Pipe Line Company located at or near Aberdeen, S. Dak., to points in Illinois. The purpose of this filing is to eliminate the gateways of the site of the pipeline terminal of American Oil Company at or near Spring Valley, Minn., and the storage facilities utilized by American Oil Company in Dubuque, Iowa.

No. MC 108449 (Sub-No. E127), filed May 22, 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: *Asphalt and residual fuel oil*, in bulk, in tank vehicles, from West Fargo, N. Dak., to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of the site of the terminal of Duluth Petroleum Products Terminal, and points within two miles thereof.

No. MC 108449 (Sub-No. E128), filed May 22, 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: *Asphalt and residual fuel oil*, in bulk, in tank vehicles, from West Fargo, N. Dak., to points in Illinois. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn., and points within ten miles thereof, and the storage facilities utilized by American Oil Company in Dubuque, Iowa.

No. MC 108449 (Sub-No. E129), filed May 22, 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 and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the terminal facilities of the Kaneb Pipe Line Company located at or near Aberdeen, S. Dak., to points in Iowa. The purpose of this filing is to eliminate the gateway of Marshall, Minn.

No. MC 108449 (Sub-No. E130), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, from Clinton, Iowa, to points in North Dakota. The purpose of this filing is to eliminate the gateway of Ottertail County, Minn.

No. MC 108449 (Sub-No. E131), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, from Clinton, Iowa, to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of points in Vernon County, Wis.

No. MC 108449 (Sub-No. E132), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, from Minneapolis, Minn., to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of points in Marathon County, Wis.

No. MC 108449 (Sub-No. E133), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, from points in Marathon County, Wis., to points in South Dakota. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 108449 (Sub-No. E134), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, from points in Marathon County, Wis., to points in North Dakota. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 108449 (Sub-No. E135), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, from Clinton, Iowa, to points in South Dakota on, north, and west of a line beginning at the South Dakota-Minnesota State line, and extending along Interstate Highway 90 to its junction with U.S. Highway 81, thence along U.S. Highway 81 to its junction with South Dakota Highway 44, thence along South Dakota Highway 44 to its junction with U.S. Highway 18, thence along U.S. Highway 18 to its junction with U.S. Highway 83, thence along U.S. Highway 83 to the South Dakota-Nebraska State line. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 109632 (Sub-No. E1), filed May 16, 1974. Applicant: LOPEZ TRUCKING INC., 131 Lindsen Street, Waltham, Mass. 02154. Applicant's representative: Kenneth B. Williams, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from points in Maine, to points in Massachusetts, Rhode Island, and Connecticut. (2) *Lumber*, from points in New Hampshire, to points in Connecticut, those in Providence, Kent, and Newport Counties, R.I., and those in Massachusetts located in Suffolk, Norfolk, Plymouth, Bristol, and Barnstable Counties. (3) *Lumber*, from Providence, Kent, and Newport Counties, R.I., to points in New Hampshire. (4) *Building materials* (except commodities in bulk), from points in Rhode Island and Connecticut, to points in New Hampshire and Maine, restricted in the case of Maine to lumber, plywood, and millwork to the extent included in build-

ing materials. (5) *Building materials* from points in Rhode Island, Connecticut, and those in Massachusetts east of the Connecticut River, on the one hand, and, on the other, points in New Hampshire on and east of U.S. Highway 3. (6) *Lumber, plywood, and millwork*, to the extent included in *Building materials*, from points in Maine to points in Massachusetts, Rhode Island, and Connecticut. The purpose of this filing is to eliminate the gateways of Boston, Mass., and points within 15 miles of Boston in proposals number 1, 2, and 3 above; Boston, Mass., in proposals number 4 and 6 above; and Boston, Mass., and points in Norfolk County, Mass., in proposal number 5 above.

No. MC 110525 (Sub-No. E477), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Liquid Chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of North Carolina on and east of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 29 to junction Interstate Highway 85, thence along Interstate Highway 85, to junction U.S. Highway 21, thence along U.S. Highway 21 to the North Carolina-South Carolina State line, to points in that part of Florida on and east of a line beginning at the Georgia-Florida State line, thence along U.S. Highway 221 to Perry, thence along Florida Highway 361A to the Gulf of Mexico (Charleston, S.C.)*; and (B) *Liquid Chemicals*, (except bituminous products and materials, hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum), in bulk, in tank vehicles, from points in that part of North Carolina on and west of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 29 to junction Interstate Highway 85, thence along Interstate Highway 85 to junction U.S. Highway 21, thence along U.S. Highway 21 to the North Carolina-South Carolina State line, to points in that part of Florida on and west of a line beginning at the Florida-Georgia State line, thence along U.S. Highway 221 to Perry, thence along Florida Highway 361A to the Gulf of Mexico (Atlanta, Ga.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above).

No. MC 110525 (Sub-No. E488), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677 (except bituminous products and materials), in bulk, in tank vehicles, from points in North Carolina to points in that part of Michigan on, south, and east of a line beginning at the Ohio-Michigan State line, thence along U.S. Highway 127 to Lansing, thence along U.S. Highway 27 to Clare, thence along U.S. Highway 10 to junction Michigan Highway 115, thence along Michigan Highway 115 to junction Michigan Highway 37, thence along Michigan Highway 37 to Traverse City. The purpose of this filing is to eliminate the gateway of Natrium, W. Va.

No. MC 110525 (Sub-No. E522), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in that part of Ohio on, east, and south of a line beginning at the Kentucky-Ohio State line, thence along U.S. Highway 23 to junction Ohio Highway 124, thence along Ohio Highway 124 to junction Ohio Highway 346, thence along Ohio Highway 346 to Athens, thence along U.S. Highway 33 to junction U.S. Highway Alternate 50, thence along U.S. Highway Alternate 50 to junction Ohio Highway 377, thence along Ohio Highway 377 to junction Ohio Highway 37, thence along Ohio Highway 37 to junction Ohio Highway 78, thence along Ohio Highway 78 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Ohio-West Virginia State line, to points in Kansas. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC 110525 (Sub-No. E652), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in South Carolina to points in that part of Missouri on and west of a line beginning at the Arkansas-Missouri State line, thence along U.S. Highway 65 to Springfield, thence along U.S. Highway 66 to the Missouri-Illinois State line. The purpose of this filing is to eliminate the gateways of Copperhill, Tenn., and Louisville, Ky.

No. MC 110525 (Sub-No. E674), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Liquid chemicals* as described in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677 (except bituminous products and materials, hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, liquid alum, and liquid petroleum gases), in bulk, in tank vehicles, from points in that part of Tennessee east of U.S. Highway 27 to points in that part of California in and south of Inyo, Fresno, Madera, Mariposa, Stanislaus, San Joaquin, Contra Costa, and Marin Counties (Atlanta, Ga., and Beaumont, Texas)*, and (B) *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Tennessee on and east of U.S. Highway 27 to points in that part of California north of Inyo, Fresno, Madera, Mariposa, Stanislaus, San Joaquin, Contra Costa, and Marin Counties (S. Charleston, W. Va., and Addyston, Ohio)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E684), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials, hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum), in bulk, in tank vehicles, from points in that part of Tennessee on and east of Interstate Highway 75 and on and north of U.S. Highway 70, to points in that part of Mississippi on and south of Interstate Highway 20. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 110525 (Sub-No. E686), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Tennessee on and east of U.S. Highway 27 to points in that part of Nevada on and north of U.S. Highway 50. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va., and Addyston, Ohio.

No. MC 110525 (Sub-No. E883), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphoric acid, and phosphatic fertilizer solutions*, in bulk, in tank vehicles, from Fernald, Ohio, to points in California. The purpose of this filing is to eliminate the gateway of Mapleton, Ill.

No. MC 110525 (Sub-No. E884), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastic materials*, in bulk, from Addyston, Ohio, to points in Maine (except points in Aroostook County), New Hampshire, and Vermont, restricted to the transportation of such plastic materials as are dry chemicals. The purpose of this filing

is to eliminate the gateway of Springfield, Mass.

No. MC 110525 (Sub-No. E885), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastic materials*, in bulk, in tank or hopper-type vehicles, from Painesville, Ohio, (1) to points in Maine (except points in Aroostook County), New Hampshire, and Vermont (Springfield, Mass.)*, (2) to points in Rhode Island (Newark, N.J.)*, and (3) to New York, N.Y., and points in Nassau and Suffolk Counties, N.Y. (Newark, N.J.)*, restricted in (1) above to the transportation of such plastic materials as are dry chemicals, and restricted in (3) above to the transportation of traffic in tank vehicles and against the transportation of classes A and B explosives. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E886), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resin emulsion and synthetic liquid latex*, in bulk, in tank vehicles, from Illiopolis, Ill., (1) to points in Maine, New Hampshire, and Vermont (Syracuse, N.Y.)*, and (2) to points in Massachusetts, Connecticut, and Rhode Island (Newark, N.J.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-110525 (Sub-No. E890), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trichloromonofluoromethane, diclorodifluoromethane, monochlorodifluoromethane, trichlorotrifluoroethane, dichlorotetrafluoroethane*, and mixtures thereof in bulk, in tank vehicles, from points in Marshall County, Ky., (1) to points in California (Mapleton, Ill.)*, (2) to points in Florida (Atlanta, Ga)*, and (3) to points in that part of Alabama on, south, and east of a line beginning at the Georgia-Alabama State line, thence along Interstate Highway 59 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction U.S. Highway 331, thence along U.S. Highway 331 to the Alabama-Florida State line. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-110525 (Sub-No. E992), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Such plastics and plastic ingredients* as are chemicals, in bulk, in dry form, from Gales Ferry, Conn., (1) to points in Alabama, Delaware, Georgia, Illinois, Iowa, Kentucky, Maryland, Minnesota, Missouri, New Hampshire, West Virginia, North Carolina, South Carolina, Tennessee, Vermont, Virginia, and Maine (except points in Aroostook County) (Springfield, Mass.)*, (2) to points in Florida, Louisiana, and Mississippi (Springfield, Mass., and Greensboro, N.C.)*, and (3) to points in Texas (Springfield, Mass., and Atlanta, Ga.)*, restricted in (2) above against the transportation of derivatives of petroleum or bituminous materials, further restricted in (2) above to the transportation of traffic in tank vehicles, and restricted in (3) above to the transportation of traffic in tank or hopper-type vehicles. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E993), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Dowingtown, 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: *Plastic granules, powder, and pellets*, in dry form, in bulk, in tank or hopper-type vehicles, from Leominster, Mass., (1) to points in Arkansas, Iowa, Kansas, Missouri, and Nebraska (Ottawa, Ill.)*, and (2) to points in Wisconsin (Akron, Ohio)*, restricted in (2) above to the transportation of such above-specified commodities as are chemicals, in tank vehicles. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E1030), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Dowingtown, 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: *Such detergents, bactericides, and etchants*, as are liquid chemicals (except bituminous products and materials), in bulk, in tank vehicles, from Dallas, Tex., (1) to that part of Florida east of the Apalachicola and Cattahoochee Rivers (Vicksburg, Miss.)*, and (2) to points in North Carolina, South Carolina, Virginia, and that part of Tennessee on and east of U.S. Highway 27 (points in Georgia)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1031), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry* chemicals, in bulk, in tank vehicles, from Baton Rouge, La., (1) to points in Wyoming, Arizona, California, and Colorado (Texas City, Tex.)*, and (2) to points in South Carolina (Augusta, Ga.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1032), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrogen peroxide*, in bulk, in tank vehicles, from the plantsite of E. I. DuPont de Nemours and Company located at or near Woodstock, Tenn., (1) to points in Connecticut, Massachusetts, and Rhode Island (points in Georgia, Greensboro, N.C., and Newark, N.J.)*, (2) to points in Maine, New Hampshire, and Vermont (points in Georgia, Greensboro, N.C., and Syracuse, N.Y.)*, (3) to points in Delaware, Maryland, New Jersey, and the New York, N.Y. Commercial Zone (points in Georgia and Greensboro, N.C.)*, (4) to points in New York (except points in the New York, N.Y., Commercial Zone, and Erie and Monroe Counties) (Akron, Ohio)*, (5) to points in Pennsylvania (points in Georgia and S. Charleston, W. Va.)*, (6) to points in West Virginia and Virginia (points in Georgia)*, (7) to points in Monroe County, N.Y. (Youngstown, Ohio)*, and (8) in Erie County, N.Y. (Youngstown, Ohio)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 111545 (Sub-No. E383), filed June 4, 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: *Cast iron pipe and fittings, plastic pipe and fittings*, when moving in mixed loads with cast iron pipe and fittings, and *cast iron meter boxes and parts, manhole frames and covers, and culverts*, from points in that part of Alabama within 175 miles of Chattanooga, Tenn., to points in South Dakota, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or the consignee, or both. The purpose of this filing is to eliminate the gateway of Anniston or Gadsden, Ala.

No. MC 111545 (Sub-No. E384), filed June 4, 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: *Cast iron pipe* (except pipe as described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459, and pipe originating at or destined to pipeline

rights-of-way), from points in that part of Mississippi on and south of a line beginning at the Mississippi-Arkansas State line, thence along U.S. Highway 49 to Lyon, thence along Mississippi Highway 6 to Tupelo, thence along U.S. Highway 78 to the Mississippi-Alabama State line, to points in Colorado and Montana, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading, and the loading and unloading is performed by the consignor or consignee, or both, and restricted against the transportation of machinery, equipment, materials, and supplies, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies,* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof. The purpose of this filing is to eliminate the gateway of the plant site and warehouse facilities of Western Foundary Company at or near Tyler, Tex.

No. MC 113843 (Sub-No. E718), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* between points in Michigan, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E719), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from points in Michigan to points in Vermont. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E720), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from points in Michigan to points in Maine. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E721), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from Lakewood, N.J., to points in Iowa. The purpose of this filing is to eliminate the gateway of LeRoy, N.Y.

No. MC 113843 (Sub-No. E722), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from Thorofare, N.J., to points in that portion of Pennsylvania on, west, and north of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 15 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 6N, thence along U.S. Highway 6N to junction Pennsylvania Highway 226, thence along Pennsylvania Highway 226 to the Ohio-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E723), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from Lakewood, N.J., to points in Wisconsin. The purpose of this filing is to eliminate the gateway of LeRoy, N.Y.

No. MC 113843 (Sub-No. E724), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from Lakewood, N.J., to points in Illinois. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E725), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from points in Connecticut to points in Nebraska. The purpose of this filing is to eliminate the gateway of Brockport, N.Y.

No. MC 113843 (Sub-No. E726), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from points in Massachusetts to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Brockport, N.Y.

No. MC 113843 (Sub-No. E727), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from Lakewood, N.J., to points in Missouri. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E728), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from points in Connecticut to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Brockport, N.Y.

No. MC 113843 (Sub-No. E729), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from points in Massachusetts to points in Nebraska. The purpose of this filing is to eliminate the gateway of Brockport, N.Y.

No. MC 113843 (Sub-No. E730), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from points in Rhode Island to points in Iowa. The purpose of this filing is to eliminate the gateway of Brockport, N.Y.

No. MC 113843 (Sub-No. E735), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from Marysville, Pa., to points in that part of Missouri on and west of a line beginning at the Missouri-Arkansas State line and extending along U.S. Highway 65 to junction Missouri Highway 32, thence along Missouri Highway 32 to junction Missouri Highway 73, thence along Missouri Highway 73 to junction U.S. Highway 54, thence along U.S. Highway 54 to Jefferson City, thence along U.S. Highway 63 to the Missouri-Iowa State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E731), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T.

Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Rhode Island to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Brockport, N.Y.

No. MC 113843 (Sub-No. E732), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Connecticut to points in Iowa. The purpose of this filing is to eliminate the gateway of Brockport, N.Y.

No. MC 113843 (Sub-No. E733), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Rhode Island to points in Nebraska. The purpose of this filing is to eliminate the gateway of Brockport, N.Y.

No. MC 113843 (Sub-No. E734), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Marysville, Pa., to points in that portion of New York bounded by a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 11 to Binghamton, thence along New York Highway 12 to Utica, thence along New York Highway 8 to Hague, thence along New York Highway 9N to Westport and Lake Champlain, thence along the western shore of Lake Champlain to the United States-Canada International Boundary line, thence along the United States-Canada International Boundary line and Lake Ontario to Oswego, thence along New York Highway 104 to junction U.S. Highway 11, thence along U.S. Highway 11 to the point of beginning at the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E736), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Thorofare, N.J., to Bloomington, Ind., and points in that part of Indiana on, north, and west of a line beginning at the Ohio-Indiana State line and extending along Indiana Highway 14 to junction Indiana Highway 25, thence along Indiana Highway 25 to junction Indiana Highway 28, thence along Indiana Highway 28 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Indiana-Kentucky State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E737), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Marysville, Pa., to points in the Upper Peninsula of Michigan and points in that portion of the Lower Peninsula of Michigan on, north, and west of a line beginning at Ludington at Lake Michigan and extending along U.S. Highway 10 to junction Michigan Highway 37, thence along Michigan Highway 37 to Traverse City, thence along U.S. Highway 31 to junction Michigan Highway 72, thence along Michigan Highway 72 to junction U.S. Highway 131, thence along U.S. Highway 131 to Mackinaw City and Lake Huron. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E738), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Thorofare, N.J., to points (1) in that portion of New York on, south, and west of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 15 to junction New York Highway 17, thence along New York Highway 17 to Lake Erie; and (2) in that portion of New York, on, north, and west of a line beginning at Lake Ontario and extending along New York Highway 104 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 68, thence along New York Highway 68 to the St. Lawrence River. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E739), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in that part of Michigan on and north of Michigan Highway 55 to points in Delaware. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E740), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lakewood, N.J., to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 113843 (Sub-No. E746), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and edible meat by-products*, as defined by the Commission (except in bulk, in tank vehicles), from Cleveland, Ohio, to points in that part of Maine on and south of Maine Highway 25. The purpose of this filing is to eliminate the gateway of Rochester, N.Y.

No. MC 113843 (Sub-No. E747), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and edible meat by-products*, as defined by the Commission (except in bulk, in tank vehicles), from Cincinnati, Ohio, to points in that part of Maine on and South of Maine Highway 25. The purpose of this filing is to eliminate the gateway of Rochester, N.Y.

No. MC 113843 (Sub-No. E748), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and edible meat by-products*, as defined by the Commission (except in bulk, in tank vehicles), from Columbus, Ohio, to points in New Hampshire. The purpose of this filing is to eliminate the gateway of Rochester, N.Y.

No. MC 113843 (Sub-No. E749), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and edible meat by-products*, as defined by the Commission (except in bulk, in tank vehicles), from Sundusky, Ohio, to points in New Hampshire. The purpose of this filing is to eliminate the gateway of Rochester, N.Y.

No. MC 113843 (Sub-No. E750), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and edible meat by-products*, defined by the Com-

mission, from Columbus, Ohio, to points in Vermont. The purpose of this filing is to eliminate the gateway of Rochester, N.Y.

No. MC 113843 (Sub-No. E751), filed May 21, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, Meat products, and edible meat by-products*, as defined by the Commission (except in bulk, in tank vehicles), from Sandusky, Ohio, to points in Vermont. The purpose of this filing is to eliminate the gateway of Rochester, N.Y.

No. MC 113843 (Sub-No. E752), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and edible meat by-products*, as defined by the Commission (except in bulk, in tank vehicles), from Fostoria, Ohio, to points in that part of Maine on and south of Maine Highway 25. The purpose of this filing is to eliminate the gateway of Rochester, N.Y.

No. MC 119774 (Sub-No. E17), filed May 20, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Texas on the one hand, and, on the other, points in Nevada. The purpose of this filing is to eliminate the gateway of points in New Mexico.

No. MC 119774 (Sub-No. E93), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Colorado on and south of a line from the Utah-Colorado State line along Colorado Highway 90 to the junction of U.S. Highway 50, thence along U.S. Highway 50 to the Colorado-Kansas State line, on the one hand, and, on the other, points in Indiana. The purpose of this filing is to eliminate the gateways of points in Oklahoma and Arkansas.

No. MC 119774 (Sub-No. E103), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilmore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewage, restricted to the transportation of shipment moving to or from pipeline rights of way between points in Mississippi on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E104), filed May 30, 1974. Applicant: EAGLE TRUCKING CO., P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authorities sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewage, restricted to the transportation of shipments moving to or from pipeline rights of way. (2) *Machinery and equipment*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, and materials, and supplies (not including sulphur), used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, restricted to the transportation of shipments of materials and supplies moving to or from exploration, drilling, porduction, job, construction, and plant (including refining, manufacturing, and processing plant) sites or storage sites and (3) *Machinery, equipment, materials, and supplies*, used in connection with, the drilling of water wells, between points in Mississippi on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E105), filed May 30, 1974. Applicant: EAGLE TRUCKING CO., P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authorities sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewage, restricted to the transportation of shipments moving to or from pipeline rights of way. (2) *Machinery and equipment*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, and materials and supplies (not including sulphur), used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, restricted to the transportation of shipments of materials and supplies moving to or from exploration, drilling, production, job, construction and plant (including refining, manufacturing, and processing plant) sites or storage sites, (3) *Machinery, equipment, materials, and supplies*, used in or in connection with, the drilling of water wells, between points in Louisiana on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E106), filed May 30, 1974. Applicant: EAGLE TRUCKING CO., P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of

natural gas, petroleum, their products and by-products, water, or sewage, restricted to the transportation of shipments moving to or from pipeline rights of way, and (2) *Machinery, equipment, materials, and supplies*, used in or in connection with, the drilling of water wells between points in Louisiana on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E107), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewage, restricted to the transportation of shipments moving to or from pipeline rights of way, and (2) *Machinery, equipment, materials, and supplies*, used in or in connection with, the drilling of water wells, between points in Louisiana on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 124947 (Sub-E1), filed June 4, 1974. Applicant: MACHINERY TRANSPORT, INC., P.O. Box 417, Stroud, Oklahoma 74079. Applicant's representative: T. M. Brown, 600 Leininger Building, Oklahoma, Oklahoma 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(1) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between points in Indiana, on the one hand, and, on the other, points in Louisiana, Oklahoma, Colorado, New Mexico, Texas, and Kansas. The gateway to be eliminated is any points in Williamson, Franklin, or Saline Counties, Illinois.

(2) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between points in Ohio, on the one hand, and, on the other, points in Texas, Louisiana, Oklahoma, Kansas, New Mexico, and Colorado. The gateway to be eliminated is any points in Williamson, Franklin, or Saline Counties, Illinois.

(3) *Heavy machinery*, between Rock County, Wisconsin, on the one hand, and, on the other, points in Colorado, Kansas, Louisiana, New Mexico, Oklahoma, and Texas. The gateway to be eliminated in any point in Illinois.

(4) *Heavy machinery*, between Rock County, Wisconsin, on the one hand, and, on the other, points in Arkansas. The gateway to be eliminated is any points in Williamson, Franklin, or Saline, Counties, Illinois, northbound, and any point in Illinois, southbound.

(5) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, from Indiana to Arkansas. The gateway to be eliminated is any points in Williamson, Franklin, and Saline Counties, Illinois.

(6) *Commodities*, the transportation of which because of size or weight requires the use of special equipment and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, from Ohio to Arkansas. The gateway to be eliminated is any points in Williamson, Franklin, or Saline Counties, Illinois.

(7) Deleted—duplicated by paragraph No. 3.

(8) *Heavy machinery*, between Rock County, Wisconsin, on the one hand, and, on the other, points in Kentucky on, south, and west of a line beginning at the junction of Kentucky Highway 44 and the Indiana-Kentucky border, thence over Kentucky Highway 44 to junction with U.S. Highway 127, thence along U.S. Highway 127 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Kentucky-Virginia border. The gateway to be eliminated is any point in Williamson, Franklin, or Saline Counties, Illinois.

(9) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between points in Kentucky, on the one hand, and, on the other, points in Louisiana (except points in St. Helena, Tangipahoa, Washington, St. Tammany, Livingston, Ascension, Assumption, Terrebonne, St. James, St. John the Baptist, St. Charles, La Fourche, Jefferson, Orleans, Plaquemines, and St. Bernard Parishes). The gateway to be eliminated is any point in Williamson, Franklin, Saline Counties, Illinois.

(10) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between points in Louisiana, on the one hand, and, on the other points in Kentucky on and north of a line beginning at junction Kentucky-Tennessee border and U.S. Higwhay 51, thence along U.S. Highway 51 to junction Kentucky Highway 94, thence along Kentucky Highway 94 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction Kentucky Highway 139, thence along Kentucky Highway 139 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 231, thence along Highway 231 to junction Kentucky Highway 70, thence along Kentucky Highway 70 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Kentucky Highway 88, thence along Kentucky Highway 88 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Kentucky Highway 52, thence along Kentucky Highway 52 to junction Kentucky Highway 11, thence along Kentucky Highway 11 to junction Mountain Parkway, thence along Mountain Parkway to junction Kentucky Highway 114, thence along Kentucky Highway 114 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Kentucky Highway 194, thence along Kentucky Highway 194 to junction Kentucky-West Virginia border. The gateway to be eliminated is any point in Williamson, Franklin, or Saline Counties, Illinois.

(11) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between points in Kentucky, on the one hand, and, on the other, points in Colorado, New Mexico, Texas, Oklahoma, and Kansas. The gateway to be eliminated is any point in Williamson, Franklin, or Saline Counties, Illinois.

(12) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, from points in Kentucky to points in Arkansas. The gateway to be eliminated is any point in Williamson, Franklin, or Saline Counties, Illinois.

(13) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, from Chicago, Illinois, to points in New Mexico, that part of Arkansas on south and west of a line beginning at the junction U.S. Highway 70 with Arkansas-Oklahoma border, thence along U.S. Highway 70 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Arkansas Highway 24, thence along Arkansas Highway 24 to quires the use of special equipment, and junction Arkansas Highway 7, thence

along Arkansas Highway 7 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction Arkansas-Louisiana border; that part of Colorado on and south of a line beginning at the junction Colorado-Kansas border and Colorado Highway 96, thence along Colorado Highway 96 to junction Colorado Highway 71, thence along Colorado Highway 71 to junction Colorado Highway 94, thence along Colorado Highway 94 to junction Colorado Highway 115, thence along Colorado Highway 115 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Colorado-Utah border; and that part of Kansas on south and west of a line beginning at the Kansas-Oklahoma border junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction Colorado-Kansas border. The gateway to be eliminated is any point in Texas.

(14) (1) *Refuse handling equipment,* containers, compactors, and trailers, and (2) parts and accessories for the commodities described in (1) above, the transportation of which because of size or weight requires the use of special equipment, from Chicago, Illinois, to points in Arizona, that part of Nevada on and south of a line beginning at the junction Arizona-Nevada border and U.S. Highway 95, thence along U.S. Highway 95 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction Nevada Highway 58, thence along Nevada Highway 58 to junction California-Nevada border; and that part of California on and south of a line beginning at the junction U.S. Highway 6 and Nevada-California border, thence along U.S. Highway 6 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 120, thence along California Highway 120 to junction Temporary Interstate Highway 5, thence along Temporary Interstate Highway 5 to junction California Highway 16, thence along California Highway 16 to junction California Highway 20, thence along California Highway 20 to junction Pacific coast. The gateway to be eliminated is Cleburne, Texas.

(15) *Wallboard and plywood handling equipment,* which because of size or weight requires the use of special equipment, from Chicago, Illinois, to points in Arizona, that part of Nevada on and south of a line beginning at the junction Arizona-Nevada border and U.S. Highway 95, thence along U.S. Highway 95 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction Nevada Highway 58, thence along Nevada Highway 58 to junction California-Nevada border; and that part of California on and south of a line beginning at the junction U.S. Highway 6 and Nevada-California border, thence along U.S. Highway 6 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 120, thence along California Highway 120 to junction Temporary Interstate Highway 5, thence along Temporary Interstate Highway 5 to junction California Highway 16, thence along California Highway 16 to junction California Highway 20, thence along California Highway 20 to junction Pacific coast. The gateway to be eliminated is Forth Worth, Texas.

(16) *Commodities,* the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require a special equipment, from St. Louis County and St. Louis, Mo. to points in Ark. south and east of the line beginning at the Arkansas-Missouri border junction U.S. Highway 167, thence along U.S. Highway 167 to junction Arkansas Highway 25, thence along Arkansas Highway 25 to junction U.S. Highway 65, thence Along U.S. Highway 65 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Arkansas-Oklahoma border. The gateway to be eliminated is any point in Williamson, Franklin, or Saline Counties, Illinois.

(17) *Commodities,* the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between St. Louis County, Missouri, on the one hand, and, on the other points in Colorado, New Mexico, Texas, and Louisiana. The gateway to be eliminated is any point in Williamson, Franklin, or Saline Counties, Illinois.

(18) *Commodities,* the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, from Cape Girardeau and Scott Counties, Missouri, to points in Arkansas on and west of U.S. Highway 71. The gateway to be eliminated is any point in Williamson, Franklin, or Saline Counties, Illinois.

(19) *Commodities,* the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between Cape Girardeau and Scott Counties, Missouri, on the one hand, and, on the other, points in Colorado, New Mexico, Texas, Kansas, Oklahoma, and Louisiana. The gateway to be eliminated is any point in Williamson, Franklin, or Saline Counties, Illinois.

(20) *Commodities,* the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between points in that part of Missouri east of a line beginning at junction Missouri-Iowa border and U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Missouri Highway 47, thence along Missouri Highway 47 to junction Missouri Highway 21, thence along Missouri Highway 21 to junction Missouri Highway 8, thence along Missouri Highway 8 to junction U.S. Highway 67, thence along Highway 67 to junction Missouri Highway 72, thence along Missouri Highway 72 to junction Interstate Highway 55, thence along Interstate Highway 55 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Missouri-Illinois border on the one hand, and, on the other, points in that part of Louisiana east of a line beginning at the junction Arkansas-Louisiana border and Louisiana Highway 17, thence along Louisiana Highway 17 to junction Louisiana Highway 8, thence along Louisiana Highway 8 to junction U.S. Highway 165, thence along U.S. Highway 165 to junction Louisiana Highway 12, thence along Louisiana Highway 12 to junction Louisiana-Texas border. The gateway to be eliminated is any point in Williamson, Franklin, or Saline Counties, Illinois.

(21) *Commodities,* the transportation of which because of size or weight require the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between St. Louis County, Missouri, on the one hand, and, on the other points in Cimarron and Choctaw, and McCurtain Counties, Oklahoma. The gateway to be eliminated is any point in Williamson, Franklin, or Saline Counties, Illinois.

(22) *Commodities,* the transportation of which because of size or weight require the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between points in Missouri, east of a line beginning at the junction Missouri-Iowa border junction U.S. Highway 136, thence along U.S. Highway 136 to junction U.S. Highway 61, thence along U.S. Highway 61 to St. Louis on the one hand, and, on the other points in Louisiana and points in Texas south of the line beginning at the junction Texas-Oklahoma border and U.S. Highway 271, thence along U.S. Highway 271 to junction Texas Highway 19, thence along Texas Highway 19 to junction Texas Highway 31, thence along Texas Highway 31 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Texas Highway 176, thence along Texas Highway 176 to junction New Mexico-Texas border (except points in

El Paso, Hudspeth, and Presidio Counties).

(23) *Commodities,* the transportation of which because of size or weight require the use of special equipment, and of related articles and supplies when the transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, from points in that part of Missouri east of a line beginning at the junction Missouri-Iowa border and U.S. Highway 136, thence along U.S. Highway 136 to junction U.S. Highway 61, thence along U.S. Highway 61 to St. Louis, to points in that part of Arkansas on east and south of a line beginning at the junction Missouri-Arkansas border and U.S. Highway 65, thence along U.S. Highway 65 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Arkansas-Oklahoma border. The gateway to be eliminated is any point in Williamson, Franklin, or Saline Counties, Illinois.

(24) *Commodities,* the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, from Pike County, Missouri, to points in Arkansas on, south, and east of a line beginning at the junction Missouri-Arkansas border and U.S. Highway 67, thence along U.S. Highway 67 to junction Interstate Highway 30, thence along Interstate Highway 30 to junction U.S. Highway 270, thence along U.S. Highway 270, to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Oklahoma-Arkansas border. The gateway to be eliminated is any point in Williamson, Franklin, or Saline Counties, Illinois.

(25) *Commodities,* the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between Pike County, Missouri, on the one hand, and, on the other points in that part of Texas on and south of a line beginning at the junction Texas-Oklahoma border and U.S. Highway 271, thence along U.S. Highway 271 to junction Interstate Highway 30, thence along Interstate Highway 30 to Dallas, thence along Interstate Highway 20 to Weatherford, thence along U.S. Highway 180 to junction New Mexico-Texas border; that part of New Mexico south of a line beginning at the Texas-New Mexico border junction U.S. Highway 180, thence along U.S. Highway 180 to junction New Mexico Highway 18, thence along New Mexico Highway 18 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction New Mexico-Arizona border; and points in Louisiana. The gateway to be eliminated is any point in Williamson, Franklin, or Saline Counties, Illinois.

(26) *Heavy machinery,* between Rock County, Wisconsin, on the one hand, and, on the other, points in that part of Missouri on and south of a line beginning at the junction Kansas-Missouri border and U.S. Highway 160, thence along U.S. Highway 160 to junction Interstate Highway 44, thence along Interstate Highway 44 to junction Missouri Highway 8, thence along Missouri Highway 8 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Missouri Highway 72, thence along Missouri Highway 72 to junction Missouri-Illinois border. The gateway to be eliminated is any point in Williamson, Franklin, or Saline Counties, Illinois.

(27) *Pipe,* the transportation of which because of size or weight requires the use of special equipment, from points in that part of Texas, on, north, and west of a line beginning at the Texas-Oklahoma border junction U.S. Highway 271, thence along U.S. Highway 271 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction U.S. Highway 277, thence along U.S. Highway 277 to junction United States-Mexico border, to points in Arkansas, Illinois, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, and Tennessee. Restricted against the transportation of shipments moving to pipeline rights-of-way. The gateway to be eliminated is the plantsite of McGraw-Edison Company at or near Sherman, Texas.

(28) *Pipe,* the transportation of which because of size or weight requires the use of special equipment, from points in Texas to points in Nebraska, Okla., Kans., and Iowa. Restricted against the transportation of shipments moving to pipeline rights-of-way. The gateway to be eliminated is the plantsite of McGraw-Edison Company at or near Sherman, Texas.

(29) *Pipe,* the transportation of which because of size or weight requires the use of special equipment, from points in Texas to Beloit and Turtle, Wisconsin. Restricted against the transportation of shipments moving to pipeline rights-of-way. The gateways to be eliminated are the plantsite of McGraw-Edison Company at or near Sherman, Texas, and points in Winnebago County, Illinois.

(30) *Wire and wire products,* fencing materials and accessories, nails, staples, rods, joists, angles, and bars, from the plantsite of Keystone Steel and Wire Company at Bartonville, Illinois, to points in Winnebago County, Illinois. The gateway to be eliminated is Beloit or Turtle, Wisconsin.

(31) *Wire and wire products,* fencing materials and accessories, nails, staples, rods, joists, angles, and bars, the transportation of which because of size or weight requires the use of special equipment, from points in Kansas to points in that part of Wisconsin east of a line beginning at the junction Michigan-Wisconsin border and U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Wisconsin Highway 77, thence along Wisconsin Highway 77 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction Wisconsin Highway 80, thence along Wisconsin Highway 80 to junction Wisconsin Highway 60, thence along Wisconsin Highway 60 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction Wisconsin-Iowa border. The gateway to be eliminated is the plantsite of Keystone Steele and Wire Company at Bartonville, Illinois.

(32) *Wire and wire products,* fencing materials and accessories, nails, staples, rods, joists, angles, and bars, the transportation of which because of size or weight requires the use of special equipment, from points in Texas, Oklahoma, Louisiana, and New Mexico to points in Wisconsin. The gateway to be eliminated is the plantsite of the Keystone Steele and Wire Company at Bartonville, Illinois.

(33) *Wire and wire products,* fencing materials and accessories, nails, staples, rods, joists, angles, and bars, the transportation of which because of size or weight requires the use of special equipment, from points in Colorado to points in that part of Wisconsin on and east of a line beginning at the junction Michigan-Wisconsin border and Wisconsin Highway 122, thence along Wisconsin Highway 122 to junction Wisconsin Highway 77, thence along Wisconsin Highway 77 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 53, thence along U.S. Highway 53 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Wisconsin-Minnesota border. The gateway to be eliminated is the plantsite of the Keystone Steel and Wire Company at Bartonville, Illinois.

(34) *Pipe,* the transportation of which because of size or weight requires the use of special equipment, from points in that part of Texas on north and west of a line beginning at the junction Texas-Oklahoma border and U.S. Highway 271, thence along U.S. Highway 271 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction U.S. Highway 277, thence along U.S. Highway 277 to junction with the international boundary between the United States and Mexico, to points in Indiana. The gateways to be eliminated are the plantsite of McGraw-Edison Company at or near Sherman, Texas, and any point in Williamson, Franklin, or Saline Counties, Illinois.

(35) *Heavy machinery*, between points in Vanderburg and Posey Counties, Indiana, on the one hand, and, on the other, points in Rock County, Wisconsin. The gateway to be eliminated is any point in Williamson, Franklin, or Saline Counties, Illinois.

(36) *Pipe*, from Memphis, Tennessee, to points in that part of Nebraska on and west of a line beginning at the junction Kansas-Nebraska border and U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Nebraska Highway 61, thence along Nebraska Highway 61 to junction Nebraska 2, thence along Nebraska Highway 2 to junction Nebraska Highway 27, thence along Nebraska Highway 27 to junction Nebraska-South Dakota border. Restricted against the transportation of shipments to pipeline rights-of-away. The gateway to be eliminated is the plantsite of McGraw-Edison Company at or near Sherman, Texas.

(37) *Pipe*, the transportation of which because of size or weight requires the use of special equipment, from Memphis, Tennessee, to points in Colorado and New Mexico. The gateway to be eliminated is any point in Texas.

(38) *Pipe*, the transportation of which because of size or weight requires the use of special equipment, from Memphis, Tennessee, to Beloit and Turtle, Wisconsin. The gateways to be eliminated are any point in Arkansas and any point in Williamson, Franklin, and Saline Counties, Illinois.

(39) (1) *Refuse handling equipment*, containers, compactors, and trailers, and (2) parts and accessories for the commodities described in (1) above, from the plantsites of Hyster Company, located at or near Danville, Kewanee, and Peoria, Illinois, to points in Arizona, points in that part of Nevada on and south of a line beginning at the junction Arizona-Nevada border and U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction Nevada Highway 58, thence along Nevada Highway 58 to junction Nevada-California border; and that part of California on and south of a line beginning at the junction Nevada-California border and California Highway 190, thence along California Highway 190 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 108, thence along California Highway 108 to junction Interstate Highway 580, thence along Interstate Highway 580 to junction Interstate Highway 680, thence along Interstate Highway 680 to junction California Highway 12, thence along California Highway 12 to junction California Highway 29, thence along California Highway 29 to junction California Highway 128, thence along California Highway 128 to junction Pacific Coast. Restricted to the transportation of shipments originating at the above-named plantsites. The gateways to be eliminated are Cleburne, Texas.

(40) (1) *Refuse handling equipment*, containers, compactors, and trailers, and (2) parts and accessories for the commodities described in (1) above, from the plantsite of Hyster Company at or near Danville, Illinois, to points in California. Restricted to the transportation of shipments originating at the above-named plantsite. The gateways to be eliminated are Cleburne, Texas.

(41) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in that part of Ohio on and south of a line beginning at the junction Ohio-Pennsylvania border and Ohio Highway 14, thence along Ohio Highway 14 to Salem, thence along Ohio Highway 173 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 4, thence along Ohio Highway 4 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Ohio-Indiana border, to points in California. The gateways to be eliminated are any point in Williamson, Franklin, and Saline Counties, Illinois, and Cleburne, Texas.

(42) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from Ashtabula, Lake, Cuyahoga, Summitt, Portage, Geauga, Trumbull, Mahoning, Stark, Tuscarawas, Carroll, Columbiana, Jefferson, Coshocton, Guernsey, Belmont, Muskingum, Perry, Hocking, Morgan, Monroe, Noble, Washington, Athens, Vinton, Meigs, Jackson, and Gallia Counties, Ohio, to Beaver, Piute, Wayne, San Juan, Garfield, Iron, Washington, and Kane Counties, Utah. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and Cleburne, Texas.

(43) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above from points in that part of Ohio on and south of a line beginning at the junction Pennsylvania-Ohio border and Interstate Highway 80, thence along Interstate Highway 80 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Interstate Highway 71, thence along Interstate Highway 71 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 30–S, thence along U.S. Highway 30–S to junction Ohio Highway 4, thence along Ohio Highway 4 to junction Highway 47, to junction Indiana-Ohio border to points in that part of Nevada on and south of a line beginning at the junction California-Nevada border and Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway Alternate 95, thence along U.S. Highway Alternate 95 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Nevada-Utah border. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and Cleburne, Texas.

(44) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in that part of Ohio on and south of a line beginning at Sandusky, Ohio, thence along Ohio Highway 4 to junction U.S. Highway 30–N, thence along U.S. Highway 30–N to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Indiana-Ohio border, to points in California (except points in Modoc, Siskiyou, Shasta, Lassen, and Plumas Counties). The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and Cleburne, Texas.

(45) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in Ohio to points in Arizona, points in Iron and Washington Counties, Utah, points in Douglas, Mineral, Nye, Esmeralda, Lincoln, and Clark Counties, Nevada, and points in California (except points in Delnorte, Siskiyou, Trinity, Modoc, Shasta, Lassen, Tehama, Pluma, Glenn, Butte, Sutter, Yuba, Nevada, Sierra, and Placer Counties). The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and Cleburne, Texas.

(46) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in that part of Ohio south and west of a line beginning at the junction Ohio-West Virginia border and U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Indiana-Ohio border, to points in Coos, Curry, Douglas, Josephine, and Jackson Counties, Oregon. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and Cleburne, Texas.

(47) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in that part of Ohio on south and west of a line beginning at the junction Ohio-West Virginia border and U.S. Highway 35, thence along U.S. Highway 35 to junction Ohio Highway 38, thence along Ohio Highway 38 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Ohio-Indiana border, to points in Lake, Clamath, Douglas, Jack-

son, Josephine, Curry, and Coos Counties, Oregon. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and Cleburne, Texas.

(48) *Wallboard and plywood handling equipment*, the transportation of which requires the use of special equipment, from Webb, Duval, Zapata, Jim Hogg, and Starr Counties, Texas, to points in the United States including Alaska (but except points in Ventura, Los Angeles, Orange, Riverside, San Diego, and Imperial Counties, California; points in Yuma, Yavapai, Maricopa, Pima, Pinal, Gila, Cochise, Graham, and Greenlee Counties, Arizona; points in Hidalgo, Luna, Dona Ana, Sierra, Caton, Socorro, Lincoln, Otero, Eddy, Lea, Chaves, De Baca, Roosevelt, and Curry Counties, New Mexico; that part of Louisiana south of U.S. Highway 84; that part of Mississippi, south of U.S. Highway 84; points in Washington, Mobile, Baldwin, Clarke, Monroe, Conecuh, Escambia, and Covington Counties, Alabama; and points in Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Bay, Calhoun, and Gulf Counties, Florida). The gateway to be eliminated is the facilities of National Advance Products Company at Fort Worth, Texas.

(49) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above from Webb, Duval, Zapata, Jim Hogg, Starr and Hidalgo Counties, Texas, to points in the United States including Alaska (except points in Hawaii; Orange, San Diego, Imperial and Riverside Counties, California; Yuma, Maricopa, Pima, Pinal, Gila, Graham, Santa Cruz, Cochise, and Greenlee Counties; Arizona; Valencia, Caton, Grant, Luna, Hidalgo, Dona Ana, Sierra, Otero, Socorro, Lincoln, Torrance, De Baca, Chaves, Eddy, Lea, Roosevelt, Bernalillo, Sandoval, Santa Fe, San Miguel, and Quay Counties, New Mexico; points in that part of Louisiana south of U.S. Highway 84; points in that part of Mississippi south of U.S. Highway 84; and points in Mobile and Baldwin Counties, Alabama). The gateway to be eliminated is Cleburne, Texas.

(50) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from points in that part of Texas on and west of a line beginning at the junction Texas-New Mexico border and U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Texas Highway 199, thence along Texas Highway 199 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 377, thence along U.S. Highway 377 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction U.S. Highway 277, thence along U.S. Highway 277 to junction with the international boundary between Mexico and the United States, to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana plus that part of North Dakota on and east of U.S. Highway 281; that part of South Dakota on and east of U.S. Highway 281; that part of Nebraska on and east of U.S. Highway 81; that part of Kansas on and east of U.S. Highway 75; and that part of Oklahoma on and east of U.S. Highway 75. The gateway to be eliminated is the facilities of National Advance Products Co., Fort Worth, Texas.

(51) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment and (2) parts and accessories for the commodities described in (1) above, from points in that part of Texas on and west of a line beginning at the junction Texas-New Mexico border and U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Texas Highway 199, thence along Texas Highway 199 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 377, thence along U.S. Highway 377 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction U.S. Highway 277, thence along U.S. Highway 277 to junction with the international boundary between Mexico and the United States, to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana. The gateway to be eliminated is Cleburne, Texas.

(52) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from points in that part of Texas on and east of a line beginning at the international boundary between the United States and Mexico junction with U.S. Highway 77, thence along U.S. Highway 77 to junction Texas Highway 6 at Waco, thence along Texas Highway 6 to junction U.S. Highway 377, thence along U.S. Highway 377 to junction Interstate Highway 20 at Fort Worth, thence along Interstate Highway 20 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 69 at Greenville, thence along U.S. Highway 69 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 271, thence along U.S. Highway 271 to junction with the Texas-Oklahoma border, to points in Maine, New Hampshire, points in that part of Vermont on and north of Interstate Highway 89, to points in Essex, Middlesex, Norfolk, and Suffolk Counties, Massachusetts, points in that part of the United States in and west of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico, points in that part of Kansas, on and west of U.S. Highway 81, points in Oklahoma on and west of U.S. Highway 77, and points in Minnesota on and west of Minnesota Highway 23. The gateway to be eliminated is the facilities of National Advance Products Company at Fort Worth, Texas.

(53) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in that part of Texas on and east of a line beginning at the international boundary between the United States and Mexico junction with U.S. Highway 77, thence along U.S. Highway 77 to junction Texas Highway 6 at Waco, thence along Texas Highway 6 to junction U.S. Highway 377, thence along U.S. Highway 377 to junction Interstate Highway 20 at Fort Worth, thence along Interstate Highway 20 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 69 at Greenville, thence along U.S. Highway 69 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 271, thence along U.S. Highway 271 to junction with the Texas-Oklahoma border, to points in the United States in and west of North Dakota, South Dakota, Wyoming, Colorado, and New Mexico plus points in that part of Minnesota on and west of Highway 71, points in that part of Nebraska on and west of U.S. Highway 281, points in Kansas on and west of U.S. Highway 281, and points in Cimarron, Texas, and Beaver Counties, Oklahoma. The gateway to be eliminated is Cleburne, Texas.

(54) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from points in Hunt, Collin, Denton, Wise, Parker, Tarrant, Dallas, Rockwall, Rains, Caufman, Van Zantt, Henderson, Navarro, Hill, McLennan, Limestone, Bosque, Johnson, Somervell, and Hood Counties, Texas, to points in the United States including Alaska (except points in Hawaii, points in Oklahoma east of U.S. Highway 83, points in Kansas south and east of a line beginning at the junction Kansas-Oklahoma border and U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Missouri-Kansas border, points in Missouri south and west of a line beginning at the junction Missouri-Kansas border and Interstate Highway 70, thence along Interstate Highway 70 to junction Missouri Highway 19, thence along Missouri Highway 19 to junction Missouri-Arkansas border, points in that part of Arkansas on and west of U.S. Highway 67, and points in Louisiana north and west of a line beginning at the Arkansas-Louisiana border junction U.S. Highway 165, thence along U. S. Highway 165, to junction U. S. Highway 84, thence along U. S. Highway 84 to junction Louisiana-Texas border). The gateway to be eliminated is the facilities of the National Advance Products Co., at Fort Worth, Texas.

(55) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size

or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in Hunt, Collin, Denton, Wise, Parker, Tarrant, Dallas, Rockwall, Rains, Caufman, Van Zantt, Henderson, Navarro, Hill, McLennan, Limestone, Bosque, Johnson, Somervell, and Hood Counties, Texas, to points in the United States including Alaska (except points in Hawaii, points in Oklahoma east of U.S. Highway 83, points in Kansas south and east of a line beginning at the junction Kansas-Oklahoma border and U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Missouri-Kansas border, points in Missouri south and west of a line beginning at the junction Missouri-Kansas border and Interstate Highway 70, thence along Interstate Highway 70 to junction Missouri Highway 19, thence along Missouri Highway 19 to junction Missouri-Arkansas border, points in that part of Arkansas on and west of U.S. Highway 67, and points in Louisiana north and west of a line beginning at the Arkansas-Louisiana border junction U.S. Highway 165, thence along U.S. Highway 165, to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Louisiana-Texas border). The gateway to be eliminated is Cleburne, Texas.

(56) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from that part of Texas on east and south of a line beginning at the junction of U.S. Highway 77 and the international boundary between the United States and Mexico, thence along U.S. Highway 77 to Waco, thence along U.S. Highway 81 to Fort Worth, thence along U.S. Highway 287 to Port Arthur, to points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, Kansas, Nebraska, South Dakota, North Dakota, Minnesota, Iowa, Wisconsin, Michigan, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, points in that part of Missouri on and north of Interstate Highway 44/U.S. Highway 66, points in that part of Illinois on and north of Interstate Highway 70, points in that part of Indiana on and north of Interstate Highway 70, points in that part of Ohio on and north of Interstate Highway 70, and points in Pennsylvania on and north of Interstate Highway 76. The gateway to be eliminated is the facilities of National Advance Products Co., at Forth Worth, Texas.

(57) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from points in Texas on a line beginning at the junction Texas Highway 649 and U.S. Highway 83, thence along Texas Highway 649 to junction Texas Highway 16, thence along Texas Highway 16 to San Antonio, Texas, thence along U.S. Highway 281 to junction Texas Highway 220, thence along Texas Highway 220 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Texas Highway 174, thence along Texas Highway 174 to junction Interstate Highway 35 to junction with the Texas-Oklahoma border and points in Bexar County to points in the United States (except Alaska, Hawaii, Yuma, Pima, Maricopa, Pinal, Santa Cruz, Cochise, and Graham Counties, Arizona; Hidalgo, Grant, Luna, Catron, Sierra, Dona Ana, Socorro, Lincoln, Otero, De Baca, Chaves, Roosevelt, Curry, Eddy, and Lea Counties, New Mexico, points in that part of Louisiana south of U.S. Highway 84, points in that part of Mississippi south of U.S. Highway 84, Washington, Mobile, Baldwin, Escambia, and Covington Counties, Alabama, and Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, and Bay Counties, Florida). The gateway to be eliminated is the facilities of National Advance Products Company at Fort Worth, Texas.

(58) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in Texas on a line beginning at the junction Texas Highway 649 and U.S. Highway 83, thence along Texas Highway 649 to junction Texas Highway 16, thence along Texas Highway 16 to San Antonio, Texas, thence along U.S. Highway 281 to junction Texas Highway 220, thence along Texas Highway 220 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Texas Highway 174, thence along Texas Highway 174 to junction Interstate Highway 35 to junction with the Texas-Oklahoma border and points in Bexar County, to points in the United States including Alaska (except points in Hawaii, points in Mobile County, Alabama, points in Mississippi south of U.S. Highway 84, points in Louisiana south of U.S. Highway 84, points in New Mexico south of U.S. Highway 60, and points in Cochise and Graham Counties, Arizona). The gateway to be eliminated is Cleburne, Texas.

(59) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and of related equipment and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, from West Feliciana, East Feliciana, East Baton Rouge, Pointe Coupee, West Baton Rouge, St. Helena, Washington, Tangipahoa, St. Tammany, Livingston, St. John the Baptist, Ascension, Iberville, St. Martin, Iberia, St. Mary, Assumption, St. James, St. Charles, Terrebonne, La Fourche, Jefferson, Plaquemines, St. Bernard, and Orleans Parishes, Louisiana, to points in Colorado on and north of a line beginning at the junction of the New Mexico-Colorado border with U.S. Highway 34, thence along U.S. Highway 34 to intersection with Interstate Highway 80–S, thence along Interstate Highway 80–S to Denver, thence along U.S. Highway 6 to junction with the Utah-Colorado border. The gateway to be eliminated is any point in Illinois.

(60) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, from New Orleans, Louisiana, to Colorado Springs, Colorado. The gateway to be eliminated is any point in Illinois.

(61) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from points in Ripley, Carter, Reynolds, Iron, Madison, Bollinger, Cape Girardeau, Scott, Stoddard, Butler, Mississippi, New Madrid, Dunclin, and Pemiscot Counties, Missouri, to points in California, Arizona, Yakima, Clickitat, Lewis, Skamania, Cowlitz, Clark, Pacific, and Wahkiakum Counties, Washington; Coos, Curry, Josephine, Douglas, Jackson, Klamath, and Lake Counties, Oregon; points in Nevada south of a line beginning at the junction of the Nevada-California border and Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway Alternate 95, thence along U.S. Highway Alternate 95 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction with the Nevada-Utah border. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and the facilities of National Advance Products Company at Fort Worth, Texas.

(62) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above from points in Ripley, Carter, Reynolds, Iron, Madison, Bollinger, Cape Girardeau, Scott, Stoddard, Butler, Mississippi, New Madrid, Dunclin, and Pemiscot Counties, Missouri, to points in California, Arizona, Yakima, Klickitat, Lewis, Skamania, Cowlitz, Clark, Pacific, and Wahkiakum Counties, Washington; Coos, Curry, Josephine, Douglas, Jackson, Klamath, and Lake Counties, Oregon; points in Nevada south of a line beginning at the junction of the Nevada-California border and Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway Alternate 95, thence along U.S. Highway Alternate 95 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction with the Nevada-Utah border. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and Cleburne, Texas.

(63) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from points in that part of Missouri on and east of a line beginning at the junction of the Missouri-Illinois border and U.S. Highway 54, thence along U.S. Highway 54

to junction Missouri Highway 161, thence along Missouri Highway 161 to junction Missouri Highway 19, thence along Missouri Highway 19 to junction with the Missouri-Arkansas border, to points in Arizona, points in Esmeralda, Mineral, Nye, Lincoln, and Clarke Counties, Nevada; points in California except those east of a line beginning at the junction of the Oregon-California border and Interstate Highway 5 to Sacramento, thence along U.S. Highway 50 to the junction of the Nevada-California border. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and the facilities of National Advance Products Company at Fort Worth, Texas.

(64) (1) *Refuse handling equipment,* containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in that part of Missouri on and east of a line beginning at the junction of the Missouri-Illinois border and U.S. Highway 54, thence along U.S. Highway 54 to junction Missouri Highway 161, thence along Missouri Highway 161 to junction Missouri Highway 19, thence along Missouri Highway 19 to junction with the Missouri-Arkansas border, to points in Arizona, points in Esmeralda, Mineral, Nye, Lincoln, and Clarke Counties, Nevada; points in California except those east of a line beginning at the junction of the Oregon-California border and Interstate Highway 5, thence along Interstate Highway 5 to Sacramento, thence along U.S. Highway 50 to the junction of the Nevada-California border. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and Cleburne, Texas.

(65) (1) *Refuse handling equipment,* containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in St. Genevieve, Perry, St. Francis, Madison, Wayne, Bollinger, Stoddard, Mississippi, Scott, and Cape Girardeau Counties, Missouri, to points in California, Nevada, Arizona, Alaska, Pacific, Lewis, Wahkiakum, Cowlitz, Clark, Skamania, Yakima, and Klickitat Counties, Washington, points in Oregon, west of U.S. Highway 97, and points in Millard, Beaver, Piute, Iron, Washington, Garfield, and Kane Counties, Utah. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and Cleburne, Texas.

(66) *Wallboard and plywood handling equipment,* the transportation of which because of size or weight requires the use of special equipment, from points in St. Genevieve, Perry, St. Francis, Madison, Wayne, Bollinger, Stoddard, Mississippi, Scott, and Cape Girardeau Counties, Missouri, to points in Arizona, California, Nevada, and points in Millard, Beaver, Piute, Iron, Washington, Garfield, and Kane Counties, Utah, points in Oregon west of U.S. Highway 395, and points in Washington on and west of a line beginning at the junction of the international boundary between the United States and Canada, and Interstate Highway 5, thence along Interstate Highway 5 to the junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 97, thence along U.S. Highway 97 to junction with the Washington-Oregon border. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and the facilities of National Advance Products Company at Fort Worth, Texas.

(67) *Wallboard and plywood handling equipment,* the transportation of which because of size or weight requires the use of special equipment, from points in Illinois to points in Arizona, points in Nye and Clark Counties, Nevada, and points in California south of Interstate Highway 80. The gateways to be eliminated are the facilities of National Advance Products Company at Fort Worth, Texas.

(68) (1) *Refuse handling equipment,* containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above from points in Illinois to points in Arizona, points in Nye and Clark Counties, Nevada, and points in California south of Interstate Highway 80. The gateways to be eliminated are Cleburne, Texas.

(69) *Wallboard and plywood handling equipment,* the transportation of which because of size or weight requires the use of special equipment, from points in that part of Illinois on and south of a line beginning at the junction of the Illinois-Indiana border and Interstate Highway 74, thence along Interstate Highway 74 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Illinois Highway 140, thence along Illinois Highway 140 to junction Illinois-Missouri border to points in California and points in Iron, Garfield, Kane, and Washington Counties, Utah. The gateways to be eliminated are the facilities of National Advance Products Company at Fort Worth, Texas.

(70) *Wallboard and plywood handling equipment,* the transportation of which because of size or weight requires the use of special equipment, from points in that part of Illinois on and south of a line beginning at the junction of Illinois-Indiana border and Interstate Highway 74, thence along Interstate Highway 74 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction with the Illinois-Missouri border to Esmeralda, Nye, Lincoln, and Clark Counties, Nevada. The gateways to be eliminated are the facilities of National Advance Products Company at Fort Worth, Texas.

(71) (1) *Refuse handling equipment,* containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in that part of Illinois on south and east of a line beginning at the junction of the Illinois-Wisconsin border and U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction with the Illinois-Missouri border to points in California south of Interstate Highway 80. The gateways to be eliminated are Cleburne, Texas.

(72) *Wallboard and plywood handling equipment,* the transportation of which because of size or weight requires the use of special equipment, from points in that part of Illinois on south and east of a line beginning at the junction of the Illinois-Wisconsin border and U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction with the Illinois-Missouri border to points in California south of Interstate Highway 80. The gateways to be eliminated are the facilities of National Advance Products company at Fort Worth, Texas.

(73) *Wallboard and plywood handling equipment,* the transportation of which because of size or weight requires the use of special equipment, from those points in Illinois on and south of a line beginning at the junction of the Illinois-Indiana border and U.S. Highway 40, thence along U.S. Highway 40 to junction Illinois Highway 140, thence along Illinois Highway 140 to the junction with the Illinois-Missouri border to points in that part of Nevada on and south of a line beginning at the junction of the Nevada-Utah border and U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway Alternate 95, thence along U.S. Highway Alternate 95 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction with the California-Nevada border, and Coos, Douglas, Josephine, Curry, Jackson, Klamath, and Lake Counties, Oregon. The gateways to be eliminated are the facilities of National Advance Products Company at Fort Worth, Texas.

(74) (1) *Refuse handling equipment,* containers, compactors, and trailers, the transportation of which because of size or weight require the use of special equipment, and (2) parts and accessories for the commodities named in (1) above from those points in Illinois on and south of a line beginning at the junction of the Illinois-Indiana border and U.S. Highway 40, thence along U.S. Highway 40 to junction Illinois Highway 140, thence along Illinois Highway 140 to the junction with the Illinois-Missouri border to points in that part of Nevada on and south of a line beginning at the junction of the Nevada-Utah border and U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway Alternate 95, thence along U.S. Highway Alternate 95 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction with

the California-Nevada border, and Coos, Douglas, Josephine, Curry, Jackson, Klamath, and Lake Counties, Oregon, and Alaska. The gateways to be eliminated are Cleburne, Texas.

(75) *Wallboard and plywood handling equipment,* the transportation of which because of size or weight requires the use of special equipment, from that part of Texas on and east of U.S. Highway 77 and on and west of U.S. Highway 75 to points in the United States except Alaska, Hawaii, Louisiana, Mississippi, Alabama, Georgia, South Carolina, Florida, that part of Arkansas south and east of U.S. Highway 67, that part of Missouri south and east of U.S. Highway 67, Fulton, Hickman, Carlisle, Ballard, Graves, Marshall, Calloway, and Trigg Counties, Kentucky, that part of Tennessee south and west of a line beginning at the junction of the Kentucky-Tennessee border and U.S. Highway Alternate 41, thence along U.S. Highway Alternate 41 to Nashville, thence along Interstate Highway 40 to junction with the Tennessee-North Carolina border, and points in that part of North Carolina on and South of a line beginning at the junction of the Tennessee-North Carolina border and Interstate Highway 40, thence along Interstate Highway 40 to Raleigh, thence along U.S. Highway 70 to junction Interstate Highway 95, thence along Interstate Highway 95 to junction with the North Carolina-South Carolina border. The gateway to be eliminated is the facilities of National Advance Products Company at Fort Worth, Texas.

(76) (1) *Refuse handling equipment, containers, compactors, and trailers,* the transportation of which because of size or weight require the use of special equipment, and (2) *parts and accessories* for the commodities described in (1) above from that part of Texas on and east of U.S. Highway 77 and on and west of U.S. Highway 75 to points in the United States except Alaska, Hawaii, Louisiana, Mississippi, Alabama, Georgia, South Carolina, Florida, that part of Arkansas south and east of U.S. Highway 67, that part of Missouri south and east of U.S. Highway 67, Fulton, Hickman, Carlisle, Ballard, Graves, Marshall, Calloway, and Trigg Counties, Kentucky, that part of Tennessee south and west of a line beginning at the junction of the Kentucky-Tennessee border and U.S. Highway Alternate 41, thence along U.S. Highway Alternate 41 to Nashville, thence along Interstate Highway 40 to junction with the Tennessee-North Carolina border, and points in that part of North Carolina on and south of a line beginning at the junction of the Tennessee-North Carolina border and Interstate Highway 40, thence along Interstate Highway 40 to Raleigh, thence along U.S. Highway 70 to junction Interstate Highway 95, thence along Interstate Highway 95 to junction with the North Carolina-South Carolina border, and Alaska. The gateway to be eliminated is Cleburne, Texas.

(77) *Commodities,* the transportation of which because of size or weight, requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight requires special equipment, between Blytheville, Arkansas, on the one hand, and, on the other, points in Colorado and New Mexico. The gateway to be eliminated is any point in Williamson or Franklin or Saline Counties, Illinois.

(78) *Wallboard and plywood handling equipment,* the transportation of which because of size or weight requires the use of special equipment, from Blytheville, Arkansas, to points in Arizona, California, and Nevada. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and the facilities of National Advance Products Company at Fort Worth, Texas.

(79) (1) *Refuse handling equipment,* containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above from Blythville, Arkansas, to points in Alaska, Arizona, California, and Nevada. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and Cleburne, Texas.

(80) *Wallboard and plywood handling equipment,* the transportation of which because of size or weight requires the use of special equipment, from West Memphis, Arkansas, to points in California and Coos, Curry, Josephine, Douglas, Jackson, and Klamath Counties, Oregon. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and the facilities of National Advance Product Company at Fort Worth, Texas.

(81) (1) *Refuse handling equipment,* containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above from West Memphis, Arkansas, to points in Alaska, California, and Coos, Curry, Josephine, Douglas, Jackson, and Klamath Counties, Oregon. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and Cleburne, Texas.

(82) *Commodities,* the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between West Memphis, Arkansas, on the one hand, and, on the other, points in Colorado. The gateway to be eliminated is any point in Williamson, Franklin, or Saline Counties, Illinois.

(83) *Commodities,* the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, from points in Colorado to points in Randolph, Lawrence, Clay, Greene, Craighead, Poinsett, Mississippi, Cross, Crittenden, and St. Francis Counties, Arkansas. The gateway to be eliminated is any point in Illinois.

(84) *Wallboard and plywood handling equipment,* the transportation of which because of size or weight requires the use of special equipment, from points in that part of Kentucky on and south of a line beginning at the junction of the Kentucky-West Virginia border and Interstate Highway 64, thence along Interstate Highway 64 to Lexington, thence along U.S. Highway 60 to junction with the Blue Grass Parkway thence along the Blue Grass Parkway to Elizabethtown, thence along the western Kentucky Parkway to junction with U.S. Highway Alternate 41, thence along U.S. Highway Alternate 41 to junction Kentucky Highway 109, thence along Kentucky Highway 109 to junction with the Illinois-Kentucky border to points in Okanogan, Douglas, Grant, Franklin, Benton, Klickitat, Yakima, Kittitas, Chelan, Whatcom, Skagit, Snohomish, King, Pierce, Lewis, Skamania, Clark, Cowlitz, Wahkiakum, Pacific, Grays Harbor, Thurston, Mason, Jefferson, Clallam, Kitsap, Island, and San Juan Counties, Washington. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and the facilities of National Advance Products Company at Fort Worth, Texas.

(85) *Wallboard and plywood handling equipment,* the transportation of which because of size or weight requires the use of special equipment, from points in Kentucky to points in Arizona, California, Nevada, Grays Harbor, Mason, Pierce, King, Thurston, Pacific, Wahkiakum, Lewis, Cowlitz, Clark, Skamania, Yakima, and Klickitat Counties, Washington, points in Oregon (except Umatilla, Union, Wallowa, Baker, and Malheur Counties, Oregon) and points in Millard, Sevier, Emery, Grand, Wayne, San Juan, Garfield, Kane, Piute, Beaver, Iron, and Washington Counties, Utah. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and the facilities of National Advance Products Company at Fort Worth, Texas.

(86) (1) *Refuse handling equipment,* containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in Kentucky to points in Arizona, Nevada, California, Alaska, Nevada, Grays Harbor, Mason, Pierce, King, Thurston, Pacific, Wahkiakum, Lewis, Cowlitz, Clark, Skamania, Yakima, and Klickitat Counties, Washington, points in Oregon (except Umatilla, Union, Wallowa, Baker, and Malheur Counties, Oregon) and points in Millard, Sevier, Emery, Grand, Wayne, San Juan, Garfield, Kane, Piute, Beaver, Iron, and Washington Counties, Utah. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and Cleburne, Texas.

(87) (1) *Refuse handling equipment,* containers, compactors, and trailers, the transportation of which because of size

or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in that part of Kentucky on and south of a line beginning at the junction of the Kentucky-West Virginia border and Interstate Highway 64, thence along Interstate Highway 64 to Lexington, thence along U.S. Highway 60 to junction with the Blue Grass Parkway, thence along the Blue Grass Parkway to Elizabethtown, thence along the western Kentucky Parkway to junction with the U.S. Highay Alternate 41, thence along U.S. Highway Alternate 41 to junction Kentucky Highway 109, thence along Kentucky Highway 109 to junction with the Illinois-Kentucky border to points in Okanogan, Douglas, Grant, Franklin, Benton, Klickitat, Yakima, Kittitas, Chelan, Whatcom, Skagit, Snohomish, King, Pierce, Lewis, Skamania, Clark, Cowlitz, Wahkiakum, Pacific, Grays Harbor, Thurston, Mason, Jefferson, Clallam, Kitsap, Island, and San Juan Counties, Washington. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and Cleburne, Texas.

(88) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in Indiana on and south of U.S. Highway 50 to points in Alaska. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and Cleburne, Texas.

(89) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in Indiana on and south of Indiana Highway 28 to points in California. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and Cleburne, Texas.

(90) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in Indiana on and south of U.S. Highway 40 to points in Iron, Washington, Garfield, and Kane Counties, Utah. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and Cleburne, Texas.

(91) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from points in Indiana on and south of U.S. Highway 50 to points in Millard, Sevier, Emery, Grand, Wayne, San Juan, Kane, Garfield, Piute, Beaver, Iron, and Washington Counties, Utah. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and the facilities of National Advance Products Company at Fort Worth, Texas.

(92) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from points in that part of Indiana south and east of a line beginning at the Indiana-Michigan border junction with U.S. Highway 31, thence along U.S. Highway 31 to junction with Indiana Highway 26, thence along Indiana Highway 26 to junction with the Indiana-Illinois border to points in Iron, Garfield, Washington, and Kane Counties, Utah. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and the facilities of National Advance Products Company at Fort Worth, Texas.

(93) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from points in that part of Indiana on and south of U.S. Highway 24 to points in California. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and the facilities of National Advance Products Company at Fort Worth, Texas.

(94) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from points in Indiana on and south of U.S. Highway 36 to points in Washoe, Storey, Douglas, Lyon, Mineral, Churchill, Esmeralda, Nye, White Pine, Lander, Pershing, Lincoln, and Clark Counties, Nevada. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and the facilities of National Advance Products Company at Fort Worth, Texas.

(95) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in Indiana on and south of U.S. Highway 36 to points in Washoe, Storey, Douglas, Lyon, Mineral, Churchill, Esmeralda, Nye, White Pine, Lander, Pershing, Lincoln, and Clark Counties, Nevada. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and Cleburne, Texas.

(96) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from points in that part of Indiana on south and east of a line beginning at the junction of the Michigan-Indiana border and U.S. Highway 31, thence along U.S. Highway 31 to junction with Indiana Highway 26, thence along Indiana Highway 26 to junction with the Illinois-Indiana border, to points in Lincoln, Nye, Mineral, Esmeralda, and Clark Counties, Nevada. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and the facilities of National Advance Products Company at Fort Worth, Texas.

(97) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in that part of Indiana on south and east of a line beginning at the junction of the Michigan-Indiana border and U.S. Highway 31, thence along U.S. Highway 31 to junction with Indiana Highway 26, thence along Indiana Highway 26 to junction with the Illinois-Indiana border, to points in Lincoln, Nye, Mineral, Esmeralda, and Clarke Counties, Nevada. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and Cleburne, Texas.

(98) *Wallboard and plywood handling equipment*, the transportation of which becasue of size of weight requires the use of special equipment, from points in that part of Indiana on and south of U.S. Highway 50 to points in that part of Oregon on and west of U.S. Highway 395. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and the facilities of National Advance Products Company at Fort Worth, Texas.

(99) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in that part of Indiana on and south of U.S. Highway 50 to points in that part of Oregon on and west of U.S. Highway 395. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and Cleburne, Texas.

(100) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment from points in Gibson, Pike, Warrick, Spencer, Vanderburgh, and Posey Counties, Indiana, to points in Grays Harbor, Mason, Thurston, Pierce, Kitsap, King, Yakima, Lewis, Pacific, Wahkikum, Cowlitz, Clark, Skamania, Klickatat, and Benton Counties, Washington. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and the facilities of National Advance Products Company at Fort Worth, Texas.

(101) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in Gibson, Pike, Warrick, Spencer, Vanderburgh, and Posey Counties, Indiana, to points in Grays Harbor, Mason, Thurston, Pierce, Kitsap, King, Yakima, Lewis, Pacific, Wahkikum, Cowlitz, Clark, Skamania, Klickatat, and Benton Counties, Washington. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and Cleburne, Texas.

(102) *Wallboard and plywood handling equipment*, the transportation of

which because of size or weight requires the use of special equipment, from points in Indiana to points in Arizona, Clarke, and Nye Counties, Nevada, and points in that part of California on and south of Interstate Highway 80. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and the facilities of National Advance Products Company at Fort Worth, Texas.

(103) (*1*) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in Indiana to points in Arizona, Clarke, and Nye Counties, Nevada, and points in that part of California on and south of Interstate Highway 80. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and Cleburne, Texas.

(104) (*1*) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from Adams, Scioto, Pike, Jackson, Lawrence, and Gallia Counties, Ohio, to points in Alaska. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and Cleburne, Texas.

(105) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from Taylor, Jones, Shackelford, Stephens, Palo Pinto, Parker, Tarrant, Johnson, Hood, Somervel, Bosque, Erath, Hamilton, Comanche, Mills, Brown, San Saba, McCulloch, Coleman, Concho, Runnels, Callahan, Eastland, and Dallas Counties, Texas, to points in Washington, Oregon, Idaho, Montana, Nevada, North Dakota, South Dakota, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Tennessee, Virginia, Kentucky, Illinois, Wisconsin, Michigan, Indiana, Ohio, West Virginia, Maryland, Delaware, the District of Columbia, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, that part of Oklahoma on and east of U.S. Highway 77, that part of Kansas on and east of U.S. Highway 81, that part of Nebraska east and north of a line beginning at the junction of the Wyoming-Nebraska border and U.S. Highway 20, thence along U.S. Highway 20 to junction with Nebraska Highway 27, thence along Nebraska Highway 27 to junction with Nebraska Highway 2, thence along Nebraska Highway 2 to junction with U.S. Highway 183, thence along U.S. Highway 183 to junction with the Kansas-Nebraska border, points in Teton, Park, Big Horn, Washakie, Hot Springs, Sublette, Lincoln, Uinta, Sweetwater, Fremont, Natrona, Carbon, Johnson, Sheridan, Campbell, Crook, Weston, Niobrara, and Converse Counties, Wyoming; Moffat, Routt, Jackson, Grand, Rio Blanco, Garfield, and Eagle Counties, Colorado; Box Elder, Cache, Rich, Morgan, Summit, Daggett, Duchesne, Wasatch, Salt Lake, Davis, Tooele, Juab, Millard, Beaver, and Iron Counties, Utah; and points in California (except points in San Bernardino, Riverside, Imperial, and San Diego Counties, California). The gateway to be eliminated is the facilities of National Advance Products Company at Forth Worth, Texas.

(106) (*1*) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from Taylor, Jones, Schackelford, Stephens, Palo Pinto, Parker, Tarrant, Johnson, Hood, Somervel, Bosque, Erath, Hamilton, Comanche, Mills, Brown, San Saba, McCulloch, Coleman, Concho, Runnels, Callahan, Eastland, and Dallas Counties, Texas, to points in Washington, Oregon, Idaho, Montana, North Dakota, South Dakota, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Tennessee, Wisconsin, Illinois, Indiana, Kentucky, Virginia, West Virginia, Ohio, Michigan, New York, Pennsylvania, Maryland, the District of Columbia, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, points in that part of Oklahoma on and east of U.S. Highway 77, points in that part of Kansas on and east of U.S. Highway 81, points in that part of Nebraska north and east of a line beginning at the junction of the South Dakota-Nebraska border, and Nebraska Highway 27, thence along Nebraska Highway 27 to junction with Nebraska Highway 2, thence along Nebraska Highway 2 to junction with U.S. Highway 281, thence along U.S. Highway 281 to junction with the Kansas-Nebraska border, points in Clarke, Teton, Lincoln, Sublette, Fremont, Hot Springs, Big Horn, Washakie, Sheridon, Johnson, Natrona, Campbell, Converse, Weston, and Crooke Counties, Wyoming, Box Elder, Weber, Cache, and Rich Counties, Utah, points in Nevada north and west of U.S. Highway 6, and points in California on and north of Interstate Highway 10. The gateway to be eliminated is Cleburne, Texas.

(107) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from Howard, Mitchell, Nolan, Taylor, Glascock, Reagan, Sterling, Iron, Tom Green, Coke, Runnels, Fisher, Jones, Shackleford, Stephens, Palo Pinto, Tarrant, Parker, Dallas, Johnson, Hood, Somervell, Erath, Eastland, Comanche, Brown, Coleman, Callahan, and Concho Counties, Texas, to points in North Dakota, Minnesota, Iowa, that part of Kansas on and east of U.S. Highway 81, that part of Oklahoma on and east of U.S. Highway 81, Arkansas, Louisiana, Missouri, Wisconsin, Michigan, Illinois, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Florida, Georgia, South Carolina, and North Carolina, Virginia, West Virginia, Ohio, Pennsylvania, Maryland, the District of Columbia, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine; Coos, Douglas, Lane, Benton, Lincoln, Linn, Marion, Polk, Yamhill, Clackamas, Multnomah, Washington, Tillamook, Clatsop, and Columbia Counties, Oregon; points in that part of Washington on north and west of a line beginning at the junction of the Washington-Oregon border and Interstate Highway 5, thence along Interstate Highway 5 to the junction U.S. Highway 2, thence along U.S. Highway 2, to the junction to the Washington-Idaho border, Boundary, Bonner, Kootenai, and Shoshone Counties, Idaho, and points in that part of Montana on and north of U.S. Highway 12. The gateway to be eliminated is the facilities of National Advance Products Company at Fort Worth, Texas.

(108) (*1*) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in Howard, Mitchell, Nolan, Taylor, Glascock, Reagan, Sterling, Iron, Tom Green, Coke, Runnels, Fisher, Jones, Schackelford, Stephens, Palo Pinto, Tarrant, Parker, Dallas, Johnson, Hood, Somervell, Erath, Eastland, Comanche, Brown, Coleman, Callahan, and Concho Counties, Texas, to points in Minnesota, Iowa, Missouri, that part of Kansas on and east of U.S. Highway 81, that part of Oklahoma on and east of U.S. Highway 81, Arkansas, Louisiana, Alabama, Georgia, Florida, South Carolina, Tennessee, North Carolina, Kentucky, Virginia, Wisconsin, Illinois, Michigan, Indiana, Ohio, West Virginia, Maryland, Delaware, the District of Columbia, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, that part of Nebraska on and east of U.S. Highway 281, that part of South Dakota on and east of U.S. Highway 83, that part of North Dakota on north and east of a line beginning at the junction of the Montana-North Dakota border and Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction with the North Dakota-South Dakota border, that part of Montana on and north of U.S. Highway 12, that part of Idaho on and north of Interstate Highway 90, that part of Washington on north and west of a line beginning at the Idaho-Washington border and junction with U.S. Highway 2, thence along U.S. Highway 2 to junction with Interstate Highway 5, thence along Interstate Highway 5 to junction with the Washington-Oregon border, and Lane, Benton, Lincoln, Linn, Marion, Clackamas, Polk, Yamhill, Tillamook, Clatsop, Columbia, and Multnomah Counties, Oregon. The gateway to be eliminated is Cleburne, Texas.

(109) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from that part of Texas on and west of a line beginning at the junction of the Texas-New Mexico border and U.S. Highway 87, thence along U.S. Highway 87 to Amarillo, thence along U.S. Highway 287 to Fort Worth, thence along Interstate Highway 35 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 377, thence along U.S. Highway 377 to junction with the international boundary between the United States and Mexico to points in Michigan, Indiana, Kentucky, Tennessee, Mississippi, Louisiana, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Ohio, Maryland, Delaware, the District of Columbia, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, that part of Arkansas on south and east of U.S. Highway 67, Perry, Bollinger, Cape Girardeau, Wayne, Madison, Butler, Ripley, Oregon, Carter, Reynolds, Shannon, Stoddard, Scott, Mississippi, New Madrid, Dunklin, and Pemiscot Counties, Missouri, that part of Illinois on and east of U.S. Highway 51 and that part of Wisconsin on and east of U.S. Highway 51. The gateway to be eliminated is the facilities of National Advance Products Company at Fort Worth, Texas.

(110) (*1*) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from that part of Texas on and west of a line beginning at the junction of the Texas-New Mexico border and U.S. Highway 87, thence along U.S. Highway 87 to Amarillo, thence along U.S. Highway 287 to Fort Worth, thence along Interstate Highway 35 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 377, thence along U.S. Highway 377 to junction with the international boundary between the United States and Mexico to points in Maine, New Hampshire, Vermont, Massachusettes, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, the District of Columbia, Maryland, Ohio, West Virginia, Virginia, Michigan, Indiana, Kentucky, North Carolina, Tennessee, South Carolina, Georgia, Alabama, Mississippi, Florida, Louisiana, that part of Arkansas on and east of U.S. Highway 67, that part of Illinois on and east of Interstate Highway 57, and Perry, Bollinger, Cape Girardeau, Wayne, Madison, Butler, Ripley, Oregon, Carter, Reynolds, Shannon, Stoddard, Scott, Mississippi, New Madrid, Dunklin, and Pemiscot Counties, Missouri. The gateway to be eliminated is Cleburne, Texas.

(111) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment from the plantsites of Heister Company, located at or near Danville, Kewanee, and Peoria, Illinois to points in Arizona, points in that part of Nevada on and south of a line beginning at the junction Arizona-Nevada border and U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction Nevada Highway 58, thence along Nevada Highway 58 to junction Nevada-California border; and that part of California on and south of the line beginning at the junction of the Nevada-California border and California Highway 190, thence along California Highway 190 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 108, thence along California Highway 108 to junction Interstate Highway 580, thence along Interstate Highway 580 to junction Interstate Highway 680, thence along Interstate Highway 680 to junction California Highway 12, thence along California Highway 12 to junction California Highway 29, thence along California Highway 29 to junction California Highway 128, thence along California Highway 128 to junction Pacific Coast. Restricted to the transportation of shipments originating at the above named plantsites. The gateway to be eliminated is the facilities of National Advance Products Company at Fort Worth, Texas.

(112) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from the plantsites of Heister Company at or near Danville, Illinois, to points in California. Restricted to the transportation of shipments originating at the above named plantsites. The gateway to be eliminated is the facilities of National Advance Products Company at Fort Worth, Texas.

(113) *Wallboard and plywood handling equipment*, the transportation of which, because of size or weight requires the use of special equipment, from points in that part of Texas on and west of a line beginning at the junction of the international border between the United States and Mexico at Brownsville and U.S. Highway 77, thence along U.S. Highway 77 to Dallas, thence along Interstate Highway 20 to Fort Worth, thence along U.S. Highway 377 to junction U.S. Highway 281, thence along U.S. Highway 281 to San Antonio, thence along Texas Highway 16 to junction with the international boundary between the United States and Mexico to points in Washington, Oregon, California, Nevada, Idaho, Montana, Wyoming, Utah, Arizona, Colorado, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, Tennessee, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Maryland, the District of Columbia, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, New Mexico, Louisiana, Mississippi, and Alabama (except points in Luna, Dona Ana, Sierra, Socorro, Lincoln, Otero, Chaves, Lea, and Eddy Counties, New Mexico; that part of Louisiana south of U.S. Highway 84; that part of Mississippi south of U.S. Highway 84; and that part of Alabama south of U.S. Highway 84). The gateway to be eliminated is the facilities of National Advance Products Company at Fort Worth, Texas.

(114) (*1*) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in that part of Texas on and west of a line beginning at the junction of the international boundary between the United States and Mexico and U.S. Highway 77, thence along U.S. Highway 77 to Dallas, thence along Interstate Highway 20 to Fort Worth, and those points in Texas on and east of a line beginning at Fort Worth, Texas, thence along U.S. Highway 377 to junction U.S. Highway 281, thence along U.S. Highway 281 to San Antonio, thence along Texas Highway 16 to junction with the international boundary between the United States and Mexico to points in the United States including Alaska (except Hawaii, points in Louisiana south of U.S. Highway 84 and points in Mississippi south of U.S. Highway 84). The gateway to be eliminated is Cleburne, Texas.

(115) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from El Paso, Hudspeth, Culberson, Loving, Winkler, Reeves, Pecos, Jeff Davis, Presidio, Brewster, Terrell, Crockett, Crane, Ward, Upton, Reagan, Glascock, Midland, Ector, Andrews, Howard, Martin, Gaines, Dawson, Borden, Scurry, Fisher, Mitchell, Nolan, Jones, Taylor, Runnels, Coke, Sterling, Irion, Tom Green, Concho, Schleicher, Sutton, Menard, Kimble, Mason, Llano, San Saba, McCulloch, Coleman, Callahan, Shackelford, Stephens, Eastland, Brown, Mills, Hamilton, Comanche, Erath, Palo Pinto, Parker, Hood, Somervell, Johnson, and Tarrant Counties, Texas, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, the District of Columbia, West Virginia, Virginia, North Carolina, South Carolina, Florida, Alabama, Georgia, Mississippi, Tennessee, Kentucky, Ohio, Michigan, Indiana, Wisconsin, Minnesota, Iowa, Illinois, Missouri, Arkansas, Louisiana, points in that part of Oklahoma on an east of U.S. Highway 183, points in that part of Kansas on and each of a line beginning at junction of the Kansas-Nebraska border and U.S. Highway 75, thence along U.S. Highway 75 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction with the Kansas-Oklahoma border, points in Nebraska on and east of U.S. Highway 77, points in North Dakota on and east of U.S. Highway 281; and points in South Dakota on and east of U.S. Highway 281. The gateway to be eliminated is the facilities of National Advance Products Company at Fort Worth, Texas.

(116) (1) *Refuse handling equipment,* containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from El Paso, Hudspeth, Culberson, Loving, Winkler, Reeves, Pacos, Jeff Davis, Presidio, Brewster, Terrell, Crockett, Crane, Ward, Upton, Reagan, Glascock, Midland, Ector, Andrews, Howard, Martin, Gaines, Dawson, Borden, Scurry, Fisher, Mitchell, Nolan, Jones, Taylor, Runnels, Coke, Sterling, Irion, Tom Green, Concho, Schleicher, Sutton, Menard, Kimble, Mason, Llano, San Saba, McCullock, Coleman, Callahan, Shackelford, Stephens, Eastland, Brown, Mills, Hamilton, Comanche, Erath, Palo Pinto, Parker, Hood, Somervell, Johnson, and Tarrant Counties, Texas, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, the District of Columbia, Maryland, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, Ohio, Indiana, Michigan, Wisconsin, Minnesota, Iowa, Illinois, Missouri, Arkansas, Louisiana, points in that part of Oklahoma on and east of U.S. Highway 183, points in Kansas on and east of a line beginning at the junction of the Kansas-Nebraska border, and U.S. Highway 75, thence along U.S. Highway 75 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction with the Kansas-Oklahoma border; points in North Dakota on and east of U.S. Highway 281; and points in South Dakota on and east of U.S. Highway 81. The gateway to be eliminated is Cleburne, Texas.

(117) *Wallboard and plywood handling equipment,* the transportation of which because of size or weight requires the use of special equipment, from points in that part of Ohio on and south of a line beginning at the junction Ohio-Pennsylvania border and Ohio Highway 14, thence along Ohio Highway 14 to Salem, thence along Ohio Highway 173 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 4, thence along Ohio Highway 4 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Ohio-Indiana border, to points in California. The gateways to be eliminated are any points in Williamson, Franklin, and Saline Counties, Illinois, and the facilities of National Advance Products Company, at Ft. Worth, Texas.

(118) *Wallboard and plywood handling equipment,* the transportation of which because of size or weight requires the use of special equipment, from Ashtabula, Lake, Cuyahoga, Summit, Portage, Geauga, Trumbull, Mahoning, Stark, Tuscarawas, Carroll, Columbiana, Jefferson, Coshocton, Guernsey, Belmont, Muskingum, Perry, Hocking, Morgan, Monroe, Nobel, Washington, Athens, Vinton, Meigs, Jackson, and Gallia Counties, Ohio, to Beaver, Piute, Wayne, San Juan, Garfield, Iron, Washington, and Kane Counties, Utah. The gateways to be eliminated are any points in Williamson, Franklin, or Saline Counties, Illinois, and the facilities of the National Advance Products Company, at Ft. Worth, Texas.

(119) *Wallboard and plywood handling equipment,* the transportation of which because of size or weight requires the use of special equipment, from points in that part of Ohio on and south of a line beginning at the junction Pennsylvania-Ohio border and Interstate Highway 80, thence along Interstate Highway 80 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Interstate Highway 71, thence along Interstate Highway 71 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 30–S, thence along U.S. Highway 30–S to junction Ohio Highway 4, thence along Ohio Highway 4 to junction Ohio Highway 47, thence along Ohio Highway 47 to junction Indiana-Ohio border to points in that part of Nevada on and south of a line beginning at the junction California-Nevada border and Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway Alternate 95, thence along U.S. Highway Alternate 95 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Nevada-Utah border. The gateways to be eliminated are any points in Williamson, Franklin, or Saline Counties, Illinois, and the facilities of National Advance Company at Fort Worth, Texas.

(120) *Wallboard and plywood handling equipment,* the transportation of which because of size or weight requires the use of special equipment, from points in that part of Ohio on and south of a line beginning at Sandusky, Ohio, thence along Ohio Highway 4 to junction U.S. Highway 30–N, thence along U.S. Highway 30–N to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Indiana-Ohio border, to points in California (except points in Modoc, Siskiyou, Shasta, Lassen, and Plumas Counties). The gateways to be eliminated are any points in Williamson, Franklin, or Saline Counties, Illinois, and the facilities of National Advance Products Company, at Ft. Worth, Texas.

(121) *Wallboard and plywood handling equipment,* the transportation of which because of size or weight requires the use of special equipment, from points in Ohio to points in Arizona, points in Iron and Washington Counties, Nevada, and points in California (except points in Del Norte, Sisiyou, Trinity, Modoc, Shasta, Lassen, Tehama, Plumas, Glenn, Butte, Sutter, Yuba, Nevada, Sierra, and Placer Counties). The gateways to be eliminated are any points in Williamson, Franklin, or Saline Counties, Illinois, and the facilities of National Advance Products Company at Ft. Worth, Texas.

(122) *Wallboard and plywood handling equipment,* the transportation of which because of size or weight requires the use of special equipment, from points in that part of Ohio on, south and west of line beginning at the junction Ohio-West Virginia border and U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Indiana-Ohio border, to points in Coos, Curry, Douglas, Josephine, and Jackson Counties, Oregon. The gateways to be eliminated are any points in Williamson, Franklin, or Saline Counties, Illinois, and the facilities of National Advance Products Company at Ft. Worth, Texas.

(123) *Wallboard and plywood handling equipment,* the transportation of which because of size or weight requires the use of special equipment, from points in that part of Ohio on south and west of a line beginning at the junction Ohio-West Virginia border and U.S. Highway 35, thence along U.S. Highway 35 to junction Ohio Highway 38, thence along Ohio Highway 38 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Ohio-Indiana border, to points in Lake, Klamath, Douglas, Jackson, Josephine, Curry, and Coos Counties, Oregon. The gateways to be eliminated are any points in Williamson, Franklin, or Saline Counties, Illinois, and the facilities of National Advance Products Company at Ft. Worth, Texas.

No. MC 136553 (Sub-No. E1), 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,* in bags, from Fulton, Ill., to points in Minnesota and in Wisconsin bounded by a line beginning at the Illinois-Wisconsin State line, thence along U.S. Highway 151 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to Sheboygan, thence along Lake Michigan to Manitowoc, thence along U.S. Highway 10 to the Minnesota-Wisconsin State line, thence along the Wisconsin-Minnesota, Wisconsin-Iowa, and Wisconsin-Illinois State lines to U.S. Highway 151 (except Fond du Lac, Oshkosh, Appleton, Neenah, and Menasha, Wis.), with no transportation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Dubuque, 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: *Dry animal and poultry feed ingredients* (except in bulk), from Chicago, Ill., to East Dubuque and Galena, Ill. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 136553 (Sub-No. E33), 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 carrer,* by motor vehicle, over irregular routes, transporting: *Salt,* from points in Illinois, on and east of a line beginning

at the Illinois-Wisconsin State line and continuing along Illinois Highway 78 to its junction with U.S. Highway 67, thence along U.S. Highway 67 ending at Alton, Ill., to points in Minnesota and points in Wisconsin on and west of a line beginning at LaCrosse and continuing along Wisconsin Highway 35 to its junction with Wisconsin Highway 25, thence along Wisconsin Highway 25 to its junction with U.S. Highway 8, thence along U.S. Highway 8 to its junction with U.S. Highway 53, thence along U.S. Highway 53 to the Minnesota-Wisconsin State line. Restricted against the transportation of salt, in bulk, from points in Illinois, within the Chicago, Ill., and the St. Louis, Mo.-East St. Louis, Ill., commercial zones as defined by the Commission. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 136553 (Sub-No. E38), 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 U.S. Highway 61, to points in Minnesota and points in Wisconsin on and north of a line beginning at the Illinois-Wisconsin State line and continuing along U.S. Highway 151 to its junction with Wisconsin Highway 23, thence along Wisconsin Highway 23 to Sheboygan, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 136553 (Sub-No. E40), 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 Henry, Ill., to points in Illinois on and west of a line beginning at the Illinois-Wisconsin State line along Illinois Highway 78 to its junction with U.S. Highway 20, thence along U.S. Highway 20 to its junction with Illinois Highway 84, thence along Illinois Highway 84 to its junction with U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Iowa State line with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Clinton, Iowa.

No. MC 136553 (Sub-No. E39), 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 Marseilles, Ill., to points in Illinois on or west of a line beginning at the Illinois-Wisconsin State line along Illinois Highway 78 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Illinois Highway 84, thence along Illinois Highway 84 to junction Interstate Highway 80 to Illinois-Iowa State line with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Clinton, Iowa.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-21615 Filed 9-17-74;8:45 am]

[Notice No. 75]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 13, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 139431 (Sub-No. 1) (Republication), filed December 3, 1973, and published in the FEDERAL REGISTER issue of February 28, 1974, and republished this issue. Applicant: WYMO TRANSPORTATION, a Corporation, 41 East Burkitt, Sheridan, Wyo. 82801. Applicant's representative: Bruce P. Badley (same address as applicant). An Order of the Commission, Operating Rights Board, dated August 23, 1974, and served September 9, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *passengers and their baggage*, in special operations, between Sheridan, Wyo., and Decker, Mont., on the one hand, and, on the other, coal mines in Sheridan County, Wyo., and that portion of Big Horn and Rosebud Counties, Mont., south of U.S. Highway 212 and east of U.S. Highway 87; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to substitute Wymo Transportation, a Corporation, for the previous applicant, Ed Sitner, C. L. Summerfield, Lloyd Hall, an Association, doing business as Wymo Transportation, and to amend the territorial description. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 12955 (Sub-No. 1) (Notice of filing of petition to modify brokerage license), filed July 3, 1974. Petitioner: PAUL C. BISSETT, doing business as PAUL C. BISSETT TRAVEL AGENCY, 11 Pearl St., Stoughton, Mass. 02072. Petitioner's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Petitioner holds a *brokerage license* in No. MC 12955 (Sub-No. 1), issued August 9, 1966, to engage in operation, in interstate or foreign commerce, at Stoughton, Mass., to sell or offer to sell the transportation of *passengers and their baggage*, in special and charter operation, by motor vehicle, beginning and ending at points in Stoughton, Brockton, Randolph, Easton, Sharon, and Avon, Mass., and extending to points in the United States (except Hawaii). By the instant petition, petitioner seeks to change the authorized operations point from Stoughton, Mass., to Sharon, Mass. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 17546 (Sub-No. 4) (Notice of filing of petition to add contracting shippers), filed August 23, 1974. Petitioner: R. G. DELIVERY SERVICE, INC., 410 13th St., Hoboken, N.J. 07030. Petitioner's representative: Paul J. Keeler, P.O. Box 253, South Plainfield, N.J. 07080. Petitioner presently holds a motor *contract carrier* permit in No. MC 17546 (Sub-No. 4), issued March 15, 1971, authorizing transportation, as pertinent, over irregular routes, of (1) *Such merchandise* as is used, sold, or dealt in by retail shoe stores, from Jersey City, N.J., to points in Nassau County, N.Y., and that part of Suffolk County, N.Y., on and west of a line extending from Port Jefferson, N.Y., through Selden and Patchogue, N.Y., to Patchogue Bay, N.Y., and (2) *returned shipments* of the above-specified commodities, from points in Nassau County, N.Y., and that part of Suffolk County, N.Y., on and west of a line extending from Port Jefferson, N.Y., through Selden and Patchogue, N.Y., to Patchogue Bay, N.Y. to Jersey City, N.J., restricted to transportation of traffic which will

have a prior or subsequent movement by rail or is received from or delivered to connecting motor carriers, under a continuing contract, or contracts, with Melville Shoe Corporation, Genesco, Inc., and Edison Brothers Stores, Inc. By the instant petition, petitioner seeks to add Butler Shoe Corp., of Westwood, Mass., Spencer Shoe Corp., of Boston, Mass., and Washington Manufacturing Co., of Nashville, Tenn., as contracting shippers. Any interested person or persons desiring to participate may file an original and six copies of his written representation, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 45021 (Sub-No. 5) (Notice of filing of petition to add contracting shippers), filed August 22, 1974. Petitioner: SPEEDY TRUCKING CO., INC., Taff Road, Totowa, N.J. 07082. Petitioner's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Petitioner presently holds a motor *contract carrier* permit in No. MC 45021 (Sub-No. 5) issued January 15, 1971, authorizing transportation over irregular routes, of *such merchandise* as is dealt in by wholesale and retail grocery houses (except in bulk), between points in Totowa Borough (Passaic County), N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Massachusetts, New York, Pennsylvania, and Rhode Island, under a continuing contract, or contracts, with Filigree Foods, Inc., of Totowa, N.J., and J. Ossola Company, Inc., of Totowa, N.J. By the instant petition, petitioner seeks to add either: the additional contracting shipper Filigree Foods, Inc. and its subsidiaries; or in the alternative, should the Commission consider that the subsidiaries be reflected individually, contracting shippers Filigree Foods, Inc., J. Ossola Company, Inc., Chait Foods Dairy, Inc., A & A Food Products Corp. and Cresca Food Corp. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 135033 (Notice of filing of petition to add contracting shipper), filed August 8, 1974. Petitioner: SILVEY REFRIGERATED CARRIERS, INC., Gifford Road and South Omaha Bridge Road, Council Bluffs, Iowa 51501. Petitioner's representative: Arlyn L. Westergren, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Petitioner presently holds a motor *contract carrier* permit in No. MC 135033 issued August 12, 1974, authorizing transportation over irregular routes, of *Such commodities*, as are dealt in by retail department stores (except foodstuffs), from points in Alabama, Connecticut, Kentucky (except Louisville and points in its commercial zone as defined by the Commission), Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Ohio (except Cincinnati, Cleveland, Columbus, and Toledo and points in their respective commercial zones as defined by the Commission), to Omaha, Nebr., with no transportation for compensation on return except as otherwise authorized, restricted to the transportation of shipments destined to the facilities of J. L. Brandeis & Sons, Inc., G. McNew, Division of McCrory Corporation, Brinn & Jensen Company, Westside Supply Company, and Richman Gordman Stores, Inc., all at Omaha, Nebr., under a continuing contract, or contracts with J. L. Brandeis & Sons, Inc., G. McNew, Division of McCrory Corporation, Brinn & Jensen Company, Westside Supply Company, and Richman Gordman Stores, Inc. all at Omaha, Nebr. By the instant petition, petitioner seeks to add Pamida, Inc. as a contracting shipper. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATE OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT

No. MC 111496 (Sub-No. 18), filed August 19, 1974. Applicant: TWIN CITY FREIGHT, INC., 2280 Ellis Avenue, St. Paul, Minn. 55114. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Bismarck, N. Dak., and Velva, N. Dak., serving all intermediate points; and the off-route point of Garrison, N. Dak.: From Bismarck over U.S. Highway 83 to junction North Dakota Highway 41, thence over North Dakota Highway 41 to Velva, and return over the same route. Between Fertile, Minn., and Grand Forks, N. Dak., serving all intermediate points; and the off-route points of Marcoux, Red Lake Falls, St. Hilarie, and Thief River Falls, Minn.: From Fertile over Minnesota Highway 32 to junction Minnesota Highway 102, thence over Minnesota Highway 102 to junction Minnesota Highway 9, thence over Minnesota Highway 9 to junction U.S. Highway 2, thence over U.S. Highway 2 to Grand Forks, and return over the same route. Between Thief Falls, Minn., and Baudette (formerly Spooner), Minn., serving the intermediate points Holt, Middle River, Strathcona, Greenbush, Badger, Fox, Roseau, Salol, Mandus, and Warroad, Minn., and those between Warroad and Baudette, Minn.; and the off-route points of Gatzke, Wannaska, and Ross, Minn.: From Thief River Falls over Minnesota Highway 32 to junction Minnesota Highway 11, at or near Greenbush, Minn., thence over Minnesota Highway 11 via Greenbush, and Warroad, Minn., to Baudette, and return over the same route. Between Moorhead, Minn., and Crookston, Minn., serving no intermediate points: From Moorhead over U.S. Highway 75 to Crookston, and return over the same route.

General commodities (except those of unusual value, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, other than those requiring special handling because of weight or size, and commodities injurious or contaminating to other lading), between Jamestown, N. Dak., and Minot, N. Dak., serving all intermediate points; and the off-route points of Sykeston, Logan, and Heaton, N. Dak.: From Jamestown over U.S. Highway 52 to Minot and return over the same route. Between Carrington, N. Dak., and Fessenden, N. Dak., serving all intermediate points: from Carrington over U.S. Highway 281 to New Rockford, N. Dak., thence return over U.S. Highway 281 to junction North Dakota Highway 15, thence over North Dakota Highway 15 to Fessenden, and return over the same route. Between Turtle Lake, N. Dak., and junction U.S. Highway 83 and North Dakota Highway 200 (formerly North Dakota Highway 7), with no service between terminal and serving no intermediate points, for use as a connection route only: From Turtle Lake over North Dakota Highway 41 to junction North Dakota Highway 200 (formerly North Dakota Highway 7), thence over North Dakota Highway 200 to junction U.S. Highway 83, and return over the same route. Regular routes: *General commodities* (except household goods, as defined by the Commission, and liquid commodities in tank trucks), between junction U.S. Highway 83 and North Dakota Highway 37 east of Garrison, N. Dak., and the Garrison Dam site on the Missouri River, near Mannhaven, N. Dak., serving all intermediate points; and all off-route points within 15 miles of the Garrison Dam site: From junction U.S. Highway 83 and North Dakota Highway 37 over North Dakota Highway 37 to Garrison, N. Dak., thence south over North Dakota Highway 28 and unnumbered highway to the Garrison Dam site, and return over the same route.

Between junction U.S. Highway 83 and unnumbered highway, near Coleharbor, N. Dak., and the Garrison Dam site on the Missouri River, near Mannhaven, N. Dak., serving all intermediate points; and all off-route points within 15 miles of the Garrison Dam site: From junction U.S. Highway 83 and unnumbered highway over unnumbered highway to

the Garrison Dam site, and return over the same route. Between junction U.S. Highway 83 and unnumbered highway, at or near Underwood, N. Dak., and the Garrison Dam site on the Missouri River, near Mannhaven, N. Dak., serving all intermediate points; and all off-route points within 15 miles of the Garrison Dam site: From junction U.S. Highway 83 and unnumbered highway over unnumbered highway to the Garrison Dam site, and return over the same route.

Irregular routes: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Minnesota within 35 miles of Breckenridge, Minn., including Breckenridge, Minn., on the one hand and on the other, points in Barnes, Billings, Burleigh, Cass, Dunn, Eddy, Foster, Golden Valley, Griggs, Kidder, McKenzie, McLean, Mercer, Morton, Oliver, Sheridan, Stark, Steele, Stutsman, Traill, and Wells Counties in North Dakota (except points in that part of North Dakota south of Interstate Highway 94). Between points in Barnes, Billings, Burleigh, Cass, Dunn, Eddy, Foster, Golden Valley, Griggs, Kidder, McKenzie, McLean, Mercer, Morton, Oliver, Sheridan, Stark, Steele, Stutsman, Traill, and Wells Counties in North Dakota (except points in that part of North Dakota south of Interstate Highway 94). Regular routes: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Bismarck, N. Dak., and Sidney, Mont., serving the intermediate points of Wibaux and Glendive, Mont.: From Bismarck over Interstate Highway 94 to junction Montana Highway 16, thence over Montana Highway 16 to Sidney, and return over the same route.

Irregular routes: *General commodities* in collection-and-delivery service between points in Wibaux, Mont. The authority granted herein to the extent that it duplicates any authority heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right. Irregular routes: *Salt*, From Williston, N. Dak., and points within 10 miles thereof, to points in Colorado, Iowa, Montana, Nebraska, South Dakota, and that part of Wisconsin on and west of Wisconsin Highway 13, with no transportation for compensation on return except as otherwise provided.

NOTE.—Applicant intends to tack at (1) Fargo, N. Dak. with applicant's present regular route authority in MC 111496 so as to render service between the areas here involved, on the one hand, and, on the other, points on applicant's regular routes between St. Paul, Minn. and Fargo, N. Dak.; (2) at Fargo, North Dakota, with applicant's irregular route authority in MC 111496 to render service between points here involved, on the one hand, and, on the other, points in Becker, Clay, Mahnomen, Ottertail, and Wilkin Counties, Minn.; (3) at Fargo, Minot, Grand Forks and Williston, N. Dak. with applicant's irregular route authority in its Sub 12 certificate to render service between North Dakota points here involved, on the one hand, and, on the other, points in that part of North Dakota bounded on the west by the North Dakota-Montana State line, on the north by North Dakota Highway No. 5, on the south by U.S. Highway 2 and on the east by U.S. Highway 81; and points in that territory bounded on and east by North Dakota-Minnesota State line, on the north by the United States-Canada boundary line, on the west by North Dakota Highway 18, and on the south by North Dakota Highway No. 5, as well as applicant's regular route authority in northeastern North Dakota. Applicant seeks to purchase a portion of the operating rights of United Buckingham Freight Lines. This is a matter directly related to the Section 5 proceeding in MC–F–12296 published in the FEDERAL REGISTER issue of September 4, 1974. If a hearing is deemed necessary, the applicant requests it be held at Fargo, N. Dak. and Minneapolis, Minn.

No. MC 114273 (Sub-No. 158), filed December 28, 1973. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Building, P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Montgomery County and Bethel, Monroe, and Union Townships, Miami County, Ohio on the one hand, and, on the other, points in Ohio.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at Montgomery County and Bethel, Monroe, and Union Townships, Miami County, Ohio to provide service between these said townships and counties and points in Ohio. Common control may be involved. This is a matter directly related to the section 5 proceeding in MC–F–12090 published in the F.R. issue of January 16, 1974. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 134369 (Sub-No. 5), filed August 20, 1974. Applicant: CARLSON TRANSPORT, INC., P.O. Box R, Byron, Ill. 61010. Applicant's representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, (a) From the plant sites, warehouses and other facilities of Manley Sand Division of Martin Marietta Corporation located at Michigan City, Ind., to points in the lower peninsula of Michigan, Waukegan and North Chicago, Ill., and points in the Chicago, Ill., Commercial Zone, as defined by the Commission, and points in that part of Ohio north and west of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 25, thence along U.S. Highway 25 to the Ohio-Michigan State line, with no transportation for compensation on return except as otherwise authorized. (b) From the plant sites, warehouses and other facilities of Manley Sand Division of Martin Marietta Corporation located in Berrien County, Mich., to points in that part of Indiana on and north of U.S. Highway 40, that part of Illinois north of U.S. Highway 36, and that part of Ohio north and west of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 30 to junction U.S. Highway 30S.

Thence along U.S. Highway 30S to junction U.S. Highway 25, and thence along U.S. Highway 25 to the Ohio-Michigan State line, with no transportation for compensation on return except as otherwise authorized. (c) From the plant sites, warehouses and other facilities of Manley Sand Division of Martin Marietta Corporation located at Oregon, Ill., to points in that part of Indiana on and north of U.S. Highway 40, the southern peninsula of Michigan and that part of Ohio north and west of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 25, thence along U.S. Highway 25 to the Ohio-Michigan State line, with no transportation for compensation on return except as otherwise authorized. (d) From the plant sites, warehouses and other facilities of Manley Sand Division of Martin Marietta Corporation located at Oregon, Ill., and in Berrien County, Mich., to points in that part of Indiana south of U.S. Highway 40, with no transportation for compensation on return, except as otherwise authorized. (3) From the plant sites, warehouses and other facilities of Manley Sand Division of Martin Marietta Corporation located at Oregon, Ill., Michigan City, Ind., and in Berrien County, Mich., to points in that part of Ohio on, south, and east of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 25, thence along U.S. Highway 25 to the Ohio-Michigan State line, with no transportation for compensation on return, except as otherwise authorized. Note: Applicant seeks to purchase the operating rights of William G. Beck in MC 125247 and MC 125247 (Sub-No. 2) and also seeks to convert the contract carrier authority to common carrier authority. This a matter directly related to the Section 5 proceeding in MC–F–12295 published in the FR issue of September 4, 1974. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC–F–12285 (Correction) DUFF TRUCK LINE, INC.—CONTROL AND MERGER—RUMPF TRUCK LINE, INC., published in the August 14, 1974, issue of the FEDERAL REGISTER on page 29265. Prior notice should be modified to read as follows: Operating rights sought to be controlled and merged: general commodities, with exceptions, as a common carrier over regular routes (a) between Britton, Mich., and Toledo, Ohio, serving various intermediate points; (b) between points in Michigan, serving all intermediate points, and

those off-route points within 5 miles thereof, as follows: (i) between Tecumseh and junction unnumbered highway and U.S. Highway 223 near Petersburg, Mich., (ii) between Clinton and Britton; (iii) between Ann Arbor and Tecumseh; (iv) between Ann Arbor and Clinton; (v) between Ann Arbor and Clinton. Also. (1) between Dundee, Mich., and Toledo, Ohio, serving all intermediate points; (2) between Hillsdale, Mich., and Toledo, Ohio, serving all intermediate points; (3) between Ida, Mich., and Dundee, Mich., serving all intermediate points; (4) between Lambertville, Mich; and junction unnumbered highways at or near Temperance, Mich., serving all intermediate points; (5) between junction U.S. Highway 223 and Michigan Highway 151, serving all intermediate points; (6) between Ida, Mich., and Monroe, Mich., serving all intermediate points; (7) between Erie, Mich.; and junction unnumbered highways near Temperance, Mich., serving all intermediate points.

(8) Between Toledo Beach, Mich., and junction unnumbered highways near Yagerville, Mich., serving all intermediate points; (9) between junction U.S. Highway 223 and unnumbered highway near Ottawa Lake, Mich., and junction two unnumbered highways near Lambertville, Mich., serving all intermediate points; (10) between Sylvania, Ohio, and Petersburg, Mich., serving all intermediate points; (11) between junction Ohio Highways 183 and 246 and junction unnumbered highway and Michigan Highway 151 near Samaria, Mich., serving all intermediate points; and (12) between Trilby, Ohio, and junction unnumbered highway and Michigan Highway 151 near Samaria, Mich., serving all intermediate points. Also serving the plant site of the Kelsey-Hayes Company in Wayne County, Mich., the plant site of the Ford Motor Company in Wayne County, Mich.; the plant site of Thetford Engineering Corporation at Dexter, Mich., and serving Dexter, Mich., as an off-route point. Also alternate routes for operating convenience only (1) between Tecumseh, Mich., and Manchester, Mich.; (2) between Clinton, Mich., and junction U.S. Highway 12 and Michigan Highway 52; and (3) between Toledo, Ohio, and Ann Arbor, Mich; and (4) between junction U.S. Highway 23 and Michigan Highway 50 and Tecumseh, Mich.

No. MC-F-12302. Authority sought for merger by MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050, of the operating rights and property of (1) SOUTHERN TANK LINES, INC., and (2) T. I. McCORMACK TRUCKING COMPANY, INC., both of 10 West Baltimore Ave., Lansdowne, Pa. 19050, and for acquisition by ROLLINS INTERNATIONAL, INC., One Rollins Plaza, Wilmington, Del. 19803, of control of such rights and property through the transaction. Applicants' attorney and representative: Harry C. Ames, Jr., 666 11th St. NW., Suite 805, Washington, D.C. 20001, and Allen H. Knouft, 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Operating rights sought to be merged: (1) *Petroleum products*, in bulk, in tank vehicles, and numerous other commodities, as a *common carrier*, over irregular routes, from, to, and between specified points in all States in the United States (except Alaska and Hawaii) and the District of Columbia, with certain restrictions, as more specifically described in Docket No. MC 109637 and sub-numbers thereunder; and (2) *vegetable oils*, in bulk, in tank vehicles, and numerous other specified commodities as a *common carrier*, over irregular routes, from, to, and between specified points in the States of New York, New Jersey, Pennsylvania, Connecticut, Delaware, Maryland, Massachusetts, Rhode Island, Ohio, North Carolina, Virginia, Maine, New Hampshire, Vermont, Alabama, Georgia, South Carolina, Tennessee, West Virginia, Kansas, Wisconsin, Missouri, and the District of Columbia, with certain restrictions, as more specifically described in Docket No. MC 52458 and sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carriers involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of these carriers operating rights, without stating, in full, the entirety, thereof. Matlack, Inc., is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

NOTE.—Pursuant to order dated December 27, 1971, in No. MC-F-10612, transferee acquired control of transferor.

No. MC-F-12301. Authority sought for purchase by L. V. COMPANY, INC., R.D. #1, Coplay, Lehigh County, Pa. 18097, of the operating rights and property of LEONA A. KULOVITS, Executrix of the Estate of STEPHEN L. KULOVITS, 1141 Mickley Avenue, Fullerton, Lehigh County, Pa. 18052. Applicants' attorney: Lewis R. Long, 548 N. New Street, Bethlehem, Pa. 18018. Operating rights sought to be transferred: *Concrete building blocks, concrete beams, concrete pipe, concrete lintels* and *concrete bricks*, as a *contract carrier* over irregular routes, from the plant site of Lehigh Building Company, at Wescoesville, Pa., to points in Delaware, New Jersey (except Millville, N.J., and points within 10 miles thereof), and that part of New York on and south of Interstate Highway 90. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Connecticut, Delaware, District of Columbia, Maryland, New Jersey, New York, and Rhode Island. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12303. Authority sought for purchase by DUDLEY'S TRANSCONTINENTAL MOVERS, INC. et al., 2120 Adams St., P.O. Box 82046, Lincoln, NE 68501, of the operating rights of TRANSWORLD MOVERS, INC., 4242 Delaware St., Denver, CO 80216, and for acquisition by R. C. SHUMPERT, RUTH B. SHUMPERT, AND L. A. PHILLIPS, all of 1044 Northside Drive, N.W., Atlanta, GA 30318, of control of such rights through the purchase. Applicants' attorneys: Gailyn L. Larsen, P.O. Box 81849, Lincoln, NE 68501, and Leslie R. Kehl, 1660 Lincoln Center Bldg., Denver, CO 80203. Operating rights sought to be transferred: *New furniture*, as a *common carrier* over irregular routes, from Chicago, Ill., to points in Nebraska and Oklahoma; *household goods* as defined by the Commission, between points in that part of Illinois on and north of U.S. Highway 36; points in that part of Indiana on and north of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 36 to certain specified points in Indiana, Michigan and Wisconsin, on the one hand, and, on the other, points in Delaware, Kansas, North Carolina, North Dakota, Rhode Island, South Carolina, South Dakota, and West Virginia, between points in Illinois south of U.S. Highway 36; points in that part of Indiana south of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 36 to Indianapolis, Ind., and thence along U.S. Highway 40 to the Indiana-Ohio State line; and points in Wisconsin north of U.S. Highway 16, between points in Illinois south of U.S. Highway 36; points in that part of Indiana south of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 36 to Indianapolis, Ind., and thence along U.S. Highway 40 to the Indiana-Ohio State line; and points in that part of Wisconsin north of U.S. Highway 16, on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia, between Litchfield, Nebr., and points within 25 miles of Litchfield, on the one had, and, on the other, points in Wyoming, Iowa, Kansas, Missouri, South Dakota, and Colorado, between Cozad, Nebr., and points in Nebraska within 25 miles of Cozad, on the one hand, and, on the other, points in Iowa, Kansas and Colorado, between points in Montrose, Delta, and Gunnison Counties, Colo., on the one hand, and, on the other, points in Utah on and east of U.S. Highway 91 and those in Colorado on and west of U.S. Highway 85.

Household goods, between points in Harper, Grant, Alfalfa, Garfield, and Major Counties, Okla., on the one hand, and, on the other, points in Missouri, Kansas, Texas, and Arkansas, between points in Woods and Woodward Counties, Okla., on the one hand, and, on the other, points in Kansas, between points in Grant County, Okla., and points within 30 miles of Grant County, on the one hand, and, on the other, points in Kansas, between points in Iowa, on the one

hand, and, on the other, points in Nebraska, Minnesota, Illinois, and Kansas, between Boulder, Colo., on the one hand, and, on the other, points in Iowa, Kansas, Missouri, Nebraska, Illinois, Indiana, and Wisconsin; *emigrant movables*, between points in Montrose, Delta, and Gunnison Counties, Colo., on the one hand, and, on the other, points in Nebraska and Kansas; *general commodities*, with exceptions, between Denver, Colo., on the one hand, and, on the other, points within 15 miles of Denver, except points on U.S. Highway 6 east of Denver, points on Colorado Highway 72 north and west of Denver, and points in the area between such sections of highways but not excluding the plant site of Dow Chemical Company at Rocky Flats, Colo., with restriction. Vendees are authorized to operate as *common carriers* in all of the States in the United States (except Alaska and Hawaii).

No. MC-F-12306. Application under section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling of traffic. Applicants: L. & M. EXPRESS CO., INC., 220 Ridge Rd., Lyndhurst, NJ 07071 (MC-44639), and SIEGEL & COHEN EXPRESS, INC., 566 So. 11th St., Newark, NJ 07015 (MC-115278), seeks to enter into an agreement for the pooling of traffic consisting of general commodities, with restrictions, moving in interstate commerce between certain specified points in New Jersey, New York, and Virginia. Attorneys: Herman B. J. Weckstein, One Woodbridge Center, Woodbridge, NJ 07095, and George A. Olsen, 69 Tonnele Ave., Jersey City, NJ 07306. L. & M. EXPRESS CO., INC., is authorized to operate as a common carrier in Virginia, New Jersey, New York, North Carolina, and West Virginia.

No. MC-F-12307. Authority sought for purchase by BEE-LINE MOTOR FREIGHT, INC., 1804 Paul Street, Omaha, NB 68102, of the operating rights of SERVICE OIL COMPANY, INC., 142 North 15th Street, Ord. NB 68862, and for acquisition by VELMA C. LONG, 8730 Harney Street, Omaha, NB 68114, of control of such rights through the purchase. Applicants' attorney: DONALD L. STERN, Suite 530 Univac Building, 7100 West Center Road, Omaha, NB 68106. Operating rights sought to be transferred: Under certificate of registration, in Docket No. MC-99667 Sub 1, covering the transportation of Commodities generally. Vendee is authorized to operate as a *common carrier* in Nebraska. Application has been filed for temporary authority under Section 210a(b).

MC-60066 (Sub No. 10), is a directly related matter.

No. MC-F-12308. Authority sought for purchase by TRANSCON LINES, 101 Continental Blvd., El Segundo, CA 90245 of a portion of the operating rights of ALLTRANS EXPRESS CALIFORNIA, INC., doing business as WALKUP'S MERCHANTS EXPRESS, 435-23rd St., San Francisco, CA 94107. Applicants' attorneys: Wentworth E. Griffin, 6th Floor, 1221 Baltimore Ave., Kansas City, MO 64105, and Jack Goodman, 39 So. LaSalle St., Chicago, IL 60603. Operating rights sought to be transferred: *General commodities*, (except household goods as described by the Commission, commodities in bulk, articles of unusual value, motor vehicles, and Classes A & B explosives), as a *common carrier* over regular routes, to, from and between specified points in the state of California, with certain restrictions, serving various intermediate and off-route points, as more specifically described in Certificate of Public Convenience and Necessity No. MC-99388 (Sub-No. 10). The operating authority of Alltrans Express California, Inc., to be purchased may be otherwise summarized to extend generally between (1) Vallejo, Calif., and Crescent City, Calif.; (2) Sacramento, Calif., and Hilts, Calif.; (3) Oxnard, Calif., and Monterey, Calif.; (4) Castaic, Calif., and Stockton, Calif.; (5) Laguna Beach, Calif., and San Diego, Calif.; and (6) Riverside, Calif., and San Diego, Calif. This notice does not purport to be a complete description of all of the operating rights involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of the carrier's operating authority involved without stating in full the entirety thereof. Vendee is authorized to operate as a *common carrier* in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

TRANSFER APPLICATION ASSIGNED FOR ORAL HEARING

No. MC-FC-74743. Authority sought by transferee, BOSTON-FLORIDA EXPRESS, INC., 3101 No. Federal Highway, Fort Lauderdale, Fla., 33306, to acquire a portion of the operating rights of transferor, GLOSSON MOTOR LINES, INC., P.O. Box 1328, Lexington, N.C., 27292. Applicant's attorney: James E. Wilson, 1032 Pennsylvania Building, 425 13th Street, N.W., Washington, D.C. 20004. Operating rights in certificate No. MC-41255 (Sub-No. 64) sought to be transferred: frozen citrus juice concentrate, from points in Florida to Boston, Springfield, Watertown and Worcester, Mass., Norwalk, East Hartford and Hartford, Conn., Albany, Binghamton, Buffalo, Elmira, Newburg, New York, Rochester, Syracuse, Waterport, Brockport, and White Plains, N.Y., Camden, Jersey City, Newark, Bridgeton, and Perth Amboy, N.J., Erie, Harrisburg, Philadelphia, Pittsburgh, Scranton, Steelton, and Williamsport, Pa., Petersburg, Va., and Huntington, W. Va., and from points in Florida, to points in Maine, New Hampshire, and Vermont; frozen foods, from Watertown, Mass., to points in North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana; from Boston, Mass., to points in Mississippi, and from Washington, D.C., to points in North Carolina, South Carolina, Georgia, and Florida; frozen foods, except frozen seafoods, from Boston, Mass., to points in North Carolina, South Carolina, Georgia, Florida, Alabama, and Louisiana; and citrus products, not canned or frozen, in vehicles equipped with mechanical refrigeration, from points in Florida, to Boston, Springfield, Watertown, and Worcester, Mass., Norwalk, East Hartford, and Hartford, Conn., Albany, Binghamton, Buffalo, Elmira, Newburg, New York, Rochester, Syracuse, Waterport, Brockport, and White Plains, N.Y., Camden, Jersey City, Newark, Bridgeton, and Perth Amboy, N.J., Erie, Harrisburg, Philadelphia, Scranton, Steelton, and Williamsport, Pa., Petersburg, Va., Huntington, W. Va., and points in Maine, New Hampshire, and Vermont. NOTE: The balance of the operating rights in this certificate originally was included in the proposed transfer, but such operating rights were found not to be susceptible of transfer by order of the Commission, Division 3, acting as an Appellate Division, dated April 3, 1974, because of unjustifiable dormancy.

By order of Division 3, acting as an Appellate Division, dated August 27, 1974, the above-entitled proceeding has been assigned for hearing at a time and place later to be fixed for the purposes of determining if jurisdiction properly may be asserted under Section 212(b) of the Interstate Commerce Act and, if so, whether the transfer of the concerned operating rights will comply with section 1132.5(b) of the Rules and Regulations Governing Transfers of Rights to Operate as a Motor Carrier in Interstate or Foreign Commerce, 49 CFR 1132.

Interested parties have until October 18, 1974, in which to file petitions for leave to intervene. Such petitions should set forth the reason or reasons for the requested intervention, the place where petitioner wishes the hearing to be held, the number of witnesses to be presented, and the estimated time required for presentation of its evidence. The Bureau of Enforcement has been directed to participate in the proceeding for the purpose of presenting evidence and otherwise developing the record.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-21619 Filed 9-17-74;8:45 am]

[Notice No. 131]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 12, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment re-

sulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2153 (Sub-No. 46TA), filed September 3, 1974. Applicant: MIDWEST MOTOR EXPRESS, INC., 5015 East Main, Bismarck, N. Dak. 58501. Applicant's representative: Ernest R. Fleck, P.O. Box 1436, Bismarck, N. Dak. 58501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: Regular routes: (1) *General commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (A) Between Minot, N. Dak. and Portal, N. Dak., serving all intermediate points: From Minot over U.S. Highway 52 to Portal, and return over the same route; (B) Between Minot, N. Dak. and Sherwood, N. Dak., serving the intermediate point of Mohall, N. Dak.; and the off-route points of Lansford and Loraine, N. Dak.: From Minot over U.S. Highway 83 to junction North Dakota Highway 5, thence over North Dakota Highway 5 to junction North Dakota Highway 28, thence over North Dakota Highway 28 to Sherwood, and return over the same route; (C) Between South St. Paul, Minn. and Bottineau, N. Dak., serving the intermediate point of Duluth, Minn., restricted to pickup of such merchandise as is dealt in by wholesale and retail hardware business houses; the intermediate points of St. Paul, Minn., and those between Petersburg and Bottineau, N. Dak., inclusive; and the off-route points of Minneapolis, Minn. and Rolette, Munich, Alsen, Lakota, Hampden, Langdon, Walhalla, Cavalier, Southam, Mylo, Perth, Rugby, and Edmore, N. Dak., as follows: From South St. Paul over city streets to St. Paul, Minn., thence over U.S. Highway 10 to Detroit Lakes, Minn., thence over U.S. Highway 59 to Erskine, Minn., thence over U.S. Highway 2 to Devils Lake, N. Dak., thence over North Dakota Highway 20 to Starkweather, N. Dak., thence over North Dakota Highway 17 to Cando, N. Dak., thence over U.S. Highway 281 to junction North Dakota Highway 5, thence over North Dakota Highway 5 to Bottineau, and return over the same route and from South St. Paul over city streets to St. Paul, Minn., thence over U.S. Highway 61 to Duluth, Minn., thence over U.S. Highway 2 to Erskine, Minn., thence as specified above to Bottineau, and return over the same route; and (D) Between Detroit Lakes, Minn., and Crookston, Minn., serving no intermediate points: From Detroit Lakes, over U.S. Highway 59 to junction U.S. Highway 2, thence over U.S. Highway 2 to Crookston, and return over the same route.

(2) *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, other than those requiring special handling because of weight or size and commodities injurious or contaminating to other lading), (A) Between Fargo, N. Dak. and Pembina, N. Dak., serving all intermediate points; and the off-route points of Buxton, Reynolds, Thompson, Cavalier, Bathgate, McVille, Northwood, Finley, Page, Erie, Galesburg, Cooperstown and West Fargo, N. Dak., restricted to traffic moving in interstate commerce only, and serving Fargo, N. Dak. for the purpose of joinder only: From Fargo over U.S. Highway 81 to Hamilton, N. Dak., thence over North Dakota Highway 5 to junction North Dakota Highway 18, thence over North Dakota Highway 18 to junction unnumbered highway (formerly North Dakota Highway 55), thence over unnumbered highway to Pembina, and return over the same route; (3) *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), Between Rolla, N. Dak. and the United States-Canada Boundary line serving the intermediate point of St. John, N. Dak.: From Rolla over North Dakota Highway 30 to the United States-Canada Boundary line, and return over the same route; (4) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Minot, N. Dak. and Devils Lake, N. Dak., serving the intermediate points of Berwick, Churchs Ferry, Denbigh, Granville, Knox, Leeds, Penn, Surrey, Towner, and York, N. Dak.; and the off-route points of Norwich, Pleasant Lake, Rugby, Sweetwater, and Webster, N. Dak.: From Minot over U.S. Highway 2 to Devils Lake, and return over the same route; and (5) *Petroleum products*, in containers, (A) From Duluth, Minn., to Fargo, N. Dak., serving no intermediate points: From Duluth over U.S. Highway 61 to junction U.S. Highway 210, thence over U.S. Highway 210 to Motley, Minn., thence over U.S. Highway 10 to Fargo, and return over the same route with no transportation for compensation except as otherwise authorized and (B) From Duluth, Minn., to Grand Forks, N. Dak., serving no intermediate points: From Duluth over U.S. Highway 2 to Grand Forks, and return over the same route with no transportation for compensation except as otherwise authorized.

Irregular routes: (1) *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), Between points in that part of North Dakota bounded by a line beginning at Minot, N. Dak. and extending north along U.S. Highway 83 to the United States-Canada Boundary line, thence east along said boundary to junction North Dakota Highway 1, thence south along North Dakota Highway 1 to Lakota, N. Dak., and thence west along U.S. Highway 2 to point of beginning, including points on the indicated portions of the highways specified, on the one hand, and, on the other, South St. Paul, St. Paul, Minneapolis, and Stillwater, Minn.; (2) *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (A) Between points in Minnesota within 35 miles of Breckenridge, Minn., including Breckenridge, Minn., on the one hand, and, on the other, points in Benson, Bottineau, Burke, Cavalier, Divide, Grand Forks, McHenry, Mountrail, Nelson, Pembina, Pierce, Ramsey, Renville, Rolette, Towner, Walsh, Ward and Williams Counties, N. Dak. and (B) Between points in Benson, Bottineau, Burke, Cavalier, Divide, Grand Forks, McHenry, Mountrail, Nelson, Pembina, Pierce, Ramsey, Renville, Rolette, Towner, Walsh, Ward and Williams Counties, N. Dak.

Regular routes: *General commodities* (except those of unusual value, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment other than those requiring special handling because of weight or size and those injurious or contaminating to other lading), Between Hamilton, N. Dak. and Pembina, N. Dak., as an alternate route for operating convenience only, in connection with carrier's regular route operations, between Fargo, N. Dak. and the United States-Canada Boundary line, serving no intermediate points: From Hamilton over U.S. Highway 81 to Pembina, and return over the same route, for 180 days.

NOTE: Applicant intends to tack this application with its presently held authority in MC 2153. Supporting shippers: There are approximately 109 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined here at the field office named below. Send protests to: J.

H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 30887 (Sub-No. 208TA), filed September 4, 1974. Applicant: SHIPLEY TRANSFER, INC., 1550 E. Patapsco Avenue, Baltimore, Md. 21226. Applicant's representative: William B. Eckels (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, in bulk, in tank vehicles, from Baltimore, Md., to Edge Moore, Del., for 180 days. Supporting shipper: Robert A. Taylor, President, American Recovery Company, Inc., 2001 Benhill Avenue, Baltimore, Md. 21226. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 64994 (Sub-No. 116TA), filed September 5, 1974. Applicant: HENNIS FREIGHT LINES, INC., P.O. Box 612, Winston-Salem, N.C. 27102. Applicant's representative: W. C. Thornton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving Santa Claus, Ind. as an off-route point in connection with applicant's regular route authority between Louisville, Ky. and Evansville, Ind., for 180 days. Supporting shipper: Soundesign Corporation, Freight Traffic Service, P.O. Box 221, Gladstone, N.J. 07934. Send protests to: District Supervisor Terrell Price, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Road, Suite CC516, Charlotte, N.C. 28205.

NOTE.—Applicant states that with Sub 114 with lead certificate and all subs therein in Docket MC 64994, it will tack and/or interline with any other carrier.

No. MC 85255 (Sub-No. 52TA), filed September 4, 1974. Applicant: PUGET SOUND TRUCK LINES, INC., P.O. Box 24526 (3720 Airport Way S.), Seattle, Wash. 98124. Applicant's representative: Clyde H. MacIver, 1001 Fourth Avenue, Suite 3712, Seattle, Wash. 98154. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals* including *wood chips, sawdust, shavings and hogged fuel*, between points in Boundary, Bonner, Kootenai, Benewah, Lewis, Latah, Shoshone, Clearwater, Nez Perce, and Idaho Counties, Idaho, those in Morrow, Grant, Harney, Umatilla, Malheur, Wallowa, Union, and Baker Counties, Oreg. and those in Okanogan, Chelan, Grant, Benton, Douglas, Ferry, Stevens, Columbia, Asotin, Pend Oreille, Lincoln, Spokane, Adams, Whitman, Franklin, Walla Walla, and Garfield Counties, Wash., for 180 days. SUPPORTING SHIPPER: Potlatch Corporation, P.O. Box 1016, Lewiston, Idaho 83501. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, 909 1st Avenue, Seattle, Wash. 98174.

No. MC 95920 (Sub-No. 33TA), filed September 3, 1974. Applicant: SANTRY TRUCKING COMPANY, 11552 Southwest Pacific Highway, Portland, Oreg. 97223. Applicant's representative: George R. LaBissoniere, Suite 101, 130 Andover Park East, Seattle, Wash. 98188. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Talc*, from Dillon, Mont., to the United States/Canada International Boundary line at or near Blaine, Lynden, Oroville or Sumas, Wash. or Eastport, Idaho, for 180 days. Supporting shipper: VanWaters and Rogers, Inc., 2625 Skeena Street, Vancouver, British Columbia, Canada. Send protests to: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 107403 (Sub-No. 916TA), filed September 4, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reclaimed vinyl compound*, in bulk, in tank vehicles, from Piqua, Ohio, to points in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia and Wisconsin, for 180 days. Supporting shipper: Polymer Recovery Corporation, 600 W. Statler, Piqua, Ohio 45356. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 111496 (Sub-No. 19TA), filed September 3, 1974. Applicant: TWIN CITY FREIGHT, INC., 2280 Ellis Avenue, St. Paul, Minn. 55114. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular or irregular routes, transporting: (A) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Bismarck, N. Dak and Velva, N. Dak., serving all intermediate points and the off-route point of Garrison, N. Dak.: From Bismarck over U.S. Highway 83 to junction North Dakota Highway 41, thence over North Dakota Highway 41 to Velva, and return over the same route; (2) Between Fertile, Minn. and Grand Forks, N. Dak., serving all intermediate points; and the off-route points of Marcoux, Red Lake Falls, St. Hilaire, and Thief River Falls, Minn.: From Fertile over Minnesota Highway 32 to junction Minnesota Highway 102, thence over Minnesota Highway 102 to junction Minnesota Highway 9, thence over Minnesota Highway 9 to junction U.S. Highway 2, thence over U.S. Highway 2 to Grand Forks, and return over the same route; (3) Between Thief River Falls, Minn. and Baudette (formerly Spooner), Minn., serving the intermediate points of Holt, Middle River, Strathcona, Greenbush, Badger, Fox, Roseau, Salol, Mandus, and Warroad, Minn., and those between Warroad and Baudette, Minn. and the off-route points of Gatzke, Wannaska, and Ross, Minn.: From Thief River Falls over Minnesota Highway 32 to junction Minnesota Highway 11, at or near Greenbush, Minn., thence over Minnesota Highway 11 via Greenbush and Warroad, Minn., to Baudette, and return over the same route; and (4) Between Moorhead, Minn. and Crookston, Minn., serving no intermediate points: From Moorhead over U.S. Highway 75 to Crookston, and return over the same route.

(B) *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, other than those requiring special handling because of weight or size, and commodities injurious or contaminating to other lading), (1) Between Jamestown, N. Dak. and Minot, N. Dak., serving all intermediate points and the off-route points of Sykeston, Logan, and Heaton, N. Dak.: From Jamestown over U.S. Highway 52 to Minot and return over the same route; (2) Between Carrington, N. Dak. and Fessenden, N. Dak., serving all intermediate points: From Carrington over U.S. Highway 281 to New Rockford, N. Dak., thence return over U.S. Highway 281 to junction North Dakota Highway 15, thence over North Dakota Highway 15 to Fessenden, and return over the same route; and (3) Between Turtle Lake, N. Dak. and Junction U.S. Highway 83 and North Dakota Highway 200 (formerly North Dakota Highway 7), with no service between termini and serving no intermediate points, for use as a connecting route only: From Turtle Lake over North Dakota Highway 41 to junction North Dakota Highway 200 (formerly North Dakota Highway 7).

Thence over North Dakota Highway 200 to junction U.S. Highway 83, and return over the same route and (C) *General commodities* (except household goods as defined by the Commission, and *liquid commodities* in tank trucks), (1) Between junction U.S. Highway 83 and North Dakota Highway 37, east of Garrison, N. Dak., and the Garrison Dam Site on the Missouri River, near Mannhaven, N. Dak., serving all intermediate points; and all off-route points within 15 miles of the Garrison Dam Site: From junction U.S. Highway 83 and North Dakota Highway 37 over North Dakota Highway 37 to Garrison, N. Dak., thence south over North Dakota Highway 28 and unnumbered highway to the Garrison Dam Site, and return over the same route; (2) Between junction U.S. Highway 83 and unnumbered highway, near

Coleharbor, N. Dak. and the Garrison Dam Site on the Missouri River, near Mannhaven, N. Dak., serving all intermediate points; and all off-route points within 15 miles of the Garrison Dam Site: From junction U.S. Highway 83 and unnumbered highway over unnumbered highway to the Garrison Dam Site, and return over the same route; and (3) Between junction U.S. Highway 83 and unnumbered highway at or near Underwood, N. Dak. and the Garrison Dam Site on the Missouri River, near Mannhaven, N. Dak., serving all intermediate points; and all off-route points within 15 miles of the Garrison Dam Site: From junction U.S. Highway 83 and unnumbered highway over unnumbered highway to the Garrison Dam Site, and return over the same route.

Irregular routes: (A) *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) Between points in Minnesota within 35 miles of Breckenridge, Minn., including Breckenridge, Minn., on the one hand, and, on the other, points in Barnes, Billings, Burleigh, Cass, Dunn, Eddy, Foster, Golden Valley, Griggs, Kidder, Mercer, McKenzie, McLean, Morton, Oliver, Sheridan, Stark, Steele, Traill, Stutsman, and Wells Counties, N. Dak. (except points in that part of North Dakota south of Interstate Highway 94) and (2) Between points in Barnes, Billings, Burleigh, Cass, Dunn, Eddy, Foster, Golden Valley, Griggs, Kidder, McKenzie, McLean, Mercer, Morton, Oliver, Sheridan, Stark, Steele, Stutsman, Traill and Wells Counties, N. Dak. (except points in that part of North Dakota south of Interstate Highway 94).

Regular routes: (A) *General commodities* (except those of unusla value, *ties* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Bismarck, N. Dak. and Sidney, Mont., serving the intermediate points of Wibaux and Glendive, Mont.: From Bismarck over Interstate Highway 94 to junction Montana Highway 16, thence over Montana Highway 16 to Sidney, and return over the same route.

Irregular routes: (A) *General commodities* in collection and delivery service, Between points in Wilbaux, Mont., for 180 days.

NOTE.—The authority granted herein to the extent that it duplicates any authority heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right.

Irregular routes: *Salt*, from Williston, N. Dak., and points within 10 miles thereof, to points in Colorado, Iowa, Montana, Nebraska, South Dakota, and that part of Wisconsin on and west of Wisconsin Highway 13, with no transportation for compensation on return except as otherwise provided, for 180 days. Note: Applicant states that with MC 111496 and subs, it will interline points will be Fargo, Grand Forks, Minot, Williston, Bismarck, Jamestown and points on Interstate Highway 94 in North Dakota. Supporting shippers: There are approximately 25 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Courthouse, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 112617 (Sub-No. 319TA), filed September 3, 1974. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40219. Applicant's representative: Bruce H. Kraemer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Caustic soda*, in bulk, in tank vehicles, from Hawesville, Ky., to Palatka, Fla. and points in Tennessee and (2) *Muriatic acid*, in bulk, in tank vehicles, from Hopkinsville, Ky., to points in Tennessee, for 180 days. Supporting shipper: Oscar T. Smith, President, S & B Services, 936 Eighth Street, Henderson, Ky. 42420. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 115667 (Sub-No. 9TA), filed September 4, 1974. Applicant: ARROW TRANSFER CO., LTD., 320 Seymour Blvd., N. Vancouver, British Columbia, Canada, V7J 2J3. Applicant's representative: Clyde H. MacIver, 1001 Fourth Avenue, Suite 3712, Seattle, Wash. 98154. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from points in Washington and Oregon to Ports of Entry on the International Boundary line between the United States and Canada at or near Blaine, Lynden or Sumas, Wash., for 180 days. Supporting shippers: Modular Products, Ltd., 6990 Greenwood St., Burnaby 2, British Columbia, Canada; Citation Cabinets Ltd., 270 Simpson Road, Richmond, British Columbia, Canada; Weldwood of Canada Ltd., P.O. Box 2179, Vancouver, British Columbia, Canada; Canfor Ltd., 440 Canfor Ave., New Westminster, British Columbia, Canada; and Woodchuck Forest Products Sales, Ltd., 4177–4179 McConnell Drive, Burnaby, British Columbia, Canada. Send protests to: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, 909 1st Avenue, Seattle, Wash. 98174.

No. MC 119934 (Sub-No. 198TA), filed August 29, 1974. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. 46040. Applicant's representative: J. F. Crouch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, in bulk, in tank vehicles, from New Orleans, La., to Cincinnati, Ohio, for 180 days. Supporting shipper: Colonial Molasses Co. of Louisiana, 400 North Gayoso Street, P.O. Drawer 19004, New Orleans, La. 70179. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Bldg., 36 S. Penn. Street, Indianapolis, Ind. 46204.

No. MC 120978 (Sub-No. 11TA), filed September 3, 1974. Applicant: REINHART MAYER, doing business as MAYER TRUCK LINE, 1203 South Riverside Drive, Jamestown, N. Dak. 58401. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from Hebron, N. Dak., to points in Nebraska, Iowa, Wisconsin and Illinois, for 180 days. Supporting shipper: Hebron Brick Company, Hebron, N. Dak. 58638. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 123383 (Sub-No. 70TA), filed September 3, 1974. Applicant: BOYLE BROTHERS, INC., 941 South 2nd Street, Camden, N.J. 08103. Applicant's representative: Chandler L. Van Orman, 704 Southern Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from the plant site and storage facilities of Evans Products Company at Chesapeake, Va., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, for 180 days. Supporting shipper: Evans Products Company, 201 Dexter Street, West, Chesapeake, Va. 23324. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 124669 (Sub-No. 36TA), filed September 3, 1974. Applicant: TRANSPORT, INC., OF SOUTH DAKOTA, 1012 West 41st Street, Sioux Falls, S. Dak. 57105. Applicant's representative: E. M. Sifrar (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and feed supplements*, from Blair, Nebr., to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Wisconsin and Wyoming, for 180 days. Supporting shipper: Ruminant Nitrogen Products Company, P.O. Box 450—128 S. 17th Street, Blair, Nebr. 68008, Raymond H. Ifft, Regional Manager. Send protests to: J. L. Hammond, District Supervisor, Interstate

Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 126305 (Sub-No. 62TA), filed September 4, 1974. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Route 2, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Spheres, highway marking strip glass, ballotini, and glass*, crushed, ground or powdered, from the facilities of Potters Industries, Inc., Brownwood, Tex., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas and (2) *Materials and supplies* used in the manufacture and sale of glass spheres, and glass spheres (except in bulk, in tank vehicles), from the above-named destination points to the facilities of Potters Industries, Inc., Brownwood, Tex., for 180 days. Supporting shipper: Potters Industries, Inc., P.O. Box 14, Industrial Road, Carlstadt, N.J. 07072. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1616—2121 Building, Birmingham, Ala. 35203.

No. MC 127028 (Sub-No. 15TA), filed August 30, 1974. Applicant: BREDEHOEFT PRODUCE COMPANY, INC., P.O. Box 7, Decatur, Ark. 72722. Applicant's representative: Thomas J. Burke, Jr., 1660 Lincoln Street, Suite 1600 Lincoln Center Bldg., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from the plantsite and storage facilities of Allen Canning Company's plants at Alma and Van Buren, Ark. and Moorhead, Miss., to points in Alabama, Arizona, Colorado, Florida, Georgia, Indiana, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, Michigan, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, West Virginia, New Mexico, and Wisconsin, for 180 days. Supporting shipper: Allen Canning Company, Inc., 305 E. Main Street, Siloam Springs, Ark. 72761. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 127303 (Sub-No. 15TA), filed September 3, 1974. Applicant: HENRY ZELLMER, doing business as ZELLMER TRUCK LINES, P.O. Box 996, Granville, Ill. 61326. Applicant's representative: E. Stephen Heisley, Suite 805, McLachlen Bank Building, 666 Eleventh Street, NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Rosemont, Minn., to Iowa City and Muscatine, Iowa, for 180 days. Supporting shipper: Brockway Glass Company, Inc., Box L, Rosemont, Minn. 55068. Send protests to: District Supervisor Richard K. Shullaw, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 128030 (Sub-No. 84TA), filed September 3, 1974. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177, Urbana, Ill. 61801. Applicant's representative: R. C. Stout (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from St. Louis, Mo. and Columbus, Ohio, to Arlington Heights, Ill., for 180 days. Supporting shipper: C. S. Aulbert Distributing Co., 1717 East Davis Street, Arlington Heights, Ill. 60005. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 133796 (Sub-No. 23TA), filed September 3, 1974. Applicant: GEORGE APPEL, 249 Carverton Road, Trucksville, Pa. 18708. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Miniature golf courses, assembled, and component parts, paraphernalia, accessories, and special tools* used in the installation thereof, including *games or toys*, from Scranton, Pa., to points in those states west of the Mississippi River, for 180 days. Supporting shipper: Lomma Enterprises, Inc., Lomma Building, Scranton, Pa. 18503. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 135305 (Sub-No. 1TA), filed August 29, 1974. Applicant: SCHREIBER FREIGHT LINES, INC., 220 Grant Street, Pittsburgh, Pa. 15219. Applicant's representative: H. Neil Garson, 1400 N. Uhle Street, Arlington, Va. 22201 and/or Sheldon Krupnick, 201—11th Avenue, New York, N.Y. 10001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, plastic articles and machinery* restricted to movement requiring flat or open top equipment, from Pittsburgh, Pa.; Beaver Falls and New Stanton, Pa.; Cleveland, Youngstown, and Columbia, Ohio; Buffalo, N.Y.; Chicago, Ill.; Baltimore, Md.; Jersey City, N.J.; Blairsville, Pa.; Crafton, Belle Vernon, and Washington, Pa.; Binghamton, N.Y.; Toledo and Canton, Ohio; Philadelphia, Pa.; Clarksburg, W. Va.; Detroit, Mich.; East St. Louis, Ill., St. Louis, Mo.; Memphis, Tenn.; Milwaukee, Wis.; and Aliquippa, Pa., to points in Colorado, Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, District of Columbia, Tennessee, Wisconsin, Iowa, Arkansas, Louisiana, Texas, Oklahoma, Massachusetts, Connecticut, Nebraska, Vermont, New Hampshire, Maine, North Dakota, South Dakota, Kansas, Delaware, Maryland, and Rhode Island; and *Glass*, from Knox, Clarion and Oil City, Pa., to the same destination states as above, for 180 days. Restriction: Restricted to shipments moving on bills of lading of Central States Forwarding Corp. and Master Freight Forwarding Corp. Supporting shippers: Central States Forwarding Corp., 220 Grant Street, Pittsburgh, Pa. 15219 and Master Freight Forwarding Corp., 220 Grant Street, Pittsburgh, Pa. 15219. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 135422 (Sub-No. 3TA), filed September 3, 1974. Applicant: B & W TRUCKING CO., a corporation, 1625 Earl Drive, Dubuque, Iowa 52001. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used fork lift trucks and parts thereto*, between points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin, for 90 days. Supporting shipper: Wickes Lumber and Building Supplies, Division of the Wickes Corporation, P.O. Box 766, Dubuque, Iowa 52001. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 135519 (Sub-No. 4TA), filed August 28, 1974. Applicant: ANTHONY G. AYALA, doing business as QUEEN CITY TRUCKING, 16618 127th Southeast, Renton, Wash. 98055. Applicant's representative: George Kargianis, 2120 Pacific Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from Seattle and Tacoma, Wash. and Portland, Oreg., to Spokane, Wash. and points in Idaho and Montana; (2) *Scrap metal and pipe*, from points in Idaho and Montana, to Seattle and Tacoma, Wash. and Portland, Oreg.; and (3) *Hides*, green and salted, from points in Montana, Idaho and Washington, to Seattle and Tacoma, Wash. and Portland, Oreg., for 180 days. Supporting shippers: There are approximately 9 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, 909 1st Avenue, Seattle, Wash. 98174.

No. MC 138069 (Sub-No. 1TA), filed August 30, 1974. Applicant: LUCIUS,

INC., 9250 N. Wadsworth Blvd., Broomfield, Colo. 80020. Applicant's representative: Marion F. Jones, 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages and non-alcoholic beverage mixes*, from Los Angeles, Calif.; St. Louis, Mo.; and Tulsa, Okla., to Denver, Colo., for 180 days. Restriction: Said operations are restricted against the transportation of commodities in bulk and restricted to the transportation of shipments originating at the described origins and destined to the facilities of Davis Bros., Inc. at Denver, Colo. Supporting shipper: Davis Bros., Inc., 5915 Broadway, Denver, Colo. 80216. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

No. MC 138373 (Sub-No. 1TA) (correction), filed August 16, 1974, published in the FEDERAL REGISTER issue of August 30, 1974, and republished as corrected this issue. Applicant: HENRY M. KIDWELL, doing business as FRONTIER TRADING, 2420 W. Court Street, Pasco, Wash. 99301. Applicant's representative: Henry M. Kidwell (same address as applicant).

NOTE.—The purpose of this republication is to show the applicant's correct MC number as No. MC 138373 (Sub-No. 1TA), in lieu of No. MC 140111 TA, which was published in the FEDERAL REGISTER in error. The rest of the application will remain the same.

No. MC 139317 (Sub-No. 2TA), filed September 3, 1974. Applicant: CHARIOT TRUCKING, INC., P.O. Box 361, Woodburn, Oreg. 97071. Applicant's representative: Philip G. Skofstad, 3076 E. Burnside Street, Portland, Oreg. 97214. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Axles and component parts*, (a) from Montgomery, Ala.; Los Angeles, Calif.; and Kenton, Ohio, to Tualatin, Oreg. and Seattle, Wash. and (b) from Montgomery, Ala., to Paragould, Ark.; (2) *Trailers suspensions and steel springs*, from Springfield, Mo., to Paragould, Ark.; Tualatin, Oreg.; and Seattle, Wash.; (3) *Cast spoke wheels and brake drums*, from Siloam Springs, Ark. and Dayton, Ohio, to Tualatin, Oreg. and Seattle, Wash.; (4) *Fabricated steel parts, component trailer pieces, wheels, springs, axles and trailer parts*, between Paragould, Ark. and Tualatin, Oreg.; (5) *Hydraulic cylinders*, from Lancaster, Tex. and Willits, Calif., to Tualatin, Oreg. and Seattle, Wash.; (6) *Steel wheels, hubs and drums*, from Detroit, Mich.; Wyandotte, Mich.; Lansing, Mich. and Akron, Ohio, to Tualatin, Oreg. and Seattle, Wash.; (7) *Aluminum wheels*, from Cleveland, Ohio, to Tualatin, Oreg. and Seattle, Wash.; (8) *Air springs*, from Noblesville, Ind., to Tualatin, Oreg. and Seattle, Wash.; and (9) *Trailer suspensions*, from Muskegon, Mich., to Tualatin, Oreg. and Seattle, Wash., for 180 days. Supporting shipper: Peerless Division-Royal Industries, 18205 S.W. Boones Ferry Road, Tualatin, Oreg. 97062. Send protests to: District Supervisor A. E. Odoms, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 139637 (Sub-No. 4TA), filed August 30, 1974. Applicant: HERDIS E. GAMMON, doing business as HERDIS E. GAMMON TRUCKING, 140 West Lincoln, Chandler, Ind. 47610. 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: *Coal*, from points in Spencer, Vanderburgh, Warrick and Pike Counties, Ind., to points in Daviess County, Ky., for 180 days. Supporting shipper: Valley Associates, Inc., 2110 South Kentucky Avenue, Evansville, Ind. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Bldg., 36 S. Penn. Street, Indianapolis, Ind. 46204.

By The Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-21622 Filed 9-17-74;8:45 am]

[Notice No. 592]

ASSIGNMENT OF HEARINGS

SEPTEMBER 13, 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 which they are interested. No amendments will be entertained after September 18, 1974.

MC 139254, Brooks Transportation, Inc., now being assigned pre-hearing conference November 7, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 139738, Commercial Air Frate, Inc., now being assigned hearing November 12, 1974 (9 days), at Chicago, Ill., in a hearing room to be later designated.

MC 114211 Sub. 230, Warren Transport, Inc., now being assigned hearing December 3, 1974 (1 day), at New Orleans, La., in a hearing room to be later designated.

MC 107515 Sub. 887, Refrigerated Transport Co., Inc., now being assigned hearing December 9, 1974 (1 week), at Tampa, Fla., in a hearing room to be later designated.

FD 24024, Illinois Central Railroad Co. and Illinois Central Industries, Inc.—Purchase—Mississippi Central Railroad Co., now being assigned hearing December 5, 1974 (2 days), at Natchez, Miss., in a hearing room to be later designated.

MC-F-12175, Roadway Express, Inc.—Control and Merger—Atlas Transit, Inc., and MC 2202 Sub. 464, Roadway Express, Inc., now being assigned hearing December 3, 1974 (2 weeks), at Memphis, Tenn., in a hearing room to be later designated.

MC-F-12139, Noel Transfer, Inc.—Control—LTL Perishables, Inc., now assigned October 21, 1974, MC-F-12157, Midwest Refrigerated Express, Inc.—Purchase (Portion)—Robert W. Groh, and MC 124774 Sub. 89, Midwest Refrigerated Express, Inc., now assigned October 24, 1974, MC-F-12187, Hunt Transportation, Inc.—Investigation of Control—Jack's Machinery Transportation Corporation, now assigned October 29, 1974, MC 119777 Sub. 293, Ligon Specialized Hauler, Inc., now assigned October 31, 1974, and MC 114273 Sub. 164, Cedar Rapids Steel Transportation, Inc., now assigned November 1, 1974, at Omaha, Nebr., will be held in Room 616, Union Pacific Plaza, 110 North 14th Street.

MC 64932 Sub. 522, Rogers Cartage Co., MC 85934 Sub. 65, Michigan Transportation Co., MC 102616 Sub. 891, Coastal Tank Lines, Inc., MC 107403 Sub. 878, Matlack, Inc., MC 110525 Sub. 1084, Chemical Leaman Tank Lines, Inc., MC 110988 Sub. 307, Schneider Tank Lines, Inc., MC 112595 Sub. 55, Ford Brothers, Inc., MC 112801 Sub. 150, Transport Service Co., MC 115331 Sub. 355, Truck Transport, Inc., MC 116273 Sub. 166, D and L Transport, Inc., MC 117344 Sub. 231, The Maxwell Co., MC 119702 Sub. 43, Stahly Cartage Co., and MC 124070 Sub. 30, Chemical Haulers, Inc., now assigned November 4, 1974, at Washington, D.C., postponed to November 5, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-21621 Filed 9-17-74;8:45 am]

[Notice No. 30]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 13, 1974.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 33641 (Deviation No. 79), IML FREIGHT, INC., 2175 S. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed August 30, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From St. Louis, Mo., over Interstate Highway 55 to junction Interstate Highway 70, thence over Interstate Highway 70 to Indianapolis, Ind., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From St. Louis, Mo., over U.S. Highway 50 to Cincinnati, Ohio, thence over U.S. Highway 52 to Indianapolis, Ind., and return over the same route.

No. MC 33641 (Deviation No. 80), IML FREIGHT, INC., 2175 S. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed August 30, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Indianapolis, Ind., over Interstate Highway 70 to junction Interstate Highway 75, near Vandalia, Ohio, thence over Interstate Highway 75 to Dayton, Ohio, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Indianapolis, Ind., over U.S. Highway 52 to Cincinnati, Ohio, thence over Ohio Highway 4 to Dayton, Ohio, and return over the same route.

No. MC 33641 (Deviation No. 81), IML FREIGHT, INC., 2175 S. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed August 30, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Moline, Ill., over Interstate Highway 80 to junction Interstate Highway 74, thence over Interstate Highway 74 to Indianapolis, Ind., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Moline, Ill., over Illinois Highway 92 to junction U.S. Highway 34, thence over U.S. Highway 34 to junction Illinois Highway 31, thence over Illinois Highway 31 to Aurora, Ill., thence over Illinois Highway 65 to junction U.S. Highway 34, thence over U.S. Highway 34 to Chicago, Ill., thence over U.S. Highway 41 to junction U.S. Highway 52, thence over U.S. Highway 52 to Indianapolis, Ind., and return over the same route.

No. MC 41432 (Deviation No. 23), EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, P.O. Box 10125, Dallas, Tex. 75207, filed August 30, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Pecos, Tex., over Interstate Highway 80 to Midland, Tex., thence over Texas Highway 158 to Sterling City, Tex., thence over U.S. Highway 87 to Brady, Tex., thence over U.S. Highway 190 to Belton, Tex., thence over U.S. Highway 81 (Interstate Highway 35) to Waco, Tex., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Pecos, Tex., over U.S. Highway 80 to junction U.S. Highway 87, thence over U.S. Highway 87 to Fredericksburg, Tex., thence over U.S. Highway 290 to Austin, Tex., thence over U.S. Highway 81 to Waco, Tex., and return over the same route.

No. MC 49387 (Deviation No. 9), ORSCHELN BROS. TRUCK LINES, INC., Highway 24 East, P.O. Box 658, Moberly, Mo. 65270, filed July 31, 1974. Carrier's representative: Gregory M. Rebman, Suite 1230, Boatmen's Bank Building, St. Louis, Mo. 63102. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From St. Louis, Mo., over U.S. Highway 66 (Interstate Highway Jefferson City, Mo., over U.S. Highway 44) to Springfield, Mo., and (2) from 54 to junction Missouri Highway 73, thence over Missouri Highway 73 to junction U.S. Highway 65, thence over U.S. Highway 65 to Springfield, Mo., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From St. Louis, Mo., over U.S. Highway 40 to junction U.S. Highway 54, thence over U.S. Highway 54 to junction U.S. Highway 50 at Jefferson City, Mo., thence over U.S. Highway 50 to junction U.S. Highway 65, thence over U.S. Highway 65 to Springfield, Mo., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-21617 Filed 9-17-74;8:45 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

SEPTEMBER 13, 1974.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. A 52790 (Amendment), filed August 29, 1974, published in the FEDERAL REGISTER issue of August 18, 1971, and republished as amended, this issue. Applicant: EDGAR R. CUDE, doing business as ACTIVE TRUCKING SERVICE, 6040 Walker Street, Maywood, Calif. 90270. Applicant's representative: Donald Murchison, 9454 Wilshire Blvd., Suite 400, Beverly Hills, Calif. 90212. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities:* Between: (1) All points and places in the Los Angeles Basin Territory as described in Note A; (2) All points and places in the territory described in paragraph 1 above on the one hand and the following on the other hand serving all intermediate points on or within ten miles laterally of the named highways: (a) The San Diego Territory as described in Note B, via Interstate Highways 5 and 15 (U.S. Highway 395), and State Highway 78; (b) To Bakersfield, via Interstate Highway 5 and State Highway 99; (c) Mojave, via Interstate Highway 5 and State Highway 14; and (d) Santa Barbara, via U.S. Highway 101 and State Highway 1. Except that pursuant to the authority herein granted, carrier shall not transport any shipments of: (1) Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in accordance with the crated property requirements set forth in Item 5 of Minimum Rate Tariff 4-B; (2) Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers; (4) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such Highway vehicles; (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks; (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; (7) Logs; (8) Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper; and (9) Commodities requiring the use of special refrigeration or temperature

control in specially designed and constructed refrigerator equipment.

NOTE A.—Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County Boundary Line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway 118, approximately two miles west of Chatsworth; easterly along State Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary of the City of San Fernando to Maclay Avenue; northeasterly along Maclay and its prolongation to the Los Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest Boundary to Mill Creek Road (State Highway 38); westerly along Mill Creek Road to Bryant Street; southerly along Bryant Street to and including the unincorporated community of Yucaipa; westerly along Yucaipa Boulevard to Interstate Highway 10; northwesterly along Interstate Highway 10 to Redlands Boulevard; northwesterly along Redlands Boulevard to Barton Road; westerly along Barton Road to La Cadena Drive; southerly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to State Highway 60; southeasterly along State Highway 60 and U.S. Highway 395 to Nuevo Road; easterly along Nuevo Road via Nuevo and Lakeview to State Highway 79; southerly along State Highway 79 to State Highway 74.

Thence westerly to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to The Atcheson, Topeka & Santa Fe right-of-way; southerly along said right-of-way to Washington Road; southerly along Washington Road through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to Winchester Road (State Highway 79) to Jefferson Avenue; southerly along Jefferson Avenue to U.S. Highway 395; southerly along U.S. Highway 395 to the Riverside County-San Diego County Boundary Line; westerly along said boundary line to the boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning, including the point of March Air Force Base. NOTE B.—San Diego Territory includes that area embraced by following an imaginary line starting at a point approximately four miles north of La Jolla on the Pacific Coast shoreline running east to Miramar on U.S. Highway 395; thence following an imaginary line running southeasterly to Lakeside on State Highway 67, thence southerly on County Road S 17 (San Diego County) and its prolongation to State Highway 94; easterly on State Highway 94 to Jamul; thence due south following an imaginary line to the California-Mexico Boundary Line; thence westerly along the boundary line to the Pacific Ocean and north along the shoreline to point of beginning. Intrastate, interstate and foreign commerce authority sought. HEARING: Date, time and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

California Docket No. 55143, filed August 29, 1974. Applicant: G & H TRANSPORTATION, INC., 1501 Chapin Road, Montebello, Calif. 90640. Applicant's representative: Donald Murchison, 9454 Wilshire Blvd., Suite 400, Beverly Hills, Calif. 90212. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities:* Between all points and places within the Los Angeles Basin Territory described in Note A and within the San Diego Territory described in Note B and between said territories, serving all points and places on and within ten (10) miles laterally of Interstate Highways 5 or 15 or U.S. Highway 395. Except that pursuant to the authority herein granted, carrier shall not transport any shipment of; (1) Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in accordance with the crated property requirements set forth in Item 5 of Minimum Rate Tariff 4–B; (2) Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers; (4) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicles; (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks; (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; (7) Logs; (8) Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper; and (9) Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.

NOTE A.—Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway No. 118, approximately two miles west of Chatsworth; easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Los Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road, westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway No. 99; northwesterly along U.S. Highway No. 99 to the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway No. 60; southwesterly along U.S. Highways Nos. 60 and 395 to the county road approximately one mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the City of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74.

Westerly along State Highway No. 74 to the corporate boundary of the City of Hemet; southerly, westerly, and northerly along said corporate boundary to the right of way of the Atchison, Topeka & Santa Fe Railway Company; southwesterly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the County road intersecting U.S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway No. 395; southeasterly along U.S. Highway No. 395 to the Riverside County-San Diego County boundary lines; westerly along said boundary line to the Orange County-San Diego County boundary lines; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning. Note B: SAN DIEGO TERRITORY includes that area embraced by the following imaginary line starting at the northerly junction of U.S. Highways 101–E and 101–W (four miles north of La Jolla); thence easterly to Miramar on State Highway No. 395; thence southeasterly to Lakeside on the El Cajon-Ramona Highway; thence

southerly to Bostonia on U.S. Highway No. 80; thence southeasterly to Jamul on State Highway No. 94; thence due south to the International Boundary Line; west to the Pacific Ocean and north along the coast to point of beginning. Intrastate, interstate and foreign commerce authority sought.

HEARING.—Date, time and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

California Docket No. 55144, filed August 30, 1974. Applicant: O.K. TRUCKING CO., 1765 Lincoln Road, Yuba City, Calif. 95991. Applicant's representative: E. H. Griffiths, 1182 Market Street, Suite 207, San Francisco, Calif. 94102. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, except as hereinafter provided: Between all points and places on or within fifteen miles of the points on the following routes: (1) State Highways 99 and 70 between Yuba City-Marysville and Tulare, inclusive; (2) U.S. Highway 80 between San Francisco and Auburn, inclusive; (3) U.S. Highways 580, 205 and 5 between Oakland and Stockton, inclusive; (4) U.S. Highway 680 between Vallejo and San Jose, inclusive; (5) State Highway 4 between Pinole and Stockton, inclusive; (6) State Highway 24 between Oakland and Concord, inclusive; (7) U.S. Highway 101 between San Rafael and Soledad, inclusive; (8) U.S. Highway 280 between San Francisco and San Jose, inclusive; (9) State Highway 17 between San Rafael and Santa Cruz, inclusive; (10) State Highway 9 between San Jose and Santa Cruz, inclusive; (11) State Highway 1 between Santa Cruz and Carmel, inclusive; (12) State Highway 68 between Monterey and Salinas, inclusive; (13) State Highway 152 between Watsonville and Chowchilla, inclusive; (14) U.S. Highway 33 between Tracy and Coalinga, inclusive. In performing the service herein authorized, applicant may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service.

Except that Applicant shall not transport any shipments of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in Item No. 5 of Minimum Rate Tariff No. 4–B; (2) Automobiles, trucks and busses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine; (4) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers, or a combination of such highway vehicles; (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks; (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; (7) Cement; (8) Logs; (9) Commodities of unusual or extraordinary value; and (10) fresh fruits and vegetables. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

Kansas Docket No. 10, 610M; Route No. 329, filed September 12, 1973. Applicant: ELDON O. BRIGHT, doing business as BRIGHT'S FREIGHT SERVICE, Route 3, Topeka, Kans. 66612. Applicant's representative: Floyd E. Gehrt, American Savings Building, 400 Croix Street, P.O. Box 5186, Topeka, Kans. 66605. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, To extend present authority to include the following: Between St. Marys, Kansas, and Emmett, Kansas, and return, using Kansas State Highway 63 with service to all intermediate points including the off-route point of the Kansas Power and Light plantsite located approximately 2½ miles west and 1 mile south of Emmett, Kans.

HEARING: October 4, 1974, at the State Office Building, 4th Floor, Topeka, Kans., at 10:00 A.M. Requests for procedural information should be addressed to the State Corporation Commission, Fourth Floor, State Office Bldg., Topeka, Kans., 66612, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-21618 Filed 9-17-74;8:45 am]

[Notice No. 158]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

SEPTEMBER 18, 1974.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 8, 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–75356. By order entered September 12, 1974, the Motor Carrier Board approved the transfer to Central Washington Grain Growers, Inc., Waterville, Washington, of the operating rights set forth in Certificate No. MC–111357, issued July 19, 1950, to The Waterville Railway Company, Waterville, Wash., authorizing the transportation of general commodities, with the usual exceptions, over specified routes, between Waterville, Wash., and Douglas, Wash. R. A. Hensel, P.O. Box 308, Telephone Bldg., Waterville, Wash. 98858, attorney for applicants.

No. MC–FC–75368. By order entered September 11, 1974 the Motor Carrier Board approved the transfer to Tiger Transportation, Inc., Billings, Mont., of the operating rights set forth in Certificates Nos. MC–118288 (Sub-No. 4), MC–118288 (Sub-No. 7), MC–118288 (Sub-No. 8), MC–118288 (Sub-No. 13), MC–118288 (Sub-No. 16), MC–118288 (Sub-No. 18), MC–118288 (Sub-No. 20), MC–118288 (Sub-No. 21), MC–118288 (Sub-No. 22), MC–118288 (Sub-No. 23), MC–118288 (Sub-No. 24), MC–118288 (Sub-No. 26), MC–118288 (Sub-No. 28), MC–118288 (Sub-No. 30), MC–118288 (Sub-No. 31), MC–118288 (Sub-No. 32), MC–118288 (Sub-No. 33), MC–118288 (Sub-No. 34), MC–118288 (Sub-No. 35), MC–118288 (Sub-No. 36), MC–118288 (Sub-No. 37), MC–118288 (Sub-No. 41), MC–118288 (Sub-No. 42), issued by the Commission January 2, 1964, December 1, 1965, June 21, 1967, September 4, 1968, October 31, 1967, March 12, 1968, June 18, 1968, June 4, 1968, April 30, 1969, May 1, 1969, February 24, 1969, July 14, 1969, June 14, 1969, January 13, 1969, August 22, 1972, April 17, 1970 (as corrected May 26, 1970), August 21, 1970, June 8, 1971, August 21, 1970, June 21, 1971, June 30, 1972, July 11, 1973, April 9, 1974, and April 26, 1974, respectively, to Stephen F. Frost, Fontana, Calif., authorizing the transportation of meats, meat products, meat by-products, and articles distributed by meat packinghouses, and such commodities as are used by meat packers in the conduct of their business, as described in Sections A, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, fresh fruits, fresh berries, fresh vegetables, bananas, poultry, eggs, such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and equipment, materials, and supplies used in the conduct of such business, fertilizer, salt, lumber and lumber products, canned foodstuffs, food

chips, and frozen vegetables, from, to or between points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Utah, Wisconsin, and Wyoming. Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106, attorney for applicants.

No. MC-FC-75374. By order of September 10, 1974, the Motor Carrier Board approved the transfer to Edmund C. Ohley and Harold L. Ohley, a partnership, doing business as Ohley Transfer Company, 1222 Adams Court, Alton, Ill., 62002, of the operating rights in Certificate No. MC-59734 issued November 30, 1949 to Charles Ohley, Edmund C. Ohley and Harold L. Ohley, a partnership, doing business as Ohley Transfer Company, 1222 Adams Court, Alton, Ill., 62002, authorizing the transportation of general commodities, with exceptions, over regular routes between specified points in Illinois and Missouri.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-21620 Filed 9-17-74;8:45 am]

[Ex Parte No. 293 (Sub-No. 2)]

STANDARDS FOR DETERMINING RAIL SERVICE CONTINUATION SUBSIDIES

SEPTEMBER 10, 1974.

Standards were adopted in this proceeding by the Rail Services Planning Office of the Interstate Commerce Commission on July 1, 1974 (39 FR 24294). On July 30, 1974, the Director of the Office issued a notice announcing that petitions seeking amendment of the standards would be accepted if filed on or before August 19, 1974 (39 FR 28196).

In requesting amendment of the standards, several parties urged that the standards be tested on actual branch lines, and that the time for filing pleadings seeking amendment of the standards be extended until such tests can be completed. The Office believes that these suggestions have merit, and they are being adopted.

In the course of testing the standards already adopted, the Office will consider suggestions made in the pleadings filed in this proceeding to date. The Office plans to use the proposed testing program as an opportunity to work together with interested parties affected by the standards in order to perfect the published standards and thus better to fulfill the Office's responsibility under section 205(d)(3) of the Regional Rail Reorganization Act of 1973, Public Law 93-236 (the "Act").

A group which refers to itself as the Conference of States, made up of representatives from the 17 states in the northeast and midwest region as defined in the Act, representatives of certain contiguous states, and representatives of regional economic development commissions active within the region, has designated a subcommittee on subsidies. The Office has invited the Chairman of that subcommittee and a representative of the Association of American Railroads to participate with it in its program to test the standards. Other parties desiring to participate in this testing program are welcome to do so. In order that the group involved in the testing activity be kept to a manageable size, interested parties are urged to join together with others having common interests and to select a single representative, and they are further urged to consider also whether their interests may not be adequately represented through participation of representatives of the Conference of States and the Association of American Railroads. Parties desiring to take a part in the testing of the standards should contact the Deputy Director of the Rail Services Planning Office, Alan M. Fitzwater, at the Interstate Commerce Commission, Washington, D.C. 20423 (area code 202-254-6983) as soon as possible.

The Office has sought and received from the states in the region suggestions for possible study lines, some of which it is the Office's intention to use as testing vehicles for the standards. It is the intention of the Office that the standards testing group will visit carrier offices in order to determine whether the data which must be used in applying the standards adopted on July 1 is readily available and then to apply these data to the test lines in accordance with these standards. All working papers assembled by the standards testing group, as well as all other communications relevant to this proceeding, will be available for public inspection at the Rail Services Planning Office, 1900 L Street, NW., Washington, D.C.

The fact that the Office is conducting a program to test the standards previously adopted should not be taken as an indication that it anticipates any large scale changes in those standards. Instead, the Office believes that the best way to determine and then to resolve any practical difficulties that may occur in applying the standards in their present form may best be revealed through their application on a test basis. The results of these tests, together with any written submissions received at the Office on or before October 30, 1974, will be considered by the Office in making its decision whether to amend the standards in any respect.

[SEAL] GEORGE M. CHANDLER,
Director, Rail Services Planning Office.

[FR Doc.74-21631 Filed 9-17-74;8:45 am]

[Finance Docket No. 26649]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

Abandonment Between Orange City and N. I. Junction, Sioux County, Iowa

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. 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 Sioux County, Iowa, 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 30th day of August, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 26649]

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY

ABANDONMENT BETWEEN ORANGE CITY AND N. I. JUNCTION, SIOUX COUNTY, IOWA

The Interstate Commerce Commission hereby gives notice that by order dated August 30, 1974, it has been determined that the proposed abandonment by Chicago and North Western Transportation Company of its line of railroad between Orange City and N. I. Junction in Sioux County, Iowa, 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 there are no economic development projects that would be affected by the proposed action, traffic over the line has been at a consistently low volume, the line is in poor condition and creating a safety hazard by continued operation.

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 October 3, 1974.

[FR Doc.74-21634 Filed 9-17-74;8:45 am]

[AB 95]

HOLLIS & EASTERN RAILROAD CO.

Abandonment Between Duke and Hollis, in Harmon and Jackson Counties, Okla.

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. 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 newspapers of general circulation in Harmon and Jackson Counties, Okla., 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 6th day of September 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary.*

INTERSTATE COMMERCE COMMISSION

[AB95]

HOLLIS & EASTERN RAILROAD COMPANY

ABANDONMENT BETWEEN DUKE AND HOLLIS, IN HARMON AND JACKSON COUNTIES, OKLA.

The Interstate Commerce Commission hereby gives notice that by order dated September 6, 1974, it has been determined that the proposed abandonment by the Hollis & Eastern Railroad Company of its line of railroad from Duke to Hollis in Harmon and Jackson Counties, Okla., a distance of approximately 21 miles, 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 are not considered significant because (1) the volume of traffic on the line has been consistently low, (2) alternate highway transportation is available, and (3) applicant's rail services at Duke will remain and be upgraded upon approval of the abandonment. Also, it is considered that any resultant diversion from rail to motor carrier services will have negligible impacts on air and water quality in the rural and agricultural area involved.

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 October 3, 1974.

[FR Doc.74-21635 Filed 9-17-74;8:45 am]

[Finance Docket No. 26560]

ILLINOIS CENTRAL GULF RAILROAD

Abandonment Between Fayette, Jefferson County, and Foster, Adams County, Miss.

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. 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 newspapers of general circulation in Adams and Jefferson Counties, Miss., 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 5th day of September, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary.*

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 26560]

ILLINOIS CENTRAL GULF RAILROAD

ABANDONMENT BETWEEN FAYETTE, JEFFERSON COUNTY, AND FOSTER, ADAMS COUNTY, MISS.

The Interstate Commerce Commission hereby gives notice that by order dated September 5, 1974, it has been determined that the proposed abandonment by the Illinois Central Gulf Railroad Company of its Natchez District line between Fayette and Foster, in Jefferson and Adams Counties, Miss., a distance of 17.91 miles, 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 inasmuch as traffic handled on this line has been bridge traffic and will be shifted to another line of the applicants, there will be a minimal impact on the area transportation scheme. Furthermore, the areas having potential for economic development will continue to have rail access available. Although a small amount of diversion from rail to truck may occur, the impact on air quality and noise will be minimal.

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 October 3, 1974.

[FR Doc.74-21633 Filed 9-17-74;8:45 am]

[AB-33 (Sub-No. 5)]

UNION PACIFIC RAILROAD CO.

Abandonment Portion Encampment Branch Between Cow Creek and Encampment, in Carbon County, Wyo.

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. 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 Carbon County, Wyo., 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 5th day of September, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary.*

INTERSTATE COMMERCE COMMISSION

[Ab-33 (Sub-No. 5)]

UNION PACIFIC RAILROAD CO.

ABANDONMENT PORTION ENCAMPMENT BRANCH BETWEEN COW CREEK AND ENCAMPMENT, IN CARBON COUNTY, WYO.

The Interstate Commerce Commission hereby gives notice that by order dated September 5, 1974, it has been determined that the proposed abandonment by the Union Pacific Railroad Company of a portion of its Encampment branch between Cow Creek and Encampment, all in Carbon County, Wyo., a distance of 11.15 miles, 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 inasmuch as virtually no traffic has been handled on this line in the past two years, and there are no specific development plans, predicated on the need for rail service, approval of this abandonment will not have a

significant environmental impact. Furthermore, approval of this action will permit the surrounding area to return to a more natural state.

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 October 3, 1974.

[FR Doc.74-21632 Filed 9-17-74;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 13, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before October 3, 1974.

FSA No. 42874—*Joint Water-Rail Container Rates—Showa Line, Ltd.* Filed by Showa Line, Ltd. (No. 7), for interested rail carriers. Rates on general commodities, between ports in Japan, Korea, Hong Kong, and Taiwan, on the one hand, and rail stations on the U.S. Atlantic and Gulf Seaboard, on the other.

Grounds for relief—Water competition.

Tariff—Various revised pages to the aforenamed tariffs, effective October 13, 1974.

FSA No. 42875—*Salt Between Points in Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-487), for interested rail carriers. Rates on salt, common (sodium chloride), in carloads, as described in the application, from, to, and between points in Texas, over interstate routes through adjoining states.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other states not subject to the same competition.

Tariff—Supplement 56 to Southwestern Freight Bureau, Agent, tariff 87-J (TLFB Series), I.C.C. No. 1159. Rates are published to become effective on October 13, 1974.

AGGREGATE-OF-INTERMEDIATES

FSA No. 42876—*Salt Between Points in Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-488), for interested rail carriers. Rates on salt, common (sodium chloride), in carloads, as described in the application, from, to, and between points in Texas, over interstate routes through adjoining states.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 56 to Southwestern Freight Bureau, Agent, tariff 87-J (TLFB Series), I.C.C. No. 1159. Rates are published to become effective on October 13, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-21637 Filed 9-17-74;8:45 am]

DEPARTMENT OF STATE

[Public Notice CM-164]

SHIPPING COORDINATING COMMITTEE

Notice of Meeting

A meeting of the Shipping Coordinating Committee will be held at 9:30 a.m. on Wednesday, October 9, 1974, in Room 7200, Coast Guard Headquarters, 400 Seventh Street, SW, Washington, D.C. The meeting will be open to the public.

The purpose of the meeting is to discuss preparations for the International Conference for Safety of Life at Sea, 1974, scheduled to meet in London October 21, 1974.

Dated: September 5, 1974.

RICHARD K. BANK,
Acting Chairman, Shipping Coordinating Committee.

[FR Doc.74-21571 Filed 9-17-74;8:45 am]

[Public Notice CM-163]

U.S. ADVISORY COMMITTEE OF THE INTER-AMERICAN TROPICAL TUNA COMMISSION

Notice of Meeting

The Advisory Committee to the United States Section of the Inter-American Tropical Tuna Commission will meet Friday, October 4, 1974, in the auditorium of the Southwest Fisheries Center, National Marine Fisheries Service, 8604 La Jolla Shores Drive, La Jolla, California at 9:00 a.m. The agenda items are: 1974 fishing experience and outlook, 1975 preliminary fishery outlook, domestic and international fleet development, draft report of Sub-Group One of Working Group on Alternative Regulatory Systems, planned discussions between Mexican and United States government officials concerning tuna, registry of United States tuna fishing vessels under foreign flags and, options for Ottawa and longer range positions.

The meeting will be open to the public.

Dated: September 9, 1974.

BRIAN S. HALLMAN,
Acting Executive Secretary.

[FR Doc.74-21570 Filed 9-17-74;8:45 am]

Agency for International Development

A.I.D. RESEARCH ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Executive Order 11686 and the provisions of section 10(a)(2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the A.I.D. Research Advisory Committee meeting on October 17 and 18, 1974, at State Annex 14 (Pomponio Plaza), 1735 North Lynn Street, Arlington, Virginia, Conference Room 428, to review, appraise and make recommendations to the Administrator, Agency for International Development, concerning proposals for research contracts in the fields of agriculture, education and population. In addition, a portion of the meeting will be devoted to a discussion of the A.I.D. population program. That portion of the meeting concerning proposals for research contracts will be held on October 17, 1974 from 2:00 p.m. to 5:30 p.m. and on October 18, 1974 from 8:45 a.m. to 12:30 p.m. and from 2:15 p.m. to 5:30 p.m. The session concerning the A.I.D. population program will be held on October 17, 1974 from 9:15 a.m. to 12:15 p.m. Dr. Erven Long, Associate Assistant Administrator is designated as the A.I.D. representative at the meeting. It is suggested that those desiring more specific information contact Dr. Erven J. Long, 21st Street and Virginia Avenue, NW, Washington, D.C. 20523, or call area code 202-632-9223.

Dated: September 10, 1974.

CURTIS FARRAR,
Acting Assistant Administrator for Technical Assistance.

[FR Doc.74-21568 Filed 9-17-74;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 74-240]

FOREIGN CURRENCIES

Certification of Rates

RATES OF EXCHANGE

SEPTEMBER 9, 1974.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 74-191 for the following country. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Japan yen:	
August 26, 1974	$0.003302
August 27, 1974	.003310
August 28, 1974	.003306
August 29, 1974	.003301
August 30, 1974	.003301

[SEAL] R. N. MARRA,
Director, Duty Assessment Division.

[FR Doc.74-21598 Filed 9-17-74;8:45 am]

Fiscal Service

[Dept. Circ. 570, 1974 Rev., Supp. No. 2]

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $115,000.00 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated:

Accredited Surety and Casualty Company, Inc.
Orlando, Florida
Florida

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Government Financial Operations, Audit Staff, Washington, D.C. 20226.

Dated: September 11, 1974.

[SEAL] DAVID MOSSO,
Deputy Fiscal Assistant Secretary.

[FR Doc.74-21597 Filed 9-17-74;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

ORGANIZATION STATEMENT

Sec.
1 General.
2 Office of the Secretary of the Air Force.
3 Air Staff.
4 Field Organization.

SEC. 1. *General*—(a) *Creation and authority.* The Department of the Air Force was established as part of the National Military Establishment by the National Security Act of 1947 (61 Stat. 495), and by the terms of that Act came into legal being on September 18, 1947. The National Security Act Amendments of 1949 (63 Stat. 578), redesignated the National Military Establishment of the Department of Defense, established it as an executive department, and made the Department of the Air Force a military department within the Department of Defense. The Department of the Air Force is separately organized under the Secretary of the Air Force. It operates under the authority, direction, and control of the Secretary of Defense (10 U.S.C. 8010). The organization of the Department is prescribed by sections 8011–8079 of title 10, United States Code.

(b) *Mission.* The mission of the Department of the Air Force is to provide an Air Force that is capable, in conjunction with the other armed forces, of preserving the peace and security of the United States, providing for its defense, supporting the national policies, implementing the national objectives, and overcoming any nation responsible for aggressive acts that imperil the peace and security of the United States. In general, the Air Force includes aviation forces both combat and service not otherwise assigned. It is organized, trained, and equipped primarily for prompt and sustained offensive and defensive aerospace operations. It is responsible for the preparation of the aerospace forces necessary for the effective prosecution of war except as otherwise assigned and, in accordance with integrated joint mobilization plans, for the expansion of the peacetime components of the Air Force to meet the needs of war.

SEC. 2. *Office of the Secretary of the Air Force.*—(a) *Secretary of the Air Force.* The Secretary of the Air Force is responsible for and has the authority necessary to conduct all affairs of the Department of the Air Force. Subject to his direction and control, the Under Secretary, and the Assistant Secretaries are authorized to act for and with the authority of the Secretary of the Air Force on any matters within the areas assigned herein. This authority extends not only to actions within the Department of the Air Force, but also to relationships and transactions with the Congress and other governmental and nongovernmental organizations and individuals. In the absence of the Secretary, the Under Secretary performs the duties of the Secretary; in the absence of the Secretary and Under Secretary, the Assistant Secretaries in the order of their length of service as such will perform the duties of the Secretary.

(b) *Under Secretary of the Air Force.* The Under Secretary of the Air Force, as principal assistant to the Secretary, acts with full authority of the Secretary on all affairs of the Department. He is specifically responsible for overall direction, guidance, and supervision of the space programs, and space activities of the Air Force.

(c) *Assistant Secretary of the Air Force (Financial Management).* The Assistant Secretary of the Air Force (Financial Management) is responsible for direction, guidance, and supervision over all matters pertaining to the formulation, review, and execution of plans, policies, and programs relative to the Air Force programming processes and the preparation and validation of all program documentation; budgeting and fund management; accounting and accounting systems; cost control, cost analysis, and cost estimating; economic analysis of programs, forces and weapons systems; finance, including disbursement and collection of funds; contract financing; the design, installation and application of management information and control systems including resource management systems, progress and statistical reporting, special program and status reports, and interpretation of resulting management data; auditing; contracts for services in the financial management area; and automatic data processing programs, and is the Air Force Senior ADP Policy Official in this area serving as the focal point for ADP policy and for the administration of the ADP programs within the Department, including the development and control of programs for the design, improvement, and standardization of automated data systems in consonance with approved OSD guidelines, and the selection, acquisition, management and use of Automatic Data Processing Equipment and associated software (ADPE/S). He is responsible for directing and supervising the Comptroller of the Air Force.

(d) *Assistant Secretary of the Air Force (Research and Development).* The Assistant Secretary of the Air Force (Research and Development) is responsible for conceptual efforts on new major programs and for direction, guidance, and supervision over all matters pertaining to the formulation, review, and execution of plans, policies, and programs relative to scientific and technical matters; basic and applied research, exploratory development and advanced technology; integration of technology with, and determination of, qualitative Air Force requirements; research, development, test and evaluation of weapons, weapons systems and defense materiel; and technical management of systems engineering and integration.

(e) *Assistant Secretary of the Air Force (Installations and Logistics).* The Assistant Secretary of the Air Force (Installations and Logistics) is responsible for direction, guidance, and supervision over all matters pertaining to the formulation, review, and execution of plans, policies, and programs relative to production and contract management of weapons systems; industrial defense program; family housing resources acquisition, contruction, maintenance and disposal; maintenance of real property and provision of utilities services; civil aviation, including Department of Defense Advisory Committee on Federal Aviation, and the Interagency Group on International Aviation; transportation, communications, and other related service activities; economic utilization policy; environmental quality.

(f) *Assistant Secretary of the Air Force (Manpower and Reserve Affairs).* The Assistant Secretary of the Air Force (Manpower and Reserve Affairs) is responsible for direction, guidance and supervision over all matters pertaining to the formulation, review and execution of plans, policies, and programs relative to reserve component affairs; manpower organization; military and civilian personnel, including procurement, assignment, training, promotion, career development, pay and benefits, utilization, separation, medical care, and all factors affecting morale and well being; programs to prohibit discrimination because

of race, creed, color, sex, or national origin, except programs applicable to contractors; Civil Air Patrol; Reserve Officers Training Corps; Air National Guard; contracts for personal services and training; travel and per diem allowances; Air Force Board for Correction of Military Records; Secretary of the Air Force Personnel Council and its component boards, including the Air Force Discharge Review Board, the Air Force Board of Review, the Air Force Personnel Board, the Air Force Disability Review Board, the Air Force Physical Disability Appeal Board, and the Air Force Decorations Board; military, civilian, and industrial personnel security and investigative programs; and manpower management programs and techniques. Pursuant to 10 United States Code 175(a)(2), a member of the Reserve Forces Policy Board. He also serves as a member of the Per Diem, Travel and Transportation Allowance Committee.

(g) *Assistant to the Secretary (International Affairs).* The Assistant to the Secretary (International Affairs) is responsible for the direction, guidance and supervision of the international and certain special activities of the Department, including coordination of politico-military policies and actions with all pertinent DOD, State Department, and other agencies or groups; coordination of Air Force policies and actions pertaining to Military Assistance Program, relations with foreign governments, base rights agreements, disclosure of classified information to foreign governments; review and analysis of Air Force plans, programs, and requirements in all areas involving politico-military affairs, and any other matter directed by the Secretary.

(h) *Administrative Assistant to the Secretary of the Air Force.* The Administrative Assistant is responsible for management and administration of the Office of the Secretary of the Air Force including advisory services on Departmental management and administrative matters; administrative continuity in the Office of the Secretary during changes of statutory officials; various functions and special projects involving matters in the Department as directed by the Secretary; and the conduct of studies, inquiries and surveys in response to the needs of the Secretary and his principal assistants. Specific duties of the Administrative Assistant include administering the contingency funds of the Secretary; developing and maintaining the continuity of operations plans for the Office of the Secretary; under policy guidance of the Office of the Assistant Secretary of Defense (Public Affairs), administering Department of Defense news clipping service, maintaining research files and providing informational and historical research and news analysis for all elements of the Department of Defense. Publishing Current News, Radio/TV Defense Dialog, and Friday Review of Defense Literature; conducting special projects of the Secretary of the Air Force, including preparation of the Posture Statement; controlling the Secretary of the Air Force Order system; providing a focal point for monitoring, coordinating or consolidating Air Force responses or inputs on certain reports for the White House and the Secretary of Defense; providing custody and control over use of the Air Force Seal and other authentication devices; reviewing miscellaneous claims against the Air Force including those under the Military Claims Act, and announcing the decision for the Secretary of the Air Force; coordinating security services for the Office of the Secretary including advisory services on Departmental security matters; as the representative of the Secretary, serving on various boards and committees, such as the Federal Executive Officers Group, the Continuity Planning Committee, and the OSD Space Committee for the area encompassing the Seat of Government; announcing medical designations for the Secretary in accordance with AFR 168–1; announcing the decision of the Secretary in appeals under the Freedom of Information Act; providing administrative and management services for the Office of the Secretary of the Air Force involving: organization, manpower, financial management, military and civilian personnel administration, travel and local transportation services and office space allocation and utilization.

(i) *General Counsel.* The General Counsel is the final legal authority on all matters arising within or referred to the Department of the Air Force, except those relating to the administration of military justice and such other matters as may be assigned to the Judge Advocate General by Secretary of the Air Force. He is also responsible for providing legal advice and assistance to the Air Staff on all matters relating to procurement and disposal of supplies, materials, and equipment, including industrial mobilization and the Mutual Security Program; procurement of services by contract; research and development; acquisition and disposal of real property and its utilization by agencies and persons outside the Department of the Air Force; construction of military public works; family housing programs; budgetary, appropriation accounting, and related fiscal matters, including preparation and presentation to Congress of appropriation legislation; civil aviation (except representation in proceedings before administrative bodies provided by the Judge Advocate General); personnel security programs (except representation on security boards and committees provided by the Judge Advocate General). The General Counsel represents the Secretary of the Air Force in dealing with other departments and agencies of the Government on all matters relating to the negotiation of international agreements affecting the Air Force.

(j) *Director, Legislative Liaison.* The Director of Legislative Liaison, subject to the direction, control and general supervision of the Secretary of the Air Force, is assigned the authority and responsibility to discharge the duties and functions prescribed herein. This authority extends to relationships and transactions with all elements of the Department of the Air Force and other governmental and nongovernmental organizations and individuals. He advises and assists the Secretary of the Air Force and all other principal civilian and military officials of the Department of the Air Force concerning Air Force legislative affairs and Congressional relations. With the exception of appropriation matters, he is responsible for developing, coordinating and supervising the Air Force legislative program; evaluating and reporting legislative matters pertaining to the Air Force, including dissemination of pertinent legislative information to appropriate Air Force officials and offices; preparation and coordination of reports, testimony and related statements on legislation to the Office, Secretary of Defense, the Office of Management and Budget, and the Congress, including scheduling and other arrangements for presentation of legislative testimony before Congressional Committees; processing and preparation of replies to inquiries from Committees of Congress including arranging for presentation of testimony at hearings held by Committees pursuant to their investigative functions; processing and preparation of replies to correspondence and inquiries from Members of Congress, the Executive Office of the President, and the Office of the Vice President; the release of classified information to the Congress in accordance with policies prescribed by the Secretary of the Air Force; maintaining cognizance of correspondence and inquiries reflecting criticism of Air Force policy and, where appropriate, instituting recommendations for possible remedial action thereto; supervising travel arrangements for such Congressional travel as may be designated an official responsibility of the Air Force; keeping members and committees of Congress advised of Air Force activities within their area of interest; and maintaining direct liaison with the Congress, the Executive Office of the President, and the Office of the Secretary of Defense and other governmental agencies in connection with the aforementioned matters.

(k) *Director, Office of Information.* The Director of Information, under the direction of the Secretary of the Air Force and the general supervision of the Under Secretary, and consistent with policies established by the Office of the Secretary of Defense, is assigned the authority and responsibility to discharge the duties and functions prescribed herein. This authority extends to relationships and transactions with all elements of the Department of the Air Force and other governmental and nongovernmental organizations and individuals. The Director of Information advises and assists the Secretary of the Air Force, the Chief of Staff, and all other principal civilian and military officials of the Department of the Air Force concerning information activities. He is responsible for conducting the operations of the United States Air Force Information Program; planning, directing and super-

vising internal and external information activities; developing and supervising programs designed to maintain effective Air Force-community relations; maintaining liaison with counterpart information offices of the Office, Secretary of Defense, Army, Navy, and other governmental and industrial organizations.

(l) *Director, Office of Space Systems.* The Director of the Office of Space Systems is primarily responsible for assisting the Secretary in discharging his responsibility for the direction, supervision and control of Space Systems. He is responsible for maintaining liaison with the Office, Secretary of Defense and other interested Governmental agencies on matters relative to his assigned responsibilities.

SEC. 3. *Air Staff.*—(a) *Chief of Staff.* The Chief of Staff, U.S. Air Force, serves as a member of the Joint Chiefs of Staff and the Armed Forces Policy Council. In his Joint Chiefs of Staff capacity he is one of the principal military advisers to the President, the National Security Council, and the Secretary of Defense. He is the principal military adviser and executive to the Secretary of the Air Force on activities of the Air Force. He presides over the Air Staff, and supervises such members and organizations of the Air Force as the Secretary of the Air Force determines, consistent with full operational command assigned to commanders of specified and unified combatant commands. He is responsible for transmitting to the Secretary the plans and recommendations of the Air Staff, for advising him with regard thereto, and, after their approval by the Secretary, for acting as his agent in carrying them out. The Chief of Staff is directly responsible to the Secretary of the Air Force for the efficiency of the Air Force and preparation of its forces for military operations. He supervises the administration of Air Force personnel assigned to unified organizations and unified and specified combatant commands, and support of forces assigned to these organizations and commands as directed upon the Air Force by the Secretary of Defense. He supervises the following activities when responsibility for them has been assigned to the Air Force by the Secretary of Defense: the carrying out of any supply or service activity common to more than one military department; the development and operational use of new weapons and weapon systems; and the performance of such functions as may be transferred from other departments or agencies of the Department of Defense. He performs such other duties as are assigned by the President.

(b) *Vice Chief of Staff.* The Vice Chief of Staff assists the Chief of Staff in the exercise of all his responsibilities. Under delegated authority from the Chief of Staff, he supervises the U.S. Air Force consistent with policy guidance and statutory limitations. In the absence or disability of the Chief of Staff, or in the event of a vacancy in that office, he exercises the authority and performs the duties of the Chief of Staff. He serves as Chairman of the Air Force Council.

(c) *Assistant Vice Chief of Staff.* The Assistant Vice Chief of Staff assists the Chief of Staff and the Vice Chief of Staff in the discharge of their duties. He assists in the development, implementation, and review of plans, programs, and policies, and in the overall direction of the U.S. Air Force. He also exercises general supervision over the organization and administration of the Air Staff.

(d) *USAF Scientific Advisory Board.* The USAF Scientific Advisory Board advises the Secretary of the Air Force and the Chief of Staff on all scientific matters of interest to the Air Force mission. The Board reviews research and technological developments for possible further development for military application, reviews and evaluates the Air Force long-range plans for research and development, and provides advice on the adequacy of the Air Force program.

(e) *Chief Scientists.* The Chief Scientist serves as chief scientific adviser to the Chief of Staff and the Air Force in all areas of research and development. He recommends changes in policies, plans, and organization to improve research and development programs.

(f) *Chief, Office of Air Force History.* The Chief, Office of Air Force History, is responsible for the general direction and administration of the global Air Force Historical Program. He advises and counsels the Secretary of the Air Force and the Chief of Staff on historical matters.

(g) *Surgeon General.* The Surgeon General advises the Secretary of the Air Force and the Chief of Staff on all matters pertaining to the health of Air Force personnel, administers all medical services of the U.S. Air Force, develops the Air Reserve Forces medical program, and advises the Deputy Assistant Secretary of Defense (Health and Medical) on USAF medical matters.

(h) *The Inspector General.* The Inspector General acts as an adviser to the Chief of Staff and serves as a professional assistant to the Secretary of the Air Force. He determines the status of combat readiness, command mission accomplishment, logistic effectiveness and discipline; evaluates the efficiency, economy, and adequacy of the USAF; investigates matters within USAF jurisdiction involving crime, violations of public trust, subversion, disaffection, and related activities; directs the counterintelligence program; establishes security policy; develops and directs the ground, flight, missile, and nuclear safety policies, programs and procedures; and establishes effective Air Force facilities for inspection, security, investigation, law enforcement, and safety.

(i) *The Judge Advocate General.* The Judge Advocate General acts as legal adviser to the Chief of Staff and exercises general supervision over the administration of military justice and civil law matters pertaining to the Air Force. He is responsible for the establishment and operation of the legal system of appellate reviews of courts-martial records as provided by the Uniform Code of Military Justice.

(j) *Assistant Chief of Staff, Intelligence.* The Assistant Chief of Staff, Intelligence, develops and implements USAF intelligence plans and policies and represents the Chief of Staff on intelligence matters on specific joint and interagency committees of the Government. He coordinates the collection and production of air intelligence by Air Force activities; monitors the worldwide targeting efforts in order to keep the USAF apprised of current changes and developments; and produces air technical intelligence from reports and analyses of foreign materiel.

(k) *Chief, National Guard Bureau.* The National Guard Bureau is a joint bureau of the Department of the Army and the Department of the Air Force, headed by a chief who is the adviser to the Army Chief of Staff and the Air Force Chief of Staff on National Guard matters. The National Guard Bureau is the channel of communications between the departments concerned and the several States, Puerto Rico, and the District of Columbia on matters pertaining to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States (10 U.S.C. 3015). The Chief, National Guard Bureau, is directly responsible to the Air Force Chief of Staff for all matters pertaining to the development and maintenance of the Air National Guard and the Air National Guard of the United States, and advises all other elements of the Air Staff on Air National Guard matters.

(l) *Chief, Air Force Reserve.* The Chief, Air Force Reserve is the principal adviser to the Chief of Staff on all matters relating to the Air Force Reserve and serves on his special staff. He monitors and maintains surveillance of Air Staff actions affecting the Air Force Reserve and is final coordinator on all correspondence, directives, and other official documents relating thereto. He also provides a channel of communications between Headquarters, USAF and all subordinate elements responsible for the administration and training of the Air Force Reserve. He presents all pertinent matters to Congress and provides liaison with nongovernmental organizations having a primary interest in the Air Force Reserve.

(m) *Assistant Chief of Staff, Studies and Analysis.* The Assistant Chief of Staff, Studies and Analysis, formulates the Air Force Designated Studies Program for approval by the Chief of Staff and conducts or assists in conducting all studies so approved. Designated studies are important, high priority studies of particular significance to the Air Force. Generally, they deal with strategic offensive and defensive, general purpose, and airlift force composition. The Assistant Chief of Staff, Studies and Analysis, also conducts technical and specialized operational feasibility analyses and cost effectiveness evaluations to assist in major force level decisions.

(n) *Chief of Chaplains.* The Chief of Chaplains is responsible for all matters pertaining to the Air Force chaplaincy. He establishes and maintains cordial relationship with religious groups and

quasi-official relationship with ecclesiastical endorsing agencies.

(o) *Director of Administration.* The Director of Administration is responsible for the development, coordination, and management of Air Force-wide programs, systems, and procedures governing: printing and duplicating operations and facilities, publication management and distribution, forms management, postal and courier operations, and records management. He provides management services to the Departmental activities and is also responsible for administrative orders, document security, reference library service, terminology and abbreviations, and the release of documents and fee system in compliance with the Freedom of Information Act.

(p) *Comptroller of the Air Force.* The Comptroller of the Air Force is directly responsible to the Assistant Secretary of the Air Force (Financial Management) and concurrently to the Chief of Staff, USAF, for budgeting, accounting, disbursing, data management and automated systems development, analyses and progress reporting, and auditing throughout the Air Force.

(q) *Deputy Chief of Staff, Personnel.* The Deputy Chief of Staff, Personnel, is responsible for developing plans, policies, and programs pertaining to military and civilian personnel of the Air Force and directing the execution thereof. He develops personnel systems designed to integrate fully qualified personnel at the time and place required for optimum support of all weapon and support systems, and attendant operational support.

(r) *Deputy Chief of Staff, Programs and Resources.* The Deputy Chief of Staff, Programs and Resources, is responsible for developing Air Force programs pertaining to the attainment of operating and supporting forces, and directing the implementation of necessary actions relating thereto. He exercises Air Staff leadership in effecting maximum balance of available resources and integration of effort toward optimum operational capability of all weapon and support systems.

(s) *Deputy Chief of Staff, Plans and Operations.* The Deputy Chief of Staff, Plans and Operations, is responsible for formulating overall Air Force operational concepts, objectives, policies, plans, missions, doctrines, and force effectiveness. He translates assigned roles and missions into Air Force tasks and determines force requirements to support approved national strategy. His planning functions include unilateral aerospace planning and joint planning. He is also responsible for those operating functions which are in support of the Joint Chiefs of Staff. He is the Operations Deputy to the Chief of Staff, USAF, in the latter's capacity as a member of the Joint Chiefs of Staff and is responsible for USAF participation in joint and combined policy making, planning, and operational activities.

(t) *Deputy Chief of Staff, Research and Development.* The Deputy Chief of Staff, Research and Development, is responsible for identification of desired operational capabilities for aerospace systems and subsystems to perform military tasks. He develops and directs plans and programs for the Air Force in the field of basic and applied research, advanced engineering development, development planning, systems acquisition, research support, and test activities. He serves as the focal point for all matters relating to space, including the coordination of Air Force activities with other Government agencies. He is responsible for projecting developments to meet future Air Force mission requirements, and directs Air Force research and development activities in the nuclear energy field.

(u) *Deputy Chief of Staff, Systems and Logistics.* The Deputy Chief of Staff, Systems and Logistics, is responsible for developing and directing plans, policies, programs, and procedures for the management of Air Force and Reserve Forces activities in the field of logistical support. This involves logistical planning, procurement, supply and services, maintenance engineering and transportation for systems. He is also responsible for execution of the Air Force portion of foreign military assistance, sales and programs.

SEC. 4. *Field Organization.* There are 15 major commands and 11 separate operating agencies which together represent the field organization of the United States Air Force. These commands are given the responsibility for accomplishing certain phases of the worldwide activities of the USAF. They are responsible for organizing, administering, equipping, and training their subordinate elements for the accomplishment of assigned missions.

Aerospace Defense Command. The Aerospace Defense Command is a major command of the United States Air Force and is the Air Force component in the North American Air Defense Command/Continental Air Defense Command structure. Its primary mission is to discharge Air Force responsibilities for the aerospace defense of the United States.

Air Force Logistics Command. The Air Force Logistics Command provides worldwide logistics support to the Air Force. This includes procurement, storage, and distribution of supplies and the performance of or arrangement for the performance of depot level maintenance on materiel.

Air Force Systems Command. The responsibility of the Air Force Systems Command is to advance aerospace technology, adapt it into operational aerospace systems, and acquire qualitatively superior aerospace systems and material needed to accomplish the United States Air Force mission.

Air Training Command. The Air Training Command provides individual training for Air Force officers and airmen. This includes basic training and indoctrination for all Air Force recruits; flying training; and technical field, special, and such other training as directed. It is also charged with the recruiting function for the United States Air Force.

Air University. The Air University is primarily concerned with the higher education of Air Force officers. It is responsible for the supervision and operation of such activities as the War College, the Institute of Technology, the Extension Course Institute, and the Air Force ROTC.

Headquarters Command, USAF. The Headquarters Command provides administrative and logistics support for Headquarters, USAF and for those Air Force units stationed within the Washington, D.C., area on a permanent or temporary duty basis that are not capable of providing self-support. This includes the USAF Band, air attaché and air mission units, and other special mission personnel located in the Continental United States and overseas.

Military Airlift Command. The Military Airlift Command provides air transportation for personnel and cargo for all the military services on a worldwide basis. In addition, MAC furnishes weather, rescue, and audiovisual services for the Air Force.

Strategic Air Command. The Strategic Air Command is a major command of the United States Air Force and a Joint Chiefs of Staff specified command. Its primary mission is to organize, train, equip, administer, and prepare strategic air forces for combat, including bombardment, missile, special mission, and strategic reconnaissance units and to conduct strategic air operations.

Tactical Air Command. The Tactical Air Command's mission is to organize, train, and equip forces to participate in tactical air operations. This includes tactical fighter, tactical air reconnaissance, special operations, tactical airlift, close combat air support, logistical air support, and joint amphibious and airborne operations. It is the Air Force component of U.S. Readiness Command and U.S. Atlantic Command. It participates with other services in developing doctrine, procedures, tactics, techniques, training, and equipment for joint operations.

United States Air Force Security Service. The United States Air Force Security Service monitors Air Force communications in all parts of the world to insure compliance with established communication security practices and procedures. Additionally, USAF Security Service units occasionally conduct research in communication phenomena in support of various elements of the U.S. Government.

Air Force Communications Service. The Air Force Communications Service provides base and point-to-point communications, flight facilities, and air traffic control services primarily to the Air Force but also other agencies, governmental and civil, national and foreign.

Overseas Commands. The United States Air Forces in Europe, Pacific Air Forces, Alaskan Air Command, and United States Air Forces Southern Command constitute the overseas commands of the USAF. They are responsible for the offensive, defensive, transport, and logistics functions in their areas of operation. They provide the air elements for the unified force to which they are assigned and assist Air Forces of other countries.

Separate Operating Agencies.—The Air Force Accounting and Finance Center provides technical supervision, advice, and guidance to Air Force accounting and finance field activities and a centralized Air Force accounting and finance operation.

The U.S. Air Force Academy provides a 4-year educational curriculum for cadets that includes a baccalaureate level education in airmanship, related sciences, and the humanities. Besides a classical education, each cadet is trained to appreciate the role of airpower, its capabilities and limitations, high ideals of individual integrity, patriotism, loyalty, honor, physical fitness, sense of responsibility, and a dedication of selfless and honorable service.

The Air Reserve Personnel Center provides for personnel administration of the Air Reserve Forces and mobilization of these reserves when needed.

The Air Force Reserve performs the USAF Chief of Staff field responsibilities for command of the Air Force Reserve; is responsible for participation in formulation of plans for management, administration, and execution of programs affecting the Air Force Reserve (AFRES) units.

The Air Force Audit Agency provides independent internal audit and appraisal of financial, operational, management, and support activities as a service to all levels of management.

The Air Force Inspection and Safety Center directs the Air Force inspection and safety programs, evaluating operational readiness, accident prevention, and management systems.

The Air Force Office of Special Investigations provides criminal, counterintelligence, personnel security, and special investigative services to Air Force activities; collects, analyzes, and reports significant information about these matters.

The Air Force Data Automation Agency provides centralized data processing support and standardized data systems design and software programming for the Air Force and simulation services for the Air Force and other Federal agencies.

The Air Force Military Personnel Center executes personnel plans and programs and supervises procedures applicable to the worldwide management and administration of Air Force military personnel.

The Air Force Intelligence Service provides specialized intelligence service in support of USAF operations through the conduct of in-depth all-source research, direction of collection activities, processing and dissemination of intelligence information and intelligence, and the exercise of management and control of intelligence systems and special security systems.

The Air Force Test and Evaluation Center assesses the operational utility of all major and selected nonmajor Air Force systems and is responsible for planning, directing, evaluating, and reporting on the Air Force Operational Test and Evaluation Program.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.74-21572 Filed 9-17-74;8:45 am]

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON "NET TECHNICAL ASSESSMENT"

Notice of Advisory Committee Meeting

A Defense Science Board Task Force on "Net Technical Assessment" will meet in closed session on 15–16 October 1974 at the National Security Agency, Ft. Meade, Maryland.

The mission of this Task Force is to advise the Secretary of Defense and the Director of Defense Research and Engineering on US/USSR overall research and engineering technology programs and to provide guidance for U.S. technology exploitation in these areas to the Department of Defense.

The Task Force will examine in detail the important problem of determining areas of technological exploitation and long range technological trends which will measurably help the Government regarding technology transfer issues as they relate to the Soviet Union and the rest of the World.

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

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

SEPTEMBER 13, 1974.

[FR Doc.74-21437 Filed 9-17-74;8:45 am]

DEPARTMENT OF JUSTICE

U.S. STEEL CORP. AND TRAIN, ET AL.

Notice of Proposed Consent Decree in Action To Enjoin Emission of Air Pollutants

In accordance with Department Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on September 4, 1974, a proposed consent decree in *United States Steel Corporation v. Train, et al.* was lodged with the United States District Court for the Northern District of Indiana. The proposed consent decree would require the achievement of emission limitations and the installation of air pollution control devices at United States Steel Corporation's Gary, Indiana plant.

The Department of Justice will receive written comments relating to the proposed decree for 30 days following the date of publication of this notice. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, or to the United States Attorney for the Northern District of Indiana, U.S. Courthouse, 1300 South Harrison Street, Fort Wayne, Indiana 46801 and should refer to *United States Steel Corporation v. Train, et al.*, D.J. Ref. 90-5-2-3-418.

The proposed consent decree may be examined at the Region V Office of the Environmental Protection Agency, 1 North Wacker Drive, Chicago, Illinois, and at the offices of the United States Attorney in Hammond, Indiana and the Pollution Control Section, Land and Natural Resources Division, Department of Justice, Room 2623, 10th Street and Pennsylvania Avenue, NW., Washington, D. C. A copy of the proposed consent decree may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division of the Justice Department (202–739–2708). In requesting a copy, please enclose a check in the amount of $1.20 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

WALLACE H. JOHNSON,
Assistant Attorney General.

[FR Doc.74-21554 Filed 9-17-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 7598]

ARIZONA

Notice of Proposed Protective Withdrawal

The Bureau of Land Management, Department of the Interior, has filed an application, serial number Arizona 7598, for a protective withdrawal of the mineral estate underlying the lands described below. The surface of the subject lands has been transferred out of Federal ownership; the mineral rights are reserved to the United States and are subject to mineral location and entry under the General Mining Laws. The lands are located on the Phoenix Mountains, Mummy Mountains and Camelback Mountains within the Phoenix metropolitan area. Most of these lands are within an area which has been designated by the City of Phoenix as the Phoenix Mountain Preserve which has been established to protect open space and public recreation values. The City is presently engaged in acquiring those lands in the Preserve not yet in city ownership. Some of these Tracts, located on the perimeter of the Preserve, have been or are being developed for residential purposes. Withdrawal of the mineral estate from operation of the mining laws, but not the mineral leasing laws, will enable the City of Phoenix to proceed

with its plans for preservation of the lands within the Phoenix Mountain Preserve as unspoiled open space areas within the Phoenix metropolitan area, and will protect the areas from mineral location and disturbance of the natural environment.

Valid existing rights or claims would not be affected by this proposed withdrawal.

On or before October 18, 1974, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, Arizona 85025.

The Department's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the resources which remain in Federal ownership. Adjustments will be made if necessary.

The authorized officer will prepare a report for consideration by the Secretary of the Interior, who will determine whether or not the withdrawal will be made as requested. The determination of the Secretary will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

Maps of the areas involved are on file and available for inspection at the Bureau of Land Management, 3022 Federal Building, Phoenix, Arizona 85025.

The lands involved in this application are:

GILA AND SALT RIVER MERIDIAN

T. 2 N., R. 3 E.,
Sec. 3, lots 15 and 16;
Sec. 12, lots 1, 2, 3, and 4, W½NE¼ and W½NW¼.
T. 3 N., R. 3 E.,
Sec. 17, lot 1;
Sec. 20, lot 1;
Sec. 26, lot 1, SW¼SE¼ and E½SE¼;
Sec. 34, NE¼NW¼;
Sec. 35 SE¼NE¼ and E½SE¼.
T. 2 N., R. 4 E.,
Sec. 4, lots 3, 4, 5, 6, 9, 10, 11, and 12;
Sec. 5, lot 1, SE¼NE¼, and SE¼SE¼;
Sec. 6, lots 1 through 7, inclusive, SW¼NE¼, SE¼NW¼, E½SW¼, and NW¼SE¼;
Sec. 17, lots 1, 2, 3, 6, 7, 8, 9, and 12.
T. 3 N., R. 4 E.,
Sec. 30, SE¼SW¼ and W½SE¼;
Sec. 31, lots 1, 2, 4, 5, 6, 7, 8, and 9, and SE¼NE¼.

The areas described aggregate 2,537.06 acres of non-public lands in Maricopa County, Arizona.

Dated: September 11, 1974.

JOE T. FALLINI,
State Director.

[FR Doc.74-21577 Filed 9-17-74; 8:45 am]

Geological Survey

BELKNAP-FOLEY HOT SPRINGS, OREG.

Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by sec. 21 (a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Department Manual 4.1H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1G, the following described lands are hereby defined as known geothermal resources areas:

(37) OREGON

BELKNAP-FOLEY HOT SPRINGS KNOWN GEOTHERMAL RESOURCES AREA

WILLAMETTE MERIDIAN, OREGON

T. 16 S., R. 6 E.
Secs. 14, 20 through 23, 26, 28, 29.

The area described aggregates 5,066.21 acres, more or less.

Dated: August 29, 1974.

WILLIAM T. GERE,
Conservation Manager,
Western Region.

[FR Doc.74-21548 Filed 9-17-74;8:45 am]

McCREDIE HOT SPRINGS, OREG.

Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Department Manual 4.1H., Geological Survey Manual 220.2.3., and Conservation Division Supplement (Geological Survey Manual) 220.2.1G., the following described lands are hereby defined as the McCredie Hot Springs known geothermal resources area, effective February 1, 1974:

(37) OREGON

MCCREDIE HOT SPRINGS KNOWN GEOTHERMAL RESOURCES AREA

WILLAMETTE MERIDIAN, OREGON

T. 21 S., R. 4 E.
Secs. 25, 26, 35, 36.
T. 22 S., R. 4 E.
Sec. 1.
T. 21 S., R. 5 E.
Sec. 31.

The area described aggregates 3,658.60 acres, more or less.

Dated: August 29, 1974.

WILLIAM T. GERE,
Conservation Manager,
Western Region.

[FR Doc.74-21549 Filed 9-17-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

WEYERHAEUSER COMPANY AND GIFFORD PINCHOT NATIONAL FOREST, WASHINGTON

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 Landownership Adjustment Plan Between Weyerhaeuser Company and Gifford Pinchot National Forest, Washington. USDA-FS-FES (Adm) 73-70.

The environmental statement concerns a proposed landownership adjustment plan between Weyerhaeuser and the Forest Service. Weyerhaeuser is offering 13,089 acres of their land to the Forest Service in exchange for 13,765 acres of National Forest lands, all in the State of Washington. The exchange will consolidate public and private lands and will increase the number of land management alternatives, reduce management costs, and make several thousand acres of public land available primarily for recreation use.

This final environmental statement was filed with CEQ on September 12, 1974.

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

USDA, Forest Service
South Agriculture Bldg.
12th St. & Independence Avenue, SW.
Washington, D.C. 20250

USDA, Forest Service
Pacific Northwest Region
319 SW Pine Street
Portland, Oreg. 97204

Gifford Pinchot National Forest
500 West 12th Street
Vancouver, Wash. 98660

A limited number of single copies are available upon request to Regional Forester T. A. Schlapfer, Pacific Northwest Region, P.O. Box 3623, Portland, Oregon 92708, or Forest Supervisor Spencer T. Moore, 500 West 12th Street, Vancouver, Washington 98660.

R. MAX PETERSON,
Deputy Chief, Forest Service.

SEPTEMBER 12, 1974.

[FR Doc.74-21607 Filed 9-17-74;8:45 am]

ASPEN-HORSETHIEF TIMBER SALES

Notice of Availability of Draft 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 draft environmental statement for the Aspen-Horsethief Timber Sales, Sierra National Forest, USDA-FS-R5-DES (Adm.) 75-4.

The environmental statement concerns a proposal to continue with the preparation and eventual sale of the Aspen-Horsethief Timber Sales. These proposed timber sales are southeast of Mammoth Pool Reservoir on the Pineridge District, Sierra National Forest, Fresno County, California. The total area under study comprises 4,870 acres of National Forest lands within the 23,020-acre Kaiser Inventoried Roadless Area. Roughly 922 acres within the Study Area would be scheduled for various types of timber harvesting at the first stage of entry. The remaining acreage would be logged at

varying intervals during the next 100 years. The ultimate goal of this proposal is to place the Study Area under long-term multiple use management which includes the production of timber resources.

This draft environmental statement was transmitted to CEQ on September 10, 1974.

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

USDA, Forest Service, South Agriculture Bldg., Rm. 3230, 12th St. & Independence Ave. SW., Washington, D.C. 20250.

Sierra National Forest, Federal Building 1130 "O" Street, Fresno, CA 93721.

USDA, Forest Service, California Region, 630 Sansome Street, Rm. 531, San Francisco, CA 94111.

Pineridge Ranger District, Big Creek Ranger Station, P.O. Box 38, Big Creek, CA 93605.

A limited number of single copies are available upon request to Sotero Muniz, Forest Supervisor, Sierra National Forest, Federal Building, 1130 "O" Street, Fresno, Calif. 93721.

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

Comments are invited from the public and from state and local agencies which are authorized to develop and enforce environmental standards and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Sotero Muniz, Forest Supervisor, Sierra National Forest, 1130 "O" Street, Fresno, California 93721.

Comments must be received within 60 days after the date of filing with CEQ in order to be considered in the preparation of the final environmental statement.

DOUGLAS LEISZ,
Regional Forester,
California Region.

[FR Doc.74-21574 Filed 9-17-74;8:45 am]

Office of the Secretary

AGRICULTURAL RESEARCH POLICY ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Agricultural Research Policy Advisory Committee (ARPAC) will be held at 9 a.m. on Wednesday, November 6, 1974 in Room 218-A of the USDA Administration Building, Independence Avenue between 12th and 14th Streets, SW., Washington, D.C.

The Committee is jointly sponsored and chaired by the Department of Agriculture and the National Association of State Universities and Land Grant Colleges.

The matters to be considered at this meeting include activities and progress in national and regional planning for agricultural research, general relationships between USDA and university research agencies, activities by other organizations of interest to ARPAC, and future ARPAC plans and actions.

The meeting will be open to the public. Attendance will be limited to the space available. While no oral presentations will be entertained, anyone may file with the Committee, before or after the meeting a written statement concerning the matters to be discussed. Persons who wish to file written statements, may submit them to Dr. David J. Ward, Research Planning and Coordination, Office of the Secretary, Room 307-A, USDA, Washington, D.C. 20250—Telephone 202-447-3854. A record of the meeting will be available for public inspection at the above address three weeks after the meeting.

Dated: September 13, 1974.

ROBERT W. LONG,
Assistant Secretary for Conservation, Research and Education.

[FR Doc.74-21609 Filed 9-17-74;8:45 am]

NATIONAL AGRICULTURAL RESEARCH PLANNING COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Agricultural Research Planning Committee (NPC) will be held beginning at 9 a.m. September 26 and 27, 1974 in the Rodeway Inn at 5212 West Southern Avenue, Indianapolis, Indiana.

The Committee is jointly sponsored and chaired by the Department of Agriculture and the National Association of State Universities and Land Grant Colleges. The Committee deals with the planning element of the Agricultural Research Policy Advisory Committee (ARPAC).

The matters to be considered at this meeting include activities and progress in national and regional planning for agricultural research, implementation of task force reports, and future NPC plans and actions.

The meeting will be open to the public. Attendance will be limited to the space available. While no oral presentations will be entertained, anyone may file with the Committee, before or after the meeting a written statement concerning the matters to be discussed. Persons who wish to file written statements may submit them to Dr. David J. Ward, Research Planning and Coordination, Office of the Secretary, Room 307-A, USDA, Washington, D.C. 20250—Telephone 202-447-3854. A record of the meeting will be available for public inspection at the above address three weeks after the meeting.

Dated: September 13, 1974.

ROBERT W. LONG,
Assistant Secretary for Conservation, Research and Education.

[FR Doc.74-21608 Filed 9-17-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Licensing Procedures Subgroup of the Computer Systems Technical Advisory Committee will be held Thursday, October 3, 1974, at 9:30 a.m. in Room 5230, Main Commerce Building, 14th and Constitution Avenue, Washington, D.C.

Members advise the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda itmes are as follows:

1. Opening remarks by the Subgroup Chairman, Hugh P. Donaghue.
2. Presentation of papers or comments by the public.
3. Review of current export control procedures.
4. Discussion of Military Procurement Act
5. Executive Session:

Continuation of discussion of agenda items 3 and 4.

The public will be permitted to attend the discussion of agenda items 1-4, and a limited number of seats will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the subgroup. Interested persons are also invited to file written statements with the subgroup.

With respect to agenda item 5, "Executive Session," the Assistant Secretary of Commerce for Administration, on May 16, 1974, determined, pursuant to section 10(d) of Public Law 92-463, that this agenda item should be exempt from the provisions of sections 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 USC 552(b)(1).

Further information may be obtained from Hugh P. Donaghue, Control Data

Corporation, 2000 L Street, NW., Washington, D.C. 20036 (A/C 202-296-0200).

Dated: September 12, 1974.

RAUER H. MEYER,
Acting Director,
Bureau of East-West Trade.

[FR Doc.74-21560 Filed 9-17-74;8:45 am]

ELECTRONIC INSTRUMENTATION TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

The Electronic Instrumentation Technical Advisory Committee of the U.S. Department of Commerce will meet Tuesday, October 15, 1974 at 9:30 a.m. in Room 6802 of the Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

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

Agenda items are as follows:

1. Comments by the Chairman.
2. Presentation of papers or comments by the public.
3. Review of subgroup's progress.
4. Review of A/D Converter and DVM Technology.
5. Executive Session:

a. Review and discussion of proposed changes to date.

b. Preliminary proposals for changes in items not previously discussed.

c. Discussion of committee's attention to systems and programmability.

The public will be permitted to attend the discussion of agenda items 1-4, and a limited number of seats—approximately 15—will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

With respect to agenda item (5), "Executive Session," the Assistant Secretary of Commerce for Administration, on May 28, 1974, determined, pursuant to section 10(d) of Public Law 92-463, that this agenda item should be exempt from the provision of sections 10 (a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552(b)(1).

Further information may be obtained from Charles C. Swanson, Director, Operations Division, Office of Export Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230 (A/C 202-967-4196).

Dated: September 12, 1974.

RAUER H. MEYER,
Acting Director,
Bureau of East-West Trade.

[FR Doc.74-21533 Filed 9-17-74;8:45 am]

KANSAS STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00370-53-46040. Applicant: Kansas State University, Division of Biology, Ackert Hall, Manhattan, Kansas 66506. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article is intended to be used for studies of biological cells in stages of division, including both mitosis and meiosis; cultured cells being studied in states of differentiation and specialization of function; cells secreting calcium for deposition in extracellular matrices; viruses and virus-infected cells. The studies involved are to be used for further knowledge of fundamental biological phenomena such as mitosis, virus infection, embryonic development, fertilization, and sperm mobility. The article is also intended to be used in the preparation of students and faculty members for research applications of the electron microscope.

COMMENTS: No comments have been received with respect to this application.

DECISION: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

REASONS: This application is a resubmission of Dockets Numbers 73-00002-33-46040, 73-00336-33-46040, and 74-00058-33-46040 which were denied without prejudice to resubmission for informational deficiencies. In reply to Question 8 the applicant alleged the foreign article provided the following pertinent features:

(1) Better specimen exchange (insert) mechanism.

(2) A guaranteed resolution of 5 Angstroms (Å) point-to-point.

(3) A total magnification range without changing a pole-piece, which provides better beam coherency and less specimen contamination.

(4) Less specimen damage due to lower beam currents, causing less damage or better illumination.

(5) A eucentric goniometer stage and additional cameras.

(6) Solid State electronics for greater reliability.

The Department of Health, Education, and Welfare (HEW) reviewed this application and compared the alleged pertinent features of the article with those of the most closely comparable domestic electron microscope, the Model EMU-4C, formerly manufactured by the Forgflo Corporation and currently supplied by the Adam David Company. HEW advised in its memorandum dated June 7, 1974 that the description of the research and teaching does not establish a pertinent characteristic for the article that uphold duty-free treatment.

HEW advised that features (1) and (6) are not pertinent within the meaning of section 701.2(n) which defines "pertinent specifications", and that the EMU-4C provides features (2), (3), and (4).

The features alleged to be pertinent in (5) above were not ordered with the article and therefore cannot be considered in the determination of scientific equivalency accordingly to sections 701.2(d) and 701.6(a)(3) of the regulations. Accordingly, we find that the Model EMU-4C is of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-21565 Filed 9-17-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FAP 5B3029]

UNION CARBIDE CORP.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5B3029) has been filed by Union Carbide Corp., River Rd., Bound Brook, NJ 08805, proposing that § 121.2514 Resinous and polymeric coatings (21 CFR 121.2514) be amended in paragraph (b)(3)(xv) under item "Vinyl chloride-acetate-2,3-epoxypropyl methacrylate copolymers * * *" by deleting the limitations on the types of foods that may be contacted by the copolymer.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: September 10, 1974.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.74-21546 Filed 9-17-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

INTERIM STANDARD MICROWAVE LANDING SYSTEM

Notice of System Selection

Correction

In FR Doc. 74–20124 appearing on page 31681 of the issue for Friday, August 30, 1974, make the following changes:

1. In the third column, the second complete paragraph, the sixth line should be deleted and replaced by the following: "further require grantee use of an ap-".

2. The issuance date above the signature should be "August 23, 1974."

Federal Railroad Administration

[Waiver Petition SI–74–1]

NATIONAL RAILROAD PASSENGER CORP.

Petition for Relief

Notice is hereby given that the National Railroad Passenger Corporation (Amtrak) has petitioned the Federal Railroad Administration (FRA) for relief from the provision of the order issued by Interstate Commerce Commission (ICC) on June 17, 1947 in ICC Docket No. 29543 and subsequently adopted and continued in effect by the FRA on April 1, 1967, which requires installation of an automatic train stop or train control system or automatic continuously controlled cab signal system where any passenger or freight train is operated at a speed of 80 miles per hour, to permit the 90 mile per hour operation of RTG turbine powered passenger trains over segments of Illinois Central Gulf (ICG) main line track between Chicago, Illinois and St. Louis, Missouri (including alternate routes between South Joliet, Illinois and Mazonia, Illinois) where these systems have not been installed.

The segments of ICG track involved extend:

(1) From Glenn, Illinois (milepost 10.3) to milepost 38.5 (South of Station—Joliet, Illinois), which is double track and equipped with Automatic Block Signals.

(2) From Joliet, Illinois to Mazonia, Illinois over two Alternate Routes:

(a) The "Pequot Line"—

From milepost 38.5 to Plaines, Illinois (milepost 41.3), which is single track and equipped with Traffic Control System (TCS);

From Plaines, Illinois (milepost 41.3) to Pequot, Illinois (milepost 59.4) which is double track and equipped with Automatic Block Signals;

From Pequot, Illinois (milepost 59.4) to Mazonia, Illinois (milepost 62.6) which is single track and equipped with TCS; and

(b) The "Main Line"—

From South Joliet, Illinois (milepost 38.5) to Mazonia, Illinois (milepost 62.6) which is single track and equipped with Automatic Block Signals.

(3) From Mazonia, Illinois (milepost 62.6), to North Normal, Illinois (milepost 121.4) which is single track and equipped with TCS.

(4) From North Normal, Illinois (milepost 121.4) to Normal, Illinois (milepost 124.1) which is double track and equipped with TCS.

(5) From Normal, Illinois (milepost 124.1) to Bloomington, Illinois (milepost 126.6) which is single track and equipped with TCS.

(6) From Bloomington, Illinois (milepost 126.6) to milepost 128.8 which is double track and equipped with TCS.

(7) From milepost 128.8 to milepost 181.0 which is single track and equipped with TCS.

(8) From milepost 181.0 to Ridgely, Illinois (milepost 182.9) which is double track and equipped with TCS.

(9) From Ridgely, Illinois (milepost 182.9) to Iles, Illinois (milepost 187.3) which is double track and equipped with Automatic Block Signals.

(10) From Iles, Illinois (milepost 187.3) to South Iles, Illinois (milepost 189.5) which is double track and equipped with TCS.

(11) From South Iles, Illinois (milepost 189.5) to Wann, Illinois (milepost 262.1 via Alton cutoff) which is single track and equipped with TCS.

(12) From Wann, Illinois (milepost 262.1) to Granite City, Illinois (milepost 274.9), southbound main which is equipped with Automatic Block Signals.

This petition is limited to RTG trains operating over these segments of track; all other trains remain subject to the 79 m.p.h. speed limitation prescribed in the order. The petition states that prior to scheduling increased speeds, grade crossing signal starts will be extended where necessary to comply with railroad-highway grade crossing protection standards of the Association of American Railroads Bulletin No. 6.

The petitioner estimates that the present 4 hour, 59 minute schedule between Chicago and St. Louis could eventually be reduced by 26 minutes to a 4 hour, 33 minute schedule and that installation of an automatic train control system would require two years to install and cost more than $5,000,000.

Attached to the petition were a number of exhibits to demonstrate that:

(1) The RTG train's brake ability at 90 m.p.h. is superior to that of conventional passenger equipment at 79 m.p.h.;

(2) No dangerous heating of the wheels or discs of the RTG trains occurs at 90 m.p.h. under full service or emergency brake applications;

(3) A 90 m.p.h. maximum speed is necessary for better utilization of the performance capabilities of the RTG train.

In a reply to this petition filed with the FRA, ICG contends that its trackage between Chicago and St. Louis is not now and has not been suitable for passenger train operation at speeds of more than 79 miles per hour and that its trackage does not conform to the FRA Track Safety Standards (49 CFR Part 213) for operation at higher speeds. In view of continuing negotiations between ICG and Amtrak concerning the necessity and requirements for upgrading this trackage, ICG believes that this petition is premature and should not be granted.

Amtrak filed a response to the ICG reply contending that its petition is not premature because disposition of the petition is an important prerequisite to any commitment by Amtrak to upgrade the track in question to accommodate the increased speed. The Amtrak response also points out that the petition requests relief from the signal system requirement only and "no increased speeds for RTG trains will be scheduled in contravention of any other applicable rules and regulations".

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should identify the proceeding (Waiver Petition SI–74–1) and should be addressed to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before October 15, 1974, will be considered before action is taken on this petition.

This petition and all comments received will be available for examination by interested persons at any time during normal business hours in Room 5101, Nassif Building, 400 Seventh Street, SW., Washington, D.C.

This notice is issued under the authority of section 25 of the Interstate Commerce Act, as amended, 49 U.S.C. 26, and § 1.49(g) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(g).

Issued in Washington, D.C. on September 12, 1974.

DONALD W. BENNETT,
Chief Counsel.

[FR Doc.74–21629 Filed 9–17–74;8:45 am]

RAILROAD OPERATING RULES ADVISORY COMMITTEE

Notice of Establishment

The purpose of this notice is to announce the establishment of the Railroad Operating Rules Advisory Committee pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463; 86 Stat. 770).

The purpose of the Railroad Operating Rules Advisory Committee is to review all relevant data and make recommendations to the Federal Railroad Administrator as to the scope, type, and priority for Federal regulations considered necessary to increase the safety of railroad operating practices for trains and other rolling equipment.

The Committee is to be composed of twelve members selected from among leading authorities in the field of railroad safety including representatives of rail carriers, railroad labor unions and the States.

The Secretary of Transportation has determined that the establishment of the Railroad Operating Rules Advisory Committee is in the public interest in connection with the duties imposed upon the Federal Railroad Administrator pursuant to section 202 of the Federal Railroad Safety Act of 1970 (84 Stat. 971, 45 U.S.C. 431) and section 1.49(n) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.49(n)).

Issued in Washington, D.C. on September 12, 1974.

JOHN W. INGRAM,
Administrator.

[FR Doc.74–21630 Filed 9–17–74;8:45 am]

ATOMIC ENERGY COMMISSION

REGULATORY GUIDES

Notice of Issuance and Availability

The Atomic Energy Commission has issued a guide in its Regulatory Guide series. This series has been developed to describe and make available to the public methods acceptable to the AEC Regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.26 (Revision 1), "Quality Group Classifications and Standards for Water-, Steam-, and Radioactive Waste-Containing Components of Nuclear Power Plants," describes a quality classification system related to industry codes that may be used to determine quality standards that satisfy General Design Criterion 1 of the Appendix A to 10 CFR Part 50 for certain components important to safety of nuclear power plants.

Comments and suggestions in connection with improvements in all guides are encouraged at any time. Comments on Regulatory Guide 1.26 (Revision 1) will, however, be particularly useful in evaluating the need for an early revision if received within two months of the date of the guide. Comments should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Requests for single copies of issued guides or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 1 Regulatory Guides currently being developed include the following:

Tornado Design Classification.
Availability of Electric Power Sources.
Requirements for Instrumentation to Assesss Nuclear Power Plant Conditions During and Following an Accident for Water-Cooled Reactors.
Isolation of Low Pressure Systems Connected to the Reactor Coolant Pressure Boundary.
Requirements for Assessing Ability of Material Underneath Nuclear Power Plant Foundations to Withstand Safe Shutdown Earthquake.
Fire Protection Criteria for Nuclear Power Plants.
Protective Coatings for Light Water Nuclear Reactor Containment Facilities.
Inservice Surveillance of Grouted Prestressing Tendons.
Seismic Input Motion to Uncoupled Structural Model.
Primary Reactor Containment (Concrete) Design and Analysis.
Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems.
Quality Assurance Requirements for Installation, Inspection and Testing of Structural Concrete and Structural Steel.
Fracture Toughness Requirements for Vessels Under Overstress Conditions.
Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants.
Assumptions Used for Evaluating the Potential Radiological Consequences of a Gas Holdup Tank Failure in a Boiling Water Reactor.
Quality Assurance Requirements for Procurement of Equipment, Materials, and Services.
Quality Assurance Requirements for Lifting Equipment.
Maintenance and Testing of Batteries.
Qualification of Class I Electrical Equipment.
Type Tests for Class IE Cables, Connections, and Field Splices for Nuclear Power Plants.
Seismic Qualification of Class I Electric Equipment.
Fracture Toughness Requirements for Materials for Class 2 and 3 Components.
Maintenance of Water Purity in PWR Secondary Systems.
Main Steam Line Sealing System Design Guidelines for Boiling Water Reactors.
Criteria for Heatup and Cooldown Procedures.
Effects of Residual Elements on Predicted Radiation Damage.
Fuel Oil Supplies for Standby Diesel-Generators.
Assumptions Used for Evaluating the Potential Radiological Consequences of a Liquid Radioactive Waste System Accident.
Surveillance and Examination and Testing of Irradiated Fuel Rods.
Elevated Temperature Inservice Surveillance Tests for HTGR Plants.
Design Load Combinations for Component Supports.
Requirements for Containment Isolation.
Probable Maximum Storm Surge Flooding on Lakes and Sea Shores.
Requirements for Concrete Reactor Vessels and Containments (ASME Section III Division 2).
Instrument Span and Trip Setting.
Failed Fuel Detection System for Nuclear Power Plants.
Code Case Acceptabilty—ASME Section III Nonmetallic Materials.
Design, Qualification Test and Installation Requirements for Class 2 and 3 Safety-Related Pumps.
Seismic Response Combination of Modes and Spatial Components.
Analysis of Seismic Recorded Data.
Protection of Nuclear Power Plant Control Room Operators Against an Onsite Chlorine Release.
Functional Specification for Self-Operated and Power-Operated Safety-Related Valves.
Nuclear Power Plant Environmental Characteristics for Designated Sites.
Evaluation of Explosions Postulated to Occur on Transportation Routes Near Nuclear Power Plant Sites.

(5 U.S.C. 522(a))

Dated at Rockville, Maryland this 10th day of September, 1974.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.74-21585 Filed 9-17-74;8:45 am]

[Docket No. 50-255]

PALISADES NUCLEAR GENERATING PLANT AND CONSUMERS POWER CO.

Notice of Issuance of Facility License Amendment

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 6 to Facility Operating License No. DPR-20 issued to Consumers Power Company which revised Technical Specifications for operation of the Palisades Nuclear Generating Plant located in Covert Township, Van Buren County, State of Michigan. The amendment is effective as of its date of issuance.

The amendment permits operation of the newly installed closed-cycle cooling system converted from the original once-through cooling system. This amendment also permits operation of a modified radioactive waste treatment system integrated into the initial radioactive waste treatment system, in accordance with the Special Technical Specifications, pursuant to a settlement agreement dated March 1971 amongst the parties who intervened in AEC Docket No. 50-255 prior to December 1, 1970, to contest the issuance of an operating license for the Palisades Plant.

The application for the amendment complies with the standards and requirements of the Act and the Commission's rules and regulations and the Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendment.

For further details with respect to this action, see (1) the applications for amendment dated September 28, 1973 and October 30, 1973, (2) Amendment No. 6 to License No. DPR-20, with any attachments, (3) the Commission's related Safety Evaluation, (4) the Commission's related Environmental Evaluation, and (5) the letter to Consumers Power Company forwarding items (2) through (5).

All of these are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545 and at the Kalamazoo Public Library, Reference Department, 315 South Rose Street, Kalamazoo, Michigan 49006.

A copy of items (2) through (5) may be obtained upon request addressed to the United States 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.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch No. 1, Directorate of Licensing.

[FR Doc.74-21586 Filed 9-17-74;8:45 am]

REGULATORY GUIDE

Notice of Issuance and Availability

The Atomic Energy Commission has issued a guide in its Regulatory Guide series. This series has been developed to describe and make available to the public methods acceptable to the AEC Regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.70.7, "Additional Information—Geography and Demography Considerations for Nuclear Power Plants," identifies information related to geography and demography considerations that is needed in safety analysis reports at the construction permit and operating license stages of review.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 1.70.7 will, however, be particularly useful in evaluating the need for an early revision if received by October 31, 1974. Comments should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 1 Regulatory Guides currently being developed include the following:

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Requirements for Collection, Storage, and Maintenance of Nuclear Power Plant Quality Assurance Records.
Requirements for Assessing Ability of Material Underneath Nuclear Power Plant Foundations to Withstand Safe Shutdown Earthquake.
Fire Protection Criteria for Nuclear Power Plants.
Protective Coatings for Light Water Nuclear Reactor Containment Facilities.
Inservice Surveillance of Grouted Prestressing Tendons.
Seismic Input Motion to Uncoupled Structural Model.
Primary Reactor Containment (Concrete) Design and Analysis.
Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems.
Quality Assurance Requirements for Installation, Inspection, and Testing of Structural Concrete and Structural Steel.
Fracture Toughness Requirements for Vessels Under Overstress Conditions.
Material Limitations for Component Supports.
Protection Against Postulated Events and Accidents Outside of Containment.
Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants.
Assumptions Used for Evaluating the Potential Radiological Consequences of a Gas Holdup Tank Failure in a Boiling Water Reactor.
Quality Assurance Requirements for Procurement of Equipment, Materials, and Services.
Quality Assurance Requirements for Lifting Equipment.
Maintenance and Testing of Batteries.
Qualification of Class I Electric Equipment.
Type Tests for Class IE Cables, Connections, and Field Splices for Nuclear Power Plants.
Seismic Qualification of Class I Electric Equipment.
Fracture Toughness Requirements for Materials for Class 2 and 3 Components.
Maintenance of Water Purity in PWR Secondary Systems.
Main Steam Line Sealing System Design Guidelines for Boiling Water Reactors.
Criteria for Heatup and Cooldown Procedures.
Effects of Residual Elements on Predicted Radiation Damage.
Fuel Oil Supplies for Standby Diesel-Generators.
Assumptions Used for Evaluating the Potential Radiological Consequences of a Liquid Radioactive Waste System Accident.
Surveillance and Examination and Testing of Irradiated Fuel Rods.
Elevated Temperature Inservice Surveillance Tests for HTGR Plants.
39-000 18995 31-10 September 17, 1974
78380 Roman, A. A. (Day-Lino)
Design Load Combinations for Component Supports.
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Requirements for Concrete Reactor Vessels and Containments (ASME Section III Division 2).
Instrument Span and Trip Setting.
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Code Case Acceptability—ASME Section III Nonmetallic Materials.
Design, Qualification Test, and Installation Requirements for Class 2 and 3 Safety-Related Pumps.
Seismic Response Combination of Modes and Spatial Components.
Analysis of Seismic Recorded Data.
Protection of Nuclear Power Plant Control Room Operators Against an Onsite Chlorine Release.
Functional Specification for Self-Operated and Power-Operated Safety-Related Valves.
Nuclear Power Plant Environmental Characteristics for Designated Sites.
Evaluation of Explosions Postulated to Occur on Transportation Routes Near Nuclear Power Plant Sites.

(5 U.S.C. 522(a))

Dated at Rockville, Maryland this 9th day of September, 1974.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.74-21520 Filed 9-17-74;8:45 am]

[Docket No. 50-389]

FLORIDA POWER & LIGHT CO.

Notice and Order for Prehearing Conference and Evidentiary Hearing

In the Matter of FLORIDA POWER & LIGHT COMPANY (St. Lucie Plant, Unit No. 2).

Take notice, and *it is hereby ordered*, in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Commission, a Prehearing Conference in the above captioned proceeding will be held on October 8, 1974, at 9:30 a.m., local time, in Courtroom B, County Courthouse, P.O. Box 700, Fort Pierce, Florida 33450.

The purpose of the prehearing conference will be to (a) set an evidentiary hearing agenda; (b) obtain, where possible, stipulations and admissions of fact of the contents and authenticity of documents to avoid unnecessary proof; (c) identify witnesses, and the limitation of the number of expert witnesses, and other steps that may be necessary to expedite the presentation of evidence, and (d) to take such other matters as may aid in the orderly conduct and disposition of the evidentiary hearing.

Members of the public are invited to attend this prehearing conference, however, those persons having made requests for limited appearances will present their limited appearances at the first session of the evidentiary session as noted below.

The initial session of the evidentiary hearing in this proceeding shall commence at 9:30 a.m., local time, on October 16, 1974, in Courtroom B, County Courthouse, P.O. Box 700, Fort Pierce, Florida 33450.

All persons having filed a request for limited appearance will be afforded an opportunity to place their comments and views into the record at the first day of the evidentiary session. In order to conserve time, the Board will accept written comments for the record from such participants in lieu of oral comments or in supplement of such oral comments.

It is so ordered.

Dated at Bethesda, Maryland, this 12th day of September, 1974.

ATOMIC SAFETY AND LICENSING BOARD.
JOHN B. FARMAKIDES,
Chairman.

[FR Doc.74-21521 Filed 9-17-74;8:45 am]

[License No. 12-02748-06E]

GENERAL TIME CORP.

Notice of Issuance of Byproduct Material License

Please take notice that the Atomic Energy Commission has, pursuant to § 32.26 of 10 CFR Part 32, issued License No. 12-02748-06E to General Time Corporation, Westclox Division, La Salle, Illinois 61301, which authorizes the distribution of General Time of Canada Limited Models SSD, SSD12, and SSD115 smoke detectors to persons exempt from

the requirements for a license pursuant to § 30.20 of 10 CFR Part 32.

1. The devices are designed to detect incipient fires by responding to visible smoke or invisible products of combustion. The sensitive element of the detector is an ionization chamber in which air flowing into the chamber is made conductive by alpha particles emitted by americium 241.

2. The byproduct material in the detector is americium in the oxide form contained in foils manufactured by Nuclear Radiation Developments (Model A–001). The unit contains 0.4 microcurie of americium 241 in two foils of 0.2 microcurie each.

3. Each exempt unit has labels identifying the manufacturer (General Time of Canada Limited), the byproduct material (americium 241) contained in the unit, and a recommendation that the unit be returned to General Time of La Salle, Illinois, for disposal.

A copy of the license and the license application containing additional information are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

Dated at Bethesda, Maryland September 10, 1974.

For the Atomic Energy Commission.

BERNARD SINGER,
Chief, Materials Branch,
Directorate of Licensing.

[FR Doc.74–21523 Filed 9–17–74;8:45 am]

[License No. 22–01870–14E]

HONEYWELL, INC.

Notice of Issuance of Byproduct Material License

Please take notice that the Atomic Energy Commission has, pursuant to § 32.26 of 10 CFR Part 32, issued License No. 22–01970–14E to Honeywell, Incorporated, 2701 Fourth Avenue South, Minneapolis, Minnesota, which authorizes the distribution of fire detectors to persons exempt from the requirements for a license pursuant to § 30.20 of 10 CFR 30.

1. The devices are designed to detect incipient fire by responding to the products of combustion produced by thermal decomposition of building materials or contents prior to the appearance of visible smoke, flame, or appreciable heat. The sensitive element of the detector is an ionization chamber in which air flowing into the chamber is made conductive by alpha particles emitted by americium 241.

2. The byproduct material incorporated in the detector is americium in the oxide form contained in foils manufactured by Nuclear Radiation Developments (Model A–001). The maximum activity contained in the unit is 13.4 microcuries.

3. Each exempt unit will have a label identifying the manufacturer, Honeywell, Inc., and the byproduct material, americium 241, contained in the unit and recommending that the unit be returned to Honeywell, Inc., for repair or disposal.

A copy of the license and license application containing additional information are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

Dated at Bethesda, Maryland, September 11, 1974.

For the Atomic Energy Commission.

BERNARD SINGER,
Chief, Materials Branch,
Directorate of Licensing.

[FR Doc.74–21519 Filed 9–17–74;8:45 am]

[Docket Nos. 50–346A, 50–44A–441A]

TOLEDO EDISON CO. ET AL.

Notice of Reconstitution of Board

In the Matter of Toledo Edison Company; Cleveland Electric Illuminating Company (Davis-Besse Nuclear Power Station); Cleveland Electric Illuminating Company, et. al. (Perry Plant, Units 1 and 2).

Dr. George R. Hall was a member of the Atomic Safety and Licensing Board established for the above proceeding. Dr. Hall is no longer available for further service on this Board.

Accordingly, Douglas Rigler, Esq., whose address is Hollabaugh & Jacobs, Suite 817, Barr Building, 910 17th Street, NW., Washington, D.C. 20006 is appointed a member of this Board.

Reconstitution of the Board in this manner is in accordance with § 2.721 of the rules of practice, as amended.

Dated at Bethesda, Maryland, this 11th day of September 1974.

NATHANIEL H. GOODRICH,
Chairman, Atomic Safety and
Licensing Board Panel.

[FR Doc.74–21524 Filed 9–17–74;8:45 am]

[Docket Nos. 50–269A–270A, 50–287A, 50–369A–370A]

DUKE POWER CO.

Notice of Reconstitution of Board

In the matter of Duke Power Company (Oconee Units 1, 2 and 3 McGuire Units 1 and 2).

Dr. George R. Hall was a member of the Atomic Safety and Licensing Board established for the above proceeding. Dr. Hall is no longer available for further service on this Board.

Accordingly, Dr. Kenneth G. Elzinga, whose address is Department of Economics, University of Virginia, Charlottesville, Virginia 22901, is appointed a member of the Board. Reconstitution of the Board in this manner is in accordance with § 2.721 of the Rules of Practice, as amended.

Dated at Bethesda, Maryland this 11th day of September 1974.

NATHANIEL H. GOODRICH,
Chairman, Atomic Safety and
Licensing Board Panel.

[FR Doc.74–21522 Filed 9–17–74;8:45 am]

[Docket Nos. 50–460 and 50–513]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM WPPSS NUCLEAR PROJECTS NO. 1 AND NO. 4

Applications for Construction Permits and Facility Licenses; Hearing; Time for Submission of Views on Antitrust Matters

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, Licensing of Production and Utilization Facilities, and Part 2, Rules of Practice, the Washington Public Power Supply System (the applicant) has filed an amended application, effected by Amendment No. 1 dated July 22, 1974 to the application and Amendments No. 7 (May 31, 1974), No. 8 (July 1, 1974), and No. 9 (August 9, 1974) to the Preliminary Safety Analysis Report (PSAR) and Amendment No. 1 to the Environmental Report (July 15, 1974), to (a) relocate the WPPSS Nuclear Project No. 1 (WNP–1) to a site 17 miles southeast of the Hanford 1 site on the Hanford Reservation in Benton County, approximately 8 miles north of Richland, Washington and (b) apply for a construction permit for a second pressurized water reactor to be constructed at the same site, designated as the WPPSS Nuclear Project No. 4 (WNP–4) and assigned Docket No. 50–513. Notice of hearing on the original application, Docket No. 50–460, was published by the Commission in the FEDERAL REGISTER on December 21, 1973 (38 F.R. 35031). Notice is hereby given that a hearing will be held by an Atomic Safety and Licensing Board (Board) to consider the application, as amended. Each of the facilities will be designated for operation at approximately 3600 megawatts thermal with a net electrical output of 1206 megawatts. As set out in this notice, the proposed facilities are to be located at the applicant's site 17 miles southeast of the Hanford 1 site, on the Hanford Reservation in Benton County, near Richland, Washington.

The hearing, which will be scheduled to begin in the vicinity of the site of the proposed facilities, will be conducted by the Board consisting of Dr. Donald P. deSylva, Dr. Marvin M. Mann, and Daniel M. Head, Chairman, which was originally designated in said notice of hearing on the original application.

Pursuant to 10 CFR 2.785, an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER at a later date.

Upon completion by the Commission's Regulatory staff of a favorable safety evaluation of the application as amended and an environmental review of the project and upon receipt of a report by the Advisory Committee on Reactor Safeguards, the Director of Regulation will consider making affirmative findings on Items 1–3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of construction permits to the applicant:

Issues pursuant to the Atomic Energy Act of 1954, as amended

1. Whether in accordance with the provisions of 10 CFR § 50.35(a):

(a) The applicant has described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the Final Safety Analysis Report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicant is technically qualified to design and construct the proposed facilities;

3. Whether the applicant is financially qualified to design and construct the proposed facilities; and

4. Whether the issuance of permits for construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

Issue pursuant to National Environmental Policy Act of 1969 (NEPA)

5. Whether, in accordance with the requirements of 10 CFR Part 51, the construction permits should be issued as proposed.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n), the Board will determine: (1) Without conducting a de novo evaluation of the application, whether the application and the record of the proceeding contain sufficient information, the review of the application by the Commission's Regulatory staff has been adequate to support the proposed findings to be made by the Director of Regulation on Items 1–4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permits proposed by the Director of Regulation, and (2) whether the NEPA review conducted by the Commission's Regulatory staff pursuant to NEPA has been adequate.

In the event that this proceeding becomes a contested proceeding, the Board will consider Items 1–5 above as a basis for determining whether construction permits should be issued to the applicant.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with Section 51.52(c) of 10 CFR Part 51: (1) Determine whether the requirements of Section 102(2)(A), (C), and (D) of NEPA and 10 CFR Part 51 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding for the permits with a view to determining the appropriate action to be taken; and (3) determine, after weighing the environmental, economic, technical and other benefits against environmental and other costs, and considering available alternatives, whether the construction permits should be issued, denied, or appropriately conditioned to protect environmental values.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene or their counsel, to be held within sixty (60) days after the notice of hearing is published or at such other time as the Board deems appropriate for the purpose of dealing with the matters specified in 10 CFR 2.751a.

The Board will set the time and place for any special prehearing conference, prehearing conference and evidentiary hearing, and the respective notices will be published in the FEDERAL REGISTER.

Pursuant to 10 CFR 2.761a, a hearing and decision by the Board on issues pursuant to NEPA and general site suitability and certain other possible issues may be held and issued prior to and separate from the hearing and decision on other issues. In the event the Board, after the hearing, makes favorable findings on such issues, the Director of Regulation may, pursuant to 10 CFR 50.10(e), authorize the applicant to conduct certain on-site work entirely at its own risk prior to completion of the remainder of the proceeding.

Any person who does not wish, or is not qualified, to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may make an oral or written statement on the record. He does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of Items 1–5 above. Limited appearances will be permitted at the time of the hearing at the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission and others in the manner specified below.

Any person whose interest may be affected by the proceeding, who wishes to participate as a party in the proceeding, must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714. A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner, including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

Those permitted to intervene become parties to the proceedings, subject to any limitations in the order granting leave to intervene, and have all rights of the applicant to participate fully in the conduct of the hearing (such as the right to examine and cross-examine witnesses) with respect to their contentions related to the matters at issue in the proceeding.

A petition for leave to intervene must be filed with the Secretary of the Commission and others as specified below by October 18, 1974. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714(a)(1)–(4) and 2.714(d).

With respect to the application, as amended, for construction permits for the Washington Public Power Supply System Nuclear Projects No. 1 and No. 4, all persons who filed petitions for intervention in this proceeding pursuant to the Commission's "Notice of Hearing on Application for Construction Permit" (Washington Public Power Supply System, 38 FR 35031, December 21, 1973), who wish to further participate with respect to the amended application, shall file with the presiding Board a statement containing, with respect to the amended application, the information called for in supporting affidavits required for petitions for leave to intervene filed pursuant to 10 CFR 2.714 of the Commission's rules of practice. Such statement shall be filed within the time period for the filing of a petition for leave to intervene.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705 must be filed by the applicant by October 8, 1974.

Papers required to be filed in this proceeding shall be filed by mail or telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR § 2.708, an original and twenty (20) conformed copies of each such paper with the Commission. Copies of the petition for intervention, of the required statement by those who previously filed a petition, and of requests for limited appearance should also be sent to the Chief Hearing Counsel, Office of the General Counsel, Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545, and to Richard L. Quigley, Esquire, Washington Public Power Supply System, P.O. Box 968, Richland, Washington 99352, attorney for the applicant.

For further details, see the application for construction permits dated October 15, 1973, and amendments thereto, and the applicant's environmental report dated October 15, 1973, and amendments thereto, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., between the hours of 8:30 a.m. and 5:00 p.m. on weekdays. Copies of those documents are also available at the Richland Public Library, Swift and Northgate Streets, Richland, Washington 99352 for inspection by members of the public between the hours of 10:00 a.m. to 9:00 p.m. weekdays and 10:00 a.m. to 5:30 p.m. on Saturdays.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before November 18, 1974. The request should be filed in connection with Docket Nos. 50-460A and 50-513A.

As they become available, a copy of the Safety Evaluation Report by the Commission's Directorate of Licensing, the Commission's Draft and Final Environmental Statements, the report of the Advisory Committee on Reactor Safeguards (ACRS), the proposed construction permits, the transcripts of the prehearing conferences and of the hearing, and other relevant documents will also be available at the above locations. Copies of the Directorate of Licensing's Safety Evaluation Report, the Commission's Final Environmental Statement, the proposed construction permits, and the ACRS report may be obtained, when available, by request to the Deputy Director for Reactor Projects, Directorate of Licensing, United States Atomic Energy Commission, Washington, D.C. 20545.

Dated at Washington, D.C. this 16th days of September, 1974.

UNITED STATES ATOMIC ENERGY COMMISSION,
GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.74-21780 Filed 9-17-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26530; Order 74-9-46]

FRONTIER AIRLINES, INC.

Order Granting Motion for Expedited Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of September, 1974.

On March 25, 1974, Frontier filed an application requesting deletion of Columbus, Nebraska, from its certificate and concurrently filed a motion for expedited hearing thereon. Frontier presently serves Columbus with four CV-580 flights each week day linking the community with Denver, Omaha, and Kansas City. Frontier's filings do not contemplate any air taxi replacement service and no air taxi service is currently available at Columbus.

In support of its motion, Frontier alleges that Columbus is proximate to four alternate airports,[1] two of which are large air terminals; that alternative means of transportation to this alternative air service is available at a price much lower than the air fare; [2] that Columbus has been a consistently poor traffic generating point, averaging 1.7 passengers per departure and 5.9 passengers per day during the last five years; that 15,700 through passengers are inconvenienced each year by stops required at Columbus; that deletion will save 74,000 gallons of fuel per year; and, that deletion would decrease the carrier's subsidy need by $71,000 per year or $15.99 per Columbus passenger.

The cities of Columbus and Omaha and the Nebraska Department of Aeronautics filed a consolidated answer in opposition to Frontier's motion, claiming, inter alia, that Columbus' traffic generation has been stunted by Frontier's low quality of service; that Frontier's estimated fuel savings are minimal, either viewed absolutely or as compared to Frontier's own fuel utilization in larger competitive markets; that Frontier's subsidy need savings from deletion are insignificant in comparison to the subsidy need recognized by the Board for Frontier in Class Rate VII and in light of Frontier's overall financial strength; and that Columbus near isolation, coupled with the foregoing factors, compels denial of Frontier's motion.

Upon consideration of the pleadings and all the relevant facts, we have decided to set Frontier's application for deletion of Columbus, Nebraska, for hearing. In view of the objections raised by the civic parties, we believe that the appropriate course of action would be to permit the resolution of the facts and issues presented by Frontier's application in a full evidentiary hearing at which all interested parties are fully represented.

The issues to be considered at the hearing should include the following questions: (a) Whether Frontier's authority to serve Columbus should be deleted; (b) whether the long-term potential for traffic generation favors suspension for a temporary period rather than deletion; (c) whether the potential exists for a profitable commuter air carrier replacement service to Columbus' principal communities of interest and, if so, whether any suspension should be conditioned upon the provision of such a replacement service; (d) whether Frontier has downgraded service at Columbus so as to strengthen its case for deletion or suspension; (e) whether the suspension or deletion of Frontier's service at Columbus would affect Frontier's ability to adequately and economically provide service to downline points; and (f) whether the applicant should be required to provide or guarantee free, reduced-rate, or full-fare limousine service linking Columbus to the national air transportation system at a nearby point.

Accordingly, *it is ordered*, That:

1. The application of Frontier Airlines, Inc. in Docket 26530 for an amendment of its certificate of public convenience and necessity so as to delete Columbus, Nebraska, from route 73 thereof be and it hereby is set for hearing at a time and place to be hereafter designated;

2. The motion of Frontier Airlines, Inc. for expedited hearing, be and it hereby is granted; and

3. A copy of this order shall be served upon Frontier Airlines, Inc.; Mayor, City of Columbus, Nebraska; Mayor, City of Omaha, Nebraska; Mayor, City of Lincoln, Nebraska; Mayor, City of Grand Island, Nebraska; Mayor, City of Norfolk, Nebraska; Director, Nebraska Department of Aeronautics; Manager, Omaha Airport Authority; and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-21604 Filed 9-17-14;8:45 am]

[1] Lincoln—75 miles, Omaha—84 miles, Grand Island—62 miles, and Norfolk—45 miles.

[2] Greyhound round trip to Omaha is $3.65 and to Grand Island is $2.80, while the comparable air fares are $22.59 and $21.59 respectively.

ENVIRONMENTAL PROTECTION AGENCY

[OPP-32000/113; FRL 264-2]

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.

On or before November 18, 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 18, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 10190-RT. Penetone Div., Amerace Corp., 74 Hudson Ave., Tenafly NJ 07670. PENETONE DC. Active Ingredients: Sodium metasilicate 3.0%; Tetrasodium salt of ethylene diamine tetraacetic acid 1.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 241-EUR. American Cyanamid Co., Agricultural Div., PO Box 400, Princeton NJ 08540. COUNTER TECHNICAL SOIL INSECTICIDE. Active Ingredients: S-[(tert-butylthio)methyl] 0,0-diethyl phosphorodithioate 85.0%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 241-EGO. American Cyanamid Co., Agricultural Div., PO Box 400, Princeton NJ 08540. AVENGE TECHNICAL. Active Ingredients: 1,2 - dimethyl - 3,5-diphenylpyrazolium methyl sulfate 96.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 30948-RU. Bionomical Chemicals & Services, Inc., 1003 Pineville Rd., Chattanooga TN 37405. P-801 GENERAL WEED KILLER CONCENTRATE. Active Ingredients: Aromatic Petroleum Derivative 92.00%; Pentachlorophenol 7.04%; 2,3,4,6-Tetrachlorophenol 0.96%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5813-RT. The Clorox Co., PO Box 24305, Oakland CA 94623. 409 DISINFECTANT BATHROOM CLEANER. Active Ingredients: Tetrasodium ethylenediamine tetraacetate 1.14%; Alkyl (60% C14, 30% C16, 5% C12, 5% C18) Dimethyl Benzyl Ammonium Chloride 0.10%; Alkyl (68% C12, 32% C14) Dimethyl Ethyl Benzyl Ammonium Chloride 0.10%; Essential Oils 0.14%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5813-RA. The Clorox Co., PO Box 493, Pleasanton CA 94566. NEW! CLOROX 7-DAY DEODORIZING CLEANER. Active Ingredients: Alkyl (60% C14, 30% C18, 5% C12, 5% C18) Tetrasodium ethylenediamine tetraacetate 1.90% Dimethyl Benzyl Ammonium Chloride 1.87%; Alkyl (68% C12, 32% C14) Dimethyl Ethyl Benzyl Ammonium Chloride 1.87%; Essential Oils 0.40%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1057-AT. The C. B. Dolge Co., 11 Ferry Lane West, Westport CT 06880. DOLGE FOOD PLANT FOGGING AQUEOUS PYRETHRUM INSECTICIDE. Active Ingredients: Pyrethrins 0.5%; Piperonyl Butoxide, technical 5.0%; Petroleum distillate 2.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1057-AA. The C. B. Dolge Co. DOLGE COMPACTOR & KITCHEN PYRETHRUM INSECTICIDE. Active Ingredients: Pyrethrins 0.12%; Piperonyl Butoxide, Technical 1.20%; Petroleum distillate 0.48%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1057-AL. The C. B. Dolge Co. DOLGE CONCENTRATED PYRETHRUM INSECTICIDE. Active Ingredients: Pyrethrins 5%; Piperonyl Butoxide, Technical 25%; Petroleum Distillate 70%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1057-AU. The C. B. Dolge Co. DOLGE GENERAL PURPOSE AQUEOUS PYRETHRUM INSECTICIDE. Active Ingredients: Pyrethrins 0.1%; Piperonyl Butoxide, technical 1.0%; Petroleum distillate 0.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10560-U. Easton Chemical Co., Inc., 280 Madison Ave., New York NY 10016. QUICK-TERG QUAT 3.2. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.6%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.6%; Sodium Carbonate 3.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 14800-T. Echol Chemical Formulators, Inc., PO Box 1765, Lakeland FL 33802. MICRONIZED WETTABLE SULPHUR 80. Active Ingredients: Sulphur 80.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 1677-22. Economics Laboratory, Inc., Osborne Bldg., St. Paul MN 55102. MIKROKLENE. Active Ingredients: Butoxypolypropoxypolyethoxyethanol - iodine complex, providing 1.75% titratable iodine 15.5%; Phosphoric acid 6.5%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 3770-GRT. Economy Products Co., Inc., PO Box 427, Shenandoah IA 51601. SEED QUIK SEED PROTECTANT AND LUBRICANT CAPTAN-DIAZINON-LINDANE. Active Ingredients: Captan: N-(trichloromethyl) thio-4-cyclohexene-1,2-dicarboximide) 33.5%; O,O-diethyl O-(2 - isopropyl - 4 - methyl-6-pyrimidinyl) phosphorothioate 11.0%; Gamma isomer of benzene hexachloride (from Lindane) 16.6%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 279-868. FMC Corp., Agricultural Div., 100 Niagara St., Middleport NY 14105. LINDANE 20 MISCIBLE INSECTICIDE. Active Ingredients: Lindane (Gamma isomer of benzene hexachloride) 20.0%; Xylene base aromatic petroleum derivative 56.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 25581-0. G & G Chemical Co., Inc., 1550 Carroll Ave., San Francisco CA 94124. FORMULA 4058 GERMICIDE-DISINFECTANT-DEODORANT. Active Ingredients: Ortho-benzyl-parachlorophenol 5.0%; Isopropyl Alcohol 15.0%; Linear alkylaryl sodium sulfonate 5.0%; Tetrasodium salt of ethylene diamine tetraacetic acid 0.5%; Methyl salicylate 0.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 635-ATN. E-Z-Flo Chemical Co., Div. of Kirsto Co., PO Box 808, Lansing MI 48903. E-Z-FLO DIAZINON 4 EC INSECTICIDE. Active Ingredients: 0,0-diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 48%; Xylene 38%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2881-LL. Lystads Incorporated, 901 University, Grand Forks ND 58201. LYSTADS DIPRO CRACK AND CREVICE TREATMENT. Active Ingredients: 0,0-diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.500%; Pyrethrins 0.052%; technical piperonyl butoxide (equivalent to 0.209% [butylcarbityl] [6-propylpiperonyl] ether and 0.052% other related compounds) 0.260%; Petroleum distillates 98.540%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 148-RRIL. Thompson-Hayward Chemical Co., 5200 Speaker Rd., PO Box 2383, Kansas City KS 66110. T-H S-681 SOLUTION AN INSECTICIDE FOR FORMULATING USE ONLY. Active Ingredients: 2,2-dichlorovinyl dimethyl phosphate 1.5531%; Related compounds 0.1169%; Methoxychlor, Technical 6.6780%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 148-RRON. Thompson-Hayward Chemical Co. T-H S-747 SOLUTION AN INSECTICIDE FOR FORMULATING USE ONLY. Active Ingredients: 0,0-diethyl 0-(2-isopropyl-6-methyl - 4 - pyrimidinyl) phosphorothioate 0.713%; Technical Piperonyl Butoxide 0.371%; Pyrethrins 0.071%. Method of Support. Application proceeds under 2(c) of interim policy.

EPA File Symbol 148-RRIO. Thompson-Hayward Chemical Co. T-H S-746 SOLUTION AN INSECTICIDE FOR FORMULATING USE ONLY. Active Ingredients: Pyrethrins 0.0519%; Technical Piperonyl Butoxide

0.1037%; N-octyl bicycloheptene dicarboximide 0.1627%; 0,0-diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.5179%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 148-RRII. Thompson-Hayward Chemical Co. T-H 745 SOLUTION AN INSECTICIDE FOR FORMULATING USE ONLY. Active Ingredients: Malathion 2.5004%; 2,2-dichlorovinyl dimethyl phosphate 0.2325%; Related Compounds 0.0175%; Technical Piperonyl Butoxide 0.0780%; Pyrethrins 0.0314%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 148-RRIT. Thompson-Hayward Chemical Co. T-H 739 SOLUTION AN INSECTICIDE FOR FORMULATING USE ONLY. Active Ingredients: Pyrethrins 2.50%; Technical Piperonyl Butoxide 25.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 148-RRIA. Thompson-Hayward Chemical Co. T-H 699 SOLUTION AN INSECTICIDE FOR FORMULATING USE ONLY. Active Ingredients: Pyrethrins 0.300%; Technical Piperonyl Butoxide 1.530%; 2,2-dichlorovinyl dimethyl phosphate 0.465%; Related Compounds 0.035%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 148-RRIU. Thompson-Hayward Chemical Co. T-H S-674 SOLUTION AN INSECTICIDE FOR FORMULATING USE ONLY. Active Ingredients: Pyrethrins 0.0510%; Technical Piperonyl Butoxide 0.5120%; Rotenone 0.2564%; Other Cube Resins 0.4616%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 148-RRIG. Thompson-Hayward Chemical Co. T-H S-494 SOLUTION AN INSECTICIDE FOR FORMULATING USE ONLY. Active Ingredients: Pyrethrins 2.667%; Technical Piperonyl Butoxide 13.333%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 148-RRIE. Thompson-Hayward Chemical Co. T-H S-477 SOLUTION AN INSECTICIDE FOR FORMULATthrins 1.0%; Technical Piperonyl Butoxide 5.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 148-RRIR. Thompson-Hayward Chemical Co. T-H S-475 SOLUTION AN INSECTICIDE FOR FORMULATING USE ONLY. Active Ingredients: Pyrethrins 1.25%; Technical Piperonyl Butoxide 2.50%; N-Octyl bicycloheptene dicarboximide 2.45%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 148-RRIN. Thompson-Hayward Chemical Co. T-H S-439 SOLUTION AN INSECTICIDE FOR FORMULATING USE ONLY. Active Ingredients: Gamma isomer of benzene hexachloride from Lindane 1.2500%; Technical Chlordane 2.5000%; Technical Piperonyl Butoxide 0.0775%; Pyrethrins 0.0313%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 148-RRTO. Thompson-Hayward Chemical Co. T-H S-438 SOLUTION AN INSECTICIDE FOR FORMULATING USE ONLY. Active Ingredients: Technical Chlordane 2.667%; Pyrethrins 0.062%; Technical Piperonyl Butoxide 0.154%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 148-RRTL. Thompson-Hayward Chemical Co. T-H S-313 SOLUTION AN INSECTICIDE FOR FORMULATING USE ONLY. Active Ingredients: Technical Piperonyl Butoxide 12.306%; Pyrethrins 1.538%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 148-RRTA. Thompson-Hayward Chemical Co. T-H S-339 SOLUTION AN INSECTICIDE FOR FORMULATING USE ONLY. Active Ingredients: Diethyl Diphenyl Dichloroethane 9.5%; Related Reaction Products 0.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 148-RRTT. Thompson-Hayward Chemical Co. T-H S-406 SOLUTION AN INSECTICIDE FOR FORMULATING USE ONLY. Active Ingredients: Pyrethrins 0.0670%; Technical Piperonyl Butoxide 0.1335%; N-octyl bicycloheptene dicarboximide 0.2181%; 0,0-diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.6668%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 148-RRTI. Thompson-Hayward Chemical Co. T-H S-437 SOLUTION AN INSECTICIDE FOR FORMULATING USE ONLY. Active Ingredients: Pyrethrins 1.5%; Technical Piperonyl Butoxide 7.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 1023-52. The Upjohn Co., 7171 Portage Rd., Kalamazoo MI 49001. TUCO ACTI-AID CITRUS ABSCISSION AGENT. Active Ingredients: Cycloheximide (3-[2-(3,5 - dimethyl - 2 - oxocyclohexyl)-2-hydroxyethyl]glutarimide) 4.22%. Method of Support: Application proceeds under 2(a) of interim policy.

Dated: September 10, 1974.

MARTIN H. ROGOFF,
Acting Director,
Registration Division.

[FR Doc.74-21508 Filed 9-17-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18935]

WESTERN UNION TELEGRAPH CO.

Order

In the matter of Western Union Telegraph Co. [Tariff F.C.C. No. 254 Autodin Service].

Counsel for Western Union and the Department of Defense have filed a Joint Motion to terminate the above-captioned proceeding and a related reparations proceeding (consolidated Dockets No. 18474 and 18824). The basis for the requested termination is a proposed settlement of the disputed matters.

The proposed findings and conclusions in the above-captioned proceeding are presently due to be filed by September 16, 1974, and reply findings are due by October 21, 1974.

As the Chief, Common Carrier Bureau, is opposing the terms of settlement as now proposed, as Western Union and the Department of Defense may file supplemental information as part of their proposed settlement and as both the Bureau and the Commission need an adequate amount of time to carefully consider the proposed settlement as well as any supplement to the settlement which may be forthcoming, we feel that the respective dates for filing proposed findings and conclusions and reply findings should be extended.

Therefore, pursuant to the authority delegated to the Chief, Common Carrier Bureau, under Section 0.303(c), the date by which proposed findings and conclusions must be filed in the Docket No. 18935 proceeding is changed from September 16, 1974, to October 21, 1974, and the date by which reply findings must be filed is changed from October 21, 1974, to November 25, 1974.

Adopted: September 6, 1974.

Released: September 11, 1974.

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

[FR Doc.74-21583 Filed 9-17-74;8:45 am]

[Docket No. 20155, etc.]

TELEPHONE CO., INC., ET AL.

Applications; Hearing

In re applications of The Telephone Co., Inc., Navajo Mountain Trading Post and Hall's Crossing, Utah Docket No. 20155 File No. BPTTV-4949. For construction permit for new television broadcast translator station. The Telephone Co., Inc., 555 Ave. G Boulder City, Nevada Docket No. 20156 File No. 5-MA-ML-34. For modification of license of marine relay station KKI-49 in the fixed radio service, The Telephone Co., Inc., Navajo Mountain, Utah for a new marine repeater station in the fixed radio service, Docket No. 20157 File No. 67-MA-L-34. The Telephone Co., Inc., Navajo Mountain, Utah for modification of License of Public Coast, Class III-B, Station KTR-963 in the maritime mobile radio service, Docket No. 20158 File No. 68-M-ML-34. The Telephone Co., Inc., 91 8th Avenue Page, Arizona for a new marine relay station in the fixed radio service, Docket No. 20159 File No. 66-MA-L-34. The Telephone Co., Inc., Hall's Crossing, Utah for a new marine control station in the fixed radio service, Docket No. 20160 File No. 69-MA-L-34. The Telephone Co., Inc., Grouse Creek, Utah for special emergency (developmental) station, Docket No. 20161 File No. 16329-PS-34. The Silver Beehive Telephone Co. Grouse Creek, Utah for construction permit in the Rural Radio Service, Docket No. 20162 File No. 60309-C6-P-74. The Silver Beehive Telephone Co. AT&T L4 Power Feed Station near Lucin, Utah for construction permit in the rural radio service, Docket No. 20163 File No. 60310-C6-P-74. The Silver Beehive Telephone Co. Grouse Creek and Park Valley, Utah for construction permit in the Domestic Public Land Mobile Radio Service, Docket No. 20164 File No. 3784-C2-P-70. A. W. Brothers, Box 341, Boulder, Nevada 89005 for renewal of license for ship radio station WZX-9950 in the Maritime Mobile Radio Service, Docket No. 20165. A. W. Brothers, Grouse Creek, Utah 84313 for renewal of license for aircraft radio station N12671MOB in the Aviation Radio Service, Docket No. 20166. and

In the matter of order to show cause why the following licenses and construction permits in the listed radio services should not be revoked. The Telephone Co., Inc., Boulder Peak, Nevada for Public Coast, Class III-B, radio station KLU-743 in the Maritime Mobile Radio Serv-

ice, Docket No. 20167. The Telephone Co., Inc. Boulder Peak, Nevada for marine repeater radio station KKI-47 in the Fixed Radio Service, Docket No. 20168. The Telephone Co., Inc. West Tank Hill, Nevada for operational fixed radio station KKI-48 in the Fixed Radio Service, Docket No. 20169. The Telephone Co., Inc. Navajo Mountain, Utah for public coast class III-B radio station KTR-963 in the Maritime Mobile Radio Service, Docket No. 20170. The Telephone Co., Inc. 813 Vista Avenue Page, Arizona for operational fixed station WHM-66 in the Fixed Radio Service, Docket No. 20171. The Telephone Co., Inc. Navajo Mountain, Utah for operation fixed station WHM-67 in the Fixed Radio Service, Docket No. 20172. The Silver Beehive Telephone Co. Grouse Creek, Utah for construction permit in the Rural Radio Service WSN-55, Docket No. 20173. The Silver Beehive Telephone Co. Lakeside, Utah for construction permit in the Rural Radio Service WSN-56, Docket No. 20174. A. W. Brothers for Marine receiver test station KTR-832 in the Fixed Radio Service located at temporary locations in the vicinity of Public Coast Class III-B Radio Stations KLU-743 and KTR-963, Docket No. 20175. Arthur W. Brothers Grouse Creek, Utah for Amateur radio station license WTNVY, Docket No. 20176.

In the matter of cease and desist order to be directed against: The Telephone Co., Inc.; The Silver Beehive Telephone Company; and Arthur W. Brothers, Docket No. 20177.

1. The Commission, by the Chiefs of the Safety and Special Radio Services Bureau, the Broadcast Bureau, the Common Carrier Bureau and the Field Operations Bureau, has under consideration the matters listed in the caption.[1] Serious questions have been raised involving the conduct of The Telephone Company, Inc., Silver Beehive Telephone Company and Arthur W. Brothers which require resolution before it can be determined whether they possess the requisite qualifications to become or remain licensees of the Commission. In view of the interrelationship, as shown below, between Arthur W. Brothers, The Telephone Company, Inc., and the Silver Beehive Telephone Company, a consolidated hearing will be specified.

2. It would appear that, in 1965, Arthur W. Brothers was the primary incorporator of the Silver Beehive Telephone Company and that, although the name of the corporation was changed to The Telephone Company, Inc. in 1969, applications were filed in the name of the Silver Beehive Telephone Company in 1974. It appears, also, that the two corporate names have been used to identify a single entity.

3. Brothers apparently remained controlling stockholder of the corporation (the Silver Beehive or The Telephone Company) until 1972 and was president of the corporation until January 1974. At the present, Brothers apparently retains a minority interest in the corporation and allegedly serves as its manager.

4. In addition to the confusion over the corporate name, a more serious question exists concerning the ownership of the corporation. It appears that Brothers owned approximately 50,000 shares of stock in the corporation until sometime in 1972 when he divested himself of all but 408 of his shares. The transfer from Brothers of almost 50,000 shares constituted a transfer of control since no more than 74,000 shares were outstanding at the time of the transfer. Nevertheless, the corporate licensee failed to seek the Commission's approval of the transfer of control as required by Section 310 of the Communications Act of 1934, as amended, and § 1.924 of the Commission's rules. Appropriate issues will be designated regarding not only the transfer of control, but also the relationship of Brothers, The Telephone Company, Inc., and Silver Beehive Telephone Company.

BROADCAST SERVICES

5. On November 1, 1973, the Commission accepted for filing an application (BPTTV-4914) of the Navajo Corporation for Public Broadcasting, requesting a construction permit for a new five-watt television translator station to serve Navajo Mountain and Hall's Crossing, Utah, and Page, Arizona, by rebroadcasting station KOAI(TV) Flagstaff, on output channel 6. The application was prepared by Arthur W. Brothers and signed by him as engineering consultant.

6. Information available to the Commission indicates that the applicant was not a governmental entity as represented; that the applicant was not part of the Navajo Tribe as represented; that the applicant did not have the written rebroadcast consent of the licensee of station KOAI(TV) as represented; and that Arthur W. Brothers was responsible for these representations.

7. On November 12, 1973, The Telephone Company, Inc., filed an application purporting to amend the application of the Navajo Corporation for Public Broadcasting. However, since this was an entirely different applicant, the Navajo application (BPTTV-4914) was dismissed as moot and the present application was accepted for filing as a new application.

8. The November 12, 1974, application filed by The Telephone Company, Inc., represented that as of November 8, 1973, the applicant had obtained the written rebroadcast consent of the licensee of station KOAI(TV). It appears, however, that at the time the representation was made, such consent had not been obtained. The Commission has reason to believe that in August 1973, Arthur W. Brothers, or his agents, servants or employees, by his authority and under his direction, installed and placed into operation an unlicensed television broadcast translator station on Navajo Mountain, knowing the same to be in violation of section 301 of the Communications Act of 1934, as amended, and operated the station until January 2, 1974. Moreover, The Telephone Company, Inc., has represented to the Commission that the unlicensed television broadcast translator station was put into operation by the Navajo Tribe and not by anyone associated with the applicant. This representation appears to be false.

9. The applicant proposes to locate the translator station atop Navajo Mountain. On January 24, 1974, the Navajo Nation filed informal objections to grant of the application, alleging that the applicant did not have, and could not obtain, consent to locate the proposed station on Navajo Mountain, which is the property of the Navajo Nation. The question of whether the site is available must be resolved.

SAFETY AND SPECIAL RADIO SERVICES

10. KTR-963 is a Public Coast station located at Lake Powell, having been licensed to The Telephone Company, Inc., on June 22, 1972. There are three applications pending for Operational Fixed stations to be associated with KTR-963 (#66-MA-L-34 Marine Relay, #67-MA-L-34 Marine Repeater, and #69-MA-L-34 Marine Control). Also pending is an application to modify the outstanding KTR-963 license (68-M-ML-34).

11. It appears that The Telephone Company, Inc., or Brothers may have placed the Public Coast station KTR-963 transmitter and an associated unlicensed Marine Repeater on Navajo Mountain. Furthermore, it is not clear whether Brothers or The Telephone Company, Inc., had authority from the owners of the mountain, the Navajo Tribe, to use the site. Moreover, The Telephone Company, Inc., appears to have made unauthorized use of an electrical generating plant belonging to the Navajo Tribe and to have caused substantial damage to the plant and several acres of timber. Therefore, appropriate issues will be designated.

12. The unlicensed Marine Repeater on Navajo Mountain and an unlicensed Marine Control station at Canyon Boat Works in Page, Arizona, have been used as control links for The Telephone Company's Public Coast station (KTR-963). These unlicensed stations were installed and tested or placed into operation by Brothers or The Telephone Company, Inc., in the latter part of 1973. The installation and testing or operation of the unlicensed stations violates Section 301 of the Communications Act and Section 81.21(a) of the Commission's Rules. Additionally, it appears that KTR-963 has been used to accept calls from Limited Coast stations in violation of § 81.302(a) of the rules.

13. The Telephone Company, Inc., has applied for a Marine Repeater (67-MA-L-34) and modification of its existing license, KTR-963 (68-M-ML-34). Both applications specify that the transmitters will be located on the west side of Navajo Mountain. The existing license for KTR-963 authorizes placement of the transmitter on the north side of the mountain. In a letter to the Commission, Brothers stated that KTR-963 is not currently in operation because there is no available source of electricity. There is

[1] The Commission delegated authority in this matter to the Bureaus on July 2, 1974.

presently no licensed operating, control link between the mountain and the base station. It is not clear whether the Navajo Tribe will permit Brothers or The Telephone Company to locate stations on the mountain. Accordingly, issues will be designated regarding the use and proposed use of Navajo Mountain as well as the operation of KTR–963 and unlicensed facilities.

14. KLU–743 is a Public Coast, Class III–B, station in the Maritime Mobile Service at Boulder Peak, Nevada, and is licensed to The Telephone Company, Inc. On March 18, 1974,[2] an Official Notice of Violation was issued against The Telephone Company, Inc., for violations of § 81.302(a)(2) of the Commission's rules by KLU–743.

15. KKI–48 is a Marine Control station licensed to The Telephone Company, Inc., in Boulder City, Nevada. An inspection of KKI–48 was conducted by the Commission on January 25, 1974. The inspection revealed, inter alia, that the transmitter was situated at a location not authorized by the terms of the station authorization, in violation of § 81.21 of the Commission's rules. On March 28, 1974, an Official Notice of Violation was issued against the licensee for this violation as well as violation of §§ 81.131(d)(2) and 81.137(c) of the Commission's rules. In a letter to the Commission, dated August 10, 1974, Brothers indicated that the transmitter was still located at the unauthorized site and was used on a daily basis.

16. KTR–832 is a Fixed Marine Receiver Test station licensed to Brothers. On April 3, 1974, an Official Notice of Violation was issued against Brothers for violation of §§ 81.131(d)(3) and 81.137(a)(1) of the Commission's rules at KTR–832.

17. WHM–66 and WHM–67 are licenses for Operational Fixed stations in the microwave frequencies which were authorized as a control link for KTR–963, the Public Coast station at Lake Powell. At the time of the inspection in April 1974, Commission personnel could find no evidence of facilities for these stations. Since these licenses were granted on August 24, 1972, the stations should have been placed in operation by April 24, 1973, as required by § 81.61 of the Commission's Rules. Therefore, an appropriate issue will be designated to determine whether these licenses are invalid.

18. An unlicensed station, previously licensed to The Telephone Company, Inc., as KRL–271 in the Special Emergency (Developmental) service, was operated during the period of October 1972, until February 1974. In connection with this operation, Brothers was sent an Official Notice of Violation, dated March 28, 1974, charging him with violation of section 301 of the Communications Act of 1934, as amended. The Telephone Company, Inc., presently has an application (16329–PS–34) pending for this station.

[2] See paragraph 24, infra.

COMMON CARRIER SERVICES

19. Silver Beehive Telephone Company was granted two construction permits in the Rural Radio Service, call signs WSN55, Grouse Creek, Utah, and WSN56, Lakeside, Utah. The company never paid the grant fee on these permits (waiver was requested) and did not construct them within the time provided. Accordingly, they were forfeited, pursuant to §§ 1.102(d) and 21.34 of the Commission's rules. However, we will add an issue on these stations, looking toward the company's practices.

20. Silver Beehive also has pending an application for a Mobile Base station in the Domestic Public Land Mobile Radio Service (3784–C2–P–70) proposing facilities at Grouse Creek and Park Valley, Utah. In addition, it has two pending applications in the Rural Radio Service (60309/60310–C6–P–74) to cover the unauthorized operations discussed below.

21. It appears that Silver Beehive Telephone Company, at some time in the fall of 1973, and prior to December 1973, installed a radiotelephone system between Grouse Creek, Utah, and a location identified as AT&T's L4 Power Feed Station, in the vicinity of Lucin, Utah. The system operated on 150 MHz frequencies allocated for Common Carrier stations, but was constructed and operated without any authority from the Commission. The applications mentioned above (60309/60310–C6–P–74) which were filed on February 27, 1974, are for this system.

22. All facilities proposed by Silver Beehive are to be operated in conjunction with a wireline telephone system which it states is operated in a 3000 sq. mile area in northwestern Utah, serving approximately eighty families. It is not clear what effect these uses of radio had, or would have, on the wireline service in this area. Consequently, an issue will be designated so that the needs of these customers can be considered in determining whether it is in the public interest to grant Silver Beehive's applications. Inquiry will also be made into whether Silver Beehive constructed and operated stations without Commission authorization, in violation of section 301 of the Communications Act of 1934, as amended.

BROTHERS' COMMERCIAL RADIO OPERATOR LICENSE

23. Brothers has a Radiotelephone Second Class Operator License, P2–12–14701.[3] During the course of 1973 and early 1974, Brothers appears to have repeatedly acted in violation of the Communications Act and the Commission's rules by installing and testing or supervising the installation and testing of unlicensed facilities. More specifically, in the spring and fall of 1973, Brothers was responsible for the installation and operation of the following unlicensed stations in the Lake Powell area; at Bullfrog Marina, Utah; at Canyon Boat Works, Page, Arizona; at Wahweap Lodge and Marina; and at Rainbow Marina. It appears further, that Brothers furnished both Bullfrog Marina and Canyon Boat Works with bogus licenses to be displayed at their stations,[4] and on September 11, 1973, Brothers appears to have personally operated the unlicensed station at Wahweap Lodge and Marina. In addition, it appears that during the latter half of 1973, Brothers installed, tested and placed into operation, or supervised or directed the installation, testing and placing into operation of ship radio stations at land locations for a James Miltenburger and a Betty Armstrong, notwithstanding that Brothers was aware that none of the licenses involved in said installations would authorize the land facilities but were limited to shipboard operation. It appears, moreover, that the two transmitters at the land locations were modified by Brothers or at his direction so that they could not monitor the distress, safety and calling frequency prior to transmitting as required by § 83.181(b) of the Commission's rules.

24. Official Notices of Violation—FCC Form 793—were issued to Mr. Brothers on March 18 and April 19 and 22, 1974, detailing specific violative acts. Included, inter alia, in the said notices were instances of violation of section 301 of the Act, and §§ 21.11, 83.103 and 83.181(b) of the rules. In each instance, Brothers made a general denial of the allegations. Hence, a determination is required as to whether Mr. Brothers did, in fact, use and operate, or cause others to use and operate, unlicensed facilities in a manner contrary to the Communications Act, and/or the Commission's Rules and Regulations, and whether Mr. Brothers does possess the requisite qualifications to carry out the responsibilities of, and remain, a Commission licensee.

25. Brothers engages in the business of selling radio equipment in the Lake Powell and Lake Mead areas. It appears that Brothers has used the Public Coast, Class III–B, station licenses, KLU–743 and KTR–963, issued to The Telephone Company, Inc., to wrongfully gain competitive advantages over other sellers of radio equipment by representing to potential customers that they could not obtain service from the Public Coast stations unless they purchased equipment from Brothers. If Brothers has engaged in anti-competitive practices through the use of Commission licenses, it would have an adverse effect on the qualifications of the licensees and an issue will be specified.

Accordingly, it is ordered, That the captioned applications, construction permits and licenses be designated for hearing, at a time and place to be specified

[3] Brothers' license will expire on April 2, 1975. Pursuant to an Order released this date, his license will be suspended fifteen days after his receipt of the Suspension Order unless he requests a hearing before the Commission.

[4] Both stations were furnished with photocopies of Brother's Marine Receiver Test station license (KTR–832).

in a subsequent Order, upon the following issues:

Issue 1(a). To determine whether Arthur W. Brothers, individually or through a corporate entity, or The Telephone Company, Inc., violated section 325(a) of the Communications Act of 1934, as amended, and § 74.784(b) of the Commission's rules, by operating a broadcast station rebroadcasting the programs of another broadcast station without the prior written consent of the originating station.

(b). To determine whether Arthur W. Brothers or The Telephone Company, Inc., or others acting in behalf of Brothers or The Telephone Company, Inc., constructed and placed into operation an unlicensed television broadcast translator station in violation of section 301 of the Communications Act of 1934, as amended.

Issue 2. To determine whether Arthur W. Brothers or The Telephone Company, Inc., has made material misrepresentations to the Commission.

Issue 3. To determine whether Arthur W. Brothers, The Telephone Company, Inc., or Silver Beehive Telephone Company has violated section 301 of the Communications Act of 1934, as amended, by using or operating or installing and testing unlicensed transmitters in the Safety and Special Radio Service or by inducing others to do so.

Issue 4. To determine whether Arthur W. Brothers furnished unlicensed stations with copies of a license issued to Brothers' Marine Receiver Test station KTR-832, and, if so, the purpose for which it was furnished.

Issue 5(a). To determine whether Arthur W. Brothers violated § 83.103 of the Commisson's rules by installing, testing or placing into operation, or supervising or directing others to install, test and place into operation Ship radio stations at land locations.

(b). To determine whether Arthur W. Brothers violated § 83.181(b) of the Commission's rules by modifying or supervising or directing the modification of transmitters so that they could not monitor prior to broadcast.

Issue 6. To determine whether Arthur W. Brothers and/or The Telephone Company, Inc., violated §§ 81.131(d)(2), 81.137(c) and 81.21 of the Commission's rules in connection with the operation of Operational Fixed Station KKI-48.

Issue 7. To determine whether Arthur W. Brothers and/or The Telephone Company, Inc., violated § 81.302(a)(2) of the Commission's rules at stations KLU-743 and KTR-963.

Issue 8. To determine whether Arthur W. Brothers violated §§ 81.131(d)(3) and 81.137(a)(1) of the Commission's rules at station KTR-832.

Issue 9. To determine whether Arthur W. Brothers and/or The Telephone Company, Inc., have made unauthorized use of Navajo Mountain and its facilities for the construction and operation of licensed or unlicensed Broadcast and Public Coast facilities.

Issue 10. To determine whether The Telephone Company, Inc., has reasonable assurance that the sites for the proposed Marine Repeater station on Navajo Mountain (67-MA-L-34), for KTR-963 (68-M-ML-34) and for the proposed television broadcast translator will be available.

Issue 11. To determine whether the Telephone Company, Inc., Silver Beehive Telephone Company or Arthur W. Brothers violated section 301 of the Communications Act of 1934, as amended, and § 21.11 of the Commission's rules by constructing and operating unlicensed stations in the Rural Radio Service between Grouse Creek and the vicinity of Lucin, Utah.

Issued 12(a). To determine the nature and extent of the telephone service being provided by Silver Beehive Telephone Company.

(b). To determine what effect denial of any applications or revocation of any construction permits of The Telephone Company, Inc., or Silver Beehive Telephone Company would have on the wireline telephone service.

Issue 13. To determine whether The Telephone Company, Inc., has failed to construct Operational Fixed stations WHM-66 and WHM-67 within 8 months of grant of the licenses as required by § 81.61 of the Commission's rules, and whether those licenses are, therefore, invalid.

Issue 14. To determine what action, if any, the Commission should take on the forfeited construction permits for stations WSN55 and WSN56, in light of Silver Beehive Telephone Company's failure to pay the grant fee, and its failure to construct the stations within the time allowed by the Commission's rules or request appropriate extension of the construction period specified therein.

Issue 15. To determine all the facts and circumstances surrounding Arthur W. Brothers' use of Commission licenses in connection with his sale of radio equipment.

Issue 16. To determine the relationship between Arthur W. Brothers, The Telephone Company, Inc., and Silver Beehive Telephone Company.

Issue 17. To determine whether Arthur W. Brothers, The Telephone Company, Inc., or the Silver Beehive Telephone Company violated section 310 of the Communications Act of 1934, as amended, and § 1.924 of the Commission's rules by transferring control of a corporate licensee without consent of the Commission.

Issue 18. To determine, in light of the evidence adduced under the preceding issues whether Arthur W. Brothers, The Telephone Company, Inc., and/or Silver Beehive Telephone Company have the requisite qualifications to be or remain a licensee of the Commission.

Issue 19. To determine, in light of the evidence adduced under the preceding issues, whether a grant of the above-captioned applications would serve the public interest, convenience and necessity.

It is further ordered, pursuant to section 309(e) of the Communications Act of 1934, as amended, and authority delegated by the Commission on July 2, 1974, that the captioned applications are designated for hearing on the preceding issues, and that the burden shall be upon the applicants to show that the public interest, convenience and necessity would be served by such grants.

It is further ordered, pursuant to section 312(a) (1) through (4), and (c) of the Communications Act of 1934, as amended, and authority delegated by the Commission on July 2, 1974, that licensees show cause why the licenses for the captioned radio stations should not be revoked, and that the Bureaus will have the burden of establishing that revocation of the licenses would serve the public interest, convenience and necessity; and

It is further ordered, pursuant to section 312 (b) and (c) of the Communications Act of 1934, as amended, and authority delegated by the Commission on July 2, 1974, that the licensees shall show cause why they should not be ordered to cease and desist from further violations of section 301 of the Communications Act of 1934, as amended, and further violations of the Commission's rules as described above, and that the Bureaus will have the burden of showing that a cease and desist order would serve the public interest, convenience and necessity.

It is further ordered, That the matters appearing in the caption herein be consolidated for hearing, pursuant to the provisions of § 1.227 of the Commission's rules and authority delegated by the Commission on July 2, 1974; and

It is further ordered, That the presiding Administrative Law Judge is authorized and directed to convene a prehearing conference for the purpose of exploring the possibility of satisfying some or all of the issues by agreement of the parties. If an agreement is reached and the Administrative Law Judge approves, the Initial Decision shall reflect the terms of the agreement; if total agreement cannot be reached, the Administrative Law Judge shall so note on the record and shall proceed with the conduct of the hearing upon the specified issues; and

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221 of the Commission's rules, in person or by attorney shall within twenty (20) days of the mailing of this Order file with the Commission in triplicate a written appearance stating an intent to appear on the date fixed for the hearing and present evidence on the issues specified; and

It is further ordered, That the Bureaus proceed with the initial presentation of the evidence with respect to issues 1 through 9, 11, 15 and 17. The applicants will then proceed with their evidence and have the burden of establishing that they possess the requisite qualifications to be licensees and that a grant of their applicants would serve the public interest, convenience and necessity. The Bureaus shall have the burden of establishing that revocation of licenses is warranted; and

It is further ordered, That a copy of this Order shall be sent by Certified Air

Mail—Return Receipt Requested to The Telephone Company, Inc., 555 Avenue G, Boulder City, Nevada 89005; to Silver Beehive Telephone Company, Grouse Creek, Utah; and to Arthur W. Brothers, 555 Avenue G, Boulder City, Nevada 89005.

Adopted: September 4, 1974.

Released: September 6, 1974.

C. PHYLL HORNE,
Chief,
Field Operations Bureau.

WALTER R. HINCHMAN,
Chief,
Common Carrier Bureau.

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

HAROLD L. KASSENS,
Acting Chief,
Broadcast Bureau.

[FR Doc.74-21582 Filed 9-17-74;8:45 am]

CABLE TELEVISION TECHNICAL ADVISORY COMMITTEE (CTAC) PANEL 3 (RECEIVERS)

Notice of Meeting

SEPTEMBER 10, 1974.

Pursuant to section 10 of the Federal Advisory Committee Act, 5 U.S.C. App. I § 10 (Supp. II, 1972), notice is hereby given of a meeting of the CTAC Panel 3 (Receivers) meeting on October 3, 1974, to be held at the Corporation for Public Broadcasting, 888 Sixteenth Street, NW., Washington, D.C., in the Lower Level (LL) conference room. The meeting is scheduled to commence at 10:00 a.m.

The agenda is as follows:

1. Approval of Panel 3 Technical Notes on:
a. Adjacent Channel Rejection.
b. Oscillator voltage; spurious responses.
c. Direct Pickup.
2. A review of the Electronic Industries Association (EIA) Cable Television Systems Committee (CTSC) recommendations set forth in an *EIA Engineering Bulletin.*
3. A Review of the Final Panel 3 Report Draft.
4. New Business.
5. Adjournment.

Any member of the public may attend or file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Inquiries may be directed to Mr. A. M. Rutkowski, FCC, 1919 M Street, NW., Washington, D.C. 20554—(202) 632-9797.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-21581 Filed 9-17-74;8:45 am]

FEDERAL ENERGY ADMINISTRATION

ALLOCATION OF OLD OIL

Notice Changing Location of Public Hearing

On August 28, 1974, the Federal Energy Administration issued a notice of proposed rulemaking and public hearing concerning the allocation of old oil (39 FR 31650, August 30, 1974). The notice provides for a public hearing to be held on Tuesday, September 24, 1974, and continued on Wednesday and Thursday, September 25 and 26, 1974, if necessary.

FEA hereby gives notice that the location of the hearing has been changed to Room 2105, 2000 M Street, NW., Washington, D.C. All other procedures with respect to written comments and the public hearing are as set forth in the notice of proposed ruling.

Issued in Washington, D.C., September 14, 1974.

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

[FR Doc.74-21640 Filed 9-16-74;9:11 am]

MIDDLE DISTILLATE FUELS—ALLOCATION LEVELS FOR SPACE HEATING REQUIREMENTS AND ALLOCATIONS TO ELECTRIC UTILITIES

Notice Changing Location of Public Hearing

On September 6, 1974, the Federal Energy Administration issued a notice of proposed rulemaking concerning the allocation of middle distillate fuels (39 FR 32876, September 11, 1974). The notice provides for a public hearing to be held on Friday, September 27, 1974.

FEA hereby gives notice that the location of the hearing has been changed to Room 2105, 2000 M Street, N.W., Washington, D.C., and that each person selected to be heard must submit 100 copies of his or her statement as provided in the notice of proposed rulemaking by 4:30 p.m., e.d.s.t., September 26, 1974. All other procedures with respect to written comments and the public hearing are as set forth in the notice of proposed rulemaking.

Issued in Washington, D.C., September 13, 1974.

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

[FR Doc.74-21639 Filed 9-16-74;9:11 am]

FEDERAL MARITIME COMMISSION

[General Order 29]

MILITARY SEALIFT PROCUREMENT SYSTEM

REP-900, Second Cycle Uniform Capacity Utilization Factor

The Commission's General Order 29 (46 CFR Part 549), states, in part, that:

At least 30 days prior to the bidding date for any RFP Cycle except for REP 700, Second Cycle and RFP 800, First Cycle, the Commission will establish a uniform capacity utilization factor for each MSC trade route. Carriers will determine cargo unit costs on the basis of such factor or of the actual number of cargo units carried, whichever is greater. 46 CFR 549.5(b)(1).

By Order dated April 1, 1973, the United States Court of Appeals for the District of Columbia Circuit stayed the operation of this Rule until the Court issued its decision in Sea-Land Service, Inc. v. Federal Maritime Commission, No. 73-2014. Accordingly, the uniform capacity utilization factors (UCUFs) promulgated herewith are to be used in computing carrier bids only in the event that the Court lifts its stay of § 549.5(b)(1) or issues a decision on the merits of the Sea-Land case upholding the Rule prior to the next MSC bidding cycle deadline.

Notice is hereby given, subject to the Court Order referenced above, that the Commission has adopted the UCUFs contained in Appendices A and B of this Notice for RFP-900, Second Cycle.

These UCUFs were computed from cargo statistics obtained from Military Sealift Procurement System carriers, and represent an average of these carriers' historical performance within each MSC trade route.[1]

Where only one carrier responded with data for a specific MSC trade route, no UCUF was issued as it would reveal significant operating data to the respondant's possible competitors. For those routes the notation "Use actual utilization" will replace a UCUF number.

All percentages computed for purposes of establishing the UCUF have been rounded to the nearest five (5) percent.

By the Commission, August 28, 1974.

FRANCIS C. HURNEY,
Secretary.

[1] The historical period used was July 1, 1973, to June 30, 1974. MSC Interport Routes (e.g., Hawaii to Japan) were excluded.

APPENDIX A.—*Uniform capacity utilization factor by MSC route index and zone container carriers*

Trade route	Zone		UCUF
			Percent
01	A	U.S. west coast to mid-Pacific islands, Korea, Okinawa, Hong Kong, and Taiwan, and Philippines.	80
01	B	U.S. west coast to Republic of Vietnam	80
01	C	U.S. west coast to Thailand	85
01	D	U.S. west coast to Pacific Straits and Indonesia	(1)
01	E	U.S. west coast to Japan	80
04	-----	U.S. east coast to United Kingdom and Eire	85
05	-----	U.S. east coast to Continental Europe	85
06	A	U.S. east coast to western Mediterranean	85
06	B	U.S. east coast to eastern Mediterranean	85
08	A	U.S. east coast to mid-Pacific islands, Korea, Okinawa, Hong Kong, and Taiwan and Philippines.	90
08	B	U.S. east coast to Republic of Vietnam	(1)
08	C	U.S. east coast to Thailand	(1)
08	D	U.S. east coast to Pacific Straits and Indonesia	(1)
08	E	U.S. east coast to Japan	90
10	-----	U.S. gulf coast to United Kingdom and Eire	(1)
11	-----	U.S. gulf coast to Continental Europe	90
12A	-----	U.S. gulf coast to western Mediterranean	(1)
12B	-----	U.S. gulf coast to eastern Mediterranean	(1)
14	A	U.S. gulf coast to mid-Pacific islands, Korea, Okinawa, Hong Kong, and Taiwan, and Philippines.	(1)
14	B	U.S. gulf coast to Republic of Vietnam	(1)
14	C	U.S. gulf coast to Thailand	(1)
14	D	U.S. gulf coast to Pacific Straits and Indonesia	(1)
14	E	U.S. gulf coast to Japan	(1)
28	-----	U.S. west coast to Canal Zone	(1)
37	-----	U.S. east coast to Dominican Republic	(1)
39	-----	U.S. east coast to Canal Zone	(1)

[1] Use Actual Utilization.

APPENDIX B.—*Uniform capacity utilization factor by MSC route index and zone breakbulk carriers*

Trade route	Zone		UCUF
			Percent
01	A	U.S. west coast to Hong Kong, Korea, mid-Pacific Islands, Philippines, Okinawa, and Taiwan.	75
01	B	U.S. west coast to Republic of Vietnam	75
01	C	U.S. west coast to Thailand	80
01	D	U.S. west coast to Pacific Straits and Indonesia	(1)
01	E	U.S. west coast to Japan	75
06	A	U.S. east coast to western Mediterranean	[2] 40
06	B	U.S. east coast to eastern Mediterranean	[2] 40
07	A	U.S. east coast to Aqaba, Red Sea, Arabian Gulf Range	65
07	B	U.S. east coast to Pakistan, India, Burma Range	55
08	A	U.S. east coast to Hong Kong, Korea, mid-Pacific Islands, Philippines, Okinawa, Taiwan	60
08	B	U.S. east coast to Republic of Vietnam	60
08	C	U.S. east coast to Thailand	70
08	D	U.S. east coast to Pacific Straits and Indonesia	(1)
08	E	U.S. east coast to Japan	60
10	-----	U.S. gulf coast to United Kingdom and Eire	(1)
11	-----	U.S. gulf coast to Continental Europe	80
12A	-----	U.S. gulf coast to western Mediterranean	(1)
12B	-----	U.S. gulf coast to eastern Mediterranean	(1)
13A	-----	U.S. gulf coast to Aqaba, Red Sea, Arabian Gulf Range	(1)
13B	-----	U.S. gulf coast to Pakistan, India, Burma Range	(1)
14	A	U.S. gulf coast to Hong Kong, Korea, mid-Pacific Islands, Philippines, Okinawa, Taiwan	80
14	B	U.S. gulf coast to Republic of Vietnam	80
14	C	U.S. gulf coast to Thailand	75
14	D	U.S. gulf coast to Pacific Straits and Indonesia	(1)
14	E	U.S. gulf coast to Japan	75
39	-----	U.S. east coast to Canal Zone	(1)
43	-----	U.S. gulf coast to Canal Zone	(1)
44	A	U.S. Great Lakes to Aqaba, Red Sea, Arabian Gulf Range	(1)
44	B	U.S. Great Lakes to Pakistan, India, Burma Range	(1)
47	A	U.S. west coast to Aqaba, Red Sea, Arabian Gulf Range	(1)
47	B	U.S. west coast to Pakistan, India, Burma Range	55

[1] Use Actual Utilization.
[2] The breakbulk utilization factor established for this route index is based on a pay ton rather than a stowed measurement ton basis.

[FR Doc.74-21510 Filed 9-17-74;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 311 (p) (1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/operator and vessels*
01073---	N.V.T.V.V.D. Koninklijke Hollandsche Lloyd: *Waterland.*
01113---	A/S. J. Ludwig Mowinckers Rederi: *Egda.*
01150---	Chevron Transport Corporation: *Chevron Copenhagen.*
01168---	Rederiaktiebolaget Sally: *Jonny.*
91233---	Buries Markes Limited: *La Ensenada.*
01559---	Rederiaktiebolaget Fraternitas: *Aleppo.*
01904---	Waterman Steamship Corporation: *Carter Braxton.*
01935---	Partnership Between Steamship Company, Svendborg Ltd. and Steamship Company of 1912 Ltd.: *Katrine Maersk.*
02038---	Polskie Linie Oceaniczne: *Mikolaj Rej, Emilia Plater.*
02126---	Morania Oil Tanker Corporation: *518 Carfloat.*
02131---	Houlder Line Limited: *H.T.S. Coupler 1.*
02163---	Rederiet "Ocean" A/S Copenhagen: *Danwood Snow.*
02198---	The Peninsular & Oriental Steam Navigation Company: *Strathdevon, Strathdare.*
02243---	Astramar, CIA, Aagentina de Navegacion S.A.C.: *Astrasalta, Puerto Buitrago.*
02338---	Central Gulf Lines, Inc.: *Green Valley.*
02344---	Empresa Lineas Martimas Argentinas S.A.: *Rio Deseado.*
02465---	Koch-Ellis Marine Contractors, Inc.: *KE-41, KE-43, KE-44, KE-42.*
02518---	Consortium Europeen de Transports Maritimes: *Cetra Vela.*
02551---	Ellerman Line Ltd.: *City of Athens, City of Famagusta, City Izmir, Athenian, Mediterranean, Rapalla, Sangro, Silvio, Sorrento.*
02630---	The Offshore Company: *Offstar.*
02716---	Aktieselskabet det dansk Franske Dampskibsselskab: *Vinland.*
02835---	Hongkong Shipowners & Managers Co., Ltd.: *Natasha.*
02958---	Kawasaki Kisen K.K.: *Sun River.*
03047---	E. I. DuPont de Nemours & Co.: *Aromatic.*
03256---	Upper Mississippi Towing Corporation: *UM 905.*
03294---	Companhia de Navegacao Lloyd Brasileiro: *Lloyd Liverpool.*
03389---	Shell Tankers B.V.: *Meta.*
03468---	Nihonkai Kisen Kabushiki Kaisha: *Amazon Maru, Tochigi Maru.*
03572---	K/S A/S Krohn Brekkes Rederei & Co.: *Krohn Trader.*
03636---	Smith Rice Company: *Barge 13.*
03883---	Ohio Barge Line, Inc.: *Barge Chem 43*
03894---	Whitehall Shipping Co. Ltd.: *Stainless Patriot.*
03918---	Mobil Shipping & Transportation Co.: *Mobil Importer.*
04007---	Egon Oldendorff: *Eibe Oldendorff.*
04024---	Erie Sand Steamship Co.: *J. F. Schoellkopf Jr.*
04136---	Thomas Marine Company: *Enis M, TM 46, TM 47, TM 48, TM 49.*
04150---	Jan C. Uiterwyk Company, Inc.: *Maria U.*
04235---	Bollinger & Boyd Barge Service, Inc.: *SBA 400.*
04276---	Rivtow Straits Limited: *Rivtow Carrier.*
04392---	Radcliff Materials Inc.: *Avocet, Gull.*
04406---	Alter Company: *Bernard G, Beverly Ann.*
04424---	International Navigation Corporation: *Las Minas.*
04542---	Mr. Choei Okado: *Chokyumaru No. 25.*
04596---	Pan-Alaska Fisheries, Inc.: *Pan Alaska.*
04618---	Huffman Towing Company: *Tara Ann.*
04623---	Seaspan International Ltd.: *Seaspan 855.*
04625---	American Commercial Lines Inc.: *W. A. Kernan.*

Certificate No.	Owner/operator and vessels
04768---	Texaco Overseas Tankership Ltd.: *Texaco Spain.*
05004---	Flowers Transportation, Inc.: *City of New Orleans.*
05008---	Star Kist Foods, Inc.: *Pacific Star No. 1.*
05020---	Bamar Marine Co. Ltd.: *Belvoir.*
05047---	PPG Industries, Inc.: *CSCC 200, CSCC 201, CSCC 202, PPG 205.*
05096---	Esso Tankschiff Reederei GMBH: *Esso Hannover.*
05130---	Naviera Humboldt S.A.: *Mochica.*
05437---	The Dow Chemical Company: *JAR-6, JAR-7.*
05530---	Consolidated Towing Company: *Cecilia Carol, Celisa Ann.*
05577---	Far Eastern Shipping Company: *Konstantin Petrovskiy, Privolye.*
05581---	Latvian Shipping Company: *Pavel Shternberg.*
05611---	Marine Drilling Company: *Stormdrill V.*
06159---	Naviera Neptuno S.A.: *Mercurio.*
06224---	Hendry Corporation: *HC No. 2.*
06225---	Stapp Towing Co., Inc.: *MM 103, MM 104.*
06244---	Agrico Chemical Company: *BW 1933, BW 1934.*
07276---	Anglo-Pacific Line Limited: *Biak.*
06566---	Occidental Petroleum Corporation: *Hooker Niagara, John S. Coey.*
06990---	Livestock Carriers Inc.: *Devon Express.*
07404---	Hanseatic Shipmanagement Ltd.: *Cosmopolit.*
07663---	Molave Bulk Carriers, Inc.: *Don Salvador II.*
07729---	Esteli S.A.: *Doctor Lello.*
07743---	Yangming Marine Transport Corp.: *Yu Ming.*
07845---	Overseas Shipping Pte. Limited: *Hwa Chu.*
07868---	Dolphin Maritime Corporation: *Aurelia, Aliartos.*
08034---	Asia Africa Shipping Co. Ltd.: *Uniluck.*
08196---	Interessentskabet AF 15, April 1972: *Nordpol.*
08420---	Assistance, Inc.: *Coos Bay.*
08545---	The Atchison, Topeka, and Santa Fe Railway Company: *Barge 7, Barge 8, Barge 9, John R. Hayden, Paul P. Hastings.*
08642---	Shinwa Steamship Co., (HK) Ltd.: *World Vanguard.*
08742---	Silver Athens Shipping Company of S.A. of Panama: *Silver Athens.*
08743---	Silver City Shipping Company S.A. of Panama: *Silver City.*
08818---	Venus Carriers Corporation S.A.: *Croton.*
08949---	Stardust Shipping Co., S.A. Liberia: *Iliade.*
09016---	Apex Barge Company: *CM 202, Gloria G, Apex 3503, Apex 3504, Apex 3401, Apex 1802.*
09072---	Wilmington Xylene Terminal, Inc.: *Patricia L.*
09073---	Carolina Methanol Terminal, Inc.: *Linda L.*
09091---	Anangel Glory Compania Naviera S.A.: *Anangel Glory.*
09099---	Mundial Transmares S.A. Panama: *Aristotelis.*
09118---	Eva-Maria Shipping Corporation: *Eva Maria C.*
09180	Ursula Shipping Corporation: *Ursula C.*
09199---	Anebretos Enterprises Ltd.: *Marika-M.*
09216---	Dynamic Shipping Corporation (Panama) S.A.: *Dynamic Pioneer.*
09225---	Trade Winds Marine Inc.: *Trade Wind.*
09230---	Pindar Navigation Company Limited: *Skyton.*
09231---	Cape Palmas Shipping Company: *Lucy.*
09262---	Transport Maritime Youville Ltee: *Transmar Venture.*
09264---	Dioni Shipping Company S.A.: *Dioni.*
09276---	Scout Shipping Co., Inc.: *Sevillan Reefer.*
09279---	Transmarittima Sarda Italnavia Flotte Riunite S.P.A.: *Santa Anna Prima, Santa Augusta, Santa Cristina Prima, Bordighera, Acradina, Sicilmotor, Italmotor, Ambronia, Aspra, Trelance, Polluce, Bonassola, Tito Campanella, Italmare.*
09287---	Marathon Shipping Company: *Archangelos III.*
09292---	Compania Naviera Sfakia, S.A. Panama: *Mount Julie.*
09299---	Argolicos Gulf Shipping S.A.: *Argolicos Gulf.*
09301---	Scott Chotin, Inc.: *SC 300L, SC 301X, SC 150X, SC 302S.*
09310---	Orient Lumber Transport Inc.: *Orient Pine.*
09312---	Vall Transport Company Limited: *Vall Jupiter.*
09313---	Eastern Navigation Company, Incorporated: *Van Conqueror.*
09314---	Kagawa Ken: *Kagawa Maru.*
09315---	Kaigai Gyogyo K.K.: *Dae Bong No. 2, Sea Bird No. 33.*
09316---	K/S O. B. Sorensen & Co. A/S: *Orator.*
09318---	Eiko Kaiun Kabushiki Kaisha: *Takuyo Maru No. 8.*
09319---	Odajima Kaiun, Ltd.: *Jinyo Maru.*
09320---	Ariana Shipping Company Limited: *Kalliopi Antonatos.*
09326---	Koppers Company, Inc.: *UBL-364.*
09325---	Inversiones Navieras Imparca C.A.: *Tamanaco.*
09327---	Grand Wisdom Transport, Inc.: *Grand Wisdom.*
09328---	Marardor Armadora S.A.: *Prometheus.*
09330---	Thorodland Schiffahrtsgesellschaft de Vries & Co. M.B.H. KG.: *Thorodland.*
09332---	Sea Trader, Ltd.: *Sea Trader.*
09334---	Hambro Shipping Co. S.A.: *Raymar, Maray.*
09335---	Puerto Barge, Inc.: *Offshore Fueler.*
09339---	Compania de Navegacion Courteous S.A.: *Courteous.*
09340---	Manhatten Navigation Co. S.A.: *Margarita M.*
09343---	Archipelago Shipping Company Ltd.: *Island King.*
09344---	Second Chandris Shipping Corporation: *Dona Katerina.*
09345---	Hiong Guan Navegacion Co., Ltd.: *Ho Lung, Ho Chung.*
09348---	Fabrica de Harina de Pessado Haylock Hondurena, S.A. de C.V.: *Haylock Pride.*
09351---	Wasson Towing Corporation: *Magnolia.*
09352---	Pagasse Compania Naviera S.A.: *Lissabon.*
09353---	K/S A/S Vapore & Co.: *Nopal Shore.*
09354---	Gulf Elevator & Transfer Company: *Marquis Roen, UBL 340.*
09356---	Georgetown Steel Corporation: *GSC-200.*
09357---	Epityhia Maritime Company Limited: *Irenes Joy.*
09368---	Creta Maritime, Inc.: *Stolt Hera.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-21602 Filed 9-17-74;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to Part 542 of Title 46 CFR and section 311(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/operator and vessels
01016---	C. Clausen Dampskibsrederi A/S: *Linda Clausen.*
01063---	E. B. Aaby's Rederi A/S: *Faro.*
01065---	Reederei Richard Schroder: *Erwin Schroder.*
01169---	Oriens Societa di Navigazione P.A.: *Mare Italico.*
01259---	Interessentskapet Bulktransport: *Bavang.*
01334---	American President Lines, Ltd.: *President Buchanan.*
01986---	Aktiebolaget Transmarin: *Claude.*
02163---	Rederiet "Ocean" A/S Copenhagen: *Sevillan Reefer.*
02168---	D/S A/S Vestland: *Vestland.*
02173---	Jennifer Shipping Co., Ltd.: *Kitsa.*
02198---	The Peninsular & Oriental Steam Navigation Company: *Duhallow, Pando Gulf.*
02222---	Pythagoras Navegacion S.A.: *Margarita Chandris.*
02225---	Euripides Navegacion S.A.: *Dona Katerina.*
02548---	Compania Maritima San Basilio S.A.: *Eurysthenes.*
02717---	Court Line Limited: *Halcyon Days, Halcycon Wave.*
02832---	Compania Trasatlantica Espanola S.A.: *Almudena.*
02930---	Compania Sud-Americana de Vapores: *Lebu.*
02975---	Venture Shipping (Managers) Limited: *Tokyo Venture.*
03047---	E. I. du Pont de Nemours & Company: *H. L. Jacobs.*
03140---	Youngjin Shipping Co., Ltd.: *Walsong.*
03213---	Amoco Trading Int'l. Ltd.: *Amoco Baltimore, Amoco Brisbane, Conqueror, Amoco Cremona, Amoco Savannah, Amoco Texas City, Amoco Yorktown.*
03441---	Japan Line K.K.: *Kotei Maru.*
03459---	Meiji Kaiun K.K.: *Meikun Maru.*
03469---	Nihon Kaisho Kabushiki Kaisha: *Congo Maru.*
03501---	Osaka Shosen Mitsui Senpaku K.K.: *Mexico Maru.*
03502---	Shinyei Senpaku K.K.: *Wakatakesan Maru.*
03614---	A/S Kristian Jebsens Rederi: *Tornes.*
03633---	Peniatex Barge Line, Inc.: *Hines 76B, Hines 78B, Hines 85, Hines 103.*
03634---	James R. Hines Corporation: *SS-301, SS-303.*
04023---	Erie Sand and Gravel Company: *Sidney E. Smith, Jr.*
04024---	Erie Sand Steamship Co.: *Alpena, Jack Wint.*
04048---	A/S Mosvold Shipping Co.: *Mosli.*
04069---	Omnium Transportation Company: *Omnium Wanderer.*
04340---	Alora Compania Naviera, S.A.: *Pholegandros.*
04353---	Industrial Carriers Corporation: *Serifos.*
04404---	Lars Rej Johansen: *Freijo.*
04581---	Marine Navigation Company, Inc.: *Marine Victory.*
04864---	Naviera Montanesa S.A.: *Isla de Mouro, Vall del Nervion.*

Certificate No.	Owner/operator and vessels
04865	Naviera de Castilla S.A.: *Sardinero.*
04941	Olau-Line Ltd.: *Olau Thor.*
05379	River Lines Company: *Barge 12, Shasta, Eldorado.*
05383	Lineas Pinillos: *Elsa, Carmen Martinez de Pinillos, Laqo San Maurico.*
05564	Europa Shipping Corporation: *Marathonian.*
05668	Brady-Hamilton Stevedore Co.: *SS 7, SS 9.*
05676	International Barge, Inc.: *Socky 9.*
05763	Towa Senpaku K.K.: *Kokyo Maru.*
05941	Alma del Atlantico Naviera S.A., Panama: *Aristagoras.*
05958	Perseus Tanker Corporation: *Perseus I.*
06111	Franga Compania Naviera S.A., Panama: *Eleni E. F.*
06244	Willchemco, Inc.: *Gulf Chem I, Gulf Chem II.*
06401	Seaservice Shipping Co., Ltd.: *Elka.*
06561	Komanditselskapet Cruise Venture A/S & Co.: *Island Princess.*
06724	Fanfero Shipping Co., Ltd.: *Pampero.*
06938	Protransco., Inc.: *ETT–104.*
06960	Crystal Margaret Inc.: *Crystal Margaret.*
07019	Allied Shipping International Corporation: *Arras.*
07149	United International Bulk Carriers Limited: *Elwood Mead.*
07550	Erato Shipping Inc.: *Diane Prosperity.*
07588	Planta Colombiana de Soda Ltda: *Planta de Mamonal, Salina de Manaure.*
07600	Angelina Transportation Corp.: *LSC–41, LSC–42.*
07778	Sea Drilling Corporation: *Seadrill 14.*
07856	Dipoti Shipping Co., S.A.: *Pavlo.*
07894	Selmaduro La Guaira S.A.: *Manaure.*
07961	Marson Limited: *Marson Cathy.*
07982	Nissan Prince Kaium K.K.: *Prince Maru No. 7.*
07995	Lee Shipping Co., Ltd., Monrovia: *Yalton.*
08060	National Sealanes Corporation: *Antiparos.*
08082	Bomar Navigation Limited: *Ontario.*
08326	Shikoku Tanker Co., Ltd.: *Mariveles.*
08339	Mariluck Maritime Co., Limited: *Mari Luck.*
08382	Rigillis Shipping Corporation: *Spalmatori Captain.*
08520	Ocean Carriers, Inc.: *Stolt Albatross.*
08833	General Metals of Tacoma, Inc.: *Holly.*
08864	New Zealand Line Limited: *Majestic.*
08881	Gellatly and Sons Marine Corporation: *Mary Gellatly.*
08964	Houlder Brothers & Co., Ltd.: *Sherwood.*
09285	Statheros Shipping Corporation of Monrovia, Liberia: *Statheros.*
09381	Sunvictor Maritime Co., Ltd.: *Sunvictor.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–21601 Filed 9–17–74;8:45 am]

IBERIAN/U.S. NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Agreement Filed; Modification

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before October 8, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the Commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

MODIFICATION OF AGREEMENT

Notice of Agreement Filed by:

Stanley O. Sher, Esquire
Billig, Sher & Jones, P. C.
Suite 300
1126 Sixteenth Street, NW.
Washington, D.C. 20036

Agreement No. 9615–11, among the members of the Iberian/U.S. North Atlantic Westbound Freight Conference, would amend the organic agreement by clarifying and updating the Conference's self-policing system.

By Order of the Federal Maritime Commission.

Dated: September 13, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–21603 Filed 9–17–74;8:45 am]

[Docket No. 74–41]

PACIFIC WESTBOUND CONFERENCE AND FAR EAST CONFERENCE

Order of Approval and Investigation and Hearing

On December 29, 1952, the Federal Maritime Board approved Agreement No. 8200 which is an agreement between the member lines of the Pacific Westbound Conference (PWC) and the member lines of the Far East Conference (FEC) providing for the establishment of rates, rules and regulations applicable to the carriage of cargo from ports on the U.S. Atlantic, Gulf and Pacific Coasts to ports in the Far East. Agreement No. 8200–1 filed on May 13, 1966, modified 8200 by providing that all new members of either conference shall become parties to any supplementary agreements as well as to Agreement No. 8200. On March 15, 1967, the parties filed Agreement No. 8200–2 which provides generally that (1) either Conference may adjust its rates without concurrence of the other; (2) FEC's rates should exceed PWC's rates by no more than $6.00 per ton and no less than the amount of accessorial charges assessed against the cargo by PWC's tariff; and (3) the agreement does not apply to the relationship between PWC overland rates and FEC rates or between PWC overland rates and PWC local rates. On February 13, 1974, Agreement No. 8200–3 was filed which would give continued, unlimited approval to Agreement No. 8200, as amended (the Agreement), beyond its then termination date of June 15, 1974. The Commission, by order dated June 13, 1974, extended the existence of the Agreement to and including September 13, 1974. The purpose of such interim approval was to permit the parties more time in which to furnish additional information and data to the Commission in support of continued approval.

On August 6, 1974, counsel for FEC submitted a letter designed to supplement its previous material in support of continued approval. This material has left certain questions unanswered relating to the parties' need for this Agreement. Furthermore, the absence of authority to agree upon overland rates, the apparent differences in origins between PWC's local and FEC's cargo, and the vast changes in transportation circumstances since this Agreement was originally approved, as well as the numerous other agreements, either on file or pending before this Commission involving these two conferences persuade us that the time is ripe for demanding precise and complete justification of this Agreement.

This Agreement has been the subject of two prior cases before the Commission. In Docket No. 872—Joint Agreement—Far East Conference and Pacific Westbound Conference, 8 F.M.C. 553 (1965), the Commission found that the members had been carrying out unfiled supplementary agreements. Agreements Nos. 8200–1 and 8200–2 were submitted, as indicated above, pursuant to the Commission's decision in that case. In Docket No. 68–24, Agreement No. 8200, Joint Agreement Between the Pacific Westbound Conference; and Modification of Agreement Nos. 8200, 8200–1 and 8200–2, 12 F.M.C. 104 (1968) the Commission approved the Agreement for an interim

period of one year because "* * * from a practical point of view, it is more desirable to survey for one year the results which would flow from No. 8200–2 rather than to proceed at once to a hearing thereon." (12 F.M.C. 108). Subsequent interim approvals have permitted the Agreement to continue until the present expiration date.

Upon consideration of the above matters, the Commission is of the opinion that the Agreement should be made the subject of a public investigation and hearing to determine whether it should be approved, disapproved, or modified. However, in order to preserve the status quo, we will approve Agreement No. 8200–3 while investigating the substantive matters of the Agreements.

Therefore, *It is ordered*, That pursuant to sections 15 and 22 of the Shipping Act, 1916, as amended, an investigation is hereby instituted into Agreement No. 8200, as amended, to determine what transportation circumstances exist to justify the need for continuation of such an agreement, and whether the Agreement should be approved, disapproved, or modified.

It is further ordered, That the Pacific Westbound Conference, the Far East Conference and their member lines as listed in Appendix A[1] hereto are hereby named respondents in this proceeding.

It is further ordered, That Agreement No. 8200–3 is hereby approved pursuant to section 15 of the Shipping Act, 1916, until and unless otherwise ordered by the Commission.

It is further ordered, That this matter be assigned for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined by the presiding Administrative Law Judge.

It is further ordered, That (1) a copy of this order be forthwith served upon the respondents herein, and upon the Commission's Bureau of Hearing Counsel, and published in the FEDERAL REGISTER, and (2) the respondents and Hearing Counsel be duly served with notice of time and place of hearing.

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene herein should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–21599 Filed 9–17–74;8:45 am]

[Docket No. 74–40]

PUERTO RICO MARITIME SHIPPING AUTHORITY

Proposed ILA Rules on Containers; Order of Investigation and Suspension

On August 2, 1974, the Puerto Rico Maritime Shipping Authority (PRMSA) filed a tariff with this Commission which is scheduled to become effective on September 16, 1974, at or about which time PRMSA intends to commence operations as a common carrier between the U.S. Atlantic and Gulf coasts and Puerto Rico. Rules 440 and 445 of that tariff set forth the same ILA Rules on Containers which appear in the tariffs of Sea-Land Service Inc., and/or Gulf-Puerto Rico Lines Inc., and which were suspended by this Commission and placed under investigation in Docket No. 73–17, Sea-Land Service, Inc., and Gulf Puerto Rico Lines, Inc., Proposed Rules on Containers.

The Rules are derived from collective bargaining agreements with the International Longshoremen's Association, (AFL–CIO) and interpretations thereof. Generally, the rules provide that, at Atlantic Coast ports, consolidators (including Non-Vessel Operating Common Carriers) who operate facilities within 50 miles of a port will be furnished no containers, and that any containers which may come from them shall be stripped at the pier and the cargo placed into another container. At New Orleans, there is no prohibition against furnishing containers to consolidators, but the stripping and re-stuffing provisions apply. At all ports, the Rules would permit the carrier to pass along to the shipper fines or liquidated damages assessed against the carrier for violations of the Rules on Containers, if the violation were caused by evasion, subterfuge, oversight or other action by the shipper.

Items 15940 and 18880 of PRMSA's tariff set forth the rates for (Southbound and Northbound) Freight—All Kinds (FAK), rates which consolidators generally utilize. Note 6 to item 15940 and note 5 to item 18880 make those rates subject to the aforementioned Rules on Containers. Note 7 to item 15940 and note 6 to item 18880 provide that where the carrier is required by a collective bargaining agreement to strip and stuff, a shipper may bring his FAK cargo to the pier, in his own trailer, where it will be placed into the carrier's container, or vice versa, for a fee, depending upon the size of container, and that the shipper will then obtain the FAK rate.

Protests to the Rules on Containers as they appear in PRMSA's tariff were filed by the American Importers Association, Dolphin Forwarding Inc., the National Customs Brokers and Forwarders Association of America, Inc., the New York Foreign Freight Forwarders and Brokers Association, Inc., and Consolidated Forwarders Intermodal Corporation Inc.

Upon consideration of the protests and of the tariff matter discussed above, and in view of the action taken by the Commission in Docket No. 73–17, Sea-Land Service, Inc., and Gulf Puerto Rico Lines, Inc., Proposed Rules on Containers, the Commission is of the opinion that the tariff matter should be suspended and made the subject of a public investigation and hearing to determine whether it is unjust, unreasonable or otherwise unlawful under sections 14 Fourth, 16 First and/or 18(a) of the Shipping Act 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing,

Therefore, It is ordered, That pursuant to sections 18(a) and 22 of the Shipping Act, 1916 and sections 3 and 4 of the Intercoastal Shipping Act, 1933 an investigation is hereby instituted into Rules 440 and 445 and notes 6 and 7 of Item 15940 and notes 5 and 6 of item 18880 of PRMSA's Tariff FMC–F No. 1 to determine whether the matters set forth therein are unjust, unreasonable or otherwise unlawful within the meaning of those sections. If the matter hereby placed under investigation is further changed, amended, or reissued, such changes are hereby ordered to be made a part of this investigation.

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, Rules 440 and 445, notes 6 and 7 to Item 15940 and notes 5 and 6 to Item 18880 of PRMSA's Tariff FMC–F No. 1 are hereby suspended and the use thereof deferred to and including January 15, 1975 unless otherwise ordered by the Commission, and that during this period of suspension PRMSA shall take no action, either directly or indirectly to effectuate these tariff matters.

It is further ordered, That PRMSA shall immediately file with this Commission a consecutively numbered supplement to its aforementioned Tariff which supplement shall bear no effective date, shall fully reproduce this order, and shall state that the subject tariff matter has been suspended and may not be used until January 16, 1975, unless otherwise ordered by the Commission.

It is further ordered, That pursuant to section 14 Fourth of the Shipping Act, 1916, a determination shall be made as to whether Rule 440 of PRMSA's Tariff FMC–F No. 1 would permit the carrier to unfairly treat or unjustly discriminate against a class of shippers in the matter of cargo space accommodations or other facilities within the meaning of that section.

It is further ordered, That pursuant to section 16 First of the Shipping Act, 1916, a determination shall be made as to whether PRMSA either alone, or in conjunction with the International Longshoremen's Association (AFL–CIO) is proposing to subject certain consolidators, or certain consolidated cargo to undue or unreasonable prejudice or disadvantage within the meaning of that section.

It is further ordered, That this proceeding shall be consolidated with Docket No. 73–17, Sea-Land Service, Inc., and Gulf Puerto Rico Lines, Inc., Proposed Rules on Containers, and that the record compiled in that proceeding be utilized to the maximum possible extent to develop the issues set forth herein.

It is further ordered, That Puerto Rico Maritime Shipping Authority be named as respondent herein.

It is further ordered, That the American Importers' Association, Dolphin Forwarding Inc., the National Customs Brokers and Forwarding Association of America Inc., the New York Foreign Freight Forwarders and Brokers Association Inc., and Consolidated Forward-

[1] Filed as part of the original document.

ers Intermodal Corporation Inc., be named as complainants herein pursuant to rule 3(a) of the Commission rules of practice and procedure (46 CFR 502.41).

It is further ordered, That the provisions of Rule 12 of the Commission's rules of practice and procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of Rule 12(h) which requires leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within 10 days of commencement of the proceeding, is similarly waived.

It is further ordered, That this proceeding be assigned for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined by the Presiding Administrative Law Judge, and that an Initial Decision in these consolidated proceedings be submitted to the Commission no later than November 15, 1974.

It is further ordered, That (I) a copy of this order be forthwith served upon the respondents and complainants herein, and upon the Commission's Bureau of Hearing Counsel, and published in the FEDERAL REGISTER; and (II) the respondents complainants and Hearing Counsel be duly served with notice of time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene herein should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties of this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-21600 Filed 9-17-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-9002]

COMMONWEALTH EDISON CO.

Tariff Change

SEPTEMBER 11, 1974.

Take notice that Commonwealth Edison Company tendered for filing, on August 30, 1974, proposed changes in its FPC Electric Service Tariff, Rate 78. The proposed changes would increase revenues from jurisdictional sales and service to seven municipalities by an estimated $3,940,000 or 50.1 percent based on the 12-month period ending October 31, 1974.

Commonwealth Edison Company states that the rate increase is required due to continuing increases in cost of service, increases in wages and other operation and maintenance expenses, and the increased cost of new capacity.

Commonwealth Edison Company states that copies of the filing were served upon its jurisdictional customers.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 23, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21528 Filed 9-17-74;8:45 am]

[Docket No. E-8942]

CONSUMERS POWER CO.

Filing of Interconnection Agreement

SEPTEMBER 12, 1974.

Take notice that by letter dated July 26, 1974, the Consumers Power Company (Applicant) filed with the Federal Power Commission an agreement among Applicant, the Detroit Edison Company and the Toledo Edison Company. This agreement provides for the construction of certain 345,000 volt transmission facilities to be owned, operated and maintained by each of the parties for the purpose of interconnecting their respective systems.

Applicant further requests that the Commission permit the enclosed agreement to become effective on September 1, 1974, the date that the bulk of facilities provided for therein are expected to be completed and in service.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 16, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21536 Filed 9-17-74;8:45 am]

[Docket No. E-8998]

DETROIT EDISON CO.

Filing of Amendment to Electric Coordination Agreement

SEPTEMBER 11, 1974.

Take notice that on August 30, 1974, the Detroit Edison Company tendered for filing an amendment to an electric coordination agreement dated May 1, 1973 between the Detroit Edison Company and The Consumers Power Company. The 1973 agreement has been designated as Detroit Edison Company Rate Schedule FPC No. 17.

The amendment tendered for filing provides for a surcharge to the cost of energy for which there is no replacement capacity available on the receiving party's system. The surcharge is equal to the lesser of (a) ten percent or (b) 1.5 mills per kilowatt hour. The surcharge will be applied only to generation costs incurred on the sending party's system and not to energy purchased from a third party for delivery via the sending party's system.

Applicant states that the surcharge is consistent with common industry practice and was waived in the past because it was believed that this service would tend to be reciprocal over the short term. Applicant states that the surcharge is needed at the present time because there has been no reciprocity and there will be no reciprocity for many years in the future.

Applicant requests that the amendment to the coordination agreement be permitted to become effective as of July 1, 1974.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 18, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21532 Filed 9-17-74;8:45 am]

[Docket Nos. CP70–196, 74–227, 73–135, 74–212]

DISTRIGAS CORP. AND DISTRIGAS OF MASSACHUSETTS CORP.

Order Scheduling Formal Hearing on Temporary Requests and Remanded Issues

SEPTEMBER 12, 1974.

By order issued February 22, 1974, in Docket No. CP74–212, the Commission directed Distrigas Corporation (Distrigas) and/or Distrigas of Massachusetts Corporation (DOMAC) to make appropriate section 7 filings for the emergency sale of gas to Brooklyn Union Gas Company. We found that §§ 157.22 and 157.29, and Order Nos. 402 and 402–A are not applicable to DOMAC's sales of LNG, and such sales should not have been commenced without having first obtained either temporary or permanent authorization from the Commission. By order of April 22, 1974, we denied rehearing of our February 22 order.

In response to our order, Distrigas and DOMAC filed on March 4, 1974, applications under protest for the emergency operations. DOMAC filed in Docket No. CP73–135 a petition requesting, inter alia, that Distrigas, prior to October 1, 1973, and DOMAC thereafter, be granted temporary authorization, nunc pro tunc, for past emergency sales of LNG in interstate commerce from the Everett, Massachusetts terminal, and that DOMAC be granted temporary authorization to make prospectively all of the interstate sales contemplated in the pending application in Docket No. CP73–135, which was filed by Distrigas on November 20, 1972. Distrigas, on March 4, 1974, filed in Docket No. CP74–227 a section 7(c) application requesting, inter alia, that it be granted temporary authorization, nunc pro tunc, for past sales of LNG to DOMAC between October 1, 1973 and February 22, 1974, and prospectively for such sales to DOMAC thereafter.

The LNG concerning which DOMAC and Distrigas now seek temporary authorization are volumes for which import authorization was granted in our Opinion No. 613, issued March 9, 1972, in Docket No. CP70–196. That opinion authorized Distrigas to import up to 14 shiploads of LNG from Algeria to Staten Island, New York, and the above-referenced Everett facility, but declined to exercise section 7 jurisdiction over the intrastate transportation and sale of the gas or Section 3 authority over the proposed terminal facilities on the grounds in part that Distrigas' operations were intrastate in character.

By orders issued May 25 and June 20, 1973, the Commission directed Distrigas or its appropriate affiliates to file section 7 applications covering the construction and operation of the facilities involved, and for any sales for resale of the subject gas, either within or outside the state of importation. The basis for our orders were that several new applications by Distrigas had changed the complexion of the proposed operations, by making it obvious that new and increased interstate transportation and sale for resale from the Staten Island and Everett facilities were now contemplated. On November 2 and 15, 1973, Distrigas of New York Corporation (DONY) and DOMAC, respectively, in compliance with the above-mentioned orders, filed applications under protest, for the Staten Island and Everett facilities.[1]

Upon appeal by Distrigas, as is well known, The United States Circuit Court of Appeals for the District of Columbia Circuit on April 5, 1974, remanded our orders of May 25 and June 20, 1973, for further proceedings and supplementation of the record.[2] The Court therein found that "as a matter of jurisdiction the Commission had authority to issue the kind of order before us here," and that the exercise of such authority is not barred by the partial disclaimer in Opinion No. 613, but that the Commission could not do it under the "interstate commerce" theory propounded.

On September 9, 1974, Congressman John M. Murphy filed a motion in Docket Nos. CP73–47, et al. and CP73–132, et al., Eascogas LNG Inc., et al. and Distrigas Corporation, et al. for an order of the Commission preventing applicants from operating the Staten Island, New York facility. While the normal time period for responses to the motion would not expire until September 24, 1974, the procedural status of the various Distrigas proceedings, and the above-reference Court of Appeals' mandate, dictate that we at this time respond to Petitioner Murphy's motion in the only manner possible. No interstate operations of the Staten Island facility, or of any facility, may take place prior to Commission authorization in any event. Thus, the possibility that Distrigas may operate the facility in interstate commerce before such Commission order is fully precluded by the provisions of the Natural Gas Act and our rules and regulations. We have never authorized the interstate use of the subject facility for any purpose, and the proceedings in Docket Nos. CP73–132, in which Distrigas requests such authorization, have yet to be resolved and acted on by us. Any comment by us at this time concerning the desirability of such interstate operations would, therefore, be inappropriate.

On the other hand, Opinion No. 613, which is now in full force and effect due to the Court of Appeals' decision, permits the intrastate operation of this facility coincident to Section 3 import authorization therein. While the Court indicated that we may impose conditions on the facilities and sales within the state of importation, such conditions can only be imposed after an evidentiary hearing. We shall below re-open the original proceedings in Docket No. CP70–196 to see whether any such conditions should be imposed. Prior to the resolution of such hearing and ultimate determination by us, however, Opinion No. 613, by virtue of the Court of Appeals' remand, is still the definitive ruling by us, and intrastate operations are permissible. Since Petitioner Murphy has intervened in the CP73–132 proceedings, of which CP73–135 is a part, he and all other such interveners shall be construed as interveners in this remanded proceeding. In addition, we shall allow an additional 20 days in which other interested parties may file interventions herein.

As noted above, the LNG volumes involved in the instant requests are those authorized in Opinion No. 613. The applications for temporary certification for interstate sales are timely to the resolution of the issues addressed by the above-referenced Court of Appeals remand. The propriety of the resale rate for the subject LNG has yet to be determined, as has the relative safety of the operations in light of circumstances that have developed in the design and contemplated operations of Distrigas facilities since the initial issuance of Opinion 613. As noted previously on a broader scale, and in line with the Court of Appeals' mandate, the question arises as to what, if any, further conditions and requirements, including those which may properly be imposed under section 7 of the Natural Gas Act, should be imposed on the section 3 import authorized by Opinion 613. Because the temporary requests now before us inclusive of Congressman Murphy's petition provide the proper setting for the resolution of these issues, we shall, at this time, consolidate the temporary filings for purposes of formal hearing, and schedule such hearing to resolve (1) the issues of the propriety of the resale rates, safety and all other pertinent issues unique to the temporary applications, as well as (2) the issues raised by the Court of Appeals' remand of our orders, i.e., what conditions, including equivalent section 7 requirements should be imposed on the volumes of LNG for which import authorization was granted in Opinion No. 613 which are proposed to be sold in intrastate and interstate commerce. As part of its evidentiary filing herein, Distrigas shall be required to file proposed rate schedules and support therein for all contemplated sales for resale of any LNG imported under Opinion 613. Any temporary certifications for resale which may be granted prior to resolution of the remanded issues shall be subject to rate refunds based upon any final determinations regarding pricing which may be made concerning the Opinion No. 613 import volumes.

The Commission finds:

(1) The temporary applications pending in Docket No. CP73–135 and CP74–227 should be consolidated for purposes of hearing and disposition.

(2) It is necessary and appropriate that the issues presented by the Court of Appeals remand of the record be heard and resolved in this proceeding.

The Commission orders:

(A) All parties whose interventions have been granted in the proceeding in

[1] These applications, which were filed in Docket Nos. CP74–122 and CP74–137, are part of the consolidated proceedings pending in Docket Nos. CP73–132, et al.

[2] Distrigas Corporation, et al., v. FPC, et al., ____ U.S App. D.C. ____, ____ F. 2d ____ (No. 73–1747, decided 5 April, 1974).

Docket Nos. CP73–132, et al., shall be considered as interveners in the instant proceedings. Furthermore, any additional persons who may desire to intervene in these proceedings may file a petition to intervene herein on or before October 2, 1974.

(B) The temporary requests pending in Docket No. CP73–135 and CP74–227 are consolidated for the purposes of hearing and disposition.

(C) As part of the consolidation and hearing scheduled herein, the record ordered remanded by the Court of Appeals in Case No. 73–1747 shall be reopened, heard, and resolved.

(D) The direct case of the Applicants and all interveners in support thereof on the issues raised by the temporary requests, together with the issues presented by the remanded record and Congressman Murphy's petition, shall be filed and served on all parties on or before October 22, 1974. As part of its direct case, Distrigas shall file appropriate evidence including full cost data in support of its proposed rate schedules for the sale for resale of all LNG authorized for importation by our Opinion No. 613. The Presiding Administrative Law Judge shall, upon the completion of cross-examination of the direct case, fix dates for the filing of answering testimony.

(E) A formal hearing shall be convened in this proceeding in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C., November 12, 1974. The Chief Administrative Law Judge shall designate an appropriate officer of the Commission to preside at the formal hearing of this matter, pursuant to the Commission's rules of practice and procedure.

By the Commission.[2]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74–21538 Filed 9–17–74;8:45 am]

[Docket No. E–8707]

LOUISVILLE GAS AND ELECTRIC CO.

Filing of Waiver Request

SEPTEMBER 12, 1974.

Take notice that by letter dated July 23, 1974, the Louisville Gas and Electric Company (Applicant) filed with the Federal Power Commission a request that the Commission waive its notice requirements under § 35.11 of its regulations and that the Commission accept for filing an Interconnection Agreement, dated December 21, 1973, between Applicant and the Big Rivers Electric Corporation. Applicant alleges that such waiver is necessary to assure both companies that the terms of their agreement are acceptable to the Commission in order to justify various construction commitments of the parties. Applicant further alleges that waiver of notice as herein requested would not have any effect on any purchaser under, or party to, any other rate schedule of either party.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 16, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–21537 Filed 9–17–74;8:45 am]

[Docket No. CP73–332]

NORTHWEST PIPELINE CORP.

Petition To Amend

SEPTEMBER 11, 1974.

Take notice that on September 3, 1974, Northwest Pipeline Corporation (Petitioner), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP73–332 a petition to amend the order issued in the subject docket on September 21, 1973 (50 FPC ____), as amended on December 28, 1973 (51 FPC ____), and on January 22, 1974 (51 FPC ____), pursuant to section 3 of the Natural Gas Act authorizing the continued importation of natural gas from Canada by authorizing the importation of short-term emergency volumes of natural gas at the Sumas, Washington, import point, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner requests authority to import up to 55,000 Mcf per day at 14.73 psia of natural gas within the presently authorized import volume at the Sumas import point in accordance with an agreement dated August 14, 1974 (Temporary Agreement), between Petitioner and Westcoast Transmission Company Limited (Westcoast). The Temporary Agreement indicates that the proposed emergency gas purchase is to commence on or about January 1, 1975, and continue through April 30, 1977. Petitioner also requests authority to recover the cost of the gas proposed to be purchased through Petitioner's purchased gas adjustment clause under its FPC Gas Tariff, Original Volume No. 1. Petitioner states that its obligation and right to purchase said gas is only for such such volumes as Westcoast is unable to deliver under the existing import agreement up to the maximum volume available under the Temporary Agreement;[1] however, Petitioner is obligated to pay for a minimum annual volume which is equivalent to an 85 percent load factor. Petitioner further states that it will pay to Westcoast for said gas an amount equal to Westcoast's purchase cost plus certain other costs associated with the facilities necessary for Westcoast to construct in order to deliver said gas to Petitioner.[2]

Petitioner states that Westcoast, from which Petitioner purchases approximately 70 percent of its total annual gas supply, expects to curtail Petitioner by approximately 240,000 Mcf per day of natural gas at the Sumas import point during the 1974–75 heating season. As a result, Petitioner claims, it will be unable to render firm certificated natural gas service to all of its customers. Petitioner reasons that the additional volumes of gas sought to be imported will partially offset Westcoast's anticipated curtailment at Sumas,[3] thereby assisting Petitioner in rendering firm winter season service to existing customers.

Petitioner states that no new facilities will be required to implement the instant proposal.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 7, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–21529 Filed 9–17–74;8:45 am]

[Docket No. E–9000]

ORANGE & ROCKLAND UTILITIES, INC.

New Power Supply Contract

SEPTEMBER 11, 1974.

Take notice that on August 30, 1974, Orange & Rockland Utilities, Inc. (Orange & Rockland) tendered for filing a new power supply contract between Orange & Rockland and Rockland Electric Company (REC). This contract replaces an outstanding contract between the parties providing for the sale of power by Orange & Rockland to REC, its

[2] Commissioner Brooke's dissenting statement is filed as part of the original document.

[1] The agreement provides for 58,000 Mcf per day, at 14.65 psia less fuel gas.

[2] Petitioner expects that the average cost of the gas will be in the range of $1.26 to $1.78 per Mcf.

[3] The proposed gas purchase would reduce the estimated 41,000,000 Mcf curtailment by 11,000,000 Mcf during a full winter season.

wholly owned subsidiary, on a cost of service basis.

Orange & Rockland asserts that the only changes effected by the new contract are a new method of determining rate of return, and some minor modifications to working capital. The new contract, the company states, represents an increase in revenues of $484,179. An effective date of October 1, 1974, has been requested.

Any person desiring to be heard or to protest said contract should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 19, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21530 Filed 9-17-74;8:45 am]

[Docket No. E-8570]

SOUTHERN CALIFORNIA EDISON CO.

Extension of Procedural Dates

SEPTEMBER 11, 1974.

On September 5, 1974, Staff Counsel filed a motion to extend the procedural dates fixed by order issued March 1, 1974, as most recently modified by notice issued July 11, 1974, in the above-designated matter. The motion states that the interested parties have been notified and are not opposed.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, September 20, 1974.
Service of Intervenor's Testimony, October 15, 1974.
Service of Company's Rebuttal, November 11, 1974.
Hearing, December 3, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21531 Filed 9-17-74;8:45 am]

[Docket No. E-8514]

SOUTHERN SERVICES, INC.

Notice Setting Prehearing Conference and Further Extending Procedural Dates

SEPTEMBER 12, 1974.

On September 5, 1974, the Alabama Power Company, Georgia Power Company, Gulf Power Company, and Mississippi Power Company, together with the intervenor the Cities of Acworth et al. and the Water, Light and Sinking Fund Commission of the City of Dalton, Georgia, filed a motion to set a prehearing date and to extend the procedural dates in the above-designated matter. The dates were originally fixed by order issued May 8, 1974, and most recently modified by notice issued September 3, 1974. The motion states that Staff Counsel has no objections.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Prehearing Conference, September 24, 1974 (10:00 a.m. e.d.t.).
Service of Evidence by Intervenors, October 22, 1974.
Service of Evidence by Staff, November 8, 1974.
Service of Company Rebuttal, November 26, 1974.
Hearing, December 10, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21534 Filed 9-17-74;8:45 am]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

Notice of Committee Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, effective January 5, 1973, notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, October 3, 1974
Thursday, October 10, 1974
Thursday, October 17, 1974
Thursday, October 31, 1974

The meetings will convene at 10 a.m. and will be held in Room 5A06A, Civil Service Commission Building, 1900 E Street NW., Washington, D.C.

The committee's primary responsibility is to study the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At these scheduled meetings, the committee will consider proposed plans for implementation of Pub. L. 92-392, which law establishes pay systems for Federal prevailing rate employees.

The meetings will be closed to the public on the basis of a determination under section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C., section 552(b)(2), that the closing is necessary in order to provide the members with the opportunity to advance proposals and counter-proposals in meaningful debate on issues related solely to the Federal Wage System with the view toward ultimately formulating advisory policy recommendations for the consideration of the Civil Service Commission.

However, members of the public who wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Federal Prevailing Rate Advisory Committee, Room 5451, 1900 E Street, NW., Washington, D.C. 20415.

DAVID T. ROADLEY,
Chairman, Federal Prevailing Rate Advisory Committee.

SEPTEMBER 13, 1974.

[FR Doc.74-21559 Filed 9-17-74;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Notice of Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on August 28, 1974. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this list in the Federal Register is to inform the public of such receipt.

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; and the frequency with which the information is proposed to be collected.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

CIVIL AERONAUTICS BOARD

Request for clearance of the reporting requirements contained in the amending to Form 372a concerning travel group charters; frequency will vary because charter flights are not operated on a regular basis; potential responents are travel group charter organizers; reporting burden is minimal.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.74-21517 Filed 9-17-74;8:45 am]

GENERAL SERVICES ADMINISTRATION

[FPMR Temp. Reg. D-27; Supp. 3]

ATTORNEY GENERAL OF THE UNITED STATES

Delegation of Authority

1. *Purpose.* This supplement continues in effect the provisions of FPMR Temporary Regulation D-27, January 29, 1971, which delegated authority to the Attorney General of the United States to perform all functions in connection with the leasing of various improved properties in the Maryland and northern Virginia suburbs of Washington, D.C.

2. *Effective date.* This regulation was effective July 1, 1974.

3. *Expiration date.* This regulation expires June 30, 1975.

ARTHUR F. SAMPSON,
Administrator of General Services.

SEPTEMBER 9, 1974.

[FR Doc.74-21550 Filed 9-17-74;8:45 am]

[FPMR Temp. Reg. F-301]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Gov-

ernment in an electric rate increase proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is hereby delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in a case brought by Carolina Power and Light Company before the South Carolina Public Service Commission, Docket No. 17,336, involving increases and adjustments to electric service rates.

b. The Secretary of Defense may redelegate this authority to any officer, official or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Administrator of General Services.

SEPTEMBER 10, 1974.

[FR Doc.74-21551 Filed 9-17-74;8:45 am]

Public Buildings Service

[Wildlife Order 123]

PAUWALU POINT, MAUI, HAWAII

Transfer of Property

Pursuant to section 2 of Public Law 537, Eighteith Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By deed from the United States of America dated June 24, 1974, the property comprising 8.1 acres of fee land and 1.39 acres of access easement identified as Pauwalu Point, Maui, Hawaii, has been conveyed to the State of Hawaii.

2. The above described property was conveyed for wildlife conservation purposes in accordance with the provisions of section 1 of said Public Law 537 (16 U.S.C. 667b), as amended by Public Law 92-432.

Dated: September 11, 1974.

L. F. ROUSH,
Commissioner,
Public Buildings Service.

[FR Doc.74-21567 Filed 9-17-74;8:45 am]

NATIONAL ENDOWMENT FOR THE ARTS

VISUAL ARTS PROGRAM

Guidelines; Fiscal Years 1975 and 1976

The following are guidelines for grants made under the Visual Arts Program of the National Endowment for the Arts, an independent agency of the Federal Government which makes grants to organizations and individuals concerned with the arts throughout the United States.

Notice is hereby given that the deadlines for this program are as follows:

1974	
October 1	Workshop Program, Fiscal Year 1975.
October 15	Printmakers Fellowship, Fiscal Year 1975; Crafts Workshops, Fiscal Year 1975.
November 1	Fellowship Program for Artists, Fiscal Year 1975.
December 20	Craftsmen Fellowships, Fiscal Year 1975.
1975	
January 1	Works of Art in Public Places, Group II and Group III, Fiscal Year 1975; Master Craftworkers Apprenticeship Program, Fiscal Year 1975.
January 15	Photography: Exhibition Aid, Fiscal Year 1975; Visual Arts in the Performing Arts, Fiscal Year 1975.
February 1	Artists Services, Fiscal Year 1975.
May 30	Photographers Fellowship, Fiscal Year 1976.
July 1	Art Critics Fellowship, Fiscal Year 1976.
October 1	Workshop Program, Fiscal Year 1976.
October 15	Printmakers Fellowship, Fiscal Year 1976; Crafts Workshops, Fiscal Year 1976.
November 1	Fellowship Program for Artists, Fiscal Year 1976.
December 20	Craftsmen Fellowships, Fiscal Year 1976.
1976	
January 1	Works of Art in Public Places, Group II and Group III, Fiscal Year 1976.
January 15	Photography: Exhibition Aid, Fiscal Year 1976; Visual Arts in the Performing Arts, Fiscal Year 1976.
February 1	Artists Services, fiscal year 1976.

Applications are accepted and reviewed throughout the year: Artists, Critics, Photographers, and Crafts in Residence Program; Works of Art in Public Places, Group I.

Interested persons should contact Brian O'Doherty, Director, Visual Arts Program, National Endowment for the Arts, Washington, D.C. 20506, (202) 382-7068, for further information and application forms. Only the Visual Arts Program office may distribute application forms.

Signed at Washington, D.C. on 12 September 1973.

FANNIE TAYLOR,
Director, Program Information.

VISUAL ARTS PROGRAM

INTRODUCTION

The Visual Arts Program provides assistance for individual artists of exceptional talent, e.g., painters, sculptors, printmakers, photographers and craftsmen; for the commissioning and placement of art works in public places; for short-term residencies of artists, critics, photographers and craftsmen in educational and cultural institutions and for a variety of flexible programs, including workshops and artists' services. Basically grants are of two kinds—fellowships are available to individuals and project grants are made to organizations. The following information provides some basic facts to keep in mind concerning both types of assistance.

GENERAL INFORMATION

GRANTS TO ORGANIZATIONS

Eligibility. By statute, the National Endowment for the Arts is limited to the support of organizations which meet the following criteria:

(1) Only those organizations which meet the requirements of Title VI of the Civil Rights Act of 1964 for the duration of any project supported in whole or in part by the National Endowment for the Arts.

(2) Only those organizations in which no part of net earnings inures to the benefit of a private stockholder or individual and to which donations are allowable as a charitable contribution under Section 170(c) of the Internal Revenue Code of 1954, as amended. Copy of Internal Revenue Service Determination letter for tax-exempt status must be submitted with each application.

(3) Only those organizations which compensate all professional performers, related or supporting professional personnel, laborers, and mechanics at the equivalent of the prevailing minimum compensation level or on the basis of negotiated agreements which would satisfy the requirement of Parts 3, 5, and 505 of Title 29 of the Code of Federal Regulations for the duration of any project supported in whole or in part by the National Endowment for the Arts.

Method. Generally, project grants to institutions will be made on at least a dollar-for-dollar matching basis. Matching funds must be from non-federal sources.

Procedure for applying. 1) Institutions should use the forms entitled "Project Grant Application" (NEA-3, Rev.). Please follow closely the instruction sheet attached to your application and supply all information requested.

2) *Project Description.* The Project Description should be brief but specific. Spell out concrete details. All essential elements of the proposal must be included in a concise project summary in the space provided on the application. If applicants wish to supply additional information, they should submit no more than one side of one additional page (8½" by 11") with the application.

3) *Budget.* Budget estimates should cover the total project costs. Project costs include total direct and indirect costs essential to the project and consistent with specific program guidelines that follow. Please provide all budget detail and supplemental material required by the Project Grant Application (NEA 3, Rev.) instruction and specific program guidelines.

FELLOWSHIP GRANT TO INDIVIDUALS

Eligibility. (1) Generally, fellowships will only be made to U.S. citizens.

(2) Students are not eligible.

Method of funding. Grants to individuals are made on a non-matching basis.

Procedure for applying. (1) Individuals applying to the Endowment should use the application forms entitled "Individual Grant Application," (NEA 2, Rev.). These forms must be submitted in triplicate and in accordance with the instruction sheet which is attached.

(2) *Slide Submissions:* All slides should be 35 mm (suitable for carrousel projection) and must be placed in CLEAR PLASTIC SHEETS for easy handling. Please indicate on each slide casing:

(a) Your own name.
(b) Title of the work.
(c) Date.
(d) Medium.
(e) Dimension in inches (height preceeding width preceeding depth).
(f) Top of the work.

Unless stated in the guidelines, materials submitted to the Endowment will not be returned. Please comply with the limit set of the number of prints or slides which are sent to the Endowment. The advisory committees will only review up to the maximum number allowed.

NOTE: The Internal Revenue Code and regulations provide that certain fellowships to individuals who are not candidates for degrees are, within certain limitations, excludable from gross income, for tax purposes. If a fellowship qualifies for this exclusion, the amount is limited to $300 times the number of months the fellowship is intended to cover, but not in excess of 36 months. In addition, amounts received to cover certain expenses for travel, research, clerical help or equipment incident to the fellowship are excludable to the extent of the recipient's actual expenses provided that these expenses are not claimed as a deduction. A pamphlet published by the Internal Revenue Service on this subject and entitled "Tax Information on Scholarships and Fellowships" is reprinted on page 21. This might be helpful in preparing an application for a proposed fellowship. The Endowment cannot advise you as to the deductibility of all or any portion of a fellowship, should one be awarded to you. Advice should be sought from your own tax counselor or local Internal Revenue Service Office.

MAILING ADDRESS

Both individual and project application forms should be returned to the Grants Office, National Endowment for the Arts, Washington, D.C. 20506, postmarked no later than the deadline date. Additional information and application forms may be obtained from the Visual Arts Program, National Endowment for the Arts, Washington, D.C. 20506. Telephone: (202) 382–7068.

REVIEW PROCEDURE

Generally, selection will be made from recommendations of an advisory committee and the National Council on the Arts.

REPORTING REQUIREMENTS

The Endowment requires a fiscal and narrative report on a project at the end of the grant period.

BICENTENNIAL PROGRAMS

The Endowment recognizes that the arts will play an important role in the next few years in the celebration of our country's bicentennial. The Endowment welcomes this involvement on the part of artists and cultural organizations. The Endowment has an active interest in participating in these efforts, within funds available to it, and insofar as they are directed to professional creation and presentation of new works, improvement of artistic standards, preservation of our cultural heritage, and increasing the availability of the arts for all Americans. If funds under these guidelines are sought for projects deemed by the applicant to be related to the bicentennial, a brief description of this relationship should be made in the application.

RESOLUTION ON ACCESSIBILITY TO THE ARTS FOR THE HANDICAPPED

One of the main goals of the National Endowment for the Arts is to assist in making the arts available to all Americans. The arts are a right, not a privilege. They are central to what our society is and what it can be. The National Council on the Arts believes very strongly that no citizen should be deprived of the beauty and the insights into the human experience that only the arts can impart.

The National Council on the Arts believes that cultural institutions and individual artists could make a significant contribution to the lives of citizens who are physically handicapped. It therefore urges the National Endowment for the Arts to take a leadership role in advocating special provision for the handicapped in cultural facilities and programs.

The Council notes that the Congress of the United States passed in 1968 (P.L. 90–480) legislation that would require all public buildings constructed, leased or financed in whole or in part by the Federal Government to be accessible to handicapped persons. The Council strongly endorses the intent of this legislation and urges private interests and government at the state and local levels to take the intent of this legislation into account when building or renovating cultural facilities.

The Council further requests that the National Endowment for the Arts and all of the program areas within the Endowment be mindful of the intent and purposes of this legislation as they formulate their own guidelines and as they review proposals from the field. The Council urges the Endowment to give consideration to all the ways in which the agency can further promote and implement the goal of making cultural facilities and activities accessible to Americans who are physically handicapped.

(Adopted by the National Council on the Arts, September 15, 1973.)

CATEGORIES OF FUNDING

ART CRITICS' FELLOWSHIP PROGRAM

To enable art critics to take on a specific project which in their present circumstances is not feasible.

Eligibility. Art critics of exceptional talent and accomplishment who are published regularly. For the purposes of this program, art criticism is defined as the investigation, evaluation and exposition of contemporary or recent art. (Art historians are not eligible; historians of art whose concerns are primarily scholarly should apply to either the Fellowship Division or the Research Grants Division of the National Endowment for the Humanities, Washington, D.C. 20506, for funding.)

Fellowship amount. Up to $5,000 depending on project.

Deadlines and announcement dates. Applications for Fiscal Year 1976 must be postmarked no later than July 1, 1975. Notices of awards or rejections will not be sent before January 1, 1976. Your proposed activity should not have a beginning date before March 1976 and should generally be carried out during the succeeding twelve months.

Procedure. Please review the instructions given on page 4 and complete the forms entitled "Individual Grant Application" (NEA 2, Rev.). Please include not more than two samples (preferably a specific article or essay) showing your work in its best light. (Samples will not be returned.) Interviews should not be submitted as examples. Each article submitted should not exceed 5,000 words. In addition you should attach not more than one 8½" x 11" sheet indicating the specific project you would undertake should a grant be awarded to you.

CRAFTSMEN'S FELLOWSHIP PROGRAM

To enable craftsmen to set aside time and/or purchase materials and, generally to enable them to advance their careers as they see fit.

Eligibility. Professional craftsmen of exceptional talent—glass workers, metal workers, weavers, potters, and woodworkers—of any age, medium or aesthetic persuasion. Students are not eligible.

Fellowship amount. Up to $5,000.

Deadlines and announcement dates. Applications for Fiscal Year 1975 must be postmarked no later than December 20, 1974. Notices of approval or rejection will not be sent before May 1975. (Slides will not be returned.) Your work under this grant should not have a beginning date before June 1975 and generally should be carried out during the next succeeding twelve months.

Applications for Fiscal Year 1976 must be postmarked no later than December 20, 1975. Notices of approval or rejection will not be sent before May 1976. (Slides will not be returned.) Your work under this grant should not have a beginning

date before June 1976 and generally should be carried out during the next succeeding twelve months.

Procedure. Please review the instructions given on page 4 and complete the forms entitled "Individual Grant Application" (NEA 2, Rev.). In addition, please complete the blue card with name, address and other information requested and return with your application.

Not more than five slides of your work should be submitted. Please read Item 3, page 4 of General Information for accurate instructions for slide submission. Slides will not be returned.

While grants are not made for specific projects, but to buy time and/or materials (see above "aim of grants") you may wish to indicate to the panel the kind of work you do by submitting specific plans or projects. These should be submitted on a single 8½" by 11" sheet and attached to your application.

Applicants may supplement their applications, if they so wish, with not more than two catalogues of recent exhibitions and/or not more than three reviews of recent work.

FELLOWSHIP PROGRAM FOR ARTISTS

To enable artists to set aside time and/or purchase materials and, generally to enable them to advance their careers as they see it. There are two categories of fellowships for artists:

Category I ($7,500) is primarily intended to assist artists in mid-career between, approximately, the ages of 35 and 50 and over. Artists under 35 are not, however, excluded from Category I. A limited number of Category I grants will be set aside for senior artists.

Category II ($3,000) is intended to assist artists in the earlier stages of their careers (from graduation to approximately 35). A limited number of $1,000 fellowships will be set aside within this category for artists under 25.

Generally, support in Category I is for a year, in Category II for six months.

Eligibility. Painters, sculptors, conceptual, performance, and video artists working within a visual arts context, of exceptional talent, of any school or aesthetic persuasion. (Students are not eligible.)

Fellowship Amounts:

$7,500 under Category I.

$3,000 under Category II.

Deadlines and announcement dates. Applications for Fiscal Year 1975, must be postmarked no later than November 1, 1974. Notices of approval or rejection will not be sent before July 1, 1975. Your work under this grant should not have a beginning date before August 1975 and generally should be carried out during the succeeding six or twelve month period depending on the category under which application was made.

Applications for Fiscal Year 1976 must be postmarked no later than November 1, 1975. Notices of approval or rejection will not be sent before July 1976. Your work under this grant should not have a beginning date before August 1976 and generally should be carried out during the succeeding six or twelve month period depending on the category under which application was made.

Procedure. Please review the instructions given on page 4 and complete the forms entitled "Individual Grant Application" (NEA 2, Rev.). Artists may apply under a specific category or they may request that the advisory committee place their application in the appropriate category. In addition, please complete the blue card with name, address and other information requested and return with your application.

Not more than five slides of your work should be submitted. Please read Item 3, page 4 of General Information for accurate instructions concerning slide submission. Slides and other documentation will not be returned. When your work cannot be represented by slides, appropriate documentation will be required. Video artists should send at least one videotape of their work (only half-inch and three-quarter inch tapes will be reviewed). Video tapes will be returned. (While every effort will be made to avoid loss or damage, the Endowment will not be responsible for any loss or damage.)

While grants are not made for specific projects, but to buy time and/or materials (see above "aim of grants"), you may wish to indicate to the panel the kind of work you do by submitting specific plans or projects. These should be submitted on a single 8½" x 11" sheet and attached to your application.

Applicants may supplement their applications, if they so wish, with not more than two catalogues of recent exhibitions and/or not more than three reviews of recent work.

PRINTMAKER'S FELLOWSHIP PROGRAM (PILOT)

To enable printmakers to set aside time and/or purchase materials and, generally to enable them to advance their careers as they see fit.

Eligibility. Professional printmakers and artists of exceptional talent interested in printmaking. Printmakers of any school age, or aesthetic persuasion are eligible. (Students are not eligible.)

Fellowship amount. $3,000.

Deadlines and announcement dates. Applications for Fiscal Year 1975 must be postmarked no later than October 15, 1974. Notices of approval or rejection will not be sent before April 1975. Your work under this grant should not have a beginning date before June 1975 and generally should be carried out during the succeeding twelve months.

Applications for Fiscal Year 1976 must be postmarked no later than October 15, 1975. Notices of approval or rejection will not be sent before April 1976. Your work under this grant should not have a beginning date before June 1976 and generally should be carried out during the succeeding twelve months.

Procedure. Please review the instructions given on page 4 and complete the forms entitled "Individual Grant Application" (NEA 2 Rev.). In addition, please complete the blue card with name, address and other information requested and return with your application.

Not more than five slides of your work should be submitted. Please read Item 3, page 4 of General Information for accurate instructions for slide submission. Slides will not be returned.

While grants are not made for specific projects, but to buy time and/or materials (see above "aim of grants") you may wish to indicate to the panel the kind of work you do by submitting specific plans or projects. These should be submitted on a single 8½" by 11" sheet and attached to your application.

Applicants may supplement their applications, if they so wish, with not more than two catalogues of recent exhibitions and/or not more than three reviews of recent work.

PHOTOGRAPHER'S FELLOWSHIP PROGRAM

The overall aim of the Photographer's Fellowship Program is to assist in the contribution made by photography to our culture. The specific aim is to allow photographers of exceptional talent to set aside time and/or purchase materials and, generally, to enable them to advance their careers as they see fit. Technical investigations will not have a high priority generally.

Eligibility. Still photographers of exceptional talent.

Fellowship amounts. Fellowships ordinarily will not exceed and generally will be $5,000.

Deadline and announcement date. Applications for Fiscal Year 1976 must be postmarked no later than May 30, 1975. (Prints will not be returned before December 1975.) Notices of approval or rejection will not be sent before October 1975. Your work under this grant should not have a beginning date before November 1975 and generally should be carried out during the succeeding twelve months.

Procedure. Please review the instructions given on page 4 and complete the forms entitled "Individual Grant Application" (NEA 2 Rev.). In addition, please complete the blue card with name, address and other information requested, and return with your application.

Up to ten prints should be submitted with your application. Photographs will be returned. (While every effort will be made to avoid loss or damage, the Endowment will not be responsible for any loss or damage.) Framed photographs will not be accepted. Photographers should note that large and oversized packages tend to suffer in transit and handling.

While grants are not made for specific projects, but to buy time and/or materials (see above "aim of grants"), you may wish to indicate to the panel the kind of work you do by submitting specific plans or projects. These should be submitted in a single 8½" by 11" sheet and attached to your applications.

Applicants may supplement their applications, if they so wish, with not more than two catalogues of recent exhibitions and/or not more than three reviews of recent work.

ARTISTS, CRITICS, PHOTOGRAPHERS AND CRAFTSMEN IN RESIDENCE PROGRAM

To make it possible for art schools, university art departments and other institutions to invite artists, critics, photographers and craftsmen of national reputation for short-term stays to instruct, influence and stimulate students and faculty while practicing their professions. We believe that such circulation of professionals of exceptional talent benefits the students, the faculty, and the visiting artists.

Institutions select the artist(s), critic(s), photographer(s) or craftsmen of their choice and work out a mutually acceptable schedule of activities with emphasis on student contact. While new methods are not necessarily better, more inventive ways of bringing this contact about may be desirable; for instance, making the evolution of a work of art itself the teaching situation, or engaging the students as assistants in some project or process.

Eligibility. While aimed primarily at art schools and university art departments, other organizations such as museums, state art agencies, and community centers also may apply.

Grant amounts. Grants will usually not exceed $1,500 and will be made on a matching basis. Larger grants are occasionally given for extraordinary projects. Project budgets generally should include only artists' fees and transportation for the artist to the university, museum or community center at the start of the project and return to his home at the end of the project.

Deadline and announcement date. Applications for this program are accepted and grants are made throughout the year. However, applications should be received six months before the planned residence will begin.

Procedure. Please review the instructions given on page 3 and complete the forms entitled "Project Grant Application" (NEA 3, Rev.). It is not necessary to have chosen the artist(s) at the time the application is filled out.

WORKSHOP PROGRAM

The aim of the Workshop Program is to assist the production of new work by artists of exceptional talent and to give artists a place to work. The program also encourages artists to test ideas and media, and to devise modes of working together.

Eligibility. For the purposes of this program, a "workshop" is defined as a place with facilities where a group of artists who share common aesthetic and technical interests come together for the purpose of making or exhibiting works of art in a situation in which they derive stimulation from each other's presence and ideas. The workshop or organization holding the workshop must be tax-exempt.

Applicants are required to submit a copy of their Internal Revenue Service tax exemption status letter with every application. Workshops must have been in existence for at least one year. Workshops must be for the benefit of groups of practicing professional artists. Amateur or adult education groups are not eligible. Workshops may be independent or attached to museums, universities, art schools, etcetera. In the latter case, while students may benefit, the emphasis must be on work by practicing professional artists.

Grant amounts. Grants will usually not exceed $15,000 and will be made on a matching basis. (Total project at least $30,000.)

Deadlines and announcement dates. Applications for Fiscal Year 1975 must be postmarked no later than October 1, 1974. Notices of approval or rejection will not be sent before April 1, 1975. Your proposed activity should not have a beginning date before May 1975 and generally should be carried out during the succeeding twelve months.

Applications for Fiscal Year 1976 must be postmarked no later than October 1, 1975. Notices of approval or rejection will not be sent before April 1976. Your proposed activity should not have a beginning date before May 1976 and generally should be carried out during the succeeding twelve months.

Procedure. Please review the instructions given on page 3 and complete the forms entitled "Project Grant Application" (NEA 3, Rev.). Grant funds requested should be for the support of working activities for not more than one year starting May 1975 or May 1976 and may not exceed or be deferred to another year, except under unusual circumstances.

NOTE: Your application will not be considered by the panel unless biographies of the artists involved in the workshop and 5 slides of each artist's work are included. (Please read carefully Item 3, General Information, page 4 for accurate instructions on slide submission.)

CRAFTS WORKSHOP PROGRAM

The aim of the Crafts Workshop Program is to assist the production of new work by craftsmen of exceptional talent and to give craftsmen a place to work. The program also encourages artists to test ideas and media, and to devise modes of working together.

Eligibility. For the purposes of this program, a "crafts workshop" is defined as a place with facilities where a group of artists who share common aesthetic and technical interests come together for the purpose of making or exhibiting works of art in a situation in which they derive stimulation from each other's presence and ideas. The workshop or organization holding the workshop must be tax-exempt.

Applicants are required to submit a copy of their Internal Revenue Service tax exemption status letter with every application. Workshops must have been in existence for at least one year. Workshops must be for the benefit of groups of practicing professional artists. Amateur or adult education groups are not eligible. Workshops may be independent or attached to museums, universities, art schools, etcetera. In the latter case, while student may benefit, the emphasis must be on work by practicing professional craftsmen.

Grant amounts. Grants will usually not exceed $15,000 and will be made on a matching basis. (Total project at least $30,000.)

Deadlines and announcement dates. Applications for Fiscal Year 1975 must be postmarked no later than October 15, 1974. Notices of approval or rejection will not be sent before April 1975. Your proposed activity should not have a beginning date before May 1975 and generally should be carried out during the succeeding twelve months.

Applications for Fiscal Year 1976 must be postmarked no later than October 15, 1975. Notices of approval or rejection will not be sent before April 1976. Your proposed activity should not have a beginning date before May 1976 and generally should be carried out during the succeeding twelve months.

Procedure. Please review the instructions given on page 3 and complete the forms entitled "Project Grant Application" (NEA–3, Rev.). Grant funds requested should be for the support of workshop activities for not more than one year starting May 1975 or May 1976 and may not extend or be deferred to another year, except under unusual circumstances.

NOTE.—Your application will not be considered by the panel unless biographies of the craftsmen involved in the workshop and 5 slides of each craftsmen's work are included. (Please read carefully Item 3, General Information, page 4 for accurate instructions on slide submission.)

MASTER CRAFTWORKERS APPRENTICESHIP PROGRAM (PILOT)

The aim of the program is to enable master craftworkers to hire an apprentice for periods of, generally, nine months to impart their skills to the apprentice, who in turn assists them at their work.

Eligibility. Master craftworkers in glass, metal, textile, ceramics and wood.

Grant amounts. $3,000. This sum should be passed to the apprentice in a way agreed upon by master and apprentice. It is suggested that equal monthly stipends be arranged, i.e., $300 each month for nine months. The apprentice is responsible for his own living expenses. $300 should be retained by the master craftsman or woman to pay for his/her administrative expenses.

Deadlines and announcement dates. Applications for Fiscal Year 1975 must be postmarked no later than January 1, 1975. Notices of approval or rejection will not be sent before July 1975. Your proposed activity should not have a beginning date before September 1975 and generally should be carried out during the succeeding twelve months.

Applications for Fiscal Year 1976 must be postmarked no later than January 1, 1976. Notices of approval or rejection will not be sent before July 1976. Your proposed activity should not have a beginning date before September 1976 and

generally should be carried out during the succeeding twelve months.

Procedure. Master craftsmen and women may choose their own apprentice; the name of the proposed apprentice should be given in the application. Apprentices should have exhibited professional aptitude in their respective media. Master craftsmen and women must have proper facilities (e.g. a workshop sized studio). Facilities must be adequate to accommodate a second working professional.

Applicants should submit not less than 5 slides of their work, and give a brief description of the expected relationship.

An evaluation should be sent to the Endowment by master and apprentice at the end of the apprenticeship period.

PHOTOGRAPHY: EXHIBITION AID

The aim of this program is to bring photography exhibitions of contemporary and/or historical importance to the public in a variety of appropriate situations.

Eligibility. Universities, museums, community center, theaters, libraries, churches, prisons, cooperative nonprofit photography galleries, state art agencies, etc.

Grant amounts. Matching grants will normally not exceed $10,000 for major exhibitions and $5,000 for other projects.

Deadlines and announcement dates. Applications for Fiscal Year 1975 must be postmarked no later than January 15, 1975. Notices of approval or rejection will not be sent before June 1975. Your proposed activity should not have a beginning date before July 1975 and generally should be carried out during the succeeding twelve months.

Applications for Fiscal Year 1976 must be postmarked no later than January 15, 1976. Notices of approval or rejection will not be sent before June 1976. Your proposed activity should not have a beginning date before July 1976 and generally should be carried out during the succeeding twelve months.

Procedure. Please review the instructions on page 3 and complete the forms entitled "Project Grant Application" (NEA–3, Rev.). Evidence of ability to carry through the planned exhibition must be supplied. More formal situations, museums and universities, should supply budgets of previous exhibitions as a guideline to funding, and should indicate such matters as number of photographs, whether exhibition will travel, person responsible for exhibition, for catalogue introduction and preparation. For less formal situations, the Endowment may encourage the originators of an exhibition to avail themselves of the advice of a consultant they may select from a standing panel of nationally recognized photography experts.

NOTE.—Since catalogue are a valuable photographic record, works of art in themselves, and often contain essays of importance to the field, special consideration will be given to funding catalogues of lasting value to the field. A breakdown of catalogue budgets should be included by your application: size, number of pages, reproductions, kind of paper, cover, number to be printed, details on texts, et cetera. Expected income should also be indicated.

NOTE: Cooperative nonprofit galleries are mentioned above. Special consideration will be given to such galleries attempting to advance the knowledge and popularity of quality photography by contemporary photographers of exceptional talent.

VISUAL ARTS IN THE PERFORMING ARTS

The aim of the program is to make outstanding artists, who are not professional stage or costume designers, available to performing arts groups.

Funds will be available to performing arts groups who wish to encourage the participation of artists of exceptional talent in three areas:

(1) Design of posters which advertise single productions or season's offerings and have limited signed editions.

(2) Design of sets for plays, operas and dance performances.

(3) Design of costumes for plays, operas and dance groups, with the emphasis on dance groups.

(Numbers 2 and 3 for sets and costumes may be combined in applications. Isamu Noguchi sets for Martha Graham and the Robert Rauschenberg and Jasper Johns sets and costumes for Merce Cunningham are cited as successful examples of numbers 2 and 3.)

Eligibility. Professional performing groups (dance companies, orchestras, opera companies, theatre companies, et cetera). Individual artists may not apply under this program.

Grant amounts. Grants for design of posters (No. 1 above) will generally not exceed $1,500 and generally must be matched by at least an equal amount from non-federal sources. Grants for sets or costumes will usually not exceed $5,000 and generally must be matched by at least an equal amount from non-federal sources. In the case of grants for set and costume design, subsidiary expenses which result directly from the engagement of the artist may also be considered.

NOTE.—These funds are mainly intended to be used for the artists' fee. They should not be used to replaced funds already in company budgets for costumes, sets, or posters.

Deadlines and announcement dates. Application for Fiscal Year 1975 must be postmarked no later than January 15, 1975. Notices of approval or rejection will not be sent before July 1975. Your proposed activity should not have a beginning date before August 1975 and generally should be carried out during the succeeding twelve months.

Application for Fiscal Year 1976 must be postmarked no later than January 15, 1976. Notices of approval or rejection will not be sent before July 1976. Your proposed activity should not have a beginning date before August 1976 and generally should be carried out during the succeeding twelve months.

Procedure. Please review the instructions on page 3 and complete the forms entitled "Project Grant Application" (NEA–3, Rev.). The "Summary of Project Description" should include specific information concerning the production and the artists or designers you have in mind. The artists should be seriously interested and have time available to undertake the project. The intended artist's biography and slides of his work must be included with the application.

(Please read carefully Item 3, General Information, page 4 for accurate instructions on slide submission.)

WORKS OF ART IN PUBLIC PLACES

The aim of the program is to give the public access to the best contemporary art in public situations outside museum walls.

The Endowment intends that the work of art will contribute to the public's enjoyment, education and enlightenment; that it will create a favorable climate for the reception of all the arts; and that a distinguished heritage of public art will be passed on to future generations.

The art works may be in any one of the following media: painting (murals), sculpture, prints, crafts (tapestries, ceramics, and weavings), photography (murals).

The art should be appropriate both for its immediate site and for the city and region.

Public places are defiend as city spaces, outdoor and indoor; proposals for such public places as airports, subways, highways, etcetera, will also be considered.

Privately owned land may be used as a site, if such land is either under lease to local governments for public purposes, or is what may reasonably be considered as a "public area" i.e. an area to which the general public, or as in the case of a housing development or university complex, the local community has free and unimpeded access.

The program also aims to provide opportunities, challenges and employment for the nation's artists of exceptional talent.

A significant part of the program is the stimulation of an effective partnership between cities, states, private institutions, the private sector, and the Federal Government.

Matching funds are required for all Works of Art in Public Places Projects. The Endowment recommends that the local funds be raised on as wide a base as is practical for each project. Community interest and involvement in raising matching funds usually helps each project considerably. Applicants should break down the expected sources of matching funds as much as possible. The Endowment requires a firm assurance that matching funds will be available for each project.

Eligibility. All cities, towns, and other non-federal governmental units; universities and non-profit tax-exempt private groups; state arts agencies. Artists selected for Works of Art in Public Places, wherever situated, should be of regional or national significance.

Grant amounts. Matching from $5,000 to $50,000.

Procedure. Works of Art in Public Places is made up of a number of smaller programs each administered differently and each responding to different needs. Since each individual application tends to have its unique aspects, any application that does not fit easily into any of the following categories should be discussed—either by letter or telephone—with the Visual Arts Program, National Endowment for the Arts, Washington, D.C. 20506 (202 382–7068.

In general, the financial scale of the proposed project has a distinct bearing on its mode of administration.

GROUP I: SPECIALLY COMMISSIONED WORK

Grant amounts from $20,000 to $50,000 (matching) in sculpture; from $10,000 to $25,000 (matching) in murals (painting, prints, photography).

Applications. May be received from eligible groups for matching grants. The application should be signed by the mayor and/or the official with authority to legally bind the group. Where the applicant is not a governmental unit, the nature of the site and of public access to the work should be described.

It is the Endowment's experience that successful projects require strong local support—both financial and administrative—from an aesthetically sophisticated group.

Selection of artist. After approval of a grant, the applicant should appoint three individuals with knowledge of the local area and of contemporary art to a selection committee. The Endowment will also appoint three nationally recognized experts to the selection committee. The six will meet to select the artists to be commissioned. The cost of the panel meeting will be borne by the local group. The local group will then approach the artist, who, if interested, will submit a model or maquette for the project, which the local representatives should approve. The National Council on the Arts will also have the opportunity to review the model. Contractual arrangements should be worked out directly between the local group and the artist. While the selection panel is of course free to come to what it considers an appropriate decision, the National Council suggests that the panel keep in mind the opportunities for younger and mid-career artists in the public art area are limited, and should, if possible, be encouraged.

Deadlines and announcement dates. Applications will be accepted through the year for Group I. However, applications should be received six months before the project is scheduled to begin.

GROUP II: PURCHASED WORK

Grant amounts from $10,000 to $20,000 (matching) in sculpture; $7,500 to $15,000 (matching) in murals.

Applications. As before, in addition, artists or artists' groups may apply *if* a community or other governmental unit has indicated sufficient interest in a specific proposal. Evidence of such support should be submitted with the application.

(A) The applicants may propose to the Endowment a particular work they would like to purchase for an appropriate site. The application will be reviewed by an Endowment advisory committee and the National Council on the Arts which will make a recommendation to the Chairman. This recommendation will be based not only on the appropriateness of the art work for the particular site, but also on the concern of the National Council that the program reflect the diversity of contemporary art, and avoid repeated patronage of a few artists.

(B) Should the group require advice before coming to a decision on the art work they feel appropriate, the Endowment will make available a consultant to advise the group. This consultant will be a nationally recognized expert in contemporary public art. He will meet with the local group, inspect the site, discuss contemporary art with the applicants, make suggestions and generally provide professional assistance. The consultant's initial fee will be paid by the Endowment. After the approval of the grant, any further consultant's fees will be paid by the local group.

Application material, Group II. Applications to be complete must be accompanied by:

(1) a photograph of the site in relation to surrounding buildings, interiors, et cetera.
(2) a photograph of the work(s).
(3) a composite photograph or mock-up of the work, in proper scale, as it would look in the site.

The following details should also be included:

(1) the cost of the work.
(2) whether it is unique or one of an edition.
(3) artist's fee.
(4) the dealer's fee, if any.

Incomplete applications will not be submitted to the advisory committee for review.

NOTE.—The National Council on the Arts, acting both on its own initiative and on the recommendation of a number of Visual Arts advisory committees, has recommended to the Chairman that dealer's fees not exceed ten percent of the artist's fee, after manufacture or cost of the work was subtracted.

The cost of site preparation is borne by the applicant.

Deadlines and announcement dates. Applications for Fiscal Year 1975 in Category II must be postmarked no later than January 1, 1975. Notices of approval or rejection will not be sent before June 1975. Your proposed activity should not have a beginning date before July 1975.

Applications for Fiscal Year 1976 in Category II must be postmarked no later than January 1, 1976. Notices of approval or rejection will not be sent before June 1976. Your proposed activity should not have a beginning date before July 1976.

GROUP III

Small projects, funding up to $10,000 (matching). While guidelines and procedures apply generally as in Group II, Group III is intended to provide opportunities for younger artists, to enable communities and groups to test the idea of public art in their particular situations, and to encourage groups to test situations where public art is not primarily considered but would be appropriate: i.e. subways, highways, paintings, and prints and small sculpture for interior display in public buildings, et cetera.

Deadlines and announcement dates. Applications for Fiscal Year 1975 in Category III must be postmarked no later than January 1, 1975. Notices of approval or rejection will not be sent before June 1975. Your proposed activity should not have a beginning date before July 1975.

Applications for Fiscal Year 1976 in Category III must be postmarked no later than January 1, 1976. Notices of approval or rejection will not be sent before June 1976. Your proposed activity should not have a beginning date before July 1976.

ARTISTS' SERVICES

A limited number of grants will be available to organizations or artists' groups concerned with the area of services. Services cover a number of categories designed to assist the artist in every aspect of his professional life including:

(1) Dissemination of information through directories and documentation.
(2) Technical research into old and new media.
(3) Clarification of artists' rights.
(4) Investigation of health and safety factors or artists' media.

The program also encourages established resource facilities to study and solve new problems that arise for artists in the course of their every day lives.

Eligibility. Nonprofit, tax-exempt organizations which provide services to visual artists. In rare circumstances grants will be made to individuals providing services not provided by any existing organization.

Grant amounts. Grants will be made on a matching basis and normally will not exceed $10,000.

Deadlines and announcement dates. Applications for Fiscal Year 1975 must be postmarked no later than February 1, 1975. Notices of approval or rejection will not be sent before June 1975. The proposed activity should not have a beginning date before July 1975.

Applications for Fiscal Year 1976 must be postmarked no later than February 1, 1976. Notices of approval or rejection will not be sent before June 1976. The proposed activity should not have a beginning date before July 1976.

Procedure. Please review the instructions on page 3 and complete the forms entitled "Project Grant Application" (NEA–3, Rev.).

TAX INFORMATION ON FELLOWSHIP GRANTS [1]

FELLOWSHIPS

A fellowship grant generally means an amount paid or allowed to, or for the

[1] Reprinted from: Internal Revenue Service Publication 520 (Revised October 1973).

benefit of, an individual to aid him in the pursuit of study or research. The term also includes any amount received in the nature of a family allowance as a part of a fellowship grant.

A "research fellowship" grant awarded by the American Heart Association, Inc., to aid individuals in pursuing further training subject to the approval of the Association, qualifies as a fellowship grant.

However, "established investigatorship" awards given to individuals who have the ability to conduct independent research in the cardiovascular field are not fellowship grants since the primary purpose of the research activities is to benefit the grantor's program rather than to train the recipients.

Payments to National Teacher Corps teacher interns during training and in-service periods do not qualify as fellowships.

An award made by the National Foundation on the Arts and Humanities, an independent agency in the Executive Branch of the U.S. Government, to aid an individual in completion of his novel in progress, qualifies as a fellowship grant since it enables him to pursue a program of research, interpretation or original thought. Similarly, grants-in-aid by a tax-exempt foundation to creative writers to enable them to pursue their artistic talents without concern for making a living qualify as fellowship grants.

COMPENSATION FOR SERVICES

Payments that represent compensation for past, present, or future services performed by you are not excludable from gross income.

If the amounts you receive represent payment for services that are subject to the supervision or direction of the grantor, they do not qualify as "scholarships" or "fellowship" grants.

"Supervision or direction of the grantor" implies that the services are so subject to the grantor's discretion that they primarily benefit the grantor and only secondarily serve as an educational or research opportunity for the grantee.

In this context "supervision or direction of the grantor" goes beyond the supervision or direction which normally characterizes a student-teacher or instructor-trainee relationship.

Example 1. The constant direction or supervision a Certified Registered Nurse Anesthetist gives a student nurse so the student may receive the required clinical training to graduate is not "supervision or direction of the grantor" which would classify the compensation as primarily for the grantor's benefit and disqualify it as a scholarship or fellowship.

Example 2. A university established a work program as a requirement for a Bachelor of Science degree. Under the program the university assisted the students in securing outside employment.

Upon employment, it was solely within the discretion of the outside employer to determine what a student's activities were to be, based on the employer's needs. The students were paid amounts which equalled amounts received by regular employees with the same background.

Since the students were solely subject to the direction and supervision of the outside employer, their compensation could not be excluded from gross income as a scholarship or fellowship grant.

When resident physicians are paid stipends for medical research at a hospital and this research is optional, subject to the approval of the director of training, and the research findings are sometimes used in formulating management or treatment programs, the stipends are additional compensation and not scholarships or fellowship grants, since the duties performed primarily serve the operational needs of the hospital.

Amounts received by students for services performed on a research project, which a university contracted to perform for a consideration, are compensation regardless of how such consideration is designated. Such amounts are not converted to scholarships or fellowship grants merely because the research can be used for credits toward degrees or may be required to obtain a degree. Normally, if the services are required of all candidates for a particular degree (whether or not recipients of scholarships or fellowship grants) as a condition of receiving the degree, the compensation for the services may be excluded from gross income.

DOES YOUR GRANT QUALIFY

If there is some doubt as to the qualification of your grant, you first should consult the grantor. He may have received advice from the Internal Revenue Service about its appropriate tax treatment. You may also write to the District Director of the Internal Revenue Service for the district in which you reside or to the Commissioner of Internal Revenue, Washington, D.C. 20224, Attention: T:I:I:, for further information. Be sure to request the information as soon as possible, so that you can receive a timely answer for filing your return. If you request advice by mail be sure to include:

(1) A copy of the application for the grant.

(2) A copy of the grant itself.

(3) A statement as to whether you are a candidate for a degree. If not, include a list of grants received since January 1, 1954, while you were not a candidate for a degree, showing amounts excluded as scholarships and fellowship grants and the number of months for which such amounts were excluded.

(4) A statement as to whether any amounts are received specifically to cover expenses for travel, research, clerical help, or equipment incident to the scholarship or fellowship grant.

(5) A statement showing precisely what your duties and obligations are under the grant; for example, whether you have freedom of choice in your studies or research or they are performed subject to supervision and control; also, whether they are accomplished during the course of a specific project of the grantor.

(6) A copy of any published literature or pamphlets describing the grant.

TAXATION OF SCHOLARSHIP AND FELLOWSHIP GRANTS

If your grant qualifies as a scholarship or fellowship grant, then the extent of the amount excludable from income will be determined by whether or not you are a candidate for a degree.

CANDIDATE FOR DEGREE

A candidate for a degree is an individual, whether an undergraduate or a graduate, who is pursuing studies or conducting research to meet the requirements for an academic or professional degree conferred by a college or university. It is not essential that the study or research be pursued or conducted at an educational institution that confers these degrees if its purpose is to meet the requirements for a degree of a college or university that does confer them. A student who receives a scholarship for study at a secondary school or other educational institution is considered to be a candidate for a degree.

The scholarship or fellowship grant of a candidate for a degree is fully excluded from income for the following:

(1) The basic scholarship or fellowship grant, which consists of the full amount of the grant and the value of any contributed services and accommodations (for example, room and board); plus

(2) Any amount received incident to the grant that is specifically designated to cover expenses for travel (including meals and lodging while traveling and an allowance for travel of the individual's family), research, clerical help and equipment. To be excluded from income these amounts must actually be spent for the purpose of the grant.

Amounts received under the grant that represent payments for teaching, research, or other part-time employment required as a condition for receiving the grant are taxable, unless required as a condition of receiving a degree. If the grant also includes amounts for travel, research, clerical help, and equipment, the portion of these amounts attributable to the compensation is also included in income.

Studies leading to certification to practice a profession do not qualify you as a candidate for a degree.

Example 1. Miss Harris, a registered nurse, received a grant from a charitable foundation to attend a local university to take training leading to certification as a psychiatric nurse. Her studies for certification are not equivalent to being a candidate for a degree.

Example 2. Mr. Smith, who possesses a Ph. D. degree in psychology, accepted a grant from an educational institution to pursue a 4-year study program leading to certification enabling him to practice psychoanalysis.

The study program does not qualify Mr. Smith as a candidate for a degree.

GRADUATE STUDENT TEACHING ASSISTANTSHIPS

Generally, such teaching assistantships are includable in income. To be excludable from income, the graduate student teaching assistantship must meet the general requirements of a scholar-

ship or fellowship grant. (See "Scholarship and Fellowship Grants," on page 2.)

It is immaterial that the teaching requirement is imposed on all candidates for the graduate degree since the exclusion from income is inapplicable unless it is first established that a scholarship or fellowship grant exists.

If you received 2 or more grants during the year, all the amounts should be totaled to determine what portion may be excluded from income. If these amounts are received during the same month or months within the year, each month is counted only once in determining the number of months in which you received amounts under the grants.

NOT A CANDIDATE FOR DEGREE

Individuals who are not candidates for degrees treat their scholarships or fellowship grants for tax purposes, in the following manner:

(1) The basic grant, which consists of the amount of the scholarship or fellowship plus the value of contributed services and accommodations such as room and board received incident to the grant, is excluded from income in any tax year to the extent of $300 times the number of months for which amounts under the grant were received during that year. There is a further limitation to the amount of this exclusion, discussed under the "36-month limit;" below.

(2) Amounts received incident to the grant that are specifically designated to cover expenses for travel (including meals and lodging while traveling, and an allowance for travel of the individual's family), research, clerical help, and equipment are fully excluded if actually spent for the stated purposes, but see below.

For an individual who is not a candidate for a degree to receive the tax benefit described above, the grantor of the scholarship or fellowship grant must be one of the following:

(1) A nonprofit organization exempt from Federal income tax and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or the prevention of cruelty to children or animals;

(2) A foreign government;

(3) An international organization, or a binational or multinational educational and cultural foundation or commission created or continued pursuant to the Mutual Educational and Cultural Exchange Act of 1961 (the Fulbright Hays Act); or

(4) The United States, or an instrumentality or agency thereof, a state, or a possession of the United States, or any political subdivision thereof, or the District of Columbia.

If the grantor is not one of these the grant is taxable income.

The limitation of $300 per month applies only to the basic grant. It does not apply to amounts received pertaining to the grant that are specifically designated to cover expenses for travel, research, clerical help, or equipment. Such amounts are generally entirely excludable if they are actually spent for these purposes during the term of the scholarship or fellowship grant or within a reasonable time before and after that term. If the amounts are not spent for these purposes they must be included in gross income unless they are returned to the grantor. If the amounts received to cover these expenses are not specifically so designated in the grant they are taxable whether or not spent.

36-month limit. The $300 per month exclusion may not be claimed for an aggregate of more than 36 months. These 36 months need not be consecutive. Each month for which such an individual receives (or has received) a grant counts, including those months during which he may have received less than $300. The claiming of the exclusion for the maximum period of 36 months by an individual who is not a candidate for a degree will not prevent the individual from claiming a further exclusion, as explained earlier in this publication, should he or she become a candidate for a degree.

If the basic grant becomes taxable because of the expiration of the 36-month benefit period, amounts pertaining to the basic grant received for travel, research, clerical help, or equipment also become taxable.

Example 1. Mr. Baker, who is not a candidate for a degree and has not exhausted his 36-month benefit period, was awarded a postdoctorate fellowship by a tax-exempt U.S. foundation to pursue specified studies at a university in State Y. Under the terms of the grant he is to receive $500 per month for the nine-month period beginning September 1972. He is also to receive $250 for research supplies. The State Y Educational Commission awarded him $400 to cover travel expenses. The university is contributing room and board, which has a value of $100 a month. He computes the amount of taxable income for the years 1972 and 1973 in the following manner:

1972

Fellowship (4 months x $500)	$2,000
Contributed room and board (4 months x $100)	400
Travel expenses $400	—0—
Research supplies $250	—0—
The last two items are excluded if they are spent for designated purposes.	
Total	$2,400
Exclusion (4 months x $300)	1,200
Amount subject to tax	$1,200

1973

Fellowship (9 months x $500)	$4,500
Contributed room and board (5 months x $100)	500
Total	$4,900
Exclusion (5 months x $300)	1,500
Amount subject to tax	$2,200

Example 2. All the facts are the same as in Example 1, except that Mr. Baker received his entire fellowship of $4,500 (9 months x $500) in September 1972.

1972

Fellowship (9 months x $500)	$4,500
Contributed room and board (4 months x $100)	400
Total	$4,900
Exclusion (9 months x $300)	2,700
Amount subject to tax	$2,200

1973

Contributed room and board (5 months x $100)	$500
Exclusion	—0—
Total	$500

Mr. Baker has no exclusion in 1973 because his $300 per month exclusion for the first five months of 1973 was applied in 1972. The grant must be considered for tax purposes in the year in which it is received. The amounts he received for travel and research supplies are not included in income if they are spent for the designated purposes.

[FR Doc.74-21547 Filed 9-17-74;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR PSYCHOBIOLOGY

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given of a meeting of the Advisory Panel for Psychobiology to be held at 9 a.m. on October 3 and 4, 1974, in Room 338 at 1800 G Street NW., Washington, D.C. 20550.

The purpose of the Panel is to provide advice and counsel concerning support for research in Psychobiology. The agenda for October 3 (from 9 a.m. to 11 a.m.) will be devoted to discussion of significant research opportunities in Psychobiology and will be open to the public. The agenda for the remaining session on October 3 and the entire session on October 4 will be devoted entirely to the evaluation of research proposals and therefore will be closed to the public.

These closed sessions of the meeting are concerned with matters which are within the exemptions of 5 U.S.C. 552(b) and will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

Individuals who wish to attend the open session on October 3, should inform Dr. Jacob Beck, Program Director, Psychobiology Program, by telephone (202/632-4264) or by mail, Rm. 333, 1800 G Street NW., Washington, D.C. 20550, prior to the meeting.

Persons requiring further information concerning this Panel should contact Dr. Jacob Beck at the above address. Summary minutes relative to this meeting may be obtained from the Management Analysis Office, Rm. K-720, 1800 G Street NW., Washington, D.C. 20550.

Dated: September 12, 1974.

FRED K. MURAKAMI,
Committee Management Officer.

[FR Doc.74-21512 Filed 9-17-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Request

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 13, 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), or from the reviewer listed.

NEW FORMS

ACTION

Youth Challenge Program, Evaluation Study; Form ____, Occasional, CVAD/Lowry 395-3532/395-4529, Grantees and related participants.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:

Assessment of School-Supervised Cooperative Work-Education Programs, Form OE 371, Single time, HRD/Planchon 395-3532/395-3898, State and local Educational Administration.

School Climate Questionnaires: Elementary Students and Secondary Students, Forms OE 364-2 thru 4, Semiannual, Planchon 395-3898, Elementary and secondary students.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Planning and Development: Bicentennial Questionnaire, Form ____, Single time, CVAD 395-3532, Individuals.

Policy Development and Research, Elderly Property Tax Relief Survey, Form ____, Single time, Sunderhauf/Ellett 395-4911/395-6172, State and local directors of Taxation.

REVISIONS

ACTION

National Survey College Student Volunteer Programs: Form A-138, Annual, Lowry 395-4529, Colleges and universities.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration:

Survey of Admissions, Form MH 186, ADAMMH 0905, Single time, L. Collins 395-3756, Phychiatric hospitals and clinics.

Survey of Discharges—General Hospital Psychiatric Units, Form ADM 186, Single time, Collins 395-3756, General hospitals.

VETERANS ADMINISTRATION

Report of Home Loan Processed on Automatic Basis: Form 26-1820, Occasional, Lowry 395-4529, Veteran and lender.

EXTENSIONS

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Housing Administration:

Application for Mortgage Insurance-Sec. 213, Sales Type, Form FHA 3202, Occasional, CVAD 395-3532, Developers of housing projects.

Income and Market Absorption Record, Form FHA 184, Semiannual, Evinger 395-3648, Apartment houses.

Monthly Report of Excess Income (Sec. 236-Non-Insured), Form FHA 3104-A, Monthly, CVAD 395-3532, Housing Corporations.

Construction Complaint, Form FHA 2556, Occasional, CVAD 395-3532, Homeowner.

Application for Assistance in Planning a Housing Project, Form FHA 2200, Occasional, CVAD, 395-3532, Business firms.

Application for Designation as Fee Personnel, Form FHA 2563, Occasional, CVAD, 395-3532, Appraisers, examiner or inspector requesting fee work.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-21737 Filed 9-17-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Notice of Suspension of Trading

SEPTEMBER 11, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 12, 1974 through September 21, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-21624 Filed 9-17-74;8:45 am]

[Rel. No. 18561; (70-5545)]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

SEPTEMBER 12, 1974.

Notice is hereby given that Jersey Central Power & Light Company ("Jersey Central"), Madison Avenue at Punch Bowl Road, Morristown, New Jersey 07960, an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Jersey Central proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, up to $25,000,000 principal amount of First Mortgage Bonds, due November 1, 1979. The interest rate (which will be a multiple of ⅛% of 1%) and the price (which will be not less than 100% and not more than 102.75% of the principal amount of the 1979 Series Bonds, plus accrued interest from November 1, 1974 to the date of delivery) will be determined by competitive bidding. The Bonds will be issued under Indenture, dated as of March 1, 1946, of Jersey Central to First National City Bank, successor to First National City Trust Company (formerly City Bank Farmers Trust Company), Trustee, as heretofore supplemented and amended, and as to be further supplemented and amended by a Twenty-fifth Supplemental Indenture to be dated as of November 1, 1974.

The entire proceeds (exclusive of premium and accrued interest) from the sale of the 1979 Series Bonds, will be applied to the payment of a portion of Jersey Central's short-term bank loans outstanding at the date of sale of the 1979 Series Bonds or for construction purposes or to reimburse Jersey Central's treasury for funds previously expended therefrom for such purposes. Premium resulting from the sale of the 1979 Series Bonds will be used for financing the business of Jersey Central, including the payment of the expenses of issuing and selling the 1979 Series Bonds. The estimated cost of Jersey Central's 1974 construction program is approximately $160,000,000.

The fees and expenses to be paid by Jersey Central in connection with the issue and sale of bonds, including legal fees, will be supplied by amendment. It is stated that the Public Utility Commissioners of New Jersey has jurisdiction over the proposed issue and sale of bonds by Jersey Central and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than October 7, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and

proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-21623 Filed 9-17-74;8:45 am]

[File No. 500-1]

SAVOY INDUSTRIES, INC.

Notice of Suspension of Trading

SEPTEMBER 12, 1974.

The common stock of Savoy Industries, Inc., being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Savoy Industries, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from September 13, 1974 through September 22, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-21625 Filed 9-17-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-Region IV, Rev. 1, Amdt. 1]

ASSISTANT REGIONAL DIRECTOR FOR FINANCE AND INVESTMENTS, ET AL.

Delegation of Authority To Conduct Program Activities in the Field Offices

Delegation of Authority No. 30-Region IV (Revision 1), 39 FR 11352 is hereby amended, because of transfer of program activities and personnel from Gulfport, Miss. to Biloxi, Miss., to change all references in the above delegation of authority from Gulfport, Miss. Branch Office to Biloxi, Miss. Branch Office.

Effective date: August 19, 1974.

WILEY S. MESSICK,
Regional Director,
Region IV.

[FR Doc.74-21553 Filed 9-17-74;8:45 am]

VETERANS ADMINISTRATION

ENVIRONMENTAL QUALITY

Subdivision Processing of VA Loan Guaranty Program; Procedures and Policies

Notice is hereby given of the proposed publication of Veterans Administration procedures to amend Loan Guaranty subdivision processing and approval operations for implementation of section 102(2)(C) of the National Environmental Policy Act of 1969, Pub. L. 91-190 (42 U.S.C. 4332(2)(C)); section 2 of the Executive Order 11514 (42 U.S.C. 4321 note), § 1500.3 of the Guidelines for Preparation of Environmental Impact Statements issued by the Council on Environmental Quality, 40 CFR (Code of Federal Regulations), Part 1500 (38 FR 20550), and VA Manual MP-1, part I, chapter 9 (37 FR 8591, 39 FR 21016).

Interested persons are invited to submit written comments regarding these procedures to the following office:

Administrator of Veterans Affairs (262)
810 Vermont Ave. NW.
Washington, D.C. 20420

All relevant comments received not later than October 18, 1974, will be considered with a view to revision of the procedure prior to its issuance to VA field stations for implementation.

Interested persons may review VA publications and forms referenced in material below in Room 361, Veterans Administration Central Office, 810 Vermont Ave. NW., Washington, D.C.

Set forth below is DVB Circular 26-74- , "Environmental Quality." The numbering system used is that of the circular; no regulatory amendments will be promulgated.

Effective date. The procedures and policies outlined below are proposed for implementation October 21, 1974.

Dated: September 10, 1974.

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

[DVB Circular 26-74]

ENVIRONMENTAL QUALITY

1. *Purpose.* To prescribe mandatory procedures for State and areawide clearinghouse reviews and to further environmental quality in connection with requests for subdivision approvals. The procedures herein are established in accordance with the requirements of section 102(2)(C) of NEPA (National Environmental Policy Act of 1969), Pub. L. 91-190 (42 U.S.C. 4332(2)(C)), section 2 of Executive Order 11514 (42 U.S.C. 4321 note), and section 1500.3 of the Guidelines for Preparation of Environmental Impact Statements promulgated by the Council on Environmental Quality, 40 CFR (Code of Federal Regulations), part 1500 (38 FR 20550), and VA Manual MP-1, part I, chapter 9 (37 FR 8591, 39 FR 21016).

2. *Applicability.* a. The procedures herein for State and areawide clearinghouse review will be applicable to each request for subdivision approval which meets the following criteria:

(1) A subdivision of 25 or more lots in either (a) a city having more than 50,000 population, or (b) in any urbanized area where the population density exceeds 100 persons per square mile that is contiguous to a city of more than 50,000. (A separate directive will provide the basis for determining population density in urbanized areas outside cities.)

(2) A subdivision of 10 or more lots in all other places.

b. The procedures herein for environmental impact determinations will be applicable to each request for subdivision approval which involves 100 or more lots.

c. For the purpose of determining the applicability of the instructions herein, the number of units platted or planned, as evidenced by the exhibits submitted, rather than the total units in the subdivision request, will govern.

3. *Coordination of requests for subdivision approvals.* Field stations will establish and maintain liaison with clearinghouses to establish liaison for carrying out the reviews required by this issue. On receipt of a request for subdivision approval meeting the criteria specified above, field stations will use VA FL 26-616 to forward a copy of VA Form 26-8492, Application for Subdivision Feasibility Analysis (ASP-1), together with a location map, to the appropriate clearinghouses (in accordance with OMB (Office of Management and Budget) Directory of State and Areawide A-95 Clearinghouses). Clearinghouses will be afforded 30 calendar days to review VA Form 26-8492 and forward comments to the station. Pending receipt of comments from clearinghouses, VA will pursue its own independent assessment, and requests for subdivision approval will continue to be processed by field stations up to and including the preparation of VA Form 26-8492b, Subdivision Feasibility Valuation Report (ASP-3) stage. (See exhibit A.) If comments have not been received from a clearinghouse by the end of the 30-calendar-day period, the station will then and thereafter consider that the clearinghouse has no objection to the subdivision. However, if clearinghouse comments are received after the 30-day period, but before the field station has notified the sponsor that the site or project is feasible (through release of VA Form 26-8492d, Interim Report on Application for Subdivision Feasibility Analysis (ASP-5), or VA FL 26-603 (ASP-6)), the clearinghouse comments will be considered.

4. *Historic places.* In the processing of a request for subdivision approval, a determination will be made as to the applicability of paragraph 4 of DVB Circular 26-73-2, relating to the National Register of Historic Places. Such determination will be made immediately following the dispatch of VA Form 26-8492 to State and areawide clearinghouses. When, pursuant to subparagraph 4b, DVB Circular 26-73-2, an affirmative finding is made, the field station will suspend action and give notice to the requester; when comments are received from clearinghouses, the station will submit the required report to Central Office. Otherwise, the station will proceed with processing.

5. *Significant environmental impact.* The effect of the instructions hereinbelow is to add certain requirements to the subdivision processing procedure in order to provide the basis for determining whether or not a new subdivision will produce a significant environmental impact. Each such determination will entail judgmental decisions at field stations based on the application of standards and procedures in effect or hereafter to be issued as necessary to supplement this circular.

6. *Standards and guidelines.* In respect to each request for subdivision approval, the field station will apply standards and guidelines for the purpose of evaluating the subdivision, taking into consideration the following:

a. Minimum property standards.

b. Comments of State and areawide clearinghouses.

c. Standards and guidelines promulgated by Federal agencies with jurisdiction by law or special expertise in respect to particular areas of environmental impact. (See 38 FR 20557–20559 listing assignments as made by CEQ (Council on Environmental Quality).)

d. Flood plain management standards.

e. Environmental policies and standards adopted by VA.

7. *Procedure.* a. The consideration of each request for subdivision approval in respect to which the instructions herein apply will, in each instance, entail a site inspection and careful evaluation of minimum property standards, VA environmental policies and standards, and standards and guidelines of Federal agencies with jurisdiction by law or special expertise as concerns particular areas of environmental impact. Such evaluations must be carried out fully in order that the field station can determine properly whether or not the subdivision will result in any significant environmental impact. The VA evaluation will be done separate and apart from the evaluation conducted by State and areawide clearinghouses. In each subdivision case, VA Form 26–8492b will be completed. In completing the worksheet for each subdivision which contains 100 or more lots, a determination will be made by VA as to both the present and future impact of the subdivision on the environment.

b. For purposes of determining whether the proposed action will have a significant environmental impact, the field station shall consider the number of different environmental issues and the degree of seriousness of the environmental impact from each issue raised. The range of issues raised, as well as the relative importance of each issue, shall determine the significance of the environmental impact. For example, where one or more major environmental issues or three or more minor environmental issues are raised, as a result of the review, serious consideration will be given to the preparation of an environmental impact statement.

c. Before a final decision respecting significant environmental impact is made in each case involving 100 or more units, full consideration will be given to possible alternatives. VA Form 26–1858, Report of Loan Guaranty Field Review, will be used to document the file. Field stations will consider all reasonable and practical alternatives, including those beyond their direct control. In this respect, consideration may include, if reasonable and practical, items such as alternative sites which are better suited by location, topography, and cost, as well as other possible uses for the site, such as commercial, high rise, higher and lower land density usage, etc. In oddition, consideration may be given to alternatives such as reasonable and practical changes in design, density or zoning which might lessen the impact on the environment and make the subdivision more desirable from an environmental viewpoint.

d. The description of the alternatives considered can be brief, but the file must show what options were considered and why any were rejected. If a subdivision is to receive favorable consideration, the review of alternatives should show that the construction of the subdivision is the best choice of competing alternatives. The advantages and disadvantages of the subdivision must be weighed, the trade-offs considered, and an evaluation made.

e. That determination, insofar as possible, will be reached prior to the end of the 30-day period allowed State and areawide clearinghouses. When the comments of the State and areawide clearinghouses are received, or in the event such comments are not received at the end of the 30 days allotted for review, the field station will evaluate all the available data including the views of the clearinghouses, where appropriate, in order to determine whether or not the subdivision will result in a significant environmental impact. The determination is an independent VA assessment and must be fully documented by the completion of VA Form 26–8492b. Thus, it will be that each request for subdivision approval will come within one of four categories, viz—

(1) A determination by the field station of no significant environmental impact, based on the determination during VA processing, coupled with comemnts to the same effect from clearinghouses, except that in any cases which do not meet the threshold requiring environmental evaluation, the determination by the field station will relate to the feasibility of the subdivision, coupled with comments to the same effect from clearinghouses.

(2) A determination by the field station of no significant environmental impact, based on the determination during VA processing, but the clearinghouse disagree. Also, in this category are cases which do not meet the threshold requiring environmental evaluation and a determination is made that the subdivision is feasible, but the clearinghouses disagree.

(3) A determination by the field station that the subdivision will result in a significant environmental impact, based on the determination during VA processing, but the comments from clearinghouses do not afford a basis for the same conclusion.

(4) A determination by the field station that the subdivision will result in a significant environmental impact, based on the determination during VA processing, coupled with comments to the same effect from clearinghouses.

f. Each case in category 1 will be processed to completion as rapidly as possible, with a notification of approval promptly issued using VA FL 26–615. In respect to each case in categories 2, 3, or 4, the field station will promptly notify the person or firm submitting the request for subdivision approval about the determinations, using VA FL 26–615. Such person or firm will be invited to consult with the field station or the clearinghouses, as appropriate, with the view to the amendment or revision of the subdivision plan so as to render the planning of the subdivision to be acceptable.

g. Where the person or firm submitting the request for subdivision approval provides amended or revised plans, a letter of approval may be issued only if the following conditions are met:

(1) *Category 2.* Evidence is supplied or obtained that the State and areawide clearinghouses find the subdivision acceptable.

(2) *Category 3.* The field station, on the basis of amended or revised subdivision plans, determines that the subdivision will not result in an adverse environmental impact.

(3) *Category 4.* The field station on the basis of amended or revised subdivision plans, determines that the subdivision will not result in an adverse environmental impact and evidence is supplied or obtained that the State and areawide clearinghouses find the subdivision acceptable.

h. In all instances clearinghouses will be provided with a copy of the notification of approval or disapproval of the site or subdivision. Copies of VA Forms 26–8492c, Final Report on Application for Subdivision Feasibility Analysis (ASP–4), 26–8492d, or VA FL 26–603, will be used for the purpose of notifying the clearinghouses of the action taken by VA. Where a State clearinghouse has assigned an identification number to an application, such number will be used in notifying the clearinghouse.

i. Where a clearinghouse recommends against approval of an application or approval with specific and major substantive changes, and the field station approves the subdivision as submitted without the recommended changes, the clearinghouse will be provided with a written explanation.

j. In the instance of any case where a determination is made that a significant environmental impact is involved or the subdivision is controversial (i.e. discussion groups, petitions, meetings, or newspaper publicity of a controversial nature) and the field station recommends approval, the field station will prepare a proposed draft EIS (environmental impact statement). A public notice of intent to file an EIS should be posted in the local newspaper and input requested from interested parties within 15 days. Depending upon the situation, it may be advisable to hold a public hearing. If a public hearing is held, minutes will be kept showing the people in attendance and the thrust of the comments. A verbatim transcript of the meeting is not contemplated. The proposed draft EIS will be forwarded to Central Office (262), together with all the records in the case. The person or firm submitting the request for subdivision approval will be notified about the referral of the case to Central Office. (See exhibit B for format of EIS.) Central Office will return the case to the field station as soon as possible following review and coordination of the proposed draft EIS. At that time, the field station will be instructed by Central Office as to the resumption of processing the case or the preparation of a final EIS.

8. *Filing and distribution of EIS.* Draft and final statements will be posted in the FEDERAL REGISTER by Central Office. Five copies of each draft or final statement will be filed with CEQ in Washington, and one copy with EPA in the appropriate Federal Regional Center. At the same time that each draft or final statement is filed with CEQ and EPA, copies also will be sent to all pertinent entities; i.e., interested Federal, state, and local agencies, and private organizations and individuals. Copies will be sent to all other entities which made substantive comments on the draft statement, or requested a copy.

9. *Public notice and review.* Both draft and final EIS and any substantive comments thereon shall be made available to the public at the VA local office. A notice of the availability and location of these documents for review is to be posted on the bulletin board in a conspicuous location in the local VA field station and the public advised that the documents may be reviewed and copied during working hours.

10. *Effective date.* The instructions in this circular are effective as to all requests for subdivision approval meeting or exceeding the criteria given in the second paragraph of this circular, which are received in field stations on and after October 21, 1974.

11. *RCS 26–183–S, Lots covered by subdivision approvals—six-month period ending April 21, 1975.* Field stations will submit one-time letter reports on or before April 30, 1975, to Central Office (262) showing the number of lots covered by each subdivision case for which VA Forms 26–8492 were received during the period October 21, 1974 through April 21, 1975.

JOSEPH J. MULONE,
Acting Chief Benefits Director.

Exhibit A

VETERANS ADMINISTRATION _____ REGIONAL OFFICE

Sponsor's Name: _____ VA File # _____

Street Address: _____ Subdivision Name: _____

Tract Number: _____

City or County State ZIP Code Location: _____

Phone: _____ _____
Area Code

SUBDIVISION FEASIBILITY VALUATION REPORT (For VA use only)

I. EXISTING CHARACTERISTICS (DESCRIBE WHERE APPROPRIATE)

A. DEVELOPMENT STATUS: ☐ No work started ☐ Grading ___% completed ☐ Street Improvements are ___% completed ☐ Number of Homes under construction _____ ☐ Number of homes completed _____.

B. LAND CHARACTERISTICS:

	Yes	No
1. Conservable trees	☐	☐
2. Existing Fill	☐	☐
3. Landslide	☐	☐
4. Subsidence	☐	☐
5. Flooding	☐	☐
6. Unsightly views	☐	☐
7. Adverse ground traffic	☐	☐
8. Adverse air traffic	☐	☐
9. Smoke or fumes	☐	☐
10. Topography: Site is Flat(0-5%) ☐; Rolling (5-10%) ☐; Steep(15+%) ☐		
11. Other hazard or nuisance	☐	☐
12. Noise: Ground	☐	☐
Air	☐	☐
Industrial	☐	☐

C. COMMUNITY FACILITIES: Distance in miles to

1. Elementary School ___
2. High School or Junior and Senior High Schools ___
3. Employment ___
4. Major Shopping ___
5. Local Shopping ___
6. Park & Playground ___
7. Churches ___
8. Health & Medical ___

D. UTILITIES AND SERVICES:

1. Water Supply System - Connection to central system appears feasible ☐ Yes ☐ No
2. Sanitary Sewer System - Connection to central system appears feasible ☐ Yes ☐ No

	Yes	No
3. Fire protection	☐	☐
4. Gas	☐	☐
5. Elec. and Phone	☐	☐
6. Street lighting	☐	☐
7. Garbage removal	☐	☐
8. Police protection	☐	☐
9. Storm sewers	☐	☐
10. Paved access street to site	☐	☐
11. Are local standards deficient?	☐	☐
12. Public transportation	☐	☐

II. IMPACT OF PROPOSED PROJECT

E. PHYSICAL IMPACT

1. Air Quality (Open Burning, Incinerators) _____
2. Water Quality (Capability of Water Treatment Facility) _____
3. Environmental Criteria Areas (Shores, Seismic Activity, Rare or Valuable Ecosystems, Scenic or Historical Areas) _____
4. Natural Cover Retention Recommendation _____
5. Mitigation Recommendations _____

F. LOCATION AND MARKET:

1. Location is: ☐ Acceptable ☐ Reject
2. Most marketable price range is $ _____ to $ _____
3. Demand for housing at this location is: ☐ Acceptable ☐ Reject
4. Estimated market price of typical lot $ _____; Typical lot size: _____

G. CONTACT WITH LOCAL AUTHORITIES:

1. Local Authorities ☐ have ☐ have not approved tentative map.
2. Local Officials contacted: Name: _____ Title: _____ Phone: _____
   Name: _____ Title: _____ Phone: _____
3. Information or Data obtained (Including zoning and density) _____
4. Relation to Community Master Plan or Comprehensive Plan _____
5. Proximity to Existing Development _____
6. Possible Further Development of Area _____

H. APPRAISER'S REMARKS AND RECOMMENDATIONS:

1. ☐ Issue Feasibility Approval Letter, Form ASP-6
2. ☐ Issue Interim Form ASP-5; special problems involve: ☐ Sanitary Engineering ☐ Site engineering ☐ Site planning ☐ Architectural ☐ Other
3. ☐ Issue Reject Form ASP-4
4. FHA contacted - Concurrence: ☐ Yes ☐ No Name: _____
   Title: _____

I. APPRAISER HAS: ☐ reviewed the sponsor's exhibits and corrected the application; ☐ noted the following on the subdivision map; a. existing conditions of the site and its surroundings; b. Appraiser's initials and date.

_____ _____
Appraiser Date

J. ACTIONS AND INSTRUCTIONS:

_____ _____
Chief, Construction and Valuation Section Date

ASP-3

VA Form 26-8492b

FORMAT FOR DRAFT ENVIRONMENTAL IMPACT STATEMENT

1. Regional Office:
2. Name and Location of Subdivision:
3. Description of Proposal:
4. Summary of Adverse Environmental Impact:
5. Alternatives Considered:
6. All Federal, State, and local agencies from which comments have been requested:
7. Date:

[FR Doc.74–21452 Filed 9–17–74;8:45 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

BUSINESS RESEARCH ADVISORY COUNCIL

Notice of Meeting

The regular fall meeting of the Business Research Advisory Council will be held on October 9, 1974, at 9:30 a.m. in Conference Room B of the Interdepartmental Auditorium, 14th and Constitution Avenue, NW., Washington, D.C. Agenda for the meeting follows:

1. Chairman's Opening Remarks.
2. Commissioner's Remarks.
3. Committee Reports:
   a. Wages and Industrial Relations.
   b. Consumer and Wholesale Prices.
   c. Occupational Safety and Health Statistics.
   d. Task Force—Hours-worked and Hours-paid.

It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on (Area Code 202) 961–2559.

Signed at Washington, D.C. this 12th day of September 1974.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.74–21594 Filed 9–17–74;8:45 am]

BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON WAGES AND INDUSTRIAL RELATIONS

Notice of Meeting

The BRAC Committee on Wages and Industrial Relations will meet at 1:30 p.m., October 8, 1974, at the General Accounting Office Building in Room 4454, 441 G Street, N.W., Washington, D.C. The agenda for the meeting is as follows:

1. Review of work in progress.
2. Budget implications for OWIR programs.
3. Report on General Wage Index.
4. Capabilities of Current Wage Development system.
5. Research projects program.
6. Change in PATC survey.

It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on (Area Code 202) 961–2559.

Signed at Washington, D.C. this 12th day of September 1974.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.74–21595 Filed 9–17–74;8:45 am]

federal register

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PART II

DEPARTMENT OF LABOR

Office of the Secretary

■

WORK INCENTIVE PROGRAMS FOR AFDC RECIPIENTS

Notice of Proposed Rulemaking

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Parts 56, 57, 58]

WORK INCENTIVE PROGRAMS FOR AFDC RECIPIENTS UNDER TITLE IV OF THE SOCIAL SECURITY ACT

Notice of Proposed Rulemaking

The Department of Labor and the Department of Health, Education, and Welfare are proposing new WIN regulations to implement the Work Incentive Program under Title IV of the Social Security Act (42 USCA 601–44).

The proposed regulations make the following significant changes in the WIN Program: (1) The WIN registration function is transferred from the local welfare staff to the local WIN sponsor (generally the employment service). This will assist new WIN registrants to use the job referral services located at local WIN sponsor offices; (2) a job search activity is added for AFDC recipients registered for WIN, but not yet certified by the State welfare agency for participation in WIN, and for individuals who are certified but who are not actively engaged in a WIN component; (3) the WIN sponsor will assume the function of deregistering all individuals from WIN. This change places both registration for WIN and deregistration from WIN in the same administrative unit; (4) a new Intensive Manpower Services Component has been added as an option to current WIN programs. This new component is intended to provide structured, intensive employment services and the development of job seeking skills to individuals certified for WIN training; (5) the WIN hearing procedures have been unified. Instead of dual hearings by the welfare agency and the WIN sponsor on the respective issues of grant adjustment (including vendor payments and selection of payee) and failure to participate in WIN without good cause, the WIN sponsor will adjudicate both issues. (6) Provision has been made for opportunity by the National Coordination Committee through the Solicitor of Labor to submit briefs and present oral argument whenever a case is before the National Review Panel.

Interested persons may submit comments, data, or arguments on these proposed regulations until October 16, 1974. Such communications should be addressed to: William H. Kolberg, Assistant Secretary of Labor, United States Department of Labor, 6th and D Streets N.W., Washington, D.C. 20213, Attention Merwin Hans.

All comments, data, and arguments received prior to October 16, 1974, shall be evaluated to determine whether any change in the proposed regulations is warranted. Upon completion of this evaluation, final regulations shall be published in the FEDERAL REGISTER.

These regulations, consolidate 29 CFR Parts 56, 57, and 58, and integrate certain sections of 45 CFR Parts 220, 233, and 234 into a revised 29 CFR Part 56. These regulations which are also being published as 45 CFR Part 224, read as follows:

1. Part 56 is proposed to be revised as follows:

PART 56—WORK INCENTIVE PROGRAMS FOR AFDC RECIPIENTS UNDER TITLE IV OF THE SOCIAL SECURITY ACT

Subpart A—Purpose and Scope

Sec.
56.1 Purpose and scope.

Subpart B—Administration

56.10 General administration provisions.
56.11 Annual State WIN plans.
56.12 Annual local WIN plans.
56.13 State and local agreements for WIN activities and programs.
56.14 Allocation of Federal funds.
56.15 Use of Federal funds; political activities.
56.16 Non-Federal contribution.
56.17 Reports, records, financial statements and audits.
56.18 Adjustments in payments to WIN sponsors.
56.19 Termination of contracts or grants.

Subpart C—Requirements and Procedures for Registration and Certification

56.20 Registration requirements for AFDC applicants.
56.21 Job search activity for WIN registrants who are AFDC recipients.
56.22 Appraisal and certification.

Subpart D—Supportive and Manpower Services and Protective Provisions

56.30 Supportive services.
56.31 Manpower training related expenses.
56.32 Pay and allowances for individuals certified for WIN training.
56.33 Relocation assistance.
56.34 Appropriate work and training criteria.
56.35 Period of participation.
56.36 Nondiscrimination.

Subpart E—The WIN Components and Activities

56.40 Public service employment (PSE).
56.41 Intensive manpower services component.
56.42 On-the-job training (OJT).
56.43 Institutional and other work experience training.
56.44 WIN individuals enrolled in other employment or training programs.
56.45 Non-Federal employee status.
56.46 WIN assignment protests.

Subpart F—WIN Disciplinary Rules and Sanctions

56.50 Deregistration from WIN.
56.51 Refusal to participate in WIN.

Subpart G—The WIN Adjudication System

56.60 Rules for grievances and deregistration; WIN restrictions.
56.61 Complaints and grievances.
56.62 Disputes regarding WIN registrations.
56.63 Kinds of disputes handled by the WIN adjudication system.
56.64 Requirement of conciliation and notice.
56.65 Request for hearing.
56.66 Hearing procedures.
56.67 Conduct of WIN hearings.
56.68 Decisions of the WIN hearing officer.
56.69 Appeals from WIN hearing officer's decision.
56.70 National Review Panel (NRP).
56.71 Request for NRP to accept certification.
56.72 Requests by NRP for certification.
56.73 Certification of the record.
56.74 Consideration by and decisions of the NRP.
56.75 Sixty-day counseling period and reinstatement of certified individuals.
56.76 Subsequent WIN registration by deregistered individuals.

Subpart H—Definitions

56.80 Definitions.

AUTHORITY: Secs. 402(a)(7), 402(a)(19); secs. 430–444, Social Security Act, as amended, unless otherwise noted.

Subpart A—Purpose and Scope

§ 56.1 Purpose and scope.

(a) The purpose of this Part 56 is to provide for a Work Incentive Program (WIN) under Title IV of the Social Security Act (Act).

(b) This part contains the policies, rules, and regulations pertaining to the WIN program.

(c) Definitions for terms used in this part may be found in Subpart H.

Subpart B—Administration

§ 56.10 General administration provisions.

(a) The WIN program is administered jointly by the Secretary of Labor and the Secretary of Health, Education, and Welfare. To carry out Department of Labor responsibilities under these regulations, the Secretary of Labor has designated the Assistant Secretary of Manpower (Assistant Secretary). To carry out Department of Health, Education, and Welfare responsibilities under these regulations, the Secretary of Health, Education, and Welfare has designated the Administrator of the Social and Rehabilitation Service (Administrator).

(b) The Assistant Secretary and the Administrator together form the WIN National Coordination Committee (NCC) which is responsible for the effective national administration of WIN.

(c) The NCC shall establish uniform reporting procedures, establish and clarify policy under these regulations, and establish other requirements for effective administration. NCC issuances shall be binding on all regional, State, and local WIN operations.

(d) The NCC shall designate a National Executive Director to administer the program.

(e) The Assistant Secretary of Labor has designated the Assistant Regional Director for Manpower in each region (ARDM) to carry out the WIN program in each region. The Administrator of the Social and Rehabilitation Service has designated the Regional Commissioner (RC) of the Social and Rehabilitation Service to carry out his responsibilities under these regulations in each region.

(f) Within each region the ARDM and the RC shall form the WIN Regional Coordination Committee (RCC). Each RCC shall determine the areas in each of the States within its region in which WIN projects shall be operated, taking into consideration such factors as size of welfare caseload and budgetary constraints. This action shall have the concurrence of the affected State and shall be so reflected in the Statewide Operational WIN Plan (State WIN Plan). The RCC shall review and approve all State WIN plans and modifications of such plans covering the States in its region.

Consistent with directives of the NCC it shall also establish and clarify policy under these regulations and shall establish other requirements for effective administration.

(g) Upon determination of an appropriate WIN project area in a State, the RCC shall enter into an agreement with the State WIN sponsor and the State welfare agency under which they shall be responsible for the overall administration of the State WIN Plan.

(h) Within each state the welfare agency's Separate Administrative Unit (SAU) shall be responsible for the provision and arrangement of supportive services. The Income Maintenance Unit (IMU) of each single State welfare agency is responsible for determining all questions relating to eligibility for AFDC benefits, including whether an individual is required to register for WIN.

§ 56.11 Annual State WIN plans.

State WIN Plans on an annual basis shall be jointly developed and approved by the State WIN sponsor and State welfare agency. The RCC shall issue instructions to the State WIN sponsor and State welfare agency for the development of a single State WIN Plan. The State WIN Plan will describe the operation to be carried out by the State WIN sponsor and the State welfare agency as well as a summary of the data in the Local WIN Plans, as required in § 56.12 of these regulations.

§ 56.12 Annual local WIN plans.

(a) A local WIN sponsor and a local SAU shall jointly develop an annual Local WIN Plan. The plan shall describe the local project's operation. The National Coordination Committee will issue instructions from time-to-time setting guidelines for the development of such plans.

(b) Local WIN Plans shall be forwarded to the State WIN sponsor and State SAU for consideration in the development of the State WIN Plan.

(c) The State WIN sponsor and WIN/SAU shall forward copies of the State WIN Plan (with Local WIN plans attached) to the appropriate RCC for approval. The State WIN sponsor shall also forward a copy of the plan to the State Manpower Services Council, established under the Comprehensive Employment and Training Act of 1973 (P.L. 93–203), or its equivalent, for review and comment. Any comments made by the Council shall be forwarded directly to the RCC. Copies of such comments shall also be sent by the RCC to the State WIN sponsor and State WIN/SAU.

(d) Any disagreement concerning the approval or disapproval of a State WIN Plan between the Departmental representatives serving as members of the RCC shall be referred promptly to the National Coordination Committee for resolution.

§ 56.13 State and local agreements for WIN activities and programs.

A WIN sponsor may, through agreements with public or private agencies or organizations, including Indian tribes with respect to Indians on a reservation, carry out such activities and programs as are approved or developed by the Secretary of Labor, including but not limited to public service employment programs, intensive manpower services programs, on-the-job training programs, work experience programs and job search programs, as defined in §§ 56.21 and 56.40–56.43. No agreement, however, shall be entered into with an employer for profit or with a private employer not organized for a public purpose, for purposes of a work experience program or a public service employment program.

§ 56.14 Allocations of Federal funds.

(a) The Secretary of Labor shall allocate not less than 50 percent of the sums appropriated under Part C to carry out the WIN program among the States in accordance with a formula under which each State receives (from the total available for such allotment) an amount which bears the same ratio to the total amount available as the average number of individuals in each State who, during the month of January last preceding the commencement of such fiscal year, are registered pursuant to section 402(a)(19)(A) of the Act, as amended, bears to the average number of individuals in all States who, during that month, are so registered.

(b) The Secretary of Labor shall allocate the balance of the sums not allocated under paragraph (a) of this section in such manner as he determines will best serve the objectives of the program.

(c) Of the sums expended on WIN by the Department of Labor not less than 33⅓ percent thereof shall be expended for carrying out the programs of on-the-job training and public service employment established under the Act.

(d) The Secretary of Health, Education, and Welfare shall prescribe methods for the allocation of funds pursuant to section 403(d) of the Act.

§ 56.15 Use of Federal funds; political activities.

(a) Federal funds under Part C of Title IV, allocated by the Secretary of Labor to the State WIN sponsor, may be used to meet not more than 90 percent of the cost of carrying out the regulations promulgated under this part.

(b) WIN funds under Part C of Title IV may be used for training, supervision, materials, administration, incentive payments, transportation and other items as authorized by the Secretary of Labor, but may not, except in cases of WIN PSE under the Act, be used for any reimbursement to the employer for time spent by individuals in work, training, or other participation in the program.

(c) WIN funds under section 403(d) of the Act may be used to meet 90 percent of the cost of supportive services, including child care, provided by or arranged for by the WIN/SAU, and related WIN/SAU administrative costs.

(d) Federal funds shall be expended only for costs:

(1) Permitted under the provisions of Subpart 1–15.7 of Title 41 of the Code of Federal Regulations, entitled "Principles for Determining Costs Applicable to Grants and Contracts"; and

(2) Not barred under the provisions of this part.

(e) Pursuant to section 403(c) of the Act, notwithstanding any other provision of this chapter, the Federal share of assistance payments under Title IV–A of the Act, for any fiscal year beginning on or after July 1, 1973, shall be reduced by 1 percentage point for each percentage point by which the number of individuals certified to the WIN sponsor as ready for employment or training under the WIN program falls below 15 percent of the average number of individuals in the State who are required to be registered during such fiscal year.

(f) *Political activity.* No funds allocated under the Act shall be used for any partisan or nonpartisan political activity or to further the election or defeat of any candidate for public office; nor shall they be used to provide services, or for the employment or assignment of personnel in a manner supporting or resulting in the identification of programs conducted pursuant to the Act with:

(1) Any partisan or nonpartisan political activity or any other political activity associated with a candidate, or contending faction or group, in an election for public or party office, or lobbying for any matter at public issue;

(2) Any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election; or

(3) Any voter registration activity.

§ 56.16 Non-Federal contribution.

(a) The State welfare agency will assure a non-federal contribution to the Work Incentive programs established by Part C by appropriate agencies of the State or private organizations of 10 percent of the total cost of such programs, in cash or in-kind fairly evaluated. For this purpose, the State welfare agency will plan jointly with the State WIN sponsor for the development and use of in-kind resources. The State welfare agency must make the arrangements for, but need not itself make, the contribution. An in-kind contribution may be made in the form of the provision of services, staff, space, equipment, or any other goods or services of value essential to the operation of the WIN program. Where such contribution is in-kind, the amount thereof will be determined on the basis of its reasonable value as established by suitable documentation.

(b) The State welfare agency shall assure a non-Federal cash contribution of 10 percent of the cost of supportive services and related administrative expenses incurred by the WIN/SAU under Title IV Part A.

(c) The WIN sponsor costs of operation of the WIN program which may be met by the non-federal contribution may include the costs of training, supervision, materials, administration, incen-

tive payments, transportation, and other items as are authorized by the WIN sponsor.

(d) Funds from other Federal sources, whether in cash or in-kind, may not be used for the non-federal share, except when specifically permitted by law. State funds or resources that have been used to match other federal funds also may not be used for this purpose.

(e) The provisions of Office of Management and Budget (OMB) Circular 102, Attachment F, must be met.

§ 56.17 Reports, records, financial statements and audits.

(a) State and local WIN sponsors and welfare agencies shall submit periodic reports as required by the Secretary of Labor and the Secretary of HEW to assure proper accounting for all program funds, including the non-Federal share. Such records and accounts shall be made available for audit purposes to DOL and DHEW, the Comptroller General of the United States or any authorized representative of either, and shall be retained for 3 years after the completion of or final payment under the agreement, whichever is later. The records shall be retained beyond the 3-year period if audit findings have not been resolved. State and local WIN sponsors and WIN/SAUs shall also submit periodic reports as required by the Secretary of Labor and the Secretary of HEW covering nonfinancial program activities. This includes data on overall program activities and data required to be reported in the Employment Security Automated Reporting System (ESARS). All such reports and other nonfinancial records used to back up reporting systems (such as completed registration cards, participant records, etc.) shall be retained for 3 years after they have been inactivated.

(b) Program funds and activities shall be audited in conformity with the Standards for Audit of Government Organizations, Program Activities and Functions issued by the Comptroller General of the United States.

§ 56.18 Adjustments in payments to WIN sponsors.

(a) If any funds are expended by a WIN sponsor or by a public service employer in violation of the Act, the regulations, grant conditions or contract provisions, the Secretary of Labor may make necessary adjustments in payments to the sponsor or the employing agency on account of such unauthorized expenditures. He may draw back unexpended funds which have been made available in order to assure that they will be used in accordance with the purposes of the Act, or to prevent further unauthorized expenditures, and he may withhold funds otherwise payable under the Act in order to recover any amounts expended for unauthorized purposes in the current or immediately preceding fiscal year.

(b) No action taken by the Secretary of Labor under paragraph (a) of this section shall entitle the WIN sponsor to reduce program activities or allowances for any participant or to expend less during the effective period of the contract or grant than those sums called for in the operational plan. Any such reduction in expenditures may be deemed sufficient cause for termination.

§ 56.19 Termination of contracts or grants.

(a) If a WIN sponsor or an Income Maintenance Unit (IMU) violates any provision of the Act or the regulations or contract provisions or grant conditions which the Secretary of Labor has issued or shall subsequently issue during the period of the contract or grant, the Secretary of Labor may terminate the contract or grant in whole or in part unless the agency which caused the violation corrects it within a period of 30 days after receipt of notice specifying the violation; or

(b) In his discretion, the Secretary of Labor may terminate the contract or grant in whole or in part;

(c) Termination shall be effected by a notice of termination which shall specify the extent of termination and the date upon which such termination becomes effective. Upon receipt of a notice of termination the agency shall:

(1) Discontinue further commitments of contract or grant funds to the extent that they relate to the terminated portion of the contracts or grants;

(2) Promptly cancel all contracts or subcontracts utilizing funds under the contract or grant to the extent that they relate to the terminated portion of the contract or grant;

(3) Settle, with the approval of the Secretary of Labor, all outstanding claims arising from such termination;

(4) Submit, within 6 months after the receipt of the notice of termination, a termination settlement proposal which shall include a final statement of all unreimbursed costs related to the terminated portion of the contract or grant but in case of terminations under paragraph (a) of this section will not include the cost of preparing a settlement proposal. Allowable cost shall be determined in accordance with the provisions of Part 1–15.7 of Title 41 of the Code of Federal Regulations and OMB Circular A–87.

Subpart C—Requirements and Procedures for Registration and Certification

§ 56.20 Registration requirements for AFDC applicants.

(a) A State welfare plan, under Part A of Title IV of the Act, shall provide that all welfare applicants and recipients who are required to register by section 402 (a) (19) (A) of the Act shall register with the WIN sponsor for manpower services, training, and employment as a condition of eligibility for AFDC. At the time of registration such registrants shall be provided information about the job market and referrals to available employment. Where feasible, job banks shall be used to provide this information and to facilitate such referrals.

(b) The Income Maintenance Unit (IMU) of the State or local welfare agency shall determine which AFDC applicants and recipients are exempt from registration and which are required to register with the WIN sponsor as a condition of eligibility for AFDC benefits. The IMU shall inform all nonexempt applicants and recipients that failure to register shall result in ineligibility for AFDC. Nonexempt applicants and recipients along with exempt individuals who volunteer for WIN shall be informed in writing of the place of registration and shall be immediately referred to the WIN sponsor for registration.

(c) The determination as to whether an individual is required to register is based on the following criteria: Each AFDC applicant shall register unless he is:

(1) Under age 16;

(2) Attending school full-time and age 16 but not yet 21 years of age (or 18 years of age if the State AFDC plan limits benefits to children who are under age 18). There must be verification from an appropriate school official that the person is enrolled or has been accepted for enrollment for the next school term as a full-time student;

(3) Ill, with medical evidence provided by a physician or licensed or certified psychologist that the illness or injury temporarily prevents entry into employment or training;

(4) Incapacitated, when verified by the IMU that a medically determinable physical or mental impairment, determined by a physician or licensed or certified psychologist, by itself or in conjunction with age, prevents the individual from engaging in employment or training under WIN. The costs of a medical determination of such incapacity will be reimbursable by WIN sponsor funds;

(5) 65 years of age or older;

(6) Residing at a location which is so remote from a WIN project that effective participation in the program is precluded. The individual will be considered remote if more than a total of 10 hours would be required for a normal 8-hour work or training day plus a round trip of more than 2 hours by reasonably available public or private transportation, exclusive of time necessary to transport children to and from a child care facility, unless normal round trip commuting time in the area is more than 2 hours, in which case the round trip commuting time shall not exceed the generally accepted community standards;

(7) A caretaker in the home, and the IMU has verified that a medically determinable condition of another member of the household requires the individual's presence in the home on a substantially continuous basis, and that no other appropriate member of the household is available;

(8) A mother or other caretaker relative of a child under age 6;

(9) A mother or other female caretaker of a child, when the nonexempt father or other nonexempt adult male relative in the home is registered and

has not refused to participate in the program or employment without good cause.

(d) The IMU shall inform exempt persons in writing of their obligation to report any changes affecting their exempt status, and in addition shall include a determination of exemption as a part of the AFDC eligibility redetermination process, except where the individual has been determined to be permanently incapacitated. Individuals who have been determined to be exempt from registration on the basis of incapacity will be referred to the appropriate State vocational rehabilitation agency.

(e) The IMU shall inform an individual who contests a determination of nonexempt status of his right to request a review of his status. The individual shall also be informed of his right to a hearing before the State welfare agency when his claim for AFDC benefits is denied by reason of his refusal to register for WIN.

(f) The IMU shall inform exempt persons of their option to register voluntarily for manpower services, training and employment, and their option to withdraw such registration at any time without loss of AFDC benefits, provided their status has not changed in such a way which would require registration in accordance with the Act.

(g) When an AFDC applicant or recipient who resides in an area which would normally be determined to be remote, wishes to volunteer for WIN, the individual shall be registered by WIN, and the SAU shall negotiate for any necessary supportive services with the appropriate welfare agency.

(h) The WIN sponsor shall register all individuals found by the IMU to be nonexempt and all individuals who wish to volunteer for WIN, in an interview during which a complete work history is to be taken. The WIN sponsor shall register all individuals in a timely manner so that eligibility determinations are not delayed.

(i) At registration, each individual shall be informed about the nature of the WIN program and about his rights and responsibilities therein.

(j) If the IMU determines an individual to be nonexempt, and the WIN sponsor disagrees, the WIN sponsor will register the individual and will request the IMU to reconsider its determination. If the IMU reverses its decision, the WIN sponsor shall deregister the individual as exempt unless the individual volunteers for WIN. The IMU's response will be accepted by the WIN sponsor. If the IMU does not respond within 30 days of the request, the WIN sponsor shall deregister the individual as exempt.

(k) The WIN sponsor shall notify the IMU of any employment or other change of status which may affect an individual's eligibility or the amount of his AFDC payment.

(l) The WIN sponsor must notify the IMU, within 3 work days of the registration, that registration has been completed so that the IMU's completion of the eligibility determination shall not be delayed.

(m) The IMU shall notify the WIN sponsor within 3 work days after each determination is made of initial and subsequent determinations of eligibility for AFDC.

§ 56.21 Job search activity for WIN registrants who are AFDC recipients.

(a) A job search activity shall be provided for AFDC recipients who are registered for the WIN program but who have not yet been certified to the WIN program by the welfare agency, and for certified individuals who are not actively engaged in a WIN component.

(b) The nature and scope of a job search activity shall be the responsibility of each State, consistent with the requirements of this part. A complete description of the job search activity shall be included in the State WIN plan and shall be subject to RCC approval.

(c) Individuals participating in a job search activity shall accept employment under the same terms and conditions as are required of individuals certified to a WIN component and shall be provided with supportive services necessary to enable them to engage in the job search activity.

(d) Sanctions for refusal without good cause to participate in a job search activity shall be set forth in the State WIN plan. The WIN sanctions in Subpart F and the WIN adjudication system in Subpart G of this part shall apply to certified individuals engaged in job search and, at the option of the State, may be designated in the State WIN plan as applying to uncertified individuals engaged in the job search activity.

§ 56.22 Appraisal and certification.

(a) On the basis of information obtained during the registration process, registrants will be selected, jointly when possible, by WIN sponsor and WIN/SAU staff for appraisal of their employability potential. The final selection of an individual into a specific work or training component rests with the WIN sponsor.

(b) All unemployed fathers shall be appraised within 2 weeks of the determination of eligibility for AFDC benefits, and certification shall be completed no later than 30 days from the receipt of AFDC benefits.

(c) All other individuals will be appraised according to the following priorities, taking into account the individual's employment potential:

(1) Mothers, whether or not required to register, who volunteer;

(2) Other mothers, and pregnant women under 19 years of age, who are required to register;

(3) Dependent children and relatives who have attained age 16 and who are not in school full-time or engaged in work or manpower training; and

(4) All others;

(d) The appraisal interview shall be conducted jointly, to the extent possible, or sequentially as appropriate, by the WIN sponsor and the WIN/SAU. Whenever possible, appraisal shall occur at the time of registration. An employability plan shall be initiated by the WIN sponsor and the WIN/SAU at the appraisal interview for each registrant who is found suitable for participation in a WIN component.

(e) The employability plan shall contain a manpower services plan and a supportive services plan, and shall be designed to lead to employment and ultimately to self-support. It shall contain a definite employment goal, attainable in the shortest time period consistent with the supportive services needs, project resources, and job market opportunities. Final approval of the employability plan rests with WIN sponsor.

(f) As appropriate WIN sponsor services become available to individuals, the WIN sponsor shall request the WIN/SAU to certify in writing that the necessary immediate and on-going supportive services have been provided or arranged, or that no such services are required. When certified, the individual shall be placed by the WIN sponsor on the following basis: The individual shall be placed in employment if appropriate employment that the individual can perform is available. If the individual cannot be immediately placed in employment, he shall be placed in on-the-job training, intensive manpower services, public service employment, institutional training, or in any other manpower program or activity.

(g) AFDC grants and social services for individuals under the State AFDC plan shall not be denied by reason of the individual's referral to a job or to a WIN program, or solely by reason of an individual's participation therein.

Subpart D—Supportive and Manpower Services and Protective Provisions

§ 56.30 Supportive services.

(a) The SAU shall be responsible for the development of necessary supportive services and for supplying those services.

(b) Supportive services under the WIN program must include:

(1) Child care which meets the standards specified in 45 CFR 220.18. When more than one kind of child care is available, the mother or other caretaker relative may choose the type, but may not refuse to accept child care services if they are available such services must be responsive to breakdowns in prior arrangements in order to ease or avoid disruption of employment or participation in manpower services;

(2) Family planning services;

(3) Home management and other functional educational services;

(4) Homemaker;

(5) Housing improvement services;

(6) Employment related medical, remedial, and health-related care services not included under the State's Title XIX plan or otherwise available under any other federally assisted program;

(7) Selected vocational rehabilitation services, as defined by the Rehabilitation Act of 1973, which cannot otherwise be funded by the vocational rehabilitation agency;

(8) Transportation services as needed to make supportive services accessible; and

(9) Other supportive services necessary to enable such individuals to participate in job search, accept employment or receive manpower training provided under the WIN program.

§ 56.31 Manpower training related expenses.

Individuals shall receive not only welfare supportive services but also manpower training related expenses such as lunches and transportation to enable them to participate in job search and in the WIN training components.

§ 56.32 Pay and allowances for individuals certified for WIN training.

(a) An individual assigned to a WIN institutional or work experience training component, including the Intensive Manpower Services Component, in which no salary is paid, shall receive incentive payments at a rate not to exceed $30 a month provided he meets the requirements of the component relative to hours of participation.

(b) Individuals placed in employment, OJT, or PSE, shall be authorized to receive training related expenses until their first full paycheck or not to exceed two WIN pay periods, whichever occurs first.

(c) Reasonable subsistence allowance, in addition to a training-related expense payment, shall be paid to qualified individuals for their separate maintenance when they are assigned to training facilities beyond daily commuting distance from their homes for each calendar day within the training payment period during which they are participating in such training and are residing away from home.

(d) An individual shall be paid transportation allowance to a training facility located beyond commuting distance for the cost of his initial trip to the training facility and for his final trip home at the completion or other termination of such training.

(e) Individuals may be paid allowances for nonrecurring expenses as authorized by the Secretary of Labor.

(f) WIN sponsor offices may establish petty cash funds to meet emergency needs for cash for allowable expenditures.

§ 56.33 Relocation assistance.

The Secretary of Labor may assist certified individuals to relocate their place of residence when he determines such relocation is necessary in order to enable them to become permanently employed and self-supporting. Such assistance shall be given only to individuals who concur in the relocation and who have received a bona fide job offer at their place of relocation at wage rates which will meet at least their full need as determined by the State to which they will be relocated. Assistance under this section shall not exceed the reasonable costs of transportation for such individuals, their dependents, and their household belongings, plus such relocation allowance as the Secretary of Labor determines to be reasonable.

§ 56.34 Appropriate work and training criteria.

(a) Standards for appropriate work or training: certified individuals must accept assignment to employment or WIN training as determined appropriate by the WIN sponsor or face deregistration action. The standards in paragraph (b) of this section must be met before any such individuals can be required to accept a work or training assignment.

(b) The following standards are common to assignments to both work and training including PSE and OJT:

(1) All assignments for those in WIN training shall be within the scope of an individual's employability plan. This plan may be modified to reflect changed employment conditions.

(2) The job or training assignment must be related to the capability of the individual of performing the task on a regular basis. Any claim of adverse effect on physical or mental health shall be based on an adequate medical testimony from a physician or licensed or certified psychologist indicating that participation would impair the individual's physical or mental health.

(3) The total daily commuting time to and from home to the work or training site to which the individual is assigned shall not normally exceed 2 hours, not including the transporting of a child to and from a child care facility, unless a longer commuting distance and time is generally accepted in the community, in which case the round trip commuting time shall not exceed the generally accepted community standards.

(4) When child care is required, it must meet the standards specified in 45 CFR 220.18(c) and must be available during the hours the individual is engaged in a WIN component or manpower activity plus any additional necessary commuting time.

(5) The work or training site to which the individual is assigned must not be in violation of applicable federal, State and local health and safety standards.

(6) Assignments shall not be made which are discriminatory in terms of age, sex, race, creed, color, or national origin.

(7) The individual shall not be referred to work, job search, or training unless supportive and manpower services necessary for participation are available, even in cases where the State WIN plan does not specifically provide for the needed services. The cessation or withdrawal of such necessary services while the individual is in job search or in a WIN component shall constitute good cause for refusal to participate.

(c) The determination of "appropriate work" shall be made at local project level. The following criteria shall be applied in addition to the above, in determining "appropriate work":

(1) Appropriate work may be temporary, permanent, full-time, part-time or seasonal work which meets the appropriate work standards of this section.

(2) When an income disregard is available, the wage shall meet or exceed the Federal or State minimum wage law, whichever is applicable, or if such laws are not applicable, the wage shall not be substantially less favorable than the wage normally paid for similar work in that labor market but in no event shall it be less than three-fourths of the minimum wage rate set forth in section 6(a)(1) of the Fair Labor Standards Act as amended.

(3) When, as a result of becoming employed, no income disregard is available to the individual, the wage, less mandatory payroll deductions and a reasonable allowance for necessary employment related expenses, shall provide an income equal to or exceeding the family's AFDC cash benefit. The wage shall, in no case, be less than that required by any applicable minimum wage law.

(4) The daily hours of work and the weekly hours of work shall not exceed those customary to the occupation; and

(5) No individual shall be required to accept employment if—

(i) The position offered is vacant due to a strike, lockout, or other bona-fide labor dispute;

(ii) As a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization;

(iii) The job offered would interrupt a program in progress under an approved employability plan leading to self-support or to the resumption of his regular job within a short period of time. This does not, however, preclude temporary employment during the interval prior to his re-employment in his regular job.

(d) In addition to meeting the criteria in paragraph (b) of this section, for training to be appropriate, the quality of the training must meet local employers' requirements so that the individual will be in a competitive position within the local labor market. The training must also be likely to lead to employment which will meet the appropriate work criteria.

§ 56.35 Period of participation.

(a) The duration of institutional training established pursuant to section 432(b)(2) of the Act shall average no more than six months for any individual, with a maximum duration of one year. The RCC, for good cause, may allow an exception to either limitation.

(b) Participation in Work Experience shall not exceed 13 weeks for any individual. The RCC may, for good cause, allow an exception to this limitation.

(c) Supportive services may be provided for up to two weeks to an individual between participation in WIN components, at the discretion of the WIN sponsor and the WIN/SAU, when necessary to ensure continued availability of the service in order to avoid interruption of the employability process.

(d) Manpower and supportive services under the WIN program may be provided to an individual until he has completed his employability plan, and may continue for up to 30 days beyond the completion of the plan if WIN sponsor and SAU staff determine that these services

are necessary to sustain the individual in employment status.

§ 56.36 Nondiscrimination.

(a) No person in the United States shall, on the grounds of age, race, creed, color, sex, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance under these regulations.

(b) Grievances involving discrimination under paragraph (a) of this section shall be processed according to equal opportunity provisions established by the Secretaries of Labor and HEW and, to the extent applicable, in compliance with Title VI of the Civil Rights Act of 1964 (78 Stat. 252) and the regulations issued thereunder (Part 31 of this subtitle).

Subpart E—The WIN Components and Activities

§ 56.40 Public service employment (PSE).

(a) *WIN/PSE.* WIN/PSE consists of WIN subsidized jobs in the public and private non-profit sectors. All WIN/PSE jobs must meet the criteria for appropriate work, and must be jobs which would not otherwise be performed by regular employees. The WIN/PSE component provides transitional employment intended to move individuals from AFDC into unsubsidized jobs.

(b) *Eligibility.* All certified registrants for whom appropriate unsubsidized employment cannot be found, are eligible for placement in PSE.

(c) *Eligible employers.* An eligible employer may be:

(1) Any unit of State or local government;

(2) Any public agency or institution which is a State or local government subdivision;

(3) An Indian tribe or combination of tribes on a Federal or State reservation; or

(4) Any private non-profit organization established to serve a public purpose.

(d) *WIN status of PSE participants.* For the purpose of AFDC benefits, PSE participants are considered to be employed. However, PSE participants shall not be deregistered because of participation in PSE until they complete the job entry period, since they are still an active part of the WIN program during job entry. PSE participants are not eligible to receive either a WIN incentive payment or the income disregard.

(e) *Displacement of workers.* Individuals shall not be assigned to a PSE job if this will result in the displacement of already employed full-time workers.

§ 56.41 Intensive manpower services component.

(a) A State may estabish as one work experience component an Intensive Manpower Services Component to assist certified individuals to obtain employment. The State WIN agency shall develop standards of participation in the Intensive Manpower Services Component, taking into account local conditions, including, but not limited to, geographic factors, availability of public transportation, and local labor market characteristics. If the state selects this component, such standards of participation shall be included in the State WIN Plan submitted to the RCC.

(b) The Intensive Manpower Services Component shall provide manpower and employment services, which may include orientation, and must include job development, exposure to labor market information, job placement and job-seeking skills development to assist individuals in obtaining unsubsidized employment.

§ 56.42 On-the-job-training (OJT).

WIN/On-the-job-training (WIN/OJT) is an employment opportunity which includes skill training. Under this component, a certified registrant is hired by a private or public employer and provided skill training which is either subsidized under contract between the employer and the WIN sponsor, or is unsubsidized. Employers are encouraged to provide increased supervision and training either voluntarily or through contracts with the WIN sponsor, pursuant to which the WIN sponsor will reimburse the employer for the extraordinary costs of such training and supervision.

§ 56.43 Institutional and other work experience training.

(a) Institutional training is a component involving vocational or other classroom training conducted by an instructor in a non-worksite setting.

(b) A work experience component is to provide a clearly defined, well-supervised, assignment with a private non-profit or public employer in which an individual has the opportunity to develop basic work habits, to practice skills learned in classroom training, and to demonstrate skills to a prospective employer.

§ 56.44 WIN individuals enrolled in other employment or training programs.

Certified individuals referred to slots in other eligible Federal or State funded employment or training programs, and meeting all the eligibility requirements under those programs, shall be temporarily suspended from the WIN program. Such individuals shall normally be compensated in accordance with and and through the provisions of those programs. However, when such compensation is not available or would be disadvantageous to the individual, he may accept regular WIN benefits instead. Notwithstanding such suspension, necessary supportive and manpower services which are not provided under the training program, but which are necessary to permit the individual to continue in the program, will be provided by the WIN/SAU and the WIN sponsor.

§ 56.45 Non-federal employee status.

An individual in a WIN component shall not be deemed an employee of the Federal Government, and shall not be subject to the provisions of laws relating to Federal employees, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

§ 56.46 WIN assignment protests.

A certified individual may accept any work, job search, or training assignment under WIN without prejudicing his right to protest such an assignment. Such protests shall be handled through the WIN adjudication process.

Subpart F—WIN Disciplinary Rules and Sanctions

§ 56.50 Deregistration from WIN.

(a) All deregistrations shall be performed by the WIN sponsor.

(b) A deregistration may be necessary because the individual has become ineligible for AFDC, or exempt from registration, or adjudicated to have refused to participate without good cause, or because an incorrect exemption determination was made.

(c) The welfare agency shall notify the WIN sponsor of changes in an AFDC recipient's welfare or exemption status which would warrant deregistration.

(d) Except in those cases where the WIN sponsor has been notified that an AFDC grant has been closed, the WIN sponsor shall notify the IMU of all deregistrations.

§ 56.51 Refusal to participate in WIN.

(a) Any WIN registrant, except a volunteer, who refuses to participate by refusing without good cause to appear for appraisal, or any certified WIN registrant, except a volunteer, who refuses to participate in the WIN program without good cause, shall be deregistered from WIN and removed from the AFDC grant for failure to participate. After notice, and after an adverse hearing decision if a hearing is requested, the WIN sponsor shall deregister the individual and shall advise the IMU of its action. A WIN hearing, if one is requested, shall deal not only with the issue of failure to participate but also with the issue of grant adjustment, including protective or vendor payment and selection of payee. The IMU shall offer testimony on the latter issues. The decision of the WIN hearing officer shall be binding on the welfare agency and dispositive of all issues. In the adjudication of adjustment of grant issues, the WIN sponsor is deemed the agent of the welfare agency.

(b) Volunteers who decide to withdraw from the WIN program shall be deregistered.

(c) Volunteers who are found to refuse to participate after notice and an adverse hearing decision, if a hearing is requested, shall be deregistered. Only the issue of failure to participate in WIN shall be adjudicated.

(d) When an individual, except a volunteer, as a result of a WIN hearing officer's decision has been determined by the Secretary of Labor to have refused without good cause to participate in a WIN component or to accept a bona fide offer of employment in which he is able to engage:

(1) If such individual is a caretaker relative receiving AFDC, his needs will not be taken into account in determining the family's need for assistance, and assistance in the form of protective or vendor payments or of foster care will be provided to the remaining members of the assistance unit. Under such circumstances, the caretaker relative may not be the protective payee;

(2) If such individual is the only dependent child in the family, assistance for the family will be denied;

(3) If such individual is one of several dependent children in the family, assistance for such child will be denied and his needs wil not be taken into account in determining the family's need for assistance;

(4) The specified sanctions shall not be applied during a period of 60 days after such adverse adjudication, provided the individual is accepting counseling and other necessary services aimed at persuading him to participate in the WIN program. Meanwhile, assistance to his family in the form of protective or vendor payments and counseling and other necessary services shall be provided by the State welfare agency. Once a period of counseling and other necessary services has been provided to an individual, and he has again been found by the Secretary of Labor to have refused training, employment, or manpower services without good cause, the WIN/SAU shall not provide another period of counseling and other necessary services

Subpart G—The WIN Adjudication System

§ 56.60 Rules for grievances and deregistration; WIN restrictions.

The State WIN sponsor shall establish rules, subject to the approval of the RCC, governing participation, attendance, conduct, disputes and deregistration actions which shall be incorporated into the State WIN Plan. At registration each individual shall be given a copy of these rules. The registrant shall also be given the names of local project staff, and addresses and phone numbers of persons to be contacted if some problem arises.

§ 56.61 Complaints and grievances.

Initially, written complaints and grievances shall be handled outside of the formal WIN adjudication system. They shall be processed and, if possible, resolved within 14 calendar days at the local project level. An individual who is not satisfied with the disposition of his complaint may then initiate a formal protest at the local project level. The protest will then be handled by the formal WIN adjudication system.

§ 56.62 Disputes regarding WIN registrations.

(a) The welfare agency shall provide an opportunity for a hearing in the case of a disputed registration determination in which the AFDC applicant claims that he is exempt from WIN by the statutory criteria. Such an applicant shall temporarily be considered as exempt until his status is finally determined.

(b) A welfare hearing officer shall conduct hearings under this section, pursuant to the procedures prescribed in 45 CFR 205.10. Where the local WIN sponsor becomes involved in the determination of a disputed registration, a representative of the local WIN sponsor shall appear as a party at the hearing.

§ 56.63 Kinds of disputes handled by the WIN adjudication system.

The WIN adjudication system will hear and decide the following issues: disputed failure or refusal to appear for appraisal; unresolved complaints and grievances; disputed assignment to a WIN component; disputed removal from a component; disputed deregistration of an individual for failure or refusal without good cause to accept employment or otherwise participate in the WIN program; and grant adjustment including protective or vendor payments and selection of payee.

§ 56.64 Requirement of conciliation and notice.

(a) All efforts toward conciliatory resolution of disputes between the WIN sponsor and the individual must be exhausted prior to the issuance of a Notice of Intended Deregistration and Grant Adjustment or other Action. If the dispute is still unresolved after 30 days, the WIN sponsor shall mail a written notice of the intended action to the individual.

(b) The Notice of Intended Deregistration and Grant Adjustment or other Action shall include:

(1) The reasons for the action; and

(2) An explanation of the consequences of the refusal or failure to cooperate in a WIN prescribed program without good cause (where this is the issue);

(3) Notification of the right to request a hearing before a WIN hearing officer that will cover both the WIN issue and the issue of grant adjustment. The hearing must be requested within 10 calendar days after mailing of the notice. The notice shall state that failure to respond to the notice within 10 days of the date the notice was mailed will result in an adjustment in the method or amount of the assistance payment (the specific amount shall be included in the notice whenever possible);

(4) Instructions and required forms for requesting a hearing;

(5) An offer to assist with preparation of the hearing request;

(6) An offer of an opportunity to discuss the intended action with the project WIN sponsor prior to expiration of the prescribed period for filing a request for a hearing;

(7) Notice that the individual has a right to have counsel or representative present at the hearing;

(8) Notice that the individual will have an opportunity to confront opposition witnesses and to cross-examine them;

(9) Notice that the individual will be able to offer both oral and documentary evidence on his behalf;

(c) When written notification is mailed to the individual, the WIN sponsor shall inform him of the intended action personally or by telephone, if possible;

(d) The requirements of this section do not apply if the individual:

(1) Has successfully completed the job entry period and is regularly employed;

(2) Is deregistered as exempt; or

(3) Is deregistered as a result of becoming ineligible for welfare.

§ 56.65 Request for hearing.

(a) An individual who believes the intended action is wrong may request a hearing before a WIN hearing officer within 14 calendar days after mailing of Notice of Intended Deregistration and Grant Adjustment or other Action. The request for a hearing may be made either orally or in writing by the individual or his authorized representative to the WIN sponsor staff. Where the request is oral, the WIN sponsor staff shall prepare the required forms on behalf of the individual and obtain the individual's signature on the forms. A copy of the hearing request shall be sent to the RCC.

(b) Hearing procedures shall be published and shall be made available to the individuals requesting hearings in advance of such hearings. The procedures shall conform to standards prescribed by the RCC and shall be submitted to the appropriate RCC for review and approval prior to publication.

§ 56.66 Hearing procedures.

(a) The hearing shall be conducted by a WIN hearing officer and shall include the disputant, his duly authorized representative or counsel if any, witnesses on his behalf, and, where necessary, members of the project WIN sponsor, WIN/SAU, IMU or other welfare agency staff and other witnesses. The IMU shall be required to have in its possession at the hearing all relevant financial data concerning any grant in question and any adjustments which may be necessary as a result of the hearing. The WIN staff or its legal representative shall have primary responsibility for presenting the case before the WIN hearing officer.

(b) In a timely manner, the WIN sponsor shall mail to the disputant and to other interested parties a Notice of Scheduled Hearing, stating the date, time and place of the hearing, the issues to be heard and a copy of the hearing procedures. All hearings shall be held within 10 working days after the

mailing of the Notice of Scheduled Hearing.

(c) The WIN hearing officer may, at his discretion, reschedule or approve a request for rescheduling a hearing.

§ 56.67 Conduct of WIN hearings.

(a) The WIN hearing officer shall—

(1) Administer oaths and affirmation;

(2) Issue subpoenas authorized by law;

(3) Determine that all relevant issues are considered, including the timeliness of any request for a hearing;

(4) Rule on offers of proof and receive relevant evidence on all issues relative to refusal without good cause and sanctions which may be imposed if the decision is adverse to the claimant;

(5) Regulate the course of the hearing; and

(6) Take any other action necessary to insure an orderly hearing, including disqualification of a representative (but not of counsel) for improper conduct at the hearing.

(b) The testimony at the hearing shall be machine recorded. It shall be transcribed only when the WIN hearing officer's decision is to be reviewed by an appellate body.

(c) The individual, his counselor or representative, and the designated WIN sponsor and WIN/SAU and IMU representatives, shall be afforded the opportunity to present, examine, and cross-examine witnesses.

(d) The WIN hearing officer may elicit testimony of witnesses, but shall not act as advocate for any party.

(e) The WIN hearing officer shall receive, and make part of the record, documentary evidence offered by any party and accepted at the hearing. Copies thereof shall be made available to other interested parties upon request.

(f) The case record, or any portion thereof, shall be available for inspection and copying by any party with a direct interest therein, at, prior to, or subsequent to the hearing upon request.

(g) The WIN hearing officer shall, if feasible, resolve the dispute by conciliation at any time prior to the conclusion of the hearing.

§ 56.68 Decisions of the WIN hearing officer.

(a) The WIN hearing officer may rule in any of the following ways:

(1) That the disputant has failed to appear for appraisal, or has failed or refused to participate without good cause, and that appropriate deregistration and grant adjustment actions shall be initiated;

(2) That the certified individual should be assigned to job search without prejudice because he lacks the capacity to benefit from WIN program components; or

(3) That good cause has been shown for failure or refusal to participate and the individual should be retained in the program; or

(4) That the individual is found to be exempt from the registration requirement and should be deregistered; or

(5) That the request for a hearing is dismissed because:

(i) It was filed untimely without good cause;

(ii) It has been withdrawn in writing by the disputant or by his duly authorized counsel or representative;

(iii) The disputant has failed to appear at the hearing without good cause; or

(iv) Reasonable cause exists to believe that the request has been abandoned or that repeated requests for rescheduling are arbitrary and for the purpose of unduly delaying or avoid a hearing, in which case the welfare agency may proceed to impose appropriate sanction;

(6) That the individual was appropriately or inappropriately assigned; or

(7) Render such other rulings as are appropriate to the issues in question. However, the WIN hearing officer shall not consider the actual validity or constitutionality of the WIN regulations or statute.

(b) The WIN hearing officer shall, if possible, render an oral decision at the conclusion of the hearing. On the basis of the record compiled at the hearing he shall, within 3 working days of the close of the hearing, mail a written decision stating his findings to the disputant, his authorized representative or counsel, the appropriate WIN sponsor and WIN/SAU, the RCC, and the local IMU. The case record shall be returned to the project WIN sponsor. Instructions for appealing an adverse decision to the appropriate appellate body shall be attached to the disputant's copy.

(c) In cases involving novel questions of law or policy the WIN hearing officer may, within 5 days after issuing his written decision, certify the case for review and decision to the State appellate body or to the National Review Panel where the State does not provide for a State WIN appellate procedure.

§ 56.69 Appeals from WIN hearing officer's decision.

(a) After issues of grant adjustment are heard and decided at a WIN hearing, the state welfare agency may refuse to allow an appeal on this issue pursuant to a state welfare appeals procedure.

(b) On a WIN participation issue where the State provides for a WIN appellate procedure, a disputant, whether the individual, WIN sponsor, or welfare agency, who disagrees with the decision of a WIN hearing officer on the WIN issue may, within 14 calendar days after receiving the WIN hearing officer's written decision, request a review of such decision by the appropriate State appellate body. A request for appellate review shall not stay implementation of the decision of the WIN hearing officer.

(c) Each State WIN appellate body shall develop its hearing procedures and shall submit them to the RCC for review and approval. After approval, such rules shall be published. In all cases, the individual, whether he is the appellant or the appellee, shall be furnished a copy of the hearing procedures along with the notification of the receipt of the request for review.

(d) The State WIN appellate body shall consider and decide appeals filed within the time period prescribed by paragraph (b) of this section. It shall, within 30 days after receipt of the request for review, prepare a written decision either affirming or reversing the WIN hearing officer's decision, or it may remand the case for further evidence. The decision shall be based on its review of the hearing record and any additional evidence submitted or obtained in connection with its consideration of the appeal. However, in no case shall new evidence be introduced if it goes to the issue of the validity or constitutionality of the WIN regulations or statutes. The decision shall state the findings and the reasons for the finding reached. Copies of the decision shall be mailed to the individual, his authorized representative, the appropriate WIN sponsor and WIN/SAU, the IMU, the RCC, and the National Review Panel. Instructions for appealing a decision to the National Review Panel and the rules under which the National Review Panel considers appeals shall be attached to the individual's copy of the decision.

(e) A State WIN appellate body may, in appeals involving novel questions of law or policy, certify the case within 5 days after rendering its decision to the National Review Panel for review and decision.

§ 56.70 National Review Panel (NRP).

(a) The National Review Panel shall be composed of the DOL Chief Administrative Law Judge and 8 Administrative Law Judges appointed pursuant to Administrative Procedure Act requirements and designated by the Chief Administrative Law Judge to serve as members of the panel. The panel shall be located in Washington, D.C., and shall, unless equity requires otherwise, hold its reviews in Washington.

(b) The NRP has jurisdiction to:

(1) Consider appeals where a State does not provide for a WIN appellate procedure in all cases in which a compelling reason exists, including, but not limited to, cases raising novel and or substantial issues of law or policy.

(2) Consider and decide cases, wherein, in the exercise of its discretion, it has accepted certification of the cases to it by the State WIN appellate body, or in the absence of a State WIN appellate body, by the WIN hearing officer because they involve novel questions of law or policy;

(3) Consider and decide cases which, on its own motion, it has requested from a State WIN appellate body or, in the absence of a State WIN appellate body, from the WIN hearing officer.

(4) At its discretion, consider and decide appeals filed by individuals, the WIN sponsor or welfare agencies from State WIN appellate body decisions.

(5) Monitor the consistency, legal sufficiency, and quality of cases handled by the WIN local and appellate adjudicative bodies.

(6) However, the National Review Panel shall not have jurisdiction to ex-

amine the issue of either the validity or constitutionality of WIN regulations or statute.

(c) Appeals to the NRP may be filed by an interested party. Such appeals must be filed within 15 days of the date of the written decision from which the appeal is taken. Appeals by persons residing in the Commonwealth of Puerto Rico, the Virgin Islands, or Guam shall be filed within 30 days of the date of an appealable decision.

(d) *Contents of the appeal.* The appeal must be in writing, identify reasons in support of the appeal, and be addressed to the National Review Panel along with a copy of the WIN hearing officer's decision. Notice of the appeal and, where possible, copies of the appeal shall be sent by the NRP to all other interested parties in the dispute.

(e) *Response to appeal.* Any other party to the proceeding may respond to the appeal or comment in support of or in opposition to the appeal, directly to the National Review Panel, U.S. Department of Labor, Washington, D.C. 20210. The submitting party must send its response to the NRP within 7 days after having received notification that an appeal has been filed.

§ 56.71 Request for NRP to accept certification.

(a) *Who may request the NRP to accept certification.* The State WIN appellate body, or, in the absence of a State WIN appellate body, the WIN hearing officer may file a request that the NRP accept certification of a case.

(b) *Contents of request for certification.* The request must contain the following:

(1) A concise statement of the novel question of law or policy which is the basis for the request to accept certification;

(2) A brief summary of the relevant facts and evidence;

(3) Pertinent rulings, conclusions, and decisions by the hearing officer and/or the WIN appellate body, as the case may be; and

(4) All reasons and arguments in support of the request, including citation of applicable laws and case decisions. A copy of any written decisions by the WIN hearing officer or WIN appellate body must be attached to the request.

(c) *Time of filing.* A request for the NRP to accept certification shall be filed as follows:

(1) By the State WIN appellate body within 5 days following issuance of its written decision;

(2) In the absence of a State WIN appellate body, by the WIN hearing officer within 5 days after issuance of his written decision;

(d) *Place of filing and number of copies.* The party filing a request to the NRP to accept certification of a case shall file the original and 3 copies with the National Review Panel, U.S. Department of Labor, Washington, D.C. 20210, and simultaneously shall serve copies on every other party to the proceeding, including the State agency administering hearings in that State.

(e) *Response to request that NRP accept certification.* Any party to the proceeding who wishes to respond to the request or to comment thereon may file a response with the NRP in support of on in opposition to the request within 7 days following service of a request that the NRP accept certification. Whenever possible, a copy of the response shall be served on all parties to the proceeding, including the State agency administering hearings in that State.

§ 56.72 Requests by NRP for certification.

(a) *Contents of request and time for filing.* Requests by NRP for certification of a case to it shall be made in writing no later than 30 days after issuance of a written decision by the State WIN appellate body or WIN hearing officer, whichever is applicable. The request shall be in writing and served on the State appellate body or WIN hearing officer, whichever is appropriate, on the State agency administering hearings in that State, and on all parties to the proceeding.

(b) *Briefs.* In all cases, any party to a proceeding may file briefs with the NRP in support of its position. The NRP, if it deems it necessary to its consideration of a particular case, may request briefs from all the parties.

(c) *Time for briefs.* Briefs should be filed within 30 days from the date of service by the NRP of its request that a case be certified to it. However, in cases where the NRP itself requests briefs, a different time limit may be established by the NRP.

§ 56.73 Certification of the record.

Upon receipt of written notice from the NRP that an appeal has been filed, that it has accepted certification of a case, or that it has requested certification of a case, the State WIN appellate body or the WIN hearing officer, whichever is applicable, within 15 days of receipt of the notification, shall certify and file with the NRP a complete record of the proceedings below including the transcript in writing of the hearing before the WIN hearing officer together with all documents and exhibits; a copy of the WIN hearing officer's decision; where appropriate, a copy of the decision of the State appellate body; and, any other papers and documents relevant to the proceedings. The State WIN appellate body or WIN hearing officer, whichever is appropriate, shall prepare and include an index of the documents transmitted and shall serve immediately a copy of said index on every party to the proceeding.

§ 56.74 Consideration by and decisions of the NRP.

(a) In considering appeals before it, the NRP may sit in panels of three members. The DOL Chief Administrative Law Judge may designate any Administrative Law Judge employed by DOL to review or hear a particular case and to submit his findings and recommendation to the NRP or any duly designated panel thereof.

(b) In considering appeals before it, the NRP, a duly designated panel thereof, or the designated Administrative Law Judge may request the parties to submit additional written statements of position, hear oral arguments or hold additional hearings where deemed necessary in the interest of justice.

(c) Hearing or oral presentation. (1) Any party to an appeal may make application in writing for a hearing or oral presentation before the NRP. Such application shall set forth the reasons in support thereof and be made within 5 days after:

(i) Service of notification of the filing of an appeal from the decision of a WIN hearing officer where the State does not provide for an appellate body; or

(ii) Service of notification that the NRP at its discretion has accepted an appeal from the decision of a State appellate body; or

(iii) Service of notification that the NRP has accepted certification of a case whether at its request or upon the application of a State appellate body or WIN hearing officer.

(2) If a hearing or oral argument is directed, the notice thereof shall state the date, time, place, nature, and purpose of the hearing or oral argument. Such notice shall be served on the appellant and all other parties to the proceeding.

(3) At any hearing or oral argument so ordered, the NRP, or the designated Administrative Law Judge, may require or direct any party or person to appear to testify or produce evidence.

(4) Any party to the proceeding may appear personally or be represented by an attorney or agent.

(5) If a hearing is directed before an Administrative Law Judge, the findings and recommendations of the Administrative Law Judge designated to conduct the hearing shall be served on the appellant and all other parties may file with the NRP written exceptions and briefs in support thereof within 10 days of service of the Administrative Law Judge's findings and recommendations and shall at the same time serve copies of such exceptions and briefs on all other parties to the proceeding. Any exceptions filed shall refer to specific findings and recommendations of the Administrative Law Judge and shall be served on all other parties to the proceeding.

(6) The panel may hold additional hearings where it deems necessary, in the interest of justice, to do so.

(d) In all cases which are accepted for adjudication by the National Review Panel, the NRP shall send a copy of all relevant materials to the National Coordination Committee and to the Solicitor of Labor, in order to afford a 30-day period for the submittal of briefs relative to the law and policy issues involved and/or requests for oral argument.

(e) Decisions by the National Review Panel. The NRP shall prepare as expeditiously as possible a written decision setting forth its findings, the reasons for its conclusions, and an appropriate order. The decision shall be based on the

record below and any additional evidence submitted to or obtained by the NRP. The decision may consist of affirmation, reversal, remand for further development of the evidence or other appropriate action. Copies of the NRP decisions, including notification that the NRP had denied a request that it review a decision of a State WIN appellate body and notification that NRP has accepted certification of a case, shall be served on all parties to the proceeding and such other persons as may be appropriate.

§ 56.75 Sixty-day counseling period and reinstatement of certified individuals.

(a) WIN benefits under Part C of the Act (not AFDC benefits) shall cease and the 60-day counseling period by WIN/SAU shall commence to run on the fifth business day following:

(1) The expiration of the prescribed time period for filing a request for a hearing on a proposed deregistration from WIN, or the date on which the request for such hearing is dismissed; or

(2) The date of the WIN hearing officer's written decision that the disputant has refused or failed to accept employment or participate in the WIN program without good cause; or

(3) A decision rendered by the State appellate body or the National Review Panel upon appeal by the State WIN sponsor which is adverse to a WIN disputant.

(b) The WIN/SAU and the IMU will be notified immediately by the WIN sponsor of all of the foregoing actions.

(c) Counseling and other services shall be provided by WIN/SAU for a period of 60 days to individuals who have been determined by the Secretary of Labor to have refused training or employment under the WIN program without good cause, for the purpose of persuading them to accept appropriate training or employment. Once a period of counseling and other services has been provided to an individual, and he has again been found by the Secretary of Labor to have refused training or employment under WIN without good cause, the WIN/SAU shall not provide another period of counseling and other services.

(d) If a WIN hearing officer's adverse decision is reversed on appellate review, the disputant shall be paid such retroactive WIN and welfare benefits as may be applicable and, where appropriate, shall be reinstated in the program.

§ 56.76 Subsequent WIN registration by deregistered individuals.

(a) Individuals who were deregistered on the basis of a "without good cause" determination may, upon application, again register for WIN, provided 90 days have elapsed since their deregistration and they have given evidence to the WIN project staff of willingness to participate.

(b) An individual who has been reaccepted into the WIN program after such deregistration shall have the same rights as an individual who registers for the first time. If he is subsequently deregistered following a "without good cause finding" he shall not be registered or reaccepted in the WIN program unless satisfactory evidence is given of willingness to participate and 6 months have elapsed since the effective date of the latest deregistration.

(c) Reacceptance into the WIN program may be denied where the termination action was the result of the individual's disruptive behavior or of criminal or other activities which presented a hazard to the staff or others.

Subpart H—Definitions

§ 56.80 Definitions.

(a) "Act": Title IV of the Social Security Act as amended by Public Law 92–223, December 28, 1971.

(b) "AFDC" (Aid to Families with Dependent Children): The program authorized by Title IV of the Act to provide financial assistance and social services to needy families with children.

(c) "AFDC Applicants": A person who applies to the State or local welfare agency for AFDC benefits.

(d) "Appraisal": The interview of a WIN registrant by WIN sponsor staff and WIN/Separate Administrative Unit staff to determine employability potential, to determine the need for necessary supportive services, and to develop an employability plan.

(e) "ARDM": Assistant Regional Director for Manpower, U.S. Department of Labor.

(f) "Certification": A written notice from the Separate Administrative Unit that necessary supportive services have been arranged or are available to enable a WIN registrant to accept employment, training, or manpower services, or that no supportive services are needed and that the individual is at that time ready for employment or training.

(g) "Commuting time": The time spent each day traveling to and from a place of residence and an employment or training site, not including time spent in transporting children to and from a day care facility.

(h) "Deregistration": The removal of an individual from the WIN program.

(i) "DHEW": The U.S. Department of Health, Education, and Welfare.

(j) "DOL": The U.S. Department of Labor.

(k) "Employability Plan": A written plan for a WIN registrant that sets forth that individual's occupational goal and the manpower and supportive services necessary for him to reach that goal.

(l) "Exempt": Refers to an AFDC applicant or recipient who is not required by the Act to register for employment or training under the WIN program as a condition of eligibility for AFDC benefits.

(m) "Income Maintenance Unit" (IMU): The unit of the State or local welfare agency which determines individuals' eligibility for AFDC benefits.

(n) "Institutional Training": Vocational or other classroom training conducted by an instructor in a nonworksite setting.

(o) "Intensive Manpower Services Component": A structured work experience component providing manpower and employment services to individuals certified for WIN training to assist them in obtaining unsubsidized employment.

(p) "Job Entry Period": The first 90 calendar days of permanent, unsubsidized, full-time employment of 100 hours or more per month.

(q) "Job search activity": An activity, incident to WIN registration, pursuant to which WIN registrants who are welfare recipients, as well as certified individuals who are not actively engaged in a WIN component, shall search for jobs. This job search activity is in addition to the normal employment service job referral services afforded to WIN registrants at registration, and in addition to the job seeking efforts required of certified individuals who are in an Intensive Manpower Services Component.

(r) "Local WIN Plan": The plan developed annually by local WIN personnel which describes the operation of the WIN program for that area.

(s) "Mandatory or Nonexempt Registrant": An AFDC applicant or recipient who is required by the Act to register for manpower services, training or employment as a condition of eligibility for AFDC benefits.

(t) "Manpower Services": Employment related and training services provided by the WIN sponsor, designed to improve the work skills of an individual and aid him to find employment.

(u) "National Coordination Committee" (NCC): The national committee established to administer the WIN program, consisting of the Assistant Secretary for Manpower (DOL) and the Administrator of the Social and Rehabilitation Service (HEW).

(v) "National Review Panel" (NRP): The final level of administrative review which is comprised of the DOL Chief Administrative Law Judge and 8 Administrative Law Judges appointed pursuant to the Administrative Procedure Act's requirements and designated by the Chief Judge to serve as members of that panel.

(w) "On-the-job Training" (OJT): An employment opportunity component in which certified registrants receive skill training. Under this component, a WIN registrant is hired by a private or public employer and is provided either subsidized or unsubsidized skill training.

(x) "Public Service Employment" (PSE): A WIN sponsored component which provides subsidized employment with public or private nonprofit agencies for individuals who cannot be placed in regular unsubsidized employment.

(y) "Recipient": An individual who is determined to be eligible to receive AFDC benefits.

(z) "Regional Commissioner" (RC): The Regional Commissioner of the Social and Rehabilitation Service (HEW).

(aa) "Regional Coordination Committee" (RCC): A Committee established in each region consisting of the ARDM and the RC.

(bb) "Registrant": An AFDC applicant or recipient who has registered with the WIN sponsor for manpower services, training, and employment.

(cc) "Registration": The process whereby an AFDC applicant or recipient

registers with the WIN sponsor, completes a work history, makes himself available for participation in a job search activity once he becomes a recipient of AFDC benefits, and agrees to the requirements of the program by signing a completed registration card.

(dd) "Separate Administrative Unit" (SAU): That unit of the single State welfare agency established pursuant to section 402(a)(19)(G) of the Act, to administer the WIN program for that agency.

(ee) Single State welfare agency: The welfare agency designated pursuant to 45 CFR 205.100 with authority to administer and supervise the administration of the State plan required by Title IV, Part A of the Act.

(ff) "State": The 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

(gg) "State Plan": The overall state welfare plan for AFDC developed by each state under Title IV, Part A of the Act.

(hh) "State WIN Plan": The Statewide operational plan for WIN, covering AFDC applicants and recipients required to register for employment, manpower services and training under WIN, developed by the WIN sponsor and WIN/SAU in each state and approved and supervised by the RCC under Title IV, Part C of the Act.

(ii) "Supportive Services": Those social services provided or arranged by the WIN/SAU, necessary to enable an individual to engage in a job search activity, employment, training or other manpower program.

(jj) "Training Related Expenses": Those expenses, reimbursable from WIN funds, that are incurred by individuals participating in job search or in WIN program components.

(kk) "Volunteer": An AFDC applicant or recipient who, though exempt from WIN registration, volunteers for WIN and registers for employment, manpower services and training.

(ll) "Welfare hearing officer": The hearing officer provided by the welfare agency to hear and decide disputes relating to exemption or nonexemption for WIN registration.

(mm) "WIN hearing officer": The hearing officer provided by the State WIN sponsor to hear and decide disputes involving WIN and related grant adjustment issues.

(nn) "WIN Incentive Payment": A cash payment of up to $30 per month, paid to an individual who is participating in an institutional or work experience component, including the Intensive Manpower Services Component.

(oo) "WIN Sponsor": The State agency (such as the State employment service) or other public or non-profit private agency which, through agreement with the ARDM, administers the WIN manpower program under Part C of the Act at the State or local level.

(pp) "Work Experience Training": The generic term for two WIN components: (1) Work Experience Training, which provides a clearly defined, well-supervised assignment with a private, non-profit or public employer; and (2) the Intensive Manpower Services Component.

2. *Transition Provisions.* (a) Implementation of this revised Part 56 except for Subpart G may proceed as of the date of final publication of these regulations, but in any case shall be completed by January 1, 1975. Subpart G of this revised Part 56 shall not take effect until, but shall take effect on January 1, 1975.

PART 57—ADMINISTRATIVE HEARINGS AND APPEALS UNDER THE WORK INCENTIVE PROGRAM

PART 58—RULES OF PRACTICE OF THE NATIONAL REVIEW PANEL, WORK INCENTIVE PROGRAM

(b) The present 29 CFR Part 57 and 58 shall remain in effect until January 1, 1975, on which date they shall be rescinded and the parts reserved, except that on and after January 1, 1975, they shall continue to apply to all adjudication under them commenced prior to January 1, 1975.

Dated: September 9, 1974.

RICHARD F. SCHUBERT,
Acting Secretary of Labor.
CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

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