

federal register

September 26, 1974—Pages 34511-34640

THURSDAY, SEPTEMBER 26, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 188

Pages 34511-34640



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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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 2—Amnesty

CHAPTER II—SELECTIVE SERVICE SYSTEM

PART 200—RECONCILIATION SERVICE

The Director of Selective Service pursuant to Proclamation 4313 and Executive Order 11804 and in accord with the provisions of Section 553 of Title 5, United States Code, hereby issues the regulations governing the administration of the program of Reconciliation Service prescribed in Proclamation 4313.

Notwithstanding the established position and policy of the Director of Selective Service to give interested persons an opportunity to participate in rule making through submission of written data, views or arguments with or without opportunity for oral presentation, he has determined that it is impracticable, unnecessary, and contrary to the public interest to provide such opportunity in this instance because of the urgency of affording the benefits of the provisions of Proclamation 4313 to affected persons.

These regulations become effective on September 26, 1974. The Director of Selective Service has determined that good cause exists for making these regulations effective upon publication in order to immediately provide relief to those individuals described in Proclamation 4313.

The regulations follow:

- Sec.
- 200.1 Definitions.
 - 200.2 Responsibility for administration.
 - 200.3 Eligible employers of returnees performing service.
 - 200.4 Criteria for jobs for returnees.
 - 200.5 Assigning reconciliation service.
 - 200.6 Administration of service.
 - 200.7 Length of service.
 - 200.8 Termination of prescribed service.

AUTHORITY: E.O. 11804 and Proclamation 4313.

§ 200.1 Definitions.

The following definitions shall govern in the interpretation of the provisions of this part:

(a) *Reconciliation Service or Service.* Reconciliation service is the alternate service work obligation that a returnee agrees or pledges to perform in accord with Proclamation 4313.

(b) *Referring authority.* Referring authority is the Attorney General, Secretary of a Military Department, or Secretary of Transportation with whom a returnee has signed an agreement or pledge to perform Reconciliation Service as prescribed in Proclamation 4313 or the Presidential Clemency Board established by Executive Order 11803.

(c) *Residence of the returnee.* The residence of the returnee is the community in the United States indicated by the returnee at the time he reports in person to a Selective Service official in accord with the instructions of the referring authority to perform reconciliation service in accord with Proclamation 4313.

(d) *Returnee.* A returnee is a person who has signed an agreement or pledge with the Referring Authority to perform Reconciliation Service.

§ 200.2 Responsibility for administration.

(a) The Director of Selective Service administers the program of Reconciliation Service.

(b) The State directors, under the supervision of the Director of Selective Service, will assure compliance with these regulations and the Director's instructions concerning the program of service by returnees.

(1) The State director of the State of the residence of the returnee will have primary responsibility for the initial placement of the returnee in service. That State director will coordinate any job placement activities in any State outside his own with the State director of the State concerned. In assigning a returnee outside his own State, the assigning State director must have the approval of the "receiving" State director or the Director of Selective Service.

(2) The State director of the State in which the returnee's job is located will monitor his work.

§ 200.3 Eligible employers of returnees performing service.

Returnees may be employed by the following employers:

(a) The U.S. Government, a State, Territory, or possession of the United States or a political subdivision thereof, or the District of Columbia; or

(b) An organization, association, or corporation which is primarily engaged either in a charitable activity conducted for the benefit of the general public or in carrying out a program for the improvement of the public health or welfare, including educational and scientific activities in support thereof, when such activity or program is not principally for the benefit of the members of such organization, association, or corporation, or for increasing the membership thereof or for profit.

§ 200.4 Criteria for jobs for returnees.

(a) Four elements will be considered by the State Director as a basis for de-

termining whether a specific job offered by an eligible employer is acceptable as service for a returnee:

(1) *National Health, Safety or Interest.* The job must promote the national health, safety, or interest.

(2) *Noninterference with the competitive labor market.* The returnee cannot be assigned to a job for which there are more numerous qualified applicants who are not returnees than there are spaces available. This restriction does not prohibit the approval of special programs established by the Director of Selective Service.

(3) *Compensation.* The compensation will provide a standard of living to the returnee reasonably comparable to the standard of living the same person would have enjoyed had he gone into military service. This criterion may be waived by the State director when such action is determined to be in the national interest and would speed the placement of the returnee in service.

(4) *Skill and talent utilization.* Where possible, a returnee will be permitted to utilize his special skills.

§ 200.5 Assigning reconciliation service.

(a) The State director will assign a returnee to a job of reconciliation service to begin within 30 days after the returnee reports in person to a Selective Service official in accord with instructions of the referring authority. The State director will consider any job which fulfills the requirements of Sections 200.3 and 200.4 of this part that the returnee may propose for his reconciliation service.

(b) The State director may, for good cause, or upon the instruction of the Director of Selective Service, shall reassign a returnee. Prior to such reassignment, the returnee will continue in the service to which he had been assigned.

(c) The Director of Selective Service or the State Director of Selective Service will provide transportation and meal and lodging requests to the returnee for his travel (1) from the place of the Selective Service official to whom he was initially directed by the referring authority to the place at which he performs his service within the United States, (2) for his return travel from the last place of service to his residence or to any other place whenever the cost of such transportation would not exceed the cost of travel to his residence, upon his satisfactorily completing his period of work, and (3) for his travel from one place of employment to another when his em-

ployment is transferred under the provision of section 200.5(b) or 200.6(b) of this part.

§ 200.6 Administration of service.

(a) Whenever a returnee is refused employment by an employer who had previously agreed to hire him, whenever the returnee refused employment, whenever a returnee's employment is terminated, or whenever he leaves his job before completing it, the State director administering the returnee's case will consider the circumstances surrounding the refusal, termination, or premature departure to determine whether the returnee had failed to perform his job or to conduct himself satisfactorily. The State director will normally conduct an investigation which may include the following steps: obtain a statement from the former employer describing the circumstances of the returnee's failure to perform service, and furnish a copy of such statement to the returnee; obtain a statement from the returnee, if he wishes to make one; and compile any other evidence he feels is relevant.

(b) If, after completing an investigation in accord with paragraph (a) of this section, the State director determines that the returnee's departure was improper he will report the facts to the Director of Selective Service. If the State director finds no failure of the returnee to perform satisfactorily he will assign the returnee to the same or another job as quickly as possible. If the returnee promptly complies with such assignment, the intervening time between jobs will constitute "good time."

§ 200.7 Length of Service.

The length of service required of a returnee will be full-time employment for the period prescribed by the referring authority.

§ 200.8 Termination of Prescribed Service.

(a) Whenever a returnee ceases satisfactorily to perform the reconciliation service to which he has been assigned, the State director will inform the Director of Selective Service of the pertinent facts. The Director of Selective Service will forthwith report such information together with his comments thereon to the referring authority, and shall furnish a copy of such report to the returnee.

(b) When the returnee satisfactorily completes the reconciliation service to which he has been assigned, the Director of Selective Service will issue a certificate of completion to the returnee and furnish a copy thereof and such documentary evidence as required to the referring authority.

BYRON V. PEPITONE,
Director.

SEPTEMBER 23, 1974.

[FR Doc. 74-22400 Filed 9-25-74; 8:45 am]

Title 14—Aeronautics and Space CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-CE-17-AD; Amdt. 39-1980]

PART 39—AIRWORTHINESS DIRECTIVES

Various Beech Model Airplanes

There has been an incident involving a Beech Model 58 airplane wherein spilled fuel in the wing tip area is suspected to have been ignited by arcing between the wing tip strobe light and aircraft structure. Investigation of this incident disclosed that the strobe light system may be inadequately bonded to the aircraft structure. Since this condition is likely to exist or develop in other airplanes of the same type designs an Airworthiness Directive is being issued applicable to Beech Models F33A, V35B, A36, 95-B55, 95-B55A, E55, E55A, 58, 58A, A60, B60, 70, B80, C90, E90, B99, 100, A100 and 200 aircraft requiring deactivation of the strobe light installation until electrical bonding of this system is accomplished per the requirements of this AD.

Since a situation exists which requires expeditious adoption of this amendment, notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation regulations is amended by adding the following new AD.

BEECH. Applies to the following models and serial numbers airplanes if equipped with Grimes P/N 30-0467-1 strobe light assemblies:

F33A, Serials CE-436 through CE-520
V35B, Serials D-9468 through D-9654
A36, Serials E-424 through E-581
95-B55 and 95-B55A, Serials TC-1526 through TC-1729
E55 and E55A, Serials TE-904 through TE-992
58 and 58A, Serials TH-303 through TH-500
A60 and B60, Serials P-223 through P-288
70, Serial LB-35
B80, Serials LD-441 through LD-488
C90, Serials LJ-502 through LJ-644
E90, Serials LW-1 through LW-127
B99, Serials U-152 through U-161
100 and A100, Serials B-52 through B-209
200, Serials BB-1 through BB-30

Compliance: Required as indicated, unless already accomplished.

Part I. To preclude possible ignition of flammable fluids or vapors by arcing between the strobe lights and the aircraft structure, prior to further flight, pull and deactivate the strobe light system circuit breaker by banding or taping the shank so as to preclude reactivation and add a temporary placard near the strobe light switch stating "Strobe Light System Deactivated". This requirement is only applicable until the strobe light system is electrically bonded as indicated in Part II of this AD.

Part II. To assure proper electrical bonding of the Grimes Strobe Light, P/N 30-0467-1, to the aircraft structure and thereby eliminate a possible ignition source in an

area where fuel/fuel vapor can exist, within 100 hours' time in service after the effective date of this AD, accomplish the following:

(A) Remove the lenses and the Grimes Strobe Light P/N 30-0467-1 strobe light assemblies from the wing tips and tail cone as required to provide access for installing the bonding straps.

(B)(1) On the existing Grimes Strobe Light P/N 30-0467-1 strobe light assemblies, remove one of the existing No. 4 counter-sunk, recessed head screws from the top or bottom of the light assembly and discard the screw.

(2) Clean the area around the screw hole to bare metal and install a MS25083-2AB6 bonding strap on each 30-0467-1 light assembly with one MS35206-214 screw and one AN936B4 washer. Equivalent MS25083-2AB6 bonding strap may be fabricated by using a 6-inch length of AWG 12 gauge stranded soft copper wire, terminated at one end with a MS25036-111 (or equivalent) terminal with a hole for a number 6 stud, and the other end terminated with a MS25036-112 (or equivalent) terminal with a hole for a number 10 stud.

(C)(1) In the wing strobe light assembly support former, drill one .165/.174-inch diameter hole, located .90-inch forward and 1.10-inch below the center of the wiring plug hole in the former.

(2) Clean the area around the drilled hole to bare metal. Attach the bonding strap from the strobe light assembly to the mounting bracket with one each MS35206-243 screw, AN960D8L washer and MS21042L08 nut.

(D) Reinstall the 30-0467-1 strobe light assemblies and lenses on the wings.

(E)(1) On the Models 70, B80, C90, E90 and 200 aircraft, drill one .165/.174-inch diameter hole in the tail strobe light mounting surface located 3.6-inches to the right of the aircraft center line and centered vertically on the mounting surface, or locate an existing tooling hole in the same general area.

(2) Clean the area around the drilled or existing tooling hole to the bare metal and attach the bonding strap from the strobe light assembly to the mounting surface using one each MS35206-214 screw, AN936B4 washer and MS21042L08 nut for the Model 200 or one each MS35206-263 screw, AN960-D10L washer and MS21042L3 nut for the Models 70, B80, C90 and E90.

(3) Reinstall the Grimes P/N 30-0467-1 strobe light assemblies and lenses on the aircraft tail cone.

(F) Reactivate the circuit breaker, remove temporary placarding, and check strobe light system for proper operation.

(G) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

Beechcraft Service Instruction 0655-362 or later FAA-approved revisions covers the subject matter of Part II of this AD.

This amendment becomes effective September 26, 1974.

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

Issued in Kansas City, Missouri, on September 20, 1974.

GEORGE R. LACAILLE,
Acting Director,
Central Region.

[FR Doc. 74-22410 Filed 9-25-74; 8:45 am]

[Docket No. 74-EA-73; Amdt. 39-1976]

PART 39—AIRWORTHINESS DIRECTIVE

Leigh Systems—Emergency Locator Transmitters

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Leigh Systems Emergency Locator Transmitters (ELTs).

There have been reports of ELTs failing to operate or operating inadvertently due to corroded parts within the transmitter. The corrosion has been attributed to gases emitted by lithium batteries.

Since this deficiency can exist or develop in products of the same type design, an airworthiness directive is being issued which will require repetitive inspections and replacement where necessary.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR § 11.89 [31 FR 13697] § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

Emergency locator transmitters Leigh Systems Sharc 7 Series. Applies to all Leigh Systems Sharc 7 Series Emergency Locator Transmitters equipped with Lithium Batteries.

Compliance required as indicated:

As a result of chemical corrosion resulting in either failure of the Emergency Locator Transmitter (ELT) to operate or inadvertent activation, jamming the emergency frequencies of 121.5 MHz and 243.0 MHz accomplish the following:

Within the next 90 days and thereafter at each additional 60 day interval after the effective date of this Airworthiness Directive, accomplish the following:

1. ELT's equipped with Lithium Batteries may be determined by weight shown on ELT identification tag as 1.5 pounds.

2. Conduct a visual inspection for evidence of corrosion in accordance with photo reproduction which is part of Leigh System's Service Bulletin No. 003A, dated May 15, 1974, or equivalent inspections approved by Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

3. If no corrosion is found, prior to re-installing, determine ELT transmits properly. ELT transmissions are authorized in the first five minutes of any hour or at other times if coordinated with the nearest FAA Tower or Flight Service Station for a total of three audio sweeps. (Ref. FAA Advisory Circular 00-35A or 20-81).

4. If corrosion is found or if the ELT does not transmit properly, replace with an approved serviceable unit which has been inspected in accordance with paragraph 2; or replace with another TSO approved unit, prior to the next flight except that a ferry flight may be conducted in accordance with FAR 91.52(e) (2).

This amendment is effective October 1, 1974.

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

Issued in Jamaica, N.Y., on September 17, 1974.

ROBERT H. STANTON,
Director, Eastern Region.

[FR Doc.74-22338 Filed 9-25-74;8:45 am]

[Docket No. 72-SO-74; Amdt. 39-1974]

PART 39—AIRWORTHINESS DIRECTIVES

Teledyne Continental Motors Models IO-470 and TSIO-470 Engines

Amendment 39-1522, 37 FR 19120, as amended by amendments 39-1613, 38 FR 8243, and 39-1774, 39 FR 3819, AD-72-20-2 requires retirement at next overhaul of all Part Number 626820 "Non-H" cylinders and those "H" cylinders manufactured or remanufactured (rebarreled) prior to April 1963 and retains the 25 hour repetitive inspection procedures of AD 67-31-5 on affected engines only so long as necessary to facilitate the orderly retirement of cylinders on TCM Models IO-470 and TSIO-470 series engines. Since the issuance of amendment 39-1774 the National Transportation Safety Board, as a result of their investigation of an inflight fire, has recommended that the 25 hour inspection interval be reduced. Therefore, this airworthiness directive is being amended to reduce the repetitive inspection interval from 25 hours to 20 hours.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (amendment 31 FR 13697) § 39.13 of Part 39 of the Federal Aviation Regulations, amendment 39-1522, 37 FR 19120 as amended by amendments 39-1613, 38 FR 8243, and 39-1774, 39 FR 3819, AD 72-20-2 is further amended by revising the first sentence of paragraph A. to read as follows:

A. Within the next 20 hours' time in service after the effective date of this airworthiness directive and thereafter at intervals not exceeding 20 hours' time in service from the last inspection.

This amendment becomes effective October 2, 1974.

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

Issued in East Point, Georgia on September 17, 1974.

P. M. SWATEK,
Director, Southern Region.

[FR Doc.74-22337 Filed 9-25-74;8:45 am]

[Airspace Docket No. 74-EA-74]

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

Alternation of Control Zone

The Federal Aviation Administration is amending § 71.171 of Part 71 of the

Federal Aviation Regulations so as to alter the description of the Johnstown, Pa., Control Zone (39 FR 394).

The present description indicates the zone is effective 0700-2300 hours. It is proposed to lengthen the hours of operation of the FSS from 0700 to 2400, thereby allowing a concurrent extension of the effective period of the control zone. Since the extension is only for a period of one hour, it is minor in nature and therefore notice and public procedure hereon are unnecessary and the rule may be made effective in less than 30 days.

In view of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective October 1, 1974, as follows:

Amend § 71.171 of Part 71 of the Federal Aviation regulations by deleting in the description of the Johnstown, Pa. Control Zone, "This control zone is effective from 0700 to 2300 hours, local time, daily." and by substituting the following in lieu thereof; "This control zone is effective from 0700 to 2400 hours, local time, daily."

Section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749 (49 U.S.C. 1348) Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in Jamaica, N.Y., on September 17, 1974.

JAMES BISPO,
Deputy Director,
Eastern Region.

[FR Doc.74-22339 Filed 9-25-74;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-874, Amdt. 27]

PART 221—CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Requiring Request for Mailed Receipt of Tariff Transmittal To Be Accompanied by Preaddressed Postage Paid Envelope

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., September 23, 1974.

Under § 221.163 of Part 221 of the Board's Economic Regulations, dealing with letters of tariff transmittal, if the filing carrier or agent desires a receipt for the filing, it is required that the letter of tariff transmittal be sent in triplicate. The within amendment to this section requires that the filing carrier or agent also submit a preaddressed, postage paid envelope, if return receipt by mail is desired.

Since the amendment provided for herein is a rule of agency procedure and practice, and imposes no significant burden on any person, the Board finds that notice and public procedure are unnecessary.

In consideration of the foregoing, the Board hereby amends § 221.163 of the Economic Regulations (14 CFR Part 221) effective October 29, 1974, to read as follows:

§ 221.163 Letter of tariff transmittal.

All tariff publications (including indexes of tariffs and adoption notices) filed with the Board shall be accompanied by a letter of tariff transmittal in duplicate in the form prescribed in § 221.240. Each letter of transmittal may include one or more tariff publications but passenger tariff publications shall not be included in the same letter of tariff transmittal with property tariff publications. If the filing carrier or agent desires a receipt for the filing, the letter of tariff transmittal shall be sent in triplicate (accompanied by a preaddressed postage paid return envelope, if return by mail is requested), and one copy thereof showing the date of receipt by the Board will be returned to the sender.

(Sections 204(a) and 403 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743 and 758, as amended (49 U.S.C. 1324 and 1373))

By the Civil Aeronautics Board.

Adopted: Sept. 23, 1974.

Effective: Oct. 29, 1974.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-22415 Filed 9-25-74; 8:45 am]

Title 20—Employees' Benefits

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

[Regs. No. 5, amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Provider Reimbursement Determinations and Appeals

On March 4, 1974, there was published in the FEDERAL REGISTER (39 FR 8166) a notice of proposed rule making with proposed amendments to Subparts D and R of Regulations No. 5 (20 CFR Part 405), implementing section 243 of Pub. L. 92-603 (86 Stat. 1386-89) entitled "Provider Reimbursement Review Board." Interested persons were given 30 days within which to submit written comments or suggestions thereon. Comments and suggestions were received from various organizations, institutions, and individuals interested in health services. All the comments have been considered and the proposed regulations are hereby adopted with the following significant changes:

1. Section 405.1801(b) offers a general discussion of the scope of the proposed Subpart R and the entities affected by the provisions therein. Several who commented indicated it appeared from their interpretation of the section that Provider Reimbursement Review Board hearings would be available not only to "providers of services", as that term is understood in the context of the Social Security Act, but as well to other participating entities that submit and are reimbursed on the basis of cost reports. Such an interpretation was not intended. To the contrary, it was intended that § 405.1801(b) reflect clearly the requirement of the Act that "providers of services" be afforded Board hearings, while indicat-

ing that other participating cost-reporting entities that offer health care services (i.e., those not in the category of "providers of services") could continue to exercise their appeal rights via the "intermediary" hearing process, as provided now in §§ 405.1801 through 405.1833 and §§ 405.1881 through 405.1889. Accordingly, we have revised § 405.1801(b) to clarify the original intent of that passage.

2. Section 405.1853, "Prehearing discovery and other proceedings prior to the Board hearing," has been expanded to clarify the intermediary's role in proceedings conducted prior to the actual Board hearing. While this addition to the regulations does not present any significant change in program policy, add any additional procedural function, or delay the Board's hearing, it does provide for more specific notice to the public of what is required of the intermediary to ready a case for review by the Board. (Several of those who commented suggested that communications between the provider and the intermediary be permitted to continue while hearing proceedings before the Board are pending). It shall be the responsibility of the intermediary, to the maximum extent possible, to further document its records with explicit evidence, delineate and narrow the issues in dispute, consider any new evidence the provider may wish to have considered, reach agreement with the provider on any issues susceptible of resolution and thus, simplify and limit the issues to be decided by the Board. The record which ultimately reaches the Board should be devoid of insignificant disputes and reflect clearly the major issues unresolved. A hearing before the Board will be a relatively expensive undertaking for both the provider and the Social Security Administration. To the extent that disputes can be resolved by the intermediary, the more costly proceedings before the Board may be avoided.

3. We modified §§ 405.1809 and 405.1811 to show that the provider has the right to an intermediary hearing where the disputed determination involves a cost-reporting period ending prior to June 30, 1973, and the amount in controversy is \$1,000 or more. In the regulations as published under the notice of proposed rule making setting forth the various jurisdictional requirements for both an intermediary hearing and Board hearing, it was not explicitly shown that for cost-reporting periods ending prior to June 30, 1973, jurisdiction for hearing rests exclusively with the intermediary, without regard to the \$10,000 limitation as to amount in controversy. Many who commented suggested clarification of this provision.

4. Sections 405.1823 and 405.1855 have been revised to provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence from the hearing record. Thus, there is now a regulatory standard drawn closely along the lines of language in the Administrative Procedure Act, to serve as a basis for ruling on the admissibility of evidence at the

hearing. Comments were received from representatives of several provider organizations suggesting that we provide in the regulations some standard or criteria governing the admissibility of evidence.

5. The regulations were modified to indicate clearly that the term "intermediary" includes the Social Security Administration when acting directly as intermediary (see § 405.1843(a)). Some confusion seemed to exist in the proposed regulations published under the Notice of Proposed Rule Making with respect to § 405.1843, "Parties to Board hearing." It had provided that the intermediary would be a proper party but that neither the Secretary nor the Social Security Administration might be made a party. Some who commented suggested the regulations clearly show that, where the Social Security Administration is acting in a direct capacity as the intermediary for a provider, the component within the Social Security Administration responsible for performing the duties attributable to "intermediaries" would be a proper party to the Board hearing.

6. Section 405.1885(d) of the regulations was modified to provide for reopening a determination or decision at any time it is established that said determination or decision was procured by fraud or similar fault of any party. Several who commented suggested that the language as proposed in § 405.1885(d) implied that fraud, as a basis for reopening a determination or decision, applied only unilaterally to providers.

7. Various editorial changes have also been made in the interest of clarity.

Some comments and suggestions were considered but not adopted. Following is a summarization of the most significant:

1. Comments were received suggesting that the regulations should provide for publication of all Board decisions in some appropriate forum. We do not believe it is necessary to provide in the regulations for such publication of Board decisions. The Board has authority, pursuant to section 1878(e) of the Act, to set rules regarding publication of its decisions. The Social Security Administration will take whatever measures are necessary to ensure the publication of Board decisions and to give proper recognition to their import.

2. Many comments were received relative to § 405.1835(b) and its granting of the provider's right to Board hearing where the intermediary has not rendered a determination within 12 months after receipt of the provider's perfected cost report. Section 1878 of the Act states that said determination must be received by the provider on a "timely" basis. Those who commented suggested a shorter period would more appropriately meet the definition of "timely." However, experience indicates that due to the complexity of issues presented and various deficiencies apparent in providers' cost reports, a shorter period would not be adequate. The intermediary's review may include such time-consuming procedural steps as an extensive desk examination of

the cost report, further communication with the provider requesting clarification of particular entries and/or supporting documents, arranging for and completing an audit (which ordinarily takes approximately 3 months), reporting to and negotiating with the provider regarding the findings on audit, and a conference to orally discuss and consider the adjustments to the cost report, before a determination reflected in a written notice of amount of program reimbursement can be made. Such review by the intermediary is conducted at a time when its work demands are at a peak, since most providers file their cost reports at the same time. Thus, it is apparent that in view of the procedural steps set forth above, and the limitations of intermediaries' audit capabilities, a period less than 12 months would not be adequate in the majority of cases. Moreover, we believe that the foregoing review procedures cannot be compromised if the intermediary is to render a well-documented and well-reasoned determination. We believe that kind of thorough evidentiary review and careful decision-making described herein operates to the mutual benefit of the providers and the health insurance program. Informal consultations with various intermediaries also indicate that the 12-month period is reasonable and will not result in undue hardship to either the provider or the intermediary.

(Secs. 1102, 1861(v), 1871, 1878, 49 Stat. 647, as amended, 79 Stat. 322, as amended, 79 Stat. 331, as amended, 86 Stat. 1421 (42 U.S.C. 1302, 1395x(v), 1395hh, and 1395oo))

Effective date. These amendments shall be effective October 29, 1974.

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance)

Dated: September 2, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: September 20, 1974.

CASPAR W. WEINBERGER,
Secretary of Health,
Education, and Welfare.

Regulations No. 5 of the Social Security Administration (20 CFR Part 405) are further amended as follows:

1. The heading to Subpart D is revised to read as follows:

Subpart D—Principles of Reimbursement for Provider Costs and for Services by Hospital-Based Physicians

2. Sections 405.490-405.499 are redesignated as §§ 405.1801 through 405.1833, and 405.1881 through 405.1889, respectively, revised, and incorporated into a new subpart (Subpart R) reading as follows:

Subpart R—Provider Reimbursement Determinations and Appeals

- Sec.
405.1801 Introduction.
405.1803 Intermediary determination and notice of amount of program reimbursement.

- Sec.
405.1805 Parties to intermediary determination.
405.1807 Effect of intermediary determination.
405.1809 Intermediary hearing procedure.
405.1811 Right to intermediary hearing; time, place, form, and content of request for intermediary hearing.
405.1813 Failure to timely request an intermediary hearing.
405.1815 Parties to the intermediary hearing.
405.1817 Hearing officer or panel of hearing officers authorized to conduct intermediary hearing; disqualification of officers.
405.1819 Conduct of intermediary hearing.
405.1821 Prehearing discovery and other proceedings prior to the intermediary hearing.
405.1823 Evidence at intermediary hearing.
405.1825 Witnesses at intermediary hearing.
405.1827 Record of intermediary hearing.
405.1829 Authority of hearing officer(s) at intermediary hearing.
405.1831 Intermediary hearing decision and notice.
405.1833 Effect of intermediary hearing decision.
405.1835 Board hearing; right to Board hearing.
405.1837 Group appeals.
405.1839 Amount in controversy.
405.1841 Time, place, form, and content of request for Board hearing.
405.1843 Parties to Board hearing.
405.1845 Composition of Board.
405.1847 Disqualification of Board members.
405.1849 Establishment of time and place of hearing by the Board.
405.1851 Conduct of Board hearing.
405.1853 Prehearing discovery and other proceedings prior to the Board hearing.
405.1855 Evidence at Board hearing.
405.1857 Subpoenas.
405.1859 Witnesses.
405.1861 Oral argument and written allegations.
405.1863 Administrative policy position at issue.
405.1865 Record of Board hearing.
405.1867 Sources of Board's authority.
405.1869 Scope of Board's decision making authority.
405.1871 Board hearing decision and notice.
405.1873 Board's jurisdiction.
405.1875 Secretary's review.
405.1877 Judicial review.
405.1881 Appointment of representative.
405.1883 Authority of representative.
405.1885 Reopening a determination or decision.
405.1887 Notice of reopening.
405.1889 Effect of a revision.

AUTHORITY: Sections 1102, 1861(v), 1871, and 1878, 49 Stat. 647, as amended, 79 Stat. 322, as amended, 79 Stat. 331, as amended, 86 Stat. 1421 (42 U.S.C. 1302, 1395hh, 1395oo, 1395x(v)).

§ 405.1801 Introduction.

(a) **Definitions.** As used in this subpart:

(1) "Intermediary determination" (see § 405.1803) means, with respect to a provider of services which has filed a cost report in accordance with §§ 405.406 and 405.453(f), a determination as to the amount of total program reimbursement due the provider for items and services furnished to individuals for which payment may be made under title XVIII of

the Social Security Act for the period covered by such report. For purposes of appeal to the Provider Reimbursement Review Board, the term "intermediary determination" shall be synonymous with the term "intermediary's final determination" as that latter term is used in section 1878(a) of the Act.

(2) "Intermediary hearing" means that hearing provided for in § 405.1809.

(3) "Board" means the Provider Reimbursement Review Board established in accordance with section 1878 of the Act, 42 U.S.C. 1395oo, and § 405.1845.

(4) "Board hearing" means that hearing provided for in section 1878(a) of the Act (42 U.S.C. 1395oo(a)), and § 405.1835.

(5) "Secretary's review" means that review provided for in section 1878(f) of the Act (42 U.S.C. 1395oo(f)) and § 405.1875.

(b) **General.** Under the program of health insurance for the aged and disabled, the amount paid to any organization or entity which qualifies as a provider of services under the provisions of title XVIII of the Social Security Act for covered items and services furnished beneficiaries is, pursuant to the Act, the "reasonable cost" of such services. The principles of reimbursement for determining reasonable costs are contained in Subpart D of this part. In order to be reimbursed for such reasonable costs of covered services furnished program beneficiaries, providers of services are obliged to file cost reports with their intermediaries as specified in § 405.453(f). In addition to the aforementioned providers of services whose status is such as indicated in the Act, there are entities which do not meet the statutory test for providers of services, which may also participate in the health insurance program, and when they do so participate, are obliged to file periodic cost reports and are reimbursed on the basis of information furnished in such reports. Although such entities do not qualify for Board review, the rules as set forth in this subpart with respect to intermediary hearings shall be applicable to such entities to the maximum extent possible, for cost-reporting periods ending on or after December 31, 1971, where the amount of program reimbursement in controversy is at least \$1,000.

(c) **Effective dates.** Sections 405.1835-405.1877 apply only to cost-reporting periods ending on or after June 30, 1973. Except as provided in the preceding sentence or § 405.1885(e), the provisions of this subpart apply to all cost-reporting periods ending on or after December 31, 1971.

§ 405.1803 Intermediary determination and notice of amount of program reimbursement.

(a) Upon receipt of a provider's cost report, or amended cost report where permitted or required, the intermediary shall, within a reasonable period of time (see § 405.1835(b)), analyze the report, undertake any necessary audit of the re-

port, and furnish the provider and other parties as appropriate (see § 405.1805) a written notice reflecting the intermediary's determination of the amount of program reimbursement. The notice shall (1) explain the intermediary's determination of total program reimbursement due the provider for the reporting period covered by the cost report or amended cost report; (2) relate this determination to the provider's claimed total program reimbursement due the provider for this period; (3) explain the amount(s) and the reason(s) why, by appropriate reference to law, regulations, or program policy and procedures, this determination may differ from the provider's claim; and (4) inform the provider of its right to an intermediary or Board hearing, as appropriate (see §§ 405.1809, 405.1811, 405.1815, and 405.1835-405.1843) and that such hearing must be requested within 180 days after the date of the notice.

(b) The intermediary's determination as contained in a notice of amount of program reimbursement shall constitute the basis for making the retroactive adjustment (required by § 405.454(f)) to any program payments made to the provider during the period to which the determination applies, including the suspending of further payments to the provider in order to recover, or to aid in the recovery of, any overpayment identified in the determination to have been made to the provider, notwithstanding any request for hearing on the determination the provider may make under § 405.1811 or § 405.1835. Any such suspension shall remain in effect as specified in § 405.373(a).

§ 405.1805 Parties to intermediary determination.

The parties to the intermediary's determination of the amount of program reimbursement shall be the provider and any other entity found by the intermediary to be a related organization of such provider (see § 405.427).

§ 405.1807 Effect of intermediary determination.

The determination shall be final and binding on the party or parties to such determination unless: (a) an intermediary hearing is requested in accordance with § 405.1811 and an intermediary hearing decision rendered in accordance with § 405.1831; or (b) the intermediary determination is revised in accordance with § 405.1885; or (c) a Board hearing is requested in accordance with § 405.1835 and a hearing decision rendered pursuant thereto.

§ 405.1809 Intermediary hearing procedures.

Each intermediary shall establish and maintain written procedures for hearings in accordance with these regulations, for resolving any issue which may arise between the intermediary and a provider as to the amount of program reimbursement due the provider or due the health insurance program. These

procedures shall provide for a hearing on the intermediary's reasonable cost determination contained in a notice of amount of program reimbursement (see § 405.1803) when a timely filed request for a hearing on this determination is made by the provider to the intermediary and for cost-reporting periods ending prior to June 30, 1973, the amount of program reimbursement in controversy is at least \$1,000, or for cost-reporting periods ending on or after June 30, 1973, the amount of program reimbursement in controversy is at least \$1,000 but less than \$10,000.

§ 405.1811 Right to intermediary hearing; time, place, form, and content of request for intermediary hearing.

(a) The provider who has been furnished a notice of amount of program reimbursement may request an intermediary hearing if (1) it is dissatisfied with the intermediary's determination contained in such notice and (2) the amount of program reimbursement in controversy is at least \$1,000 but less than \$10,000 for cost-reporting periods ending on or after June 30, 1973, or, for cost-reporting periods ending prior to June 30, 1973, the amount of program reimbursement in controversy is at least \$1,000. Such request must be in writing and be filed with the intermediary within 180 calendar days after the date of the notice of program reimbursement. (See § 405.1835(b).) No other individual, entity, or party has the right to an intermediary hearing.

(b) Such request must (1) identify the aspect(s) of the determination with which the provider is dissatisfied, and (2) explain why the provider believes the determination on these matters is incorrect, and (3) be submitted with any documentary evidence the provider considers necessary to support its position.

(c) Following the timely filing of the request for hearing, the provider may identify in writing, prior to the onset of the hearing proceedings, additional aspects of the determination with which it is dissatisfied and furnish any documentary evidence in support thereof. If such additional aspects are submitted, the hearing officer may postpone the hearing to allow for his examination of such additional aspects.

§ 405.1813 Failure to timely request an intermediary hearing.

Where a provider requests an intermediary hearing on an intermediary's determination (as contained in a notice of amount of program reimbursement) after the time limit prescribed in § 405.1811, the designated intermediary hearing officer or panel of hearing officers shall dismiss the request and furnish the provider a written notice which explains the time limitation, except that for good cause shown, the time limit prescribed in § 405.1811 may be extended. However, no such extension shall be granted if the request therefor is filed more than 3 years after the date of the notice of amount of program reimbursement.

§ 405.1815 Parties to the intermediary hearing.

The parties to the intermediary hearing shall be the parties to the intermediary determination and any other entity determined by the intermediary to be a related organization of such provider. Said parties shall be given reasonable notice of the time, date, and place of such hearing. Neither the intermediary nor the Social Security Administration are parties (see § 405.1819).

§ 405.1817 Hearing officer or panel of hearing officers authorized to conduct intermediary hearing; disqualification of officers.

The intermediary hearing provided for in § 405.1809 shall be conducted by a hearing officer or panel of hearing officers designated by the intermediary. Such hearing officer or officers shall be persons knowledgeable in the field of health care reimbursement. The hearing officer or officers shall not have had any direct responsibility for the program reimbursement determination with respect to which a request for hearing is filed; no hearing officer (or officers) shall conduct a hearing in a case in which he is prejudiced or partial with respect to any party, or where he has any interest in the matter pending for determination before him. Notice of any objection which a party may have with respect to a hearing officer shall be presented in writing to such officer by the objecting party at the party's earliest opportunity. The hearing officer shall consider the objection and shall, at his discretion, either proceed in the conduct of the hearing or withdraw. If the hearing officer does not withdraw, the objecting party may, after the hearing, present his objections to an executive official of the intermediary, who shall rule promptly on the objection.

§ 405.1819 Conduct of intermediary hearing.

The hearing shall be open to all parties thereto (see § 405.1815) and to representatives of the intermediary and of the Social Security Administration (see § 405.1815). The hearing officer(s) shall inquire fully into all of the matters at issue and shall receive into evidence the testimony and any documents which are relevant and material to such matters. If the hearing officer(s) believes that there is relevant and material evidence available which has not been presented at the hearing, he (they) may, at any time prior to the mailing of notice of the decision, reopen the hearing record for the receipt of such evidence. The order in which the evidence and the allegations shall be presented and the conduct of the hearing shall be at the discretion of the hearing officer(s).

§ 405.1821 Prehearing discovery and other proceedings prior to the intermediary hearing.

(a) Prehearing discovery shall be permitted upon timely request of any party. To be timely, a request for discovery and inspection shall be made before the be-

gining of the hearing. A reasonable time for inspection and reproduction of documents shall be provided by order of the hearing officer(s).

(b) If, in the discretion of the hearing officer(s), the purpose of defining the issues more clearly would be served, the hearing officer(s) may schedule a prehearing conference. For this purpose, a single member of a panel of hearing officers, when such is the case, may be appointed to act for the panel with respect to prehearing activities.

§ 405.1823 Evidence at intermediary hearing.

Evidence may be received at the intermediary hearing even though inadmissible under the rules of evidence applicable to court procedure. The hearing officer(s) shall give the parties opportunity for submission and consideration of facts and arguments, and during the course of the hearing, should in ruling upon admissibility of evidence, exclude irrelevant, immaterial, or unduly repetitious evidence. The hearing officer(s) shall render a final ruling on the admissibility of evidence.

§ 405.1825 Witnesses at intermediary hearing.

The hearing officer(s) may examine the witnesses and shall allow the parties and their representatives to do so. Parties to the proceedings may also cross-examine witnesses.

§ 405.1827 Record of intermediary hearing.

A complete recordation of the proceedings at the intermediary hearing shall be made and transcribed in all cases. It shall be made available to any party upon request. The record will not be closed until a decision (see § 405.1831) has been issued.

§ 405.1829 Authority of hearing officer(s) at intermediary hearing.

(a) The hearing officer(s) in exercising his authority must comply with all the provisions of title XVIII of the Act and regulations issued thereunder, as well as with rulings issued under the authority of the Commissioner of Social Security (see § 422.408 of this chapter), and with the general instructions issued by the Social Security Administration in accordance with the Secretary's agreement with the intermediary.

(b) The determination of a fiscal intermediary that no payment may be made under title XVIII of the Act for any expense incurred for items and services furnished to an individual because such items and services are excluded from coverage pursuant to section 1862 of the Act, 42 U.S.C. 1395y (see Subpart C of this part), shall not be reviewed by the hearing officer(s). Such determination shall be reviewed only in accordance with the applicable provisions of Subparts G and H of this part.

§ 405.1831 Intermediary hearing decision and notice.

The hearing officer(s) shall, on a timely basis, render a decision in writing

based on the evidence in the record; such decision shall constitute the final determination of the intermediary. In such decision, he will cite applicable law, regulations, rulings, and general instructions of the Social Security Administration, as well as findings on all the matters in issue at the hearing. A copy of the decision will be mailed to all parties to the hearing at their last known addresses.

§ 405.1833 Effect of intermediary hearing decision.

The intermediary hearing decision provided for in § 405.1831 shall be final and binding upon all parties to the hearing unless such intermediary determination is revised in accordance with § 405.1835.

§ 405.1835 Board hearing; right to Board hearing.

(a) The provider (but no other individual, entity, or party) has a right to a hearing before the Board about any matter designated in § 405.1801(a)(1), if:

(1) An intermediary determination has been made with respect to such provider; and

(2) The provider has filed a written request for a hearing before the Board under the provisions described in § 405.1841; and

(3) The amount in controversy (as determined in § 405.1839(a)) is \$10,000 or more.

(b) Notwithstanding the provisions of paragraph (a)(1) of this section, the provider also has a right to a hearing before the Board about any such matter if an intermediary's determination is not rendered within 12 months after receipt by the intermediary of a provider's perfected cost report or amended cost report (as permitted or as required to furnish sufficient data for purposes of making such determination—see § 405.1803(a)) provided such delay was not occasioned by the fault of such provider.

§ 405.1837 Group appeal.

The provision of § 405.1835 shall apply to any group of providers of services if each provider of services in such group is identified as one which would, upon the filing of a request for hearing before the Board (but without regard to the provisions of § 405.1835(a)(3)) be entitled to such a hearing, but only if the matters in controversy involve a common question of fact, or of interpretation of law or regulations, and the amount in controversy (see § 405.1839(b)) is, in the aggregate, \$50,000 or more.

§ 405.1839 Amount in controversy.

(a) The \$10,000 amount in controversy will be computed by deducting the adjusted total reimbursable program costs from the total reimbursable program costs (less any amounts excluded by section 1862 of the Act) claimed by the provider.

(b) The \$50,000 amount in controversy will be computed by deducting the adjusted total reimbursable program costs (in the aggregate) from the total reimbursable program costs (less any

amounts excluded by section 1862 of the Act) which are claimed in the aggregate by the providers and are related to a common issue or interpretation of law or regulations.

§ 405.1841 Time, place, form, and content of request for Board hearing.

(a) The request for a Board hearing must be filed in writing with the Board within 180 days of the date the notice of the intermediary's determination of the amount of program reimbursement was mailed to the provider or, where notice of such determination was not timely rendered, within 180 days after the expiration of the period specified in § 405.1835(b). Such request for Board hearing must identify the aspects of the determination with which the provider is dissatisfied, explain why the provider believes the determination is incorrect in such particulars, and be accompanied by any documenting evidence the provider considers necessary to support its position. Prior to the commencement of the hearing proceedings, the provider may identify in writing additional aspects of the intermediary's determination with which it is dissatisfied and furnish any documentary evidence in support thereof.

(b) A request for a Board hearing filed after the time limit prescribed in paragraph (a) of this section shall be dismissed by the Board, except that for good cause shown, the time limit may be extended. However, no such extension shall be granted by the Board if such request is filed more than 3 years after the date the notice of the intermediary's determination is mailed to the provider.

§ 405.1843 Parties to Board hearing.

(a) The parties to the Board hearing shall be the provider, the intermediary (including the Social Security Administration when acting directly as intermediary) that rendered the determination being appealed (see § 405.1833), and any other entity found by the intermediary to be a related organization of such provider.

(b) Except as provided in paragraph (a), neither the Secretary nor the Social Security Administration may be made a party to the hearing. However, the Board may call as a witness any employee or officer of the Department of Health, Education, and Welfare having personal knowledge of the facts and the issues in controversy in a hearing pending before the Board and may call as a consultant to the Board in connection with any such hearing any individual designated by the Secretary for such purpose. (See § 405.1863.)

§ 405.1845 Composition of Board.

(a) The Board will consist of five members appointed by the Secretary. All shall be knowledgeable in the field of cost reimbursement. At least one shall be a certified public accountant. Two Board members shall be representative of providers of services.

(b) The term of office for Board members shall be 3 years, except that initial

appointments may be for such shorter terms as the Secretary may designate to permit staggered terms of office. No member shall serve more than two consecutive 3-year terms of office. The Secretary shall have the authority to terminate a Board member's term of office for good cause.

(c) One member of the Board shall be designated by the Secretary as Chairman thereof and shall coordinate and direct the administrative activities of the Board, and shall have such other authority which may be granted to him by the Board.

(d) A quorum shall be required for hearings before the Board. Three members, at least one of whom is representative of providers of services, shall be required to constitute a quorum.

§ 405.1847 Disqualification of Board members.

No Board member shall join in the conduct of a hearing in a case in which he is prejudiced or partial with respect to any party or in which he has any interest in the matter pending for decision before him. Notice of any objection which a party may have with respect to a Board member shall be presented in writing to such Board member by the objecting party at its earliest opportunity. The Board member shall consider the objection and shall, in his discretion, either proceed to join in the conduct of the hearing or withdraw. If he does not withdraw, the objecting party may petition the Board, presenting its objection and reasons therefor, and be entitled to a ruling thereon before the hearing can proceed.

§ 405.1849 Establishment of time and place of hearing by the Board.

The Board shall fix the time and place for the hearing and shall mail written notice thereof to the parties at their last known addresses, not less than 30 days prior to the scheduled time. Either on its own motion or for good cause shown by a party, the Board may, as appropriate, reschedule, adjourn, postpone, or reopen the hearing, provided that reasonable written notice is given to the parties.

§ 405.1851 Conduct of Board hearing.

The Board hearing shall be open to the parties, to representatives of the Social Security Administration, and to such other persons as the Board deems necessary and proper. The Board shall inquire fully into all of the matters at issue and shall receive into evidence the testimony of witnesses and any documents which are relevant and material to such matters. If the Board believes that there is relevant and material evidence available which has not been presented at the hearing, it may at any time prior to the mailing of notice of the decision, reconvene the hearing for the receipt of such evidence. The order in which the evidence and the allegations shall be presented and the conduct of the hearing shall be at the discretion of the Board.

§ 405.1853 Prehearing discovery and other proceedings prior to the Board hearing.

(a) Upon notification that a request for Board hearing has been filed, the intermediary shall forthwith review the materials submitted by the provider in accordance with § 405.1841. Simultaneously, the intermediary shall review the information which formed the basis for its determination of the amount of program reimbursement. Based on the findings of such review, the intermediary shall expeditiously attempt to join with the provider in written stipulations setting forth the issues that said review has resolved and designating the issues that remain for Board resolution. Having obtained such stipulations and being satisfied that no further agreements can be negotiated, the intermediary shall ensure that all available documentary evidence in support of each party's position is part of the record. Such evidence will ordinarily include a position paper from the provider, a position paper from the intermediary, and any documents which support the issues addressed in the stipulations. These materials, in addition to all relevant documents which formed the basis for its determination of the amount of program reimbursement, shall be forwarded to the Board within 60 days after the date of the provider's request for Board review.

(b) Prehearing discovery shall be permitted upon timely request of a party. To be timely, a request for discovery and inspection shall be made before the beginning of the hearing. A reasonable time for inspection and reproduction of documents shall be provided by order of the Board. The Board's order on all discovery matters shall be final.

(c) If, in the discretion of the Board, the purpose of defining the issues more clearly would be served, the Board may schedule a prehearing conference. For this purpose, a single member of the Board may be appointed to act for the Board with respect to prehearing activities.

§ 405.1855 Evidence at Board hearing.

Evidence may be received at the Board hearing even though inadmissible under the rules of evidence applicable to court procedure. The Board shall give the parties opportunity for submission and consideration of facts and arguments and during the course of the hearing should, in ruling upon admissibility of evidence, exclude irrelevant, immaterial, or unduly repetitious evidence. The Board shall render a final ruling on the admissibility of evidence.

§ 405.1857 Subpoenas.

When reasonably necessary for the full presentation of a case, the Board may, either upon its own motion or upon the request of a party, issue subpoenas for the attendance and testimony of witnesses and for the production of books, records, correspondence, papers, or other documents which are relevant and material to any matter in issue at the hearing.

Parties who desire the issuance of a subpoena shall, not less than 10 days prior to the time fixed for the hearing, file with the Board a written request therefor, designating the witnesses or documents to be produced, and describing the address, or location thereof with sufficient particularity to permit such witnesses or documents to be found. The request for a subpoena shall state the pertinent facts which the party expects to establish by such witnesses or documents and whether such facts could be established by other evidence without the use of a subpoena. Subpoenas, as provided for above, shall be issued in the name of the Board, and the Social Security Administration shall assume the cost of the issuance and the fees and mileage of any witness so subpoenaed, as provided in section 205(d) of the Act, 42 U.S.C. 405(d).

§ 405.1859 Witnesses.

Witnesses at the hearing shall testify under oath or affirmation, unless excused by the Board for cause. The Board may examine the witnesses and shall allow the parties or their representatives to do so. Parties to the proceeding may also cross-examine witnesses.

§ 405.1861 Oral argument and written allegations.

The parties, upon their request, shall be allowed a reasonable time for the presentation of oral argument or for the filing of briefs or other written statements of allegations as to facts or law. Copies of any brief or other written statement shall be filed in sufficient number that they may be made available to all parties and to the Social Security Administration.

§ 405.1863 Administrative policy at issue.

Where a party to the Board hearing puts into issue an administrative policy which is interpretative of the law or regulations, the Board will promptly notify to the Social Security Administration.

§ 405.1865 Record of Board hearing.

A complete record of the proceedings at the hearing shall be made and transcribed in all cases. It shall be made available to the parties upon request. The record will not be closed until a decision has been issued.

§ 405.1867 Sources of Board's authority.

In exercising its authority to conduct the hearings described herein, the Board must comply with all the provisions of title XVIII of the Act and regulations issued thereunder, as well as rulings issued under the authority of the Commissioner of Social Security (see § 422.408 of this chapter). The Board shall afford great weight to interpretive rules, general statements of policy, and rules of agency organization, procedure, or practice established by the Bureau of Health Insurance.

§ 405.1869 Scope of Board's decision-making authority.

The Board shall have the power to affirm, modify, or reverse a determina-

tion of an intermediary with respect to a cost report and to make any other modifications on matters covered by such cost report (including modifications adverse to the provider or other parties) even though such matters were not considered in the intermediary's determination. The opinion of the majority of those Board members deciding the case will constitute the Board's decision.

§ 405.1871 Board hearing decision and notice.

(a) The Board shall, as soon as practicable after the conclusion of its hearing, render a written decision based upon the record made at such hearing, the record established in support of the determination of the intermediary (see § 405.1803), and such other evidence as may be obtained or received by the Board. Such Board decision shall be supported by substantial evidence when the record of Board hearing is viewed as a whole and shall cite applicable law, regulations, and Social Security Rulings. A copy of the decision shall be mailed to all parties to the hearing at their last known addresses and, at the same time, to the Secretary.

(b) The decision of the Board provided for in paragraph (a) of this section shall be final and binding upon all parties to the hearing before the Board unless it is reviewed, and reversed or modified (adversely to the provider), by the Secretary, or unless it is remanded to the Board by the Secretary and given a less favorable decision by such Board (see § 405.1875), or unless it is revised in accordance with § 405.1885.

§ 405.1873 Board's jurisdiction.

(a) The Board shall decide questions relating to its jurisdiction to grant a hearing, including (1) the timeliness of an intermediary determination (see § 405.1835(b)), and (2) the right of a provider to a hearing before the Board when the amount in controversy is in issue (see §§ 405.1835(a)(3) and 405.1837).

(b) The determination of a fiscal intermediary that no payment may be made under title XVIII of the Act for any expenses incurred for items and services furnished to an individual because such items and services are excluded from coverage pursuant to section 1862 of the Act, 42 U.S.C. 1395y (see Subpart C of this part), shall not be reviewed by the Board. (Such determination shall be reviewed only in accordance with the applicable provisions of Subpart G or H of this part.)

§ 405.1875 Secretary's review.

(a) The Secretary, on his own motion and at his discretion, may elect to review a decision of the Board which is favorable in whole or in part to the provider. A right to such a review does not vest in parties to the Board's decision.

(b) The Secretary will promptly notify all parties to the Board's hearing of his election to review the Board's decision and of the result of such review.

(c) If the Secretary affirms a decision of the Board, the decision of the Board is the final administrative decision.

(d) If the Secretary reverses or modifies a decision of the Board adversely to a provider, he must do so within 60 days after notification to the provider of the Board's decision. In such case further review of the Secretary's decision is provided (see § 405.1877).

(e) The Secretary may remand the case to the Board with a request that the Board further consider the matter at issue in those cases where the Board's decision was favorable to the provider. In such situations where the Board issues a new decision (after remand by the Secretary) less favorable to the provider, such decision will constitute an adverse decision by the Secretary. (See § 405.1877).

§ 405.1877 Judicial review.

Section 1878(f) of the Act, 42 U.S.C. 1395o(f), permits judicial review only where the Secretary, adversely to the provider, modifies or reverses the Board's decision (see § 405.1875(e)). Such action shall be brought in the District Court of the United States for the judicial district in which the provider is located or in the District Court for the District of Columbia.

§ 405.1881 Appointment of representative.

A provider or other party may be represented by legal counsel or any other person it appoints to act as its representative at the proceedings, conducted in accordance with §§ 405.1819 and 405.1851.

§ 405.1883 Authority of representative.

A representative appointed by a provider or other party may accept or give on behalf of the provider or other party any request or notice relative to any proceeding before a hearing officer or the Board. A representative shall be entitled to present evidence and allegations as to facts and law in any proceeding affecting the party he represents and to obtain information with respect to a request for an intermediary hearing or a Board hearing made in accordance with §§ 405.1811, 405.1835, or § 405.1837 to the same extent as the party he represents. Notice to a provider or other party of any action, determination, or decision, or a request for the production of evidence by a hearing officer or the Board sent to the representative of the provider or other party shall have the same force and effect as if it had been sent to the provider or other party.

§ 405.1885 Reopening a determination or decision.

(a) A determination of an intermediary, a decision by a hearing officer or panel of hearing officers, a decision by the Board, or a decision of the Secretary may be reopened with respect to findings on matters at issue in such determination or decision, by such intermediary officer or panel of hearing officers, Board, or Secretary, as the case may be, either on

motion of such intermediary officer or panel of hearing officers, Board, or Secretary, or on the motion of the provider affected by such determination or decision to revise any matter in issue at any such proceedings. Any such request to reopen must be made within 3 years of the date of the notice of the intermediary or Board hearing decision, or where there has been no such decision, any such request to reopen must be made within 3 years of the date of notice of the intermediary determination. No such determination or decision may be reopened after such 3-year period except as provided in paragraphs (d) and (e) of this section.

(b) A determination or a hearing decision rendered by the intermediary shall be reopened and revised by the intermediary if, within the aforementioned 3-year period, the Social Security Administration notifies the intermediary that such determination or decision is inconsistent with the applicable law, regulations, or general instructions issued by the Social Security Administration in accordance with the Secretary's agreement with the intermediary.

(c) Jurisdiction for reopening a determination or decision rests exclusively with that administrative body that rendered the last determination or decision.

(d) Notwithstanding the provisions of paragraph (a) of this section, an intermediary determination or hearing decision, a decision of the Board, or a decision of the Secretary shall be reopened and revised at any time if it is established that such determination or decision was procured by fraud or similar fault of any party to the determination or decision.

(e) Paragraphs (a) and (b) of this section apply to determinations on cost reporting periods ending on or after December 31, 1971. (See § 405.1801(c).) However, the 3-year period described shall also apply to determinations with respect to cost reporting periods ending prior to December 31, 1971, but only if the reopening action was undertaken after May 27, 1972 (the effective date of regulations which, prior to the publication of this Subpart R, governed the reopening of such determinations).

§ 405.1887 Notice of reopening.

(a) All parties to any reopening described above shall be given written notice of the reopening. When such reopening results in any revision in the prior decision notice of said revision or revisions will be mailed to the parties with a complete explanation of the basis for the revision or revisions. Notices of reopenings by the Board shall also be sent to the Secretary.

(b) In any such reopening, the parties to the prior decision shall be allowed a reasonable period of time in which to present any additional evidence or argument in support of their position.

§ 405.1889 Effect of a revision.

Where a revision is made in a determination or decision on the amount of program reimbursement after such determination or decision has been reopened as provided in § 405.1885, such revision shall be considered a separate and distinct determination or decision to which the provisions of §§ 405.1811, 405.1835, 405.1875 and 405.1877 are applicable. (See § 405.1801(c) for applicable effective dates.)

[FR Doc.74-22357 Filed 9-25-74;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER C—DRUGS

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

N-(Mercaptomethyl) Phthalimide S-(O-O-Dimethyl Phosphorodithioate)

Correction

In FR Doc. 74-20447, appearing at page 32025 in the issue for Wednesday, September 4, 1974, make the following changes to the table in § 135a.14:

1. The words "To control" in the italicized heading, now appearing above the right column, should be moved to appear above the left column.

2. In the fourth entry under "Method of use", the word "Spray" should be changed to read "Dip or spray".

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Aspartame; Correction

In FR Doc. 74-17093 appearing at page 27317 in the FEDERAL REGISTER of Friday, July 26, 1974, the following corrections are made:

1. On page 27318 in the center column, paragraph No. 7 is changed to read as follows:

7. A diketopiperazine (5 benzyl-3, 6-dioxo-2-piperazineacetic acid) is the breakdown derivative of aspartame, routinely present in the sweetener at levels up to about 1 percent of the aspartame. At such levels the safety of the diketopiperazine is shown by the safety studies on aspartame mentioned above. Additional data on the diketopiperazine itself support a judgment that the substance is safe in aspartame, when used in accordance with the regulation, up to a level of at least 2 percent, and accordingly, the final order authorizes use of aspartame which contains no more than 2 percent of the diketopiperazine. None of the uses of aspartame authorized by the order below would be likely to result in significant breakdown of aspartame to higher levels of the diketopiperazine. The Commissioner is not aware of any studies which indicate any toxicological problems with the diketopiperazine, even at higher levels; however, he advises that any future requests for uses of aspartame which involve a prospect of significant breakdown to higher levels of the diketopiperazine will be required, prior to approval, to demonstrate affirm-

atively that the anticipated higher levels are safe. The Commissioner understands that long term feeding studies of the diketopiperazine are in progress.

2. On page 27318 in the third column, the 21st line of paragraph No. 12 reading "i.e., 0.013 milligram per kilogram of body" is changed to read "i.e., 0.013 gram per kilogram of body".

3. On page 27319, § 121.1258 Aspartame is correct in the following respect:

a. In paragraph (a), the chemical name "1-methyl N-L-α-aspartyl-L-phenylalanine (C₁₂H₁₅N₃O₆)" is changed to read "1-methyl N-L-α-aspartyl-L-phenylalanine (C₁₂H₁₅N₃O₆)".

b. In paragraph (b)(1), under the heading "CALCULATIONS," that portion of the equation reading "Percent aspartame in sample="

$$\frac{(294.3) (A-B) (N)}{K} \times 100$$

is changed to read "Percent aspartame in sample="

$$\frac{(294.3) (A-B) (N)}{K} \times 100$$

c. In paragraph (b)(3), under the heading "APPARATUS," in the first sentence, the word "oncolumn" is changed to read "on-column"; and in the second sentence, the word "chromotograph" is changed to read "chromatograph"; under the heading "REAGENTS," in the last sentence, the ZIP code reading "20418" is changed "20037"; and under the heading "PROCEDURE," in the last sentence of the second paragraph, the word "chromotograph" is changed to read "chromatograph".

Dated: September 20, 1974.

SAM D. FINE,

Associate Commissioner
for Compliance.

[FR Doc.74-22333 Filed 9-25-74;8:45 am]

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

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

Tylosin

The Commissioner of Food and Drugs has evaluated the following new animal drug applications proposing safe and effective use of tylosin premix in the manufacture of animal feed: Young's, Inc., Roaring Spring, PA 16673 (96-162V); Quali-Tech Products, Inc., Chaska, MN 55318 (97-980V); and Henwood Feed Additives, Inc., Lewisburg, OH 45338 (45-690V). These applications are approved.

To facilitate referencing, those firms not previously assigned numbers are being assigned code numbers and placed in the list of firms in § 135.501(c) (21 CFR 135.501(c)); and § 135.10(b) is being amended to list the sponsoring firm, approved premix levels, and the specified use(s).

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), Parts 135 and 135e are amended as follows:

1. In § 135.501(c) by adding new sponsors as follows:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

Code No.:	Firm name and address
116---	Young's, Inc., Roaring Spring, PA 16673.
117---	Quali-Tech Products, Inc., 318 Lake Hazeltine Drive, Chaska, MN 55318.
118---	Henwood Feed Additives, Inc., 211 Western Road, Box 577, Lewisburg, OH 45338.

2. In § 135e.10 by adding new paragraph (b) (13), (14), and (15) to read as follows:

§ 135e.10 Tylosin.

- (b) * * *
- (13) To 116: 0.4 and 2 grams per pound; item 4.
- (14) To 117: 4 and 10 grams per pound; item 4.
- (15) To 118: 4, 10, and 20 grams per pound; item 4.

Effective date. This order shall be effective September 26, 1974.

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

Dated: September 19, 1974.

FRED J. KINGMA,
Acting Director, Bureau of
Veterinary Medicine.

[FR Doc.74-22334 Filed 9-25-74;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER D—NATIONAL HIGHWAY INSTITUTE

PART 260—EDUCATION AND TRAINING PROGRAMS

The National Highway Institute was established pursuant to section 321 of title 23, United States Code, to develop and administer, in cooperation with the State highway departments, training programs of instruction for Federal Highway Administration and State and local highway department employees engaged or to be engaged in Federal-aid highway work. Regulations published hereby provide notice of the establishment of related fellowship programs.

This amendment adds a new part, Part 260, to Chapter I of title 23 of the Code of Federal Regulations.

General notice of proposed rulemaking is not required, inasmuch as the regulations relate to benefits or contracts pursuant to 5 U.S.C. 553(a)(2). The regulations will become effective on the date of issuance set forth below.

Issued on September 19, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

Subpart A—Highway Safety

- Sec. 260.101 Purpose.
- 260.103 Objectives.
- 260.105 Eligibility.
- 260.107 Selection.
- 260.109 Responsibilities of educational institutions.
- 260.111 Responsibilities of employing agencies.
- 260.113 Equal opportunity.
- 260.115 Application procedures.

Subpart B—Highway Transportation Research and Education

- 260.201 Purpose.
- 260.203 Objectives.
- 260.205 Scope.
- 260.207 Eligibility.
- 260.209 Selection.
- 260.211 Responsibilities of educational institutions.
- 260.213 Responsibilities of employing agencies.
- 260.215 Equal opportunity.
- 260.217 Application procedures.

Subpart C—Highway Technology

- 260.301 Purpose.
- 260.303 Objectives.
- 260.305 Eligibility.
- 260.307 Selection.
- 260.309 Responsibilities of educational institutions.
- 260.311 Responsibilities of employing agencies.
- 260.313 Equal opportunity.
- 260.315 Application procedures.

AUTHORITY: 23 U.S.C. 307(a), 315, 321, and 403; 49 CFR 1.48(b) (34), (35), and (36).

Subpart A—Highway Safety

§ 260.101 Purpose.

The purpose of this subpart is to establish the eligibility requirements, and selection criteria for the Federal Highway Administration (FHWA) Fellowship Program in Highway Safety as administered by the National Highway Institute pursuant to sections 307(a), 315, 321, and 403, of title 23, United States Code. This subpart also provides information relative to the application process.

§ 260.103 Objectives.

(a) The objective of the fellowship program is to assist State and local agencies in developing the expert manpower needed for the implementation of their highway safety programs and to assist in the development of more effective safety programs at all levels of Government.

(b) To meet its objective the program provides 9 to 12 months of graduate study, normally beginning with the fall term, to enhance the candidates' contributions in the field of highway safety.

§ 260.105 Eligibility.

(a) A candidate must have earned a Bachelor's or comparable college level degree in a highway-related discipline prior to beginning advanced study under this program.

(b) Preference will be given to candidates who are presently employed by State or local transportation agencies in the technical and/or administrative aspects of highway safety or traffic engineering. Candidates who are students with job commitments to work in the field

of highway safety for State and local highway agencies are eligible. Faculty members presently involved in teaching highway safety and traffic engineering and who, by virtue of their positions, are involved in State and local safety programs are eligible.

(c) Candidates must submit evidence of acceptance, or probable acceptance, for full-time advanced study in highway safety and design, and traffic engineering or safety management courses in schools offering comprehensive programs that serve to promote and advance highway safety. Evidence of probable acceptance may be a letter from the department chairman, graduate school official, or other authorized person.

(d) Candidates must agree to work in public service with State or local highway agencies in the field of highway safety or, in the case of faculty members, with educational institutions teaching courses in highway safety, for at least 3 years after completing the fellowship study period. Fellowship recipients must agree to respond to brief questionnaires during the study period and annually during the 3 years following completion of the study.

(e) Candidates must enter into agreement to accept no other fellowship or scholarship assistance concurrent with the FHWA grant. Recipients may accept salary or wages, whether through part-time assistantships or for any part-time work performed, concurrent with the FHWA grant. They may also receive benefits under programs administered by the Veterans Administration.

(f) Candidates may not profit financially from FHWA fellowships. Specifically, recipients who maintain full-time employment may not accept those portions of the grants that exceed their direct educational expenses. Direct expenses include tuition, books, entrance fees, and cost of expendable supplies such as paper and notebooks. Specifically excluded from direct expenses are living stipends and special equipment including, but not limited to, calculators.

(g) Candidates must be citizens, or must declare their intent to become citizens, of the United States.

§ 260.107 Selection.

(a) Candidates will be rated by a Selection Panel appointed by the Director of the National Highway Institute. Members of the panel will represent the highway safety interests of Government, industry, and the academic community.

(b) Candidates, including otherwise qualified handicapped individuals, will be rated without regard to their race, color, sex, national origin, or handicap.

(c) The main factors to be considered by the panel will be:

- (1) Relevant experience;
- (2) Academic and professional achievements;
- (3) Relevance of a candidate's study program to the objectives of the fellowship program;
- (4) Candidate's potential to contribute to a State or local highway safety program.

(d) Using ratings given by the Selection Panel, the Director of the National Highway Institute will select candidates for awards and designate alternates.

§ 260.109 Responsibilities of educational institutions.

(a) The college or university chosen by the fellowship recipient shall enter into an appropriate agreement with the Federal Highway Administration providing for the administration of the grant by the college or university.

(b) The college or university chosen by the fellowship recipient shall designate a faculty advisor prior to the commitment of funds by the FHWA. The faculty advisor will be requested to submit reports of the recipient's study programs following the completion of each study period.

§ 260.111 Responsibilities of employing agencies.

(a) A candidate's employing agency is responsible for furnishing statements concerning the relevancy of the candidate's study to agency requirements.

(b) The employing agency is encouraged to give favorable consideration to the request of a candidate for educational leave and salary support for the study period to facilitate the candidate's application.

§ 260.113 Equal opportunity.

(a) Consistent with the provisions of Title VI of the Civil Rights Act of 1964, the Title VI Assurances executed by each State, section 324 of title 23, U.S.C., and section 794 of title 29, U.S.C., no applicant, including otherwise qualified handicapped individuals, shall on the grounds of race, color, sex, national origin, or handicap, be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under this program.

(b) State agencies are encouraged to make information on this program available to all eligible employees, including otherwise qualified handicapped individuals, so as to assure nondiscrimination on the grounds of race, color, sex, national origin, or handicap.

§ 260.115 Application procedures.

(a) Application forms may be obtained from FHWA regional and division offices, State highway departments, and Governor's Highway Safety Representatives, and from colleges and universities. Forms may also be obtained from the National Highway Institute (HHI-6), Federal Highway Administration, Washington, D.C. 20590.

(b) Applications should be sent directly to the National Highway Institute so as to arrive by December 31 of the year preceding that in which the study is to begin.

(c) Agencies that process their employees' applications should submit the applications to the Institute along with appropriate endorsements.

(d) Questions relative to the program may be directed to the University and Industry Programs Officer, National

Highway Institute (HHI-6), Federal Highway Administration, Washington, D.C. 20590.

Subpart B—Highway Transportation Research and Education

§ 260.201 Purpose.

The purpose of this subpart is to establish the eligibility requirements and selection criteria for the Federal Highway Administration (FHWA) Fellowship Program in Highway Transportation Research and Education as administered by the National Highway Institute pursuant to sections 307(a), 315 and 321 of title 23, United States Code. This subpart also provides information relative to the application process.

§ 260.203 Objectives.

(a) A program objective is to provide 9 to 12 months of graduate level study and/or research normally beginning with the fall term in highway transportation related fields.

(b) A corollary objective is to encourage free and unstructured inquiry into problems in highway transportation and its interface with other transportation modes and its relationship to the community.

(c) The overall objective of the fellowship program is to assist State and local agencies by enabling their employees to develop expertise in disciplines where shortages of skills exist and to thereby enhance their contributions to the agencies' transportation programs.

§ 260.205 Scope.

Among the identified educational and training needs in highway transportation is the need for professionals in transportation to gain a better understanding of other disciplines. A corollary need is for individuals trained in other disciplines and working in highway program areas to receive training and education in highway transportation. Such a capability, for example, enables the design engineer who is trained in acoustics to develop expressway designs with a more adequate consideration for noise abatement. Some examples of emphasis areas that lend themselves to cross-disciplinary research and education programs are meteorology, wildlife biology, air and water quality, noise abatement, urban transportation planning, economics, sociology, and transit system planning and management.

§ 260.207 Eligibility.

(a) A candidate must have earned a Bachelor's or comparable college level degree in a highway related discipline prior to beginning advanced study under this program. The degree may be in engineering or a related discipline including, but not limited to, economics, sociology, public administration, and public administration, and biology.

(b) Preference will be given to candidates who are presently employed by State or local transportation agencies. Candidates who are students with job commitments to work in the field of highway transportation for State or local highway agencies are eligible.

(c) A candidate who proposes to pursue independent study or research must furnish evidence that a suitable topic has been identified in cooperation with appropriate faculty members. A description of the research topic must be provided.

(d) Candidates must submit evidence of acceptance or probable acceptance for full-time advanced study in schools offering opportunities for research and study in highway transportation or related fields. Evidence of probable acceptance may be a letter from the department chairman, graduate school official, or other authorized persons.

(e) Candidates must agree to work in public service with State or local agencies in the field of highway transportation for at least 3 years after completing the fellowship study period. Fellowship recipients must agree to respond to brief questionnaires during the study period and annually during the 3 years following completion of the study.

(f) Candidates must enter into agreement to accept no other fellowship or scholarship assistance concurrent with the FHWA grant. Recipients may accept salary or wages whether through part-time assistantships or for any part-time work performed concurrent with the FHWA grant. They may also receive benefits under programs administered by the Veterans Administration.

(g) Candidates may not profit financially from FHWA fellowships. Specifically, recipients who maintain full-time employment may not accept those portions of the grants that exceed their direct educational expenses. Direct expenses include tuition, books, entrance fees, and costs of expendable supplies such as paper and notebooks. Specifically excluded from direct expenses are living stipends and special equipment including, but not limited to, calculators.

(h) Candidates must be citizens, or must declare their intent to become citizens, of the United States.

§ 260.209 Selection.

(a) Candidates will be rated by a Selection Panel appointed by the Director of the National Highway Institute. Members of the panel will represent the highway transportation interests of Government, industry, and the academic community.

(b) Candidates, including otherwise qualified handicapped individuals, will be rated without regard to their race, color, sex, national origin, or handicap.

(c) The main factors to be considered by the panel will be:

- (1) Relevant experience,
- (2) Academic and professional achievements,
- (3) Relevance of a candidate's study program to the objectives of the fellowship program.

(4) Candidate's potential to contribute to a State or local highway transportation program.

(d) Using ratings given by the selection panel, the Director of the National Highway Institute will select candidates for award and designate alternates.

§ 260.211 Responsibilities of educational institutions.

(a) The college or university chosen by the fellowship recipient shall enter into an appropriate agreement with the Federal Highway Administration providing for the administration of the grant by the college or university.

(b) The college or university chosen by the fellowship recipient shall designate a faculty advisor prior to commitment of funds by the FHWA. The faculty advisor will be requested to submit reports of the recipient's study progress following the completion of each study period.

§ 260.213 Responsibilities of employing agencies.

(a) A candidate's employing agency is responsible for furnishing statements concerning the relevancy of the candidate's study to agency requirements.

(b) The employing agency is encouraged to give favorable consideration to the request of a candidate for educational leave and salary support for the study period to facilitate the candidate's application.

§ 260.215 Equal opportunity.

(a) Consistent with the provisions of Title VI of the Civil Rights Act of 1964, the Title VI Assurances executed by each State, section 324 of title 23, U.S.C., and section 794 of title 29, U.S.C., no applicant, including otherwise qualified handicapped individuals, shall on the grounds of race, color, sex, national origin, or handicap, be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under this program.

(b) State agencies are encouraged to make information on this program available to all eligible employees, including otherwise qualified handicapped individuals, so as to assure nondiscrimination on the grounds of race, color, sex, national origin, or handicap.

§ 260.217 Application procedures.

(a) Application forms may be obtained from the FHWA regional and division offices, State highway departments, and from colleges and universities. Forms may also be obtained from the National Highway Institute (HHI-6), Federal Highway Administration, Washington, D.C. 20590.

(b) Applications should be sent directly to the National Highway Institute so as to arrive by December 31 of the year preceding that in which the study is to begin.

(c) Agencies that process their employees' applications should submit the applications to the Institute along with appropriate endorsements.

(d) Questions relative to the program may be directed to the University and Industry Programs Officer, National Highway Institute (HHI-6), Federal Highway Administration, Washington, D.C. 20590.

Subpart C—Highway Technology

§ 260.301 Purpose.

The purpose of this subpart is to establish the eligibility requirements,

and selection criteria for the Federal Highway Administration (FHWA) Scholarship Program in Highway Technology as administered by the National Highway Institute pursuant to sections 307(a), 315 and 321 of title 23, United States Code. This subpart also provides information relative to the application process.

§ 260.303 Objectives.

(a) The objective of the scholarship program is to assist State and local agencies and the FHWA in developing the technical manpower needed for the implementation of their highway programs and to assist in the development of more effective transportation programs at all levels of Government.

(b) To meet its objective the program provides 9 to 12 months of post secondary study normally beginning with the fall term to enhance the candidates' contributions in the field of highway transportation.

§ 260.305 Eligibility.

(a) Preference will be given to candidates who are presently employed by the FHWA and by State or local highway agencies. Candidates who are students with job commitments to work in the field of highway transportation for State and local highway agencies are eligible.

(b) Candidates must submit evidence of their acceptance, or probable acceptance, for full-time study in programs that will enhance their contribution to their employers. Evidence of probable acceptance may be a letter from the department chairman or other school official.

(c) Candidates must agree to work in public service with a highway agency for at least 3 years after completing the scholarship study period. Scholarship recipients must agree to respond to brief questionnaires during the study period and annually during the 3 years following completion of the study.

(d) Candidates must enter into agreement to accept no other fellowship or scholarship assistance concurrent with the FHWA grant. Recipients may accept salary or wages whether through part-time assistantships or for any part-time work performed concurrent with the FHWA grant. They may also receive benefits under programs administered by the Veterans Administration.

(e) Candidates may not profit financially from FHWA Scholarships. Specifically, recipients who maintain full-time

employment may not accept those portions of the grants that exceed their direct educational expenses. Direct expenses include tuition, books, entrance fees, and costs of expendable supplies such as paper and notebooks. Specifically excluded from direct expenses are living stipends and special equipment including, but not limited to, calculators.

(f) Candidates must be citizens or must declare their intent to become citizens of the United States.

§ 260.307 Selection.

(a) Candidates will be rated by a Selection Panel appointed by the Director of the National Highway Institute. Members of the panel will represent the transportation interests of Government, industry, and the academic community.

(b) Candidates, including otherwise qualified handicapped individuals, will be rated without regard to their race, color, sex, national origin, or handicap.

(c) The main factors to be considered by the panel will be:

- (1) Relevant experience;
- (2) Academic and technical achievements;
- (3) Relevance of a candidate's study program to the objectives of the scholarship program.

(4) Candidate's potential to contribute to a Federal, State, or local highway program.

(d) Using ratings given by the Selection Panel, the Director of the National Highway Institute will select candidates for awards and designate alternates.

§ 260.309 Responsibilities of educational institutions.

(a) The college or university chosen by the scholarship recipient shall enter into an appropriate agreement with the Federal Highway Administration providing for the administration of the grant by the college or university.

(b) The college or university chosen by the fellowship recipient shall designate a faculty advisor prior to the commitment of funds by the FHWA. The faculty advisor will be requested to submit reports of the recipient's study progress following the completion of each study period.

§ 260.311 Responsibilities of employing agencies.

(a) A candidate's employing agency is responsible for furnishing statements concerning the relevancy of the candidate's study to agency requirements.

(b) The employing agency is encour-

aged to give favorable consideration to the request of a candidate for educational leave and salary support for the study period to facilitate the candidate's application.

§ 260.313 Equal opportunity.

(a) Consistent with the provisions of Title VI of the Civil Rights Act of 1964, the Title VI Assurances executed by each State, section 324 of title 23, U.S.C., and section 794 of title 29, U.S.C., no applicant, including otherwise qualified handicapped individuals, shall on the grounds of race, color, sex, national origin, or handicap, be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under this program.

(b) State agencies are encouraged to make information on this program available to all eligible employees, including otherwise qualified handicapped individuals, so as to assure nondiscrimination on the grounds of race, color, sex, national origin, or handicap.

§ 260.315 Application procedures.

(a) Application forms may be obtained from FHWA regional and division offices, State highway departments, and Governor's Highway Safety Representatives, and from colleges and universities. Forms may also be obtained from the National Highway Institute (HHI-6), Federal Highway Administration, Washington, D.C. 20590.

(b) Applications should be sent directly to the National Highway Institute so as to arrive by December 31 of the year preceding that in which the study is to begin.

(c) Individuals from State and local agencies should send their applications directly to the National Highway Institute.

(d) Agencies that process their employees' applications should submit the applications to the Institute along with appropriate endorsements.

(e) Applications from Federal Highway Administration employees should be forwarded by Regional Administrators or Office Directors along with Forms 819, to the National Highway Institute through the Washington Office of Personnel and Training.

(f) Questions relative to the program may be directed to the University and Industry Programs Officer, National Highway Institute (HHI-6), Federal Highway Administration, Washington, D.C. 20590.

[FR Doc.74-22352 Filed 9-25-74;8:45 am]

Title 24—Housing and Urban Development
CHAPTER X—FEDERAL INSURANCE ADMINISTRATION
SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-366]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding. Since this publication is merely for the purpose of informing the public of the location of areas of special flood hazard and has no binding effect on the sale of flood insurance or the commencement of construction, notice and public procedure are impracticable, unnecessary, and contrary to the public interest. Inasmuch as this publication is not a substantive rule, the identification of special hazard areas shall be effective on the date shown. Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Connecticut	Windham	Woodstock, town of.	H 090120 01 H 090120 06	Department of Environmental Protection, Division of Water and Related Resources, Rm. 207, State Office Bldg., Hartford, Conn. 06115. Connecticut Insurance Department, State Capitol Bldg., 165 Capitol Ave., Hartford, Conn. 06115.	Selectman, Town Hall, Town of Woodstock, Woodstock, Conn. 06281.	September 20, 1974.
Do.	do.	Pomfret, town of.	H 090163 01 through H 090163 11	do.	Mayor, Town of Pomfret, Pomfret, Conn. 06258.	Do.
Georgia	Spalding	Griffin, city of.	H 130165 01 through H 130165 07	Department of Natural Resources, Office of Planning and Research, 270 Washington St. SW., Rm. 707, Atlanta, Ga. 30334. Georgia Insurance Department, State Capitol Bldg., Atlanta, Ga. 30334. Governor's Task Force on Flood Control, P.O. Box 475, Lisle, Ill. 60532.	City Commission, City Hall, City of Griffin, Griffin, Ga. 30223.	Do.
Illinois	Cook	Hoffman Estates, village of.	H 170107 01 through H 170107 07	Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Village Clerk, Village of Hoffman Estates, Village Hall, 1200 North Gannon Dr., Hoffman Estates, Ill. 60172.	Do.
Do.	Winnebago	Rockford, city of.	H 170723 01 through H 170723 15	do.	City County Planning Commission, City of Rockford, 425 East State, Rm. 800, Rockford, Ill. 61104.	Do.
Indiana	De Kalb	Altona, town of.	H 180045 01	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Town Board, West Quincy St., Town Altona, Garrett, Ind. 46738.	Do.
Do.	Wayne	Greensfork, town of.	H 180283 01	do.	Town Board, City Building, 12 South Water, Town of Greensfork, Greensfork, Ind. 47345.	Do.
Maine	Lincoln	Dresden, town of.	H 230084 01 through H 230084 11	Maine Soil and Water Conservation, Commission, State House, Augusta, Maine 04330. Maine Insurance Department, Capitol Shopping Center, Augusta, Maine 04330.	1st Selectman, Town of Dresden, Dresden, Maine 04842.	Do.
Do.	Penobscot	Bradley, town of.	H 230103 01 through H 230103 06	do.	1st Selectman, Town of Bradley, RFD No. 2, Brewer, Maine 04412.	Do.
Do.	Aroostook	Frenchville, town of.	H 230165 01 through H 230165 11	do.	Mayor, Town Hall, Town of Frenchville, Frenchville, Maine 04745.	Do.
Maryland	Allegany	Frostburg, city of.	H 240004 01 through H 240004 03	Department of Water Resources, State Office Bldg., Annapolis, Md. 21401. Maryland Insurance Department, 301 West Preston St., Baltimore, Md. 21201.	Mayor, City Hall, City of Frostburg, Frostburg, Md. 21532.	Do.
Massachusetts	Bristol	Easton, town of.	H 250053 01 through H 250053 04	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, Mass. 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Office of Town Administrator, 136 Elm St., Easton, Mass.	Do.
Do.	Norfolk	Dover, town of.	H 250238 01 through H 250238 04	do.	Chairman, Board of Selectman, Town Hall, Town of Dover, Dover, Mass. 02023.	Do.
Minnesota	Cass	Hackensack, city of.	H 270061 01	Division of Waters, Soil, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Mayor, City of Hackensack, Hackensack, Minn. 56452.	Do.
New Jersey	Cape May	Middle, township of.	H 340154 01 through H 340154 22	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Township Hall, Township of Middle, 33 Mechanic St., Cape May Court House, N.J. 08260.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
New York	Cattaraugus	Carrollton, town of.	H 360063 01 through H 360063 13	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038.	Supervisor, Town of Carrollton, Allegheny, N.Y. 14706.	Do.
Do.	Cortland	Homer, town of.	H 360181 01 through H 360181 05	do.	Town Supervisor, Town Hall, Town of Homer, Homer, N.Y. 13077.	Do.
Do.	Erie	Eden, town of.	H 360238 01 through H 360238 10	do.	Supervisor, Town Hall, 2735 East Church St., Town of Eden, Eden, N.Y. 14057.	Do.
Do.	Greene	Prattsville, town of.	H 360296 01 through H 360296 04	do.	Supervisor, Town of Prattsville, Prattsville, N.Y. 12468.	Do.
Do.	Oncida	Marcy, town of.	H 360533 01 through H 360533 05	do.	Supervisor, Marcy Town Bldg., Town of Marcy, Marcy, N.Y. 13403.	Do.
Do.	Westchester	Yorktown, town of.	H 360937 01 through H 360937 10	do.	Supervisor, Town of Yorktown, 363 Vanderhill Ave., Yorktown, N.Y. 10568.	Do.
Do.	Chautaugus	Carroll, town of.	H 360994 01 through H 360994 04	do.	Mayor, Town of Carroll, Carroll, N.Y.	Do.
Do.	Schoharie	Seward, town of.	H 361199 01 through H 361199 11	do.	Mayor, Town of Seward, Seward, N.Y. 12199.	Do.
Do.	Ulster	Kingston, town of.	H 361218 01 through H 361218 03	do.	Mayor, Town of Kingston, Kingston, N.Y. 12401.	Do.
Do.	Madison	De Ruyter, town of.	H 361291 01 through H 361291 09	do.	Mayor, Town of De Ruyter, De Ruyter, N.Y. 13052.	Do.
Ohio	Carroll	Leesville, village of.	H 390050 01	Ohio Department of Natural Resources, Fountain Square, Columbus, Ohio 43215. Ohio Insurance Department, 115 East Rich St., Columbus, Ohio 43215.	Mayor, Village of Leesville, Union St., Leesville, Ohio 44639.	Do.
Do.	Delaware	Ostrander, village of.	H 390150 01	do.	Mayor, Village of Ostrander, Box 63, Ostrander, Ohio 43061.	Do.
Do.	Hancock	Mount Cory, village of.	H 390249 01	do.	Mayor, Town Hall, Village of Mount Cory, Arcadia, Ohio 44804.	Do.
Pennsylvania	Clearfield	Brisbin, borough of.	H 420297 01	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Mayor, Borough of Brisbin, Brisbin, Pa. 16620.	Do.
Do.	Erie	Millcreek, township of.	H 420452 01 through H 420452 09	do.	Chairman, Board of Supervisors, Township of Millcreek, 2608 North 20th St., Erie, Pa. 16505.	Do.
Do.	Allegheny	Kennedy, township of.	H 421072 through H 421072 04	do.	Township Clerk, Township of Kennedy, Kennedy, Pa. 15135.	Do.
Do.	do	Penn Hills, township of.	H 421093 01 through H 421093 03	do.	Township of Penn Hills, Municipal Bldg., 12245 Frankstown Rd., Penn Hills, Pa. 15235.	Do.
Do.	York	Washington, township of.	H 421150 01 through H 421150 08	do.	Office of Secretary, Township of Washington, Municipal Bldg., Kraltown, Rt. 1, East Berlin, Pa. 17316.	Do.
Do.	Westmoreland	Derry, township of.	H 421205 01 through H 421205 09	do.	Derry Township, 746 Chocolate Ave., Hershey, Pa. 17033.	Do.
Do.	Armstrong	Kiskimintus, township of.	H 421209 01 through H 421209 11	do.	Township Supervisor Secretary, Township of Kiskimintus, Star Rt., Apollo, Pa. 15613.	Do.
Do.	do	Dayton, borough of.	H 421211 01	do.	Supervisor, Borough of Dayton, Dayton, Pa. 16222.	Do.
Do.	Susquehanna	Great Bend, township of.	H 421212 01 through H 421212 03	do.	Board of Supervisors, Township of Great Bend, 18 Main St., Hallstead, Pa. 18822.	Do.
Do.	Franklin	Antrim, township of.	H 421233 01 through H 421233 06	do.	Antrim Township Municipal Bldg., Baltimore St., Greencastle, Pa. 17225.	Do.
Do.	Allegheny	Findlay, township of.	H 421286 01 through H 421286 10	do.	Township Supervisor, Township of Findlay, Findlay, Pa.	Do.
Do.	Armstrong	Burrell, township of.	H 421303 01 through H 421303 06	do.	Township Supervisor Secretary, Township of Burrell, R.D. No. 1, Fordcity, Pa. 16226.	Do.
Do.	do	Gilpin, township of.	H 421306 01 through H 421306 06	do.	Township Supervisor Secretary, Township of Gilpin, R.D. No. 1, Leechburg, Pa. 15656.	Do.
Do.	do	Pine, township of.	H 421312 01 through H 421312 02	do.	Township Supervisor Secretary, Township of Pine, Templeton, Pa. 16259.	Do.
Do.	Jefferson	Rose, township of.	H 421734 01 through H 421734 02	do.	Township Supervisor, Township of Rose, R.D. No. 4, Brookville, Pa. 15825.	Do.
Do.	Lancaster	Earl, township of.	H 421767 01 through H 421767 08	do.	Supervisor, Township of Earl, Earl, Pa.	Do.
Do.	do	Sadsbury, township of.	H 421782 01 through H 421782 08	do.	Chairman, Board of Supervisors, Township of Sadsbury, R.D. No. 1, Christiana, Pa. 17509.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Mercer	Coolspring, township of.	H 421863 01 through H 421863 04	do.	Chairman, Board of Supervisors, Township of Coolspring, R.D. No. 4, Mercer, Pa. 16137.	Do.
Do.	Northumberland	Jackson, township of.	H 421938 01 through H 421938 05	do.	Township Supervisor, Township of Jackson, Jackson, Pa.	Do.
Do.	Westmoreland	Donegal, township of.	H 422187 01 through H 422187 10	do.	Donegal Township Chairman, Board of Supervisors, Township of Donegal, R.D. No. 1, Stahstown, Pa. 15687.	Do.
Do.	do.	East Huntingdon, township of.	H 422188 01 through H 422188 06	do.	East Huntingdon Township Chairman, Board of Supervisors, R.D. No. 1, Scottsdale, Pa. 15683.	Do.
Do.	do.	Salem township of.	H 422192 01 through H 422192 08	do.	Chairman, Board of Supervisors, Township of Salem, Municipal Bldg., R.D. No. 4, Greensburg, Pa. 15601.	Do.
Do.	do.	Upper Burrell, township of.	H 422195 01	do.	Chairman, Board of Supervisors, Township of Upper Burrell, Box 810, New Kensington, Pa. 15008.	Do.
South Carolina	Horry	Myrtle, city of.	H 450109 01 through H 450109 06	South Carolina Water Resources Commission, P.O. Drawer 164, 700 Knox Abbot Dr. Cayce, S.C. 29033. South Carolina Insurance Department, 2711 Middleburg St., Columbia, S.C. 29204.	Myrtle Beach City Hall, Myrtle Beach, S.C. 29577.	Do.
Vermont	Addison	Hancock, town of.	H 500005 01 through H 500005 05	Management and Engineering Division, Water Resources Department, State Office Bldg., Montpelier, Vt. 05602. Vermont Insurance Department, State Office Bldg., Montpelier, Vt. 05602.	Chairman, Hancock Board of Selectman, Town of Hancock, Hancock, Vt. 05748.	Do.
Do.	Chittenden	Essex, town of.	H 500034 01 through H 500034 12	do.	Town Manager, Town of Essex, Essex Junction, Vt. 05452.	Do.
Do.	Addison	Whiting, town of.	H 500175 01	do.	Township Supervisor, Township of Whiting, Whiting, Vt. 05778.	Do.
Wisconsin	Eau Clair	Eau Clair, city of.	H 550128 01 through H 550128 05	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, Wis. 53703.	Office of City Clerk, City Hall, Eau Clair, Wis. 54701.	Do.
Massachusetts	Middlesex	Concord, town of.	H 250189 01 through H 250189 07	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, Mass. 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Town Manager, Town of Concord, Town House, Monument Square, Concord, Mass. 01742.	Sept. 6, 1974.

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

Issued: September 17, 1974.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc. 74-22297 Filed 9-25-74; 8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER C—EMPLOYMENT TAXES

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

Requirements With Respect to Certain Employment Tax Information Returns and Statements for Employees

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by October 28, 1974. Pursuant to 26 CFR 601.601(b) designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, a

person submitting written comments should not include therein material that he considers to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by October 28, 1974. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under

the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; (26 U.S.C. 7805)).

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

This document contains a proposed amendment of the Employment Tax Regulations under sections 6011, 6051, 6053, 6071, and 6081 of the Internal Revenue Code of 1954 with respect to certain employment tax information returns and statements for employees.

The proposed regulations provide that the Internal Revenue Service copy of Form W-2 (wage and tax statement) is to be transmitted only with Form W-3 (not with Forms W-3 and 941 as is provided in the existing regulations) or with Form 942 and that the two forms together constitute a return. The time for filing information returns on Forms W-2 and W-3 has been extended to the last day of February following the calendar year for which the return is made. How-

ever, in the case of domestic workers where tax returns on Forms 942 and W-2 are filed the filing date is the January 31 filing date currently prescribed for Form 942. The requirement that Forms W-2 be filed with the Service by employers of domestics is new.

The proposed notice requires that all employees' wage and tax statements be made on Form W-2 (whether or not the wages specified on such statement are subject to income tax withholding) except for cases in which a composite return on magnetic tape or other approved media is used by the employer. In these excepted cases the requirement is satisfied if in lieu of a Form W-2 the employee is provided with a statement on a form suitable for retention and containing all the information required to be shown on Form W-2. Undeliverable statements to employees are no longer to be sent to the Internal Revenue Service, but are instead to be retained by the employer for a 4-year period under the provisions of the Code requiring the retention of records.

In order to authorize future changes in the designations of the forms required to be used without the necessity of amending the regulations for each change, the proposed regulations provide that the instructions to the form control as to the use of a particular form.

It is proposed to make the amendments effective with respect to returns or statements required to be filed or provided after September 26, 1974 except that the proposed amendment of § 31.6071(a)-1 which liberalizes the filing requirement of information returns on Forms W-2 and W-3 by extending the time for filing is effective with respect to remuneration paid during a calendar year after 1972.

PROPOSED AMENDMENTS TO THE REGULATIONS

In order to modify requirements with respect to certain employment tax information returns (Forms W-2, W-3, and 4804) and statements for employees of wages and withheld income and social security taxes, the Employment Tax Regulations under sections 6011, 6051, 6053, 6071, and 6081 of the Internal Revenue Code of 1954 are amended as follows, effective with respect to such returns or statements required to be filed or provided after September 26, 1974, except that the proposed amendment of § 31.6071(a)-1 set forth in paragraph 8 hereof is effective with respect to remuneration paid during a calendar year after 1972.

PAR. 1. Paragraph (a) of § 31.6011(a)-1 is amended by amending paragraph (a) (3) as follows:

§ 31.6011(a)-1 Returns under Federal Insurance Contributions Act.

- (a) Requirement. * * *
- (3) Employers of domestic workers. * * *
- (ii) * * *

An employer entitled to make the election referred to in the preceding sentence who has chosen one method shall

not change to the other method without first notifying the internal revenue office with which he is required to file his returns that he will thereafter use such other method. See, however, § 31.6011(a)-6 relating to final returns on Form 941. An employer who makes a return of tax on Form 942 pursuant to this section shall submit as part of such return for a period ending December 31, or for any period for which such return is made as a final return, the Internal Revenue Service copy of a Form W-2 for each employee with respect to whose wages tax is reported thereon. The provisions of this subparagraph shall not apply to any employer filing a return on Forms 941PR or 942PR (see § 31.6091-1).

PAR. 2. Paragraph (b) of § 31.6011(a)-4 is amended to read as follows:

§ 31.6011(a)-4 Returns of income tax withheld from wages.

* * * * *

(b) Internal Revenue Service copies of Forms W-2 on domestic workers. (1) Every employer who makes a return of tax on Form 942 pursuant to paragraph (a) (2) of this section shall submit as part of such return for a period ending December 31, or for any period for which such return is made as a final return, the Internal Revenue Service copy of a Form W-2 for each employee with respect to whose wages tax is reported thereon.

(2) The Internal Revenue Service copies of corrected Forms W-2 previously filed with a Form 942 for the calendar year shall be submitted with an explanatory statement to the service center on or before the date fixed for filing the employer's Form 942 for the calendar quarter in which the correction is made.

(3) For provisions relating to extensions of time for filing the Internal Revenue Service copies of Form W-2, see paragraph (a) (3) of § 31.6081(a)-1.

PAR. 3. Section 31.6011(a)-5 is amended by revising the heading of paragraph (b) and by revising paragraph (b) (2) to read as follows:

§ 31.6011(a)-5 Monthly returns.

* * * * *

(b) Information returns. * * *

(2) Information returns on Form W-3 and Internal Revenue Service copies of Form W-2. See § 31.6051-2 for requirements with respect to information returns on Form W-3 and Internal Revenue Service copies of Form W-2.

PAR. 4. A new § 31.6011(a)-9 is inserted immediately after § 31.6011(a)-8, to read as follows:

§ 31.6011(a)-9 Instructions to forms control as to which form is to be used.

Notwithstanding provisions in this part which specify the use of a particular form for a return or other document required by this part, the use of a different form may be required by the latter form's instructions. In such case, the latter form shall be completed in accordance with its instructions.

PAR. 5. In § 31.6051-1, paragraphs (a), (b), (c), and (d) are amended, and paragraph (f) is redesignated as paragraph (g) and a new paragraph (f) is added. Section 31.6051-1 is amended as follows:

§ 31.6051-1 Statements for employees.

(a) Requirement if wages are subject to withholding of income tax—(1) General rule.

(i) * * *

(f) * * * See paragraph (d) of this section for provisions relating to the time for furnishing the statement required by this subparagraph. See paragraph (f) of this section for an exception for employers filing composite returns from the requirement that statements for employees be on Form W-2.

* * * * *

(3) Undelivered statements for employees. The Internal Revenue Service copy and the employee's copy of each withholding statement for the calendar year which the employer is required to furnish to the employee and which after reasonable effort he is unable to deliver to the employee shall be retained by the employer for the 4-year period prescribed in paragraph (e) (2) of § 31.6001-1.

(b) Requirement if wages are not subject to withholding of income tax—

(1) General rule. If during the calendar year an employer pays to an employee wages subject to the employee tax imposed by section 3101, but not subject to income tax withholding under section 3402, the employer shall furnish to such employee the tax return copy and the employee's copy of a statement on Form W-2 for such calendar year. Such statement shall show the following:

* * * * *

(3) [Deleted]

(c) Correction of statements. * * *

(2) Income tax withholding. A corrected statement shall be furnished to the employee with respect to a prior calendar year (i) to show the correct amount of wages, as defined in section 3401 (a), paid during the prior calendar year if the amount of such wages entered on a statement furnished to the employee for such prior year is incorrect, or (ii) to show the amount actually deducted and withheld as tax under section 3402 if such amount is less or greater than the amount entered as tax withheld on the statement furnished to the employee for such prior year. Such statement shall be indicated as corrected.

(3) Cross reference. For provisions relating to the disposition of the Internal Revenue Service copy of a corrected statement, see paragraph (b) (2) of § 31.6011(a)-4 and paragraph (b) of § 31.6051-2.

(d) Time for furnishing statements—

(1) In general. Each statement required by this section for a calendar year and each corrected statement required for the year shall be furnished to the employee on or before January 31 of the year succeeding such calendar year, or, if his employment is terminated before

the close of such calendar year, on or before the 30th day after the day on which the last payment of wages is made. For provisions relating to the filing of the Internal Revenue Service copies of the statement, see § 31.6051-2.

(2) *Extensions of time.* (i) For good cause shown upon written application by an employer, the district director or director of a service center may grant an extension of time not exceeding 30 days in which to furnish to employees the statements required by this section. Each application for an extension of time under this subdivision shall be made in writing, properly signed by the employer or his duly authorized agent; shall be addressed to the internal revenue office with which the employer is required to file the Internal Revenue Service copies of the statements; and shall contain a full recital of the reasons for requesting the extension, to aid the internal revenue office in determining the period of extension, if any, which will be granted. Such a request in the form of a letter to the internal revenue office will suffice as an application. The application shall be filed on or before the date prescribed in subparagraph (1) of this paragraph for furnishing the statements required by this section. In any case in which an employer is unable, by reason of illness, absence, or other good cause, to sign a request for an extension, any person standing in close personal or business relationship to the employer may sign the request on his behalf, and shall be considered as a duly authorized agent for this purpose, provided the request sets forth a reason for a signature other than the employer's and the relationship existing between the employer and the signer. For provisions relating to extensions of time for filing the Internal Revenue Service copies of the statements, see paragraph (a) (3) of § 31.6081(a)-1.

(f) *Employers filing composite returns.* Every employer who files a composite return pursuant to § 31.6011(a)-8 shall furnish to his employees the statements required under this section, except that in lieu of Form W-2 the statements may be in any form which is suitable for retention by the employee and which contains all information required to be shown on Form W-2.

(g) *Cross references.* * * *

PAR. 6. A new § 31.6051-2 is added to read as follows:

§ 31.6051-2 Information returns on Form W-3 and Internal Revenue Service copies of Forms W-2.

(a) *In general.* Every employer who is required to make a return of tax under § 31.6011(a)-1 (relating to returns under the Federal Insurance Contributions Act), § 31.6011(a)-4 (relating to returns of income tax withheld from wages), or § 31.6011(a)-5 (relating to monthly returns) for a calendar year or any period therein shall file the Internal Revenue Service copy of each Form W-2 required under § 31.6051-1 to be furnished by the employer with respect to wages paid during the calendar year (other than Forms W-2 which are filed as part of a

return of tax on Form 942). Each Form W-2 and the transmittal Form W-3 shall together constitute an information return to be filed with the internal revenue office with which the employer is required to file such return of tax. However, in the case of an employer who elects to file a composite return pursuant to § 31.6011(a)-8, the information return required by this section shall consist of magnetic tape (or other approved media) containing all information required to be on the employee statement, together with transmittal Form 4804.

(b) *Corrected returns.* The Internal Revenue Service copies of corrected Forms W-2 (or magnetic tape or other approved media) for employees for the calendar year shall be submitted with Form W-3 (or Form 4804) and an explanatory statement, on or before the date on which information returns for the period in which the correction is made would be due under paragraph (a) (3) (ii) of § 31.6071(a)-1, to the internal revenue office with which such returns are required to be filed.

(c) *Cross references.* For provisions relating to the time for filing the information returns required by this section and to extensions of the time for filing, see paragraph (a) (3) (ii) of § 31.6071(a)-1 and paragraph (a) (3) of § 31.6081(a)-1, respectively. For the penalty provided in case of each failure to file, see paragraph (a) of § 301.6652-1 of this chapter (Regulations on Procedure and Administration).

PAR. 7. Paragraphs (b) and (c) of § 31.6053-2 are amended to read as follows:

§ 31.6053-2 Employer statement of uncollected employee tax.

(b) *Form of statement.* Form W-2 is the form prescribed for use in furnishing the statement required by paragraph (a) of this section, except that if an employer files a composite return pursuant to § 31.6011(a)-8 he may furnish to the employee, in lieu of Form W-2, a statement containing the required information in a form suitable for retention by the employee. A statement is required under this section in respect of an excess referred to in paragraph (a) of this section, even though the employer may not be required to furnish a statement to the employee under § 31.6051. Provisions applicable to the furnishing of a statement under § 31.6051 shall be applicable to statements under this section.

(c) *Excess to be shown on statement.* If there is an excess in respect of the tips reported by an employee in two or more statements furnished pursuant to section 6053(a), only the total excess for the period covered by the employer statement shall be shown on such statement.

PAR. 8. Section 31.6071(a)-1 is amended by revising the caption of paragraph (a) (3) (i) and by revising paragraph (a) (3) (ii), to read as follows:

§ 31.6071(a)-1 Time for filing returns and other documents.

(a) *Federal Insurance Contributions Act and income tax withheld from wages.* * * *

(3) *Information returns—(i) Returns on Form 941.* * * *

(ii) *Returns on Forms W-2 and W-3.* Each information return in respect of wages as defined in the Federal Insurance Contributions Act or of income tax withheld from wages which is required to be made under § 31.6051-2 shall be filed on or before the last day of February following the calendar year for which it is made, except that, if a tax return under paragraph (a) of § 31.6011(a)-5 is filed as a final return for a period ending prior to December 31, the information statement shall be filed on or before the last day of the second calendar month following the period for which the tax return is filed.

PAR. 9. Paragraph (a) (3) of § 31.6081(a)-1 is amended to read as follows:

§ 31.6081(a)-1 Extensions of time for filing returns and other documents.

(a) *Federal Insurance Contributions Act; income tax withheld from wages; and Railroad Retirement Tax Act.* * * *

(3) *Information returns of employers on Forms W-2 and W-3.* For good cause shown upon application by an employer, the district director or director of a service center may grant an extension of time not exceeding 30 days in which to file (i) the copies of withholding statements (Form W-2) which are part of a return on Form 942 under paragraph (b) of § 31.6011(a)-4, or (ii) copies of withholding statements and the accompanying transmittal which constitute information returns under paragraph (a) of § 31.6051-2. Each application for an extension of time under this subparagraph shall be made in writing, properly signed by the employer or his duly authorized agent. Except as provided in paragraph (b) of § 301.6091-1 (relating to hand-carried documents), each application shall be addressed to the internal revenue office with whom the employer is required to file the Forms W-2. Each application shall contain a full recital of the reasons for requesting the extension, to aid such office in determining the period of the extension, if any, which will be granted. Such a request in the form of a letter to such internal revenue office will suffice as an application. The application shall be filed on or before the date on which the employer is required to file the withholding statements without regard to this paragraph.

[FR Doc. 74-22285 Filed 9-25-74; 8:45 am]

Title 33—Navigation and Navigable Waters

**CHAPTER I—COAST GUARD,
DEPARTMENT OF TRANSPORTATION**

[CGD 74 227]

**PART 117—DRAWBRIDGE OPERATION
REGULATIONS**

Willamette River, Oregon

A new gauge has been installed on the Southern Pacific bridge at mile 84.3 of the Willamette River, Oregon, and has been placed eight feet lower than the old gauge. A 28 foot reading now corresponds to a 20 foot reading on the old gauge. Therefore, the river stage must

now be eight feet lower than the stage intended when the existing regulation was adopted before the 24 hour advance notice can become effective. In order to update the regulation, 28 feet will be inserted on lieu of 20 feet in § 117.755(a) (2) of Title 33.

As this action does not affect the regulation governing the operation of this bridge and does not affect the public in any way, and is merely for clarification of an existing situation, the change is made without notice of proposed rule making.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by striking the words "20 feet" in the first sentence of § 117.755(a) (2) and inserting the words "28 feet" in place thereof.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g) (2)); 49 CFR 1.46(c) (5), 33 CFR 1.105-1(c) (4)).

Effective date: This revision shall become effective on September 27, 1974.

Dated: September 18, 1974.

R. L. PRICE,
Rear Admiral, U.S. Coast Guard
Chief, Office of Marine Environment and Systems.

[FR Doc. 74-22397 Filed 9-25-74; 8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 3—ADJUDICATION

Increase of Disability Compensation and Dependency and Indemnity Compensation Rates

On page 28537 of the FEDERAL REGISTER of August 8, 1974, there was published a notice of proposed regulatory development to amend Part 3, Title 38 of the Code of Federal Regulations to reflect amendments to Title 38, United States Code, effected by Pub. L. 93-295 (88 Stat. 180). Amendments to §§ 3.350 and 3.552 incorporate the new disability compensation rates provided by Pub. L. 93-295. Sections 3.500 and 3.800 are amended to reflect the equalization of wartime and peacetime death compensation rates. Sections 3.4(d) and 3.311 have been revoked as section 343 of Title 38 which provided for payment of compensation at the wartime rate where death incurred in peacetime service resulted from armed conflict or extra hazardous service was repealed. Sections 3.304, 3.305, 3.307, 3.308, 3.309 and 3.371 are amended to reflect the change in the delimiting date in section 337 of Title 38. Sections 3.850, 3.851, 3.854 and 3.856 are amended to implement the amendment to section 3202 of Title 38 which facilitates payments of benefits to or for beneficiaries under legal disability. Minor editorial changes are made in §§ 3.3, 3.4 (a), (b), and (c), 3.5 (a), (b), (d) and (e), 3.304 (b) (3), 3.309 (c), 3.358, 3.556, 3.800 (a) and 3.801 designed to reflect agency policy to avoid any appearance of seeming to preclude benefits for female veter-

ans, their dependents and survivors. Section 3.5(e) is further amended to reflect an increase in the rate of dependency and indemnity payable to a widow or widower for a child under age 18. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

No written comments have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective dates. The amendments to §§ 3.5(e) (3), 3.304(a), 3.305, 3.307, 3.308, 3.309(a), 3.350, 3.371, 3.500, 3.552 and 3.800(b) and the revocation of §§ 3.4(d) and 3.311 are effective May 1, 1974. The amendments to §§ 3.850, 3.851, 3.854 and 3.856 are effective July 1, 1974. Editorial amendments to §§ 3.3, 3.4 (a), (b) and (c), 3.5 (a), (b), (d) and (e) (1), 3.304(b) (3), 3.309(c), 3.358, 3.556, 3.800(a) and 3.801 are effective September 19, 1974.

Approved: September 19, 1974.

[SEAL] R. L. ROUDEBUSH,
Acting Administrator.

1. In § 3.3, paragraph (d) (3) is revised to read as follows:

§ 3.3 Pension.

(d) *Death pension.* * * *
(3) *Mexican border period and later war periods.* Basic entitlement exists for the widow, widower or child of a deceased veteran if the veteran's service meets the requirements of paragraph (c) (1) or (2) of this section or the veteran was, at the time of death, receiving or entitled to receive compensation or retirement pay for service-connected disability based on wartime service. Basic entitlement exists under the provisions of this subparagraph, effective January 1, 1971, for the widow, widower or child of a deceased veteran of the Mexican border period. (38 U.S.C. 541, 542)

2. In § 3.4, paragraphs (a), (b) (2) and (c) are revised and paragraph (d) is revoked. The amended material reads as follows:

§ 3.4 Compensation.

(a) *Compensation.* This term means a monthly payment made by the Veterans Administration to a veteran because of service-connected disability, or to a widow, widower, child, or parent of a veteran because of the service-connected death of the veteran occurring before January 1, 1957, or under the circumstances outlined in paragraph (c) (2) of this section. If the veteran was discharged or released from service, the discharge or release must have been under conditions other than dishonorable. (38 U.S.C. 101(2), (13))

(b) *Disability compensation.* * * *
(2) An additional amount of compensation may be payable for a wife, husband, child, and/or dependent parent where a veteran is entitled to compensation based on disability evaluated

as 50 per centum or more disabling. (38 U.S.C. 315, 335)

(c) *Death compensation.* Basic entitlement exists for a widow, widower, child or children, and dependent parent or parents if:

(1) The veteran died before January 1, 1957; or

(2) The veteran died on or after May 1, 1957, and before January 1, 1972, if at the time of death a policy of United States Government Life Insurance or National Service Life Insurance was in effect under waiver of premiums under 38 U.S.C. 724 unless the waiver was granted under the first proviso of section 622(a) of the National Service Life Insurance Act of 1940, and the veteran died before return to military jurisdiction or within 120 days thereafter. (38 U.S.C. 321, 341) (See § 3.5(d) as to Public Health Service.)

(d) [Revoked]

3. In § 3.5, paragraphs (a), (b) (introductory portion preceding subparagraph (1) and subparagraph (2)), (d) and (e) are revised to read as follows:

§ 3.5 Dependency and indemnity compensation.

(a) *Dependency and indemnity compensation.* This term means a monthly payment made by the Veterans Administration to a widow, widower, child, or parent:

(1) Because of a service-connected death occurring after December 31, 1956, or

(2) Pursuant to the election of a widow, widower, child, or parent, in the case of such a death occurring before January 1, 1957. (38 U.S.C. 101(14))

(b) *Entitlement.* Basic entitlement for a widow, widower, child, or children, and parent or parents of a veteran exists, if:

(2) Death occurred prior to January 1, 1957, and the claimant was receiving or eligible to receive death compensation on December 31, 1956 (or, as to a parent, would have been eligible except for income), under laws in effect on that date or who subsequently becomes eligible by reason of a death which occurred prior to January 1, 1957; or

(d) *Group life insurance.* No dependency and indemnity compensation or death compensation shall be paid to any widow or widower, child or parent based on the death of a commissioned officer of the Public Health Service, the Coast and Geodetic Survey, the Environmental Science Services Administration, or the National Oceanic and Atmospheric Administration occurring on or after May 1, 1957, if any amounts are payable under the Federal Employees' Group Life Insurance Act of 1954 (Pub. L. 598, 83d Congress, as amended) based on the same death. (sec. 501(c) (2), Public Law 881, 84th Congress (70 Stat. 857), as amended by sec. 13(u), Pub. L. 85-857 (72 Stat. 1266), sec. 5, Pub. L. 91-621 (84 Stat. 1863)).

(e) *Widow's or widower's rate.* (1) The monthly rate of dependency and indemnity compensation for a widow or widower is based on the "pay grade" of the veteran. This rate is subject to increase as provided in paragraph (e) (3) of this section. (38 U.S.C. 411(a))

(2) The Secretary of the concerned service department will certify the "pay grade" of the veteran and the certification will be binding on the Veterans Administration. (38 U.S.C. 421)

(3) If there is a widow or widower with one or more children under the age of 18 (including a child not in the widow's or widower's actual or constructive custody and a child who is in active military, air, or naval service), the total amount payable shall be increased by \$26 for each child. (38 U.S.C. 411(b), Pub. L. 93-295, (88 Stat. 180))

4. In § 3.304, paragraphs (a) and (b) (3) are revised to read as follows:

§ 3.304 Direct service connection; wartime and peacetime.

(a) *General.* The basic considerations relating to service connection are stated in § 3.303. The criteria in this section apply only to disabilities which may have resulted from service in a period of war or service rendered on or after January 1, 1947.

(b) *Presumption of soundness.* * * *

(3) Signed statements of veterans relating to the origin, or incurrence of any disease or injury made in service if against his or her own interest is of no force and effect if other data do not establish the fact. Other evidence will be considered as though such statement were not of record. (10 U.S.C. 1219)

5. In § 3.305, the heading and paragraph (a) are revised to read as follows:

§ 3.305 Direct service connection; peacetime service before January 1, 1947.

(a) *General.* The basic considerations relating to service connection are stated in § 3.303. The criteria in this section apply only to disabilities which may have resulted from service other than in a period of war before January 1, 1947.

6. In § 3.307, the heading and paragraph (a) (1) and (2) are revised to read as follows:

§ 3.307 Presumptive service connection for chronic, tropical or prisoner of war related disease; wartime and service on or after January 1, 1947.

(a) *General.* A chronic, tropical or prisoner of war related disease listed in § 3.309 will be considered to have been incurred in service under the circumstances outlined in this section even though there is no evidence of such disease during the period of service. No condition other than one listed in § 3.309(a) will be considered chronic.

(1) *Service.* The veteran must have served 90 days or more during a war period or after December 31, 1946. The requirement of 90 days' service means ac-

tive, continuous service within or extending into or beyond a war period, or which began before and extended beyond December 31, 1946, or began after that date. Any period of service is sufficient for the purpose of establishing the presumptive service connection of a specified disease under the conditions listed in § 3.309(c).

(2) *Separation from service.* For the purpose of paragraph (a) (3), (4) and (5) of this section the date of separation from wartime service will be the date of discharge or release during a war period, or if service continued after the war, the end of the war period. In claims based on service on or after January 1, 1947, the date of separation will be the date of discharge or release from the period of service on which the claim is based.

7. Section 3.308 is revised to read as follows:

§ 3.308 Presumptive service connection; peace-time service before January 1, 1947.

(a) *Chronic disease.* There is no provision for presumptive service connection for chronic disease as distinguished from tropical diseases referred to in paragraph (b) of this section based on peacetime service before January 1, 1947.

(b) *Tropical disease.* In claims based on peacetime service before January 1, 1947, a veteran of 6 months or more service who contracts a tropical disease listed in § 3.309(b) or a resultant disorder or disease originating because of therapy administered in connection with a tropical disease or as a preventative, will be considered to have incurred such disability in service when it is shown to exist to the degree of 10 percent or more within 1 year after separation from active service, or at a time when standard and accepted treatises indicate that the incubation period commenced during active service unless shown by clear and unmistakable evidence not to have been of service origin. The requirement of 6 months or more service means active, continuous service, during one or more enlistment periods. (38 U.S.C. 333)

8. In § 3.309, paragraphs (a) and (c) are revised to read as follows:

§ 3.309 Disease subject to presumptive service connection.

(a) *Chronic diseases.* The following diseases may be considered for service connection although not otherwise established as incurred in service if manifested to a compensable degree within the applicable time limits under § 3.307 following service in a period of war or following peacetime service on or after January 1, 1947.

Anemia, primary.
Arteriosclerosis.
Arthritis.
Atrophy, progressive muscular.
Brain hemorrhage.
Brain thrombosis.
Bronchiectasis.
Calculi of the kidney, bladder, or gallbladder.
Cardiovascular-renal disease, including hypertension. (This term applies to combination involvement of the type of arterio-

sclerosis, nephritis, and organic heart disease, and since hypertension is an early symptom long preceding the development of those diseases in their more obvious forms, a disabling hypertension within the 1-year period will be given the same benefit of service connection as any of the chronic diseases listed.)

Cirrhosis of the liver.
Coccidioidomycosis.
Diabetes mellitus.
Encephalitis lethargica residua.
Endocarditis (This term covers all forms of valvular heart disease.)
Endocrinopathies.
Epilepsies.
Hodgkin's disease.
Leprosy.
Leukemia.
Myasthenia gravis.
Myelitis.
Myocarditis.
Nephritis.
Other organic diseases of the nervous system.
Osteitis deformans (Paget's disease).
Osteomalacia.
Palsy, bulbar.
Paralysis agitans.
Psychoses.
Purpura idiopathic, hemorrhagic.
Raynaud's disease.
Sarcoidosis.
Scleroderma.
Sclerosis, amyotrophic lateral.
Sclerosis, multiple.
Syringomyelia.
Thromboangiitis obliterans (Buerger's disease).
Tuberculosis, active.
Tumors, malignant, of the brain or spinal cord or peripheral nerves.
Ulcers, peptic (gastric or duodenal) (A proper diagnosis of gastric or duodenal ulcer (peptic ulcer) is to be considered established if it represents a medically sound interpretation of sufficient clinical findings warranting such diagnosis and provides an adequate basis for a differential diagnosis from other conditions with like symptomatology; in short, where the preponderance of evidence indicates gastric or duodenal ulcer (peptic ulcer). Whenever possible, of course, laboratory findings should be used in corroboration of the clinical data.)

(c) *Diseases specific as to prisoners of war.* The following diseases may be considered for service connection although not otherwise established as incurred in service if manifested to a compensable degree under the provisions of § 3.307(a) (5) and if the veteran, while held as a prisoner of war by an enemy Government or its agents during World War II, the Korean conflict, or the Vietnam era, suffered from dietary deficiencies, forced labor, or inhumane treatment (in violation of the terms of the Geneva Conventions of July 27, 1929, and August 12, 1949). If the veteran was held for not less than 6 months by the Imperial Japanese Government or the German Government during World War II, by the Government of North Korea during the Korean conflict, or by the Government of North Korea or the Government of North Vietnam or the Viet Cong forces during the Vietnam era, or by their respective agents, the veteran shall be deemed to have suffered from such dietary deficiencies, forced labor, and inhumane treatment:

Avitaminosis.
 Beriberi (including beriberi heart disease).
 Chronic dysentery.
 Helminthiasis.
 Malnutrition (including optic atrophy associated with malnutrition).
 Pellagra.
 Any other nutritional deficiency.
 Psychosis.

(38 U.S.C. 312)

§ 3.311 [Revoked]

9. Section 3.311, Death from Armed Conflict or extrahazardous duty in peacetime (38 U.S.C. 343), is revoked.

10. In § 3.350, the introductory portion preceding paragraph (a), the introductory portion of paragraphs (a), (b), (c) and (e) preceding subparagraph (1) and paragraphs (d), (f) (1) and (2) (1) through (iv), (h) and (i) are revised to read as follows:

§ 3.350 Special monthly compensation ratings.

The rates of special monthly compensation stated in this section are those provided under 38 U.S.C. 314.

(a) *Ratings under 38 U.S.C. 314(k).* Special monthly compensation (\$52) is payable for each anatomical loss or loss of use of one hand, one foot, both buttocks, one or more creative organs, blindness of one eye having only light perception, deafness of both ears, having absence of air and bone conduction, or complete organic aphonia with constant inability to communicate by speech. This special compensation is payable in addition to the basic rate of compensation otherwise payable on the basis of degree of disability, provided that the combined rate of compensation does not exceed \$727 monthly when authorized in conjunction with any of the provisions of 38 U.S.C. 314(a) through (j) or (s). When there is entitlement under 38 U.S.C. 314(1) through (n) or an intermediate rate under (p) such additional allowance is payable for each such anatomical loss or loss of use existing in addition to the requirements for the basic rates, provided the total does not exceed \$1,017 per month. The limitations on the maximum compensation payable under this paragraph are independent of and do not preclude payment of additional compensation for dependents under 38 U.S.C. 315, or the special allowance for aid and attendance provided by 38 U.S.C. 314(r). (Pub. L. 93-295, 88 Stat. 180)

(b) *Ratings under 38 U.S.C. 314(l).* The special monthly compensation provided by 38 U.S.C. 314(l) is payable for anatomical loss or loss of use of both hands, both feet, one hand and one foot, blindness in both eyes with visual acuity of 5/200 or less or being permanently bedridden or so helpless as to be in need of regular aid and attendance. The monthly rate is \$727.

(c) *Ratings under 38 U.S.C. 314(m).* The special monthly compensation provided by 38 U.S.C. 314(m) is payable for anatomical loss or loss of use of two

extremities at a level or with complications preventing natural elbow or knee action with prosthesis in place; or for blindness in both eyes having only light perception; or for blindness in both eyes rendering the veteran so helpless as to be in need of regular aid and attendance. The monthly rate is \$800.

(d) *Ratings under 38 U.S.C. 314(n).* The special monthly compensation provided by 38 U.S.C. 314(n) is payable for the anatomical loss of two extremities so near the shoulder or hip as to prevent the use of a prosthetic appliance or anatomical loss of both eyes. The rate is \$909 per month. Amputation is a prerequisite. If a prosthesis cannot be worn at the present level of amputation but could be applied if there were a reamputation at a higher level the requirements of this paragraph are not met; instead, consideration will be given to loss of natural elbow or knee action.

(e) *Ratings under 38 U.S.C. 314(o).* The special monthly compensation provided by 38 U.S.C. 314(o) is payable for conditions entitling to two or more of the rates (no condition being considered twice) provided in 38 U.S.C. 314 (1) through (n) or for bilateral deafness rated at 60 percent or more disabling, and the hearing impairment in one or both ears is service connected, in combination with service-connected blindness with bilateral visual acuity 5/200 or less. The monthly rate is \$1,017.

(f) *Intermediate or next higher rate; 38 U.S.C. 314(p)—(1) Extremities.* (i) Anatomical loss or loss of use of one extremity with the anatomical loss or loss of use of another extremity at a level or with complications preventing natural elbow or knee action with prosthesis in place will entitle to the rate intermediate between 38 U.S.C. 314 (1) and (m). The monthly rate is \$764.

(ii) Anatomical loss or loss of use of one extremity with anatomical loss of another extremity so near the shoulder or hip as to prevent the use of a prosthetic appliance will entitle to the rate equal to 38 U.S.C. 314(m). The monthly rate is \$800.

(iii) Anatomical loss or loss of use of extremity at a level preventing natural elbow or knee action with prosthesis in place with anatomical loss of another extremity so near the shoulder or hip as to prevent the use of a prosthetic appliance will entitle to the rate intermediate between 38 U.S.C. 314 (m) and (n). The monthly rate is \$855.

(2) *Eyes, bilateral, and blindness in connection with deafness.* (i) Blindness of one eye with 5/200 visual acuity or less and blindness of the other eye having only light perception will entitle to the rate intermediate between 38 U.S.C. 314 (1) and (m). The monthly rate is \$764.

(ii) Blindness of one eye with 5/200 visual acuity or less and anatomical loss, or blindness having no light perception accompanied by phthisis bulbi, evisceration or other obvious deformity or dis-

figurement of the other eye, will entitle to a rate equal to 38 U.S.C. 314(m). The monthly rate is \$800.

(iii) Blindness of one eye having only light perception and anatomical loss, or blindness having no light perception accompanied by phthisis bulbi, evisceration or other obvious deformity or disfigurement of the eye, will entitle to a rate intermediate between 38 U.S.C. 314 (m) and (n). The monthly rate is \$855.

(iv) Total blindness of both eyes having no light perception accompanied by phthisis bulbi, evisceration, or other obvious deformity or disfigurement will entitle to a rate equal to 38 U.S.C. 314 (n). The monthly rate is \$909.

(h) *Special aid and attendance benefit in maximum monthly compensation cases; 38 U.S.C. 314(r).* A veteran receiving the maximum rate (\$1,017) of special monthly compensation under any provision or combination of provisions in 38 U.S.C. 314 who is in need of regular aid and attendance is entitled to an additional allowance during periods he or she is not hospitalized at United States Government expense. (See § 3.552(b) (2) as to continuance following admission for hospitalization.) The rate is \$437. Determination of this need is subject to the criteria of § 3.352. This additional allowance is payable whether or not the need for regular aid and attendance was a partial basis for entitlement to the maximum \$1,017 rate, or was based on an independent factual determination.

(i) *Total plus 60 percent, or housebound; 38 U.S.C. 314(s).* The special monthly compensation at the rate of \$654 provided by 38 U.S.C. 314(s) is payable where the veteran has a single service-connected disability rated as 100 percent without resort to individual unemployability and,

(1) Has additional service-connected disability or disabilities independently ratable at 60 percent, separate and distinct from the 100 percent service-connected disability and involving different anatomical segments or bodily systems, or

(2) Is permanently housebound by reason of service-connected disability or disabilities. This requirement is met when the veteran is substantially confined as a direct result of service-connected disabilities to his or her dwelling and the immediate premises or, if institutionalized, to the ward or clinical areas, and it is reasonably certain that the disability or disabilities and resultant confinement will continue throughout his or her lifetime.

11. In § 3.358(c), subparagraphs (5) and (6) are revised to read as follows:

§ 3.358 Determinations for disability or death from hospitalization, medical or surgical treatment, examinations or vocational rehabilitation training (§ 3.809).

(c) *Cause.* . . .

(5) When the proximate cause of the injury suffered was the claimant's willful

misconduct or failure to follow instructions, it will bar him (or her) from receipt of compensation hereunder except in the case of incompetent claimants.

(6) Compensation for disability resulting from the pursuit of vocational rehabilitation is not payable unless there is established a direct (proximate) causal connection between the injury or aggravation of an existing injury and some essential activity or function which is within the scope of the vocational rehabilitation course, not necessarily limited to activities or functions specifically designated by the Veterans Administration in the individual case, since ordinarily it is not to be expected that each and every different function and act of a veteran pursuant to his or her course of training will be particularly specified in the outline of the course or training program. For example, a disability resulting from the use of an item of mechanical or other equipment is within the purview of the statute if training in its use is implicit within the prescribed program or course outlined or if its use is implicit in the performance of some task or operation the trainee must learn to perform, although such use may not be especially mentioned in the training program. In determining whether the element of direct or proximate causation is present, it remains necessary for a distinction to be made between an injury arising out of an act performed in pursuance of the course of training, that is, a required "learning activity", and one arising out of an activity which is incident to, related to, or coexistent with the pursuit of the program of training. For a case to fall within the statute there must have been sustained an injury which, but for the performance of a "learning activity" in the prescribed course of training, would not have been sustained. A meticulous examination into all the circumstances is required, including a consideration of the time and place of the incident producing the injury.

12. In § 3.371, the heading is revised to read as follows:

§ 3.371 Presumptive service connection for tuberculous disease; wartime and service on or after January 1, 1947.

13. In § 3.500, paragraph (r) is revised to read as follows:

§ 3.500 General.

(r) Service connection (38 U.S.C. 3012(b) (6); § 3.105). Last day of month following 60 days after notice to payee. Applies to reduced evaluation, and severance of service connection.

14. In § 3.552, paragraphs (g) and (h) are revised to read as follows:

§ 3.552 Adjustment of allowance for regular aid and attendance.

(g) Where a veteran entitled to one of the rates under 38 U.S.C. 314(l), (m), or (n) by reason of anatomical losses

or losses of use of extremities, blindness (visual acuity 5/200 or less or light perception only), or anatomical loss of both eyes is being paid compensation of \$1,017 because of entitlement to another rate under section 314(l) on account of need for aid and attendance the compensation will be reduced while hospitalized to the following:

(1) If entitlement is under section 314(l) and in addition there is need for regular aid and attendance for another disability, the award during hospitalization will be \$800 since the disability requiring aid and attendance is 100 percent disabling. (38 U.S.C. 314(p)).

(2) If entitlement is under section 314(m), \$909.

(3) If entitlement is under section 314(n), \$1,017 would be continued, since the disability previously causing the need for regular aid and attendance would then be totally disabling entitling the veteran to the maximum rate under 38 U.S.C. 314(p).

(h) If, because of blindness, a veteran requires regular aid and attendance, but has better vision than "light perception only" the award under 38 U.S.C. 314(m) \$800 will be reduced while hospitalized to the rate payable under 38 U.S.C. 314(l) (\$727).

15. In § 3.556, paragraph (a) (1) is revised to read as follows:

§ 3.556 Adjustment on discharge or release.

(a) Temporary Absence—30 days. (1) Where a competent veteran whose award was reduced under § 3.551(b) is placed on non-bed care status or other authorized absence of 30 days or more the full monthly rate, excluding any allowance for regular aid and attendance, will be restored effective the date of reduction. The full monthly rate for an incompetent veteran, or for a competent veteran whose pension was reduced under § 3.551(c), will be restored effective the date of departure from the hospital unless it is determined that apportionment for an estranged wife (husband) should be continued. In all instances, any allowance for regular aid and attendance will be restored effective the date of departure from the hospital.

16. In § 3.800, the introductory portion of paragraph (a) preceding subparagraph (1) and (b) are revised to read as follows:

§ 3.800 Disability or death due to hospitalization, etc.

(a) Where disease, injury, death or the aggravation of an existing disease or injury occurs as a result of having submitted to an examination, medical or surgical treatment, hospitalization or the pursuit of a course of vocational rehabilitation under any law administered by the Veterans Administration and not the result of his (or her) own willful misconduct, disability or death compensation, or dependency and indemnity compensation will be awarded for such disease, injury, aggravation, or death as if

such condition were service connected. The commencing date of benefits is subject to the provisions of § 3.400(d). (38 U.S.C. 351)

(b) (1) If death occurred prior to January 1, 1957, the benefit payable will be death compensation. See §§ 3.5(b) (2) and 3.702 as to right of election to dependency and indemnity compensation.

(2) If death occurs on or after January 1, 1957, the benefit payable will be dependency and indemnity compensation.

17. In § 3.801, paragraph (c) (2) is revised to read as follows:

§ 3.801 Special acts.

(c) Provisions of act.

(2) If a special act corrects the nature of separation from military service and does not grant pension or compensation directly, the claimant acquires a status so that he or she may apply for and be allowed benefits. The claimant, then, is placed in the same position he or she would have been if originally released under conditions other than dishonorable.

18. In § 3.850, paragraphs (a) and (b) are revised to read as follows:

§ 3.850 General.

(a) Payment of benefits to a duly recognized fiduciary may be made on behalf of a person who is mentally incompetent or who is a minor; or, payment may be made directly to the beneficiary or to a relative or other person for the use of the beneficiary, regardless of legal disability, when it is determined to be in the best interest of the beneficiary by the Veterans Assistance Officer. (38 U.S.C. 3202; Pub. L. 93-295, 88 Stat. 180).

(1) Unless otherwise contraindicated by evidence of record payment will be made direct to the following classes of minors without any referral to the Veterans Assistance Officer;

(i) Those who are serving in or have been discharged from the military forces of the United States; and

(ii) Those who qualify for survivors benefits as a widow or widower.

(2) Likewise unless otherwise contraindicated by evidence of record, payment of benefits may be made to the wife or husband of an incompetent veteran having no guardian for the use of the veteran and his or her dependents without any referral to the Veterans Assistance Officer.

(b) When payments have been discontinued or withheld from a fiduciary, benefits may be temporarily paid to the person having custody of the minor or incompetent.

19. Section 3.851 is revised to read as follows:

§ 3.851 St. Elizabeths Hospital, Washington, D.C.

Benefits due or becoming due any person who is a patient at St. Elizabeths

Hospital will be paid to a duly appointed fiduciary of such person. The benefits payable to a veteran who has no wife (or husband), child, or dependent parent will be paid by an institutional award in accordance with § 3.852 if there is no such fiduciary. Benefits payable to veterans' dependents who are patients at this hospital will be paid direct or to a fiduciary of such dependent, except that any awards now being paid to the superintendent will be continued while such dependent remains a patient.

20. Section 3.854 is revised to read as follows:

§ 3.854 Limitation on payments for minor.

Benefits will not be authorized to a fiduciary recognized or appointed for a child, by reason of its minority, for any period subsequent to the day preceding the date on which the child will attain its majority under the law of the State in which the child resides. Payments on or after that date, if otherwise in order, will be made direct to the child, if competent, or, if incompetent and direct payment under § 3.850 is not in order, to a fiduciary appointed for the child as a mentally incompetent adult.

20. Section 3.856 is revised to read as follows:

§ 3.856 Change of name of female fiduciary.

If a female fiduciary receiving benefits in such capacity marries or is restored to her former name by divorce decree, her statement setting forth her present name may be accepted.

[FR Doc. 74-22399 Filed 9-25-74; 8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

SUBCHAPTER E—RESTRICTIONS ON PRIVATE CARRIAGE OF LETTERS

COMPREHENSIVE STANDARDS FOR PERMISSIBLE PRIVATE CARRIAGE

Carriage of Letters and Enforcement and Suspension of the Private Express Statutes

Correction

In FR Doc. 74-21301, appearing at page 33209 in the issue for Monday, September 16, 1974, in § 320.3(b), in the twelfth line, the word "many" should be changed to read "any".

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 261-7]

PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Variations, Enforcement Orders, and Confidentiality Provisions

DEFERRAL OF IMPLEMENTATION PLAN REQUIREMENTS

During the past 12 months, four Circuit Courts of Appeal have addressed the

question of whether a state may extend a source's compliance date under the State's implementation plan without satisfying the substantive and procedural requirements of Section 110(f) of the Clean Air Act (Act). Three of these courts—the First, Second and Eighth Circuits¹—held that source compliance dates could be deferred through the mechanism of a State-issued and EPA-approved variance or enforcement order but only up to the attainment date for meeting the primary ambient air quality standards. In most instances, the date for meeting the primary standards is no later than July 31, 1975. However, in some air quality control regions (AQCRs), primary standards attainment dates have been deferred up to two years through extensions granted under authority of Section 110(e) of the Act.

From a technical standpoint, the pronouncements of the three circuit courts referred to above can be treated as applying only to those States which are within the jurisdiction of the courts. However, the Administrator believes that when three appellate courts uniformly resolve an issue which is common to every state, the decisions of the courts should be accepted as strongly persuasive guidance for Agency action in all states. Accordingly, the Administrator has determined that the proper course of action is to revise 40 CFR Part 51 (Regulations for Preparation, Adoption, and Submittal of Implementation Plans) to be consistent with the decisions of the courts, and to simultaneously disapprove in 40 CFR Part 52 (Approval and Promulgation of Implementation Plans) the provisions in all plans which have deferral authority inconsistent with the terms of 40 CFR Part 51 as revised. This revision and disapproval are published as final rulemaking in another part of this FEDERAL REGISTER. Regulations limiting the issuance of variances, enforcement orders or other state-initiated measures designed to defer compliance with the applicable plan are proposed below for all states. Those proposed regulations will supersede the variance portion of the June 11, 1974 proposal (39 FR 20511) for the State of Washington. This action is being taken so that the regulatory language will be uniform for all states. For the same reason these regulations are being proposed for Indiana, Iowa, Massachusetts, and Rhode Island, even though regulations were promulgated previously for these states.

The fourth appellate court² to address the issue of compliance date deferrals held that section 110(f) of the Act is the exclusive means of deferring a compliance date even where the deferral does not go beyond the date for attaining primary standards. It is the Administrator's opinion that compliance dates which do not go beyond applicable at-

tainment dates for primary or secondary standards should be dealt with as a plan revision pursuant to 40 CFR 51.6 and 51.8. Accordingly, the Agency has requested the Supreme Court to review the Fifth Circuit Court's opinion and to stay the decision of the court pending the outcome of the review. On June 10, 1974, the Supreme Court granted both requests. However, the Fifth Circuit opinion, unless overturned by the Supreme Court, represents the law in the six-state area encompassed by the boundaries of the Fifth Circuit. Therefore, although the Part 51 and related Part 52 actions announced herein will apply to these states if the decision of Fifth Circuit on this issue is overturned, final Agency action on this matter must await the decision of the Supreme Court. The variance and/or enforcement order provisions presently contained in implementation plans for the six affected states will, however, be subject to the categorical disapproval notice which is also being announced herein.

As indicated above, there may be instances where, pursuant to the provisions of section 110(e) of the Act, the attainment date for meeting a primary standard in a given AQCR has been extended beyond 1975. Where such an extension has been granted, revised § 51.32(f) provides that compliance date deferrals which go no further than the extension date may be issued without looking to the provisions of § 110(f) of the Act. However, such deferrals will be subject to the requirement that they apply only to those sources for which technological inableness served as the basis for the section 110(e) extension. In addition, the compliance date reflected in such deferrals must still be based upon that degree of progress which, under the circumstances, is as expeditious as can practicably be required of the source.

In distinguishing between the "pre" and "post" attainment date periods for meeting a primary standard it appears that the First, Second and Eighth Circuits were limiting their holdings to those compliance date provisions which were part of a control strategy for meeting a primary ambient air quality standard. Nevertheless, the Agency construes the "pre" and "post" attainment date principle established by these courts in the realm of primary standards as a substantial indication of what must be done with respect to compliance date provisions designed to meet the secondary standards. Accordingly, the Part 51 revision promulgated below extends the "pre" and "post" attainment date dichotomy to the secondary standards and provides that (apart from relief obtainable under section 110(f)) no compliance date which is part of a control strategy designed to meet the secondary standards may be extended beyond the applicable attainment date specified in 40 CFR Part 52.

Unlike the mid-1975 date which, under section 110(a) (2) (A) (i), is generally the date for attaining the primary standards, the Clean Air Act provides no specific date for attaining the secondary standards, but, instead, instructs the states to

¹ Natural Resources Defense Council, Inc. (NRDC) et al. v. EPA, 478 F.2d 875 (1st Cir. 1973), NRDC et al. v. EPA (Nos. 72-1728 and 72-2165, 2nd Cir., March 13, 1974), NRDC et al. v. EPA, 483 F.2d 690 (8th Cir. 1973).

² NRDC et al. v. EPA (N. 72-2402, 5th Cir. February 8, 1974).

adopt (and the Agency to approve) secondary standard attainment dates which are reasonable. Part 51, however, established mid-1975 as the reasonable date, subject to a State's showing that good cause existed for deferring the date. Many states have made such a showing. Accordingly, the Part 51 postponement provisions which apply to the secondary standards do not have a generally applicable attainment date.

With respect to variances aimed at secondary standard plan requirements, it has been contended that the approval of such variances would depend on a potentially difficult determination of whether the plan requirement being waived is necessary for attainment of primary versus secondary standards. The Administrator has considered this argument and found it to be unpersuasive. Where a plan contains a single control strategy for attainment of both primary and secondary standards, the attainment dates will be identical, thus making it unnecessary to distinguish whether a variance would prevent attainment of primary or secondary standards. Correspondingly, where the date for attainment of primary standards is different than the secondary standards attainment date, the plan contains separate control measures necessary for attainment of each standard. Thus, any variance could be easily associated with the control strategy for attainment of a specific standard.

Also as a result of the Fifth Circuit decision referenced above, § 52.26(b) is added below to make it clear that provisions in an implementation plan which either explicitly or implicitly direct State officials, charged with constructing the terms of enforcement orders or variances, to give proper regard to availability of technology, source hardship, or economic burden can not be considered as a basis for approving a compliance date postponement which goes beyond the end limits established under Part 51 as revised herein. The new language has been added as a means of discouraging source-initiated State court litigation over the reasonableness of enforcement orders which have compliance schedule terms consistent with the requirements of Part 51 as revised herein. Without such qualifying language, it is feared that some sources might choose to litigate properly constructed compliance schedules issued by State officials on the ground that a later compliance date is warranted because of hardship, economic burden, or technological difficulties.

By contrast, the new language is not intended, in any way, to conflict with the existing Part 51 language which is contained in § 51.2(b) and (d). These two paragraphs, which have always permitted States to consider the cost-effectiveness of a control strategy as well as its social and economic consequences, still permit States to do so. However, the introduction of the new language referred to above makes it clear that these considerations cannot serve as the basis for issuing an enforcement order or

granting a variance which has a terminal date that goes beyond the applicable end date established under the Part 51 revisions contained herein.

The Fifth Circuit decision involving the "source hardship" issue was not related specifically to variances and enforcement orders, but dealt with general enabling statutes which mandated such consideration in all state agency actions. The Court ordered the Administrator to disapprove the general statute in the Georgia plan. Although this disapproval is published below for the Georgia plan, the Administrator does not agree that it is necessary to disapprove such general provisions in all other state plans, since Part 51 allows such considerations under the specific circumstances noted above. Therefore, the provisions of § 52.26(b) only restrict the use of such hardship provisions where it would conflict with the provisions of §§ 51.15(d) or 51.32 (f) as revised below. By focusing on variances and enforcement orders, it is the Administrator's judgment that all illegal use of a generalized technological and "source hardship" provision will be prevented. This is consistent with the following statement in Fifth Circuit opinion: "It is, of course, appropriate for state air pollution control officials to take into account cost and feasibility factors in most circumstances; their doing so is proscribed only when those considerations are in conflict with considerations of public health," i.e., primary standards attainment dates.

Since the Part 51 revisions and the new Part 52 provision set forth below (as well as the plan disapprovals which derive from the Part 51 revisions) are the result of circuit court decisions, the Administrator finds that good cause exists for promulgating the revisions as immediately effective final rulemaking and for publishing the accompanying plan disapprovals as immediately effective final Agency action. For the same reason, § 52.26 is also being published as final Agency rulemaking and will also be effective on the date of publication. However, the Administrator feels that it would be appropriate to accept comments from the public and the affected States concerning the actions taken below. Comments may be submitted to the Environmental Protection Agency, Standards Implementation Branch, Research Triangle Park, North Carolina 27711, Attention Mr. Clark. All relevant comments received not later than 30 days after the date of publication of this notice will be considered, and where appropriate, revisions will be made. Comments received will be available for public inspection during normal business hours at the Office of Public Affairs, 401 M Street, SW., Washington, D.C. 20460.

The Administrator strongly urges States to modify their enabling legislation to be consistent with the revised Part 51 and new Part 52 requirements set forth below, and to submit such revised legislation to the Administrator for approval. Where approvable changes

are submitted, the Administrator will revoke the disapproval issued below.

CONFIDENTIALITY PROVISIONS

Under § 110(a) (2) (F) of the Act, State plans must provide for the periodic reporting of emission data which must be made available to the public in a reasonable manner. While many of the plans approved by the Administrator do provide that the public must have access to emission data, they also contain confidentiality provisions which might, in some circumstances, cause such data to be withheld from public scrutiny.

Although, in originally approving such plan provisions, the Administrator was careful to obtain the State attorney general's opinion whenever he questioned the efficacy of a given emission disclosure provision, three Circuit Courts² have held that the presence of a confidentiality provision in a plan so beclouds the public's right to emission data that the emission disclosure provisions must be disapproved. Since, as indicated earlier, the Administrator views such consistently decided judicial opinions as tantamount to a mandate for nation-wide regulatory action, he has again reviewed every implementation plan to determine whether apparently sound emission disclosure provisions may—as envisioned by the courts—be compromised by language which deals with confidentiality. The disapproval notices issued below are the result of this review.

During the week of August 12, 1974, the Agency wrote to each state affected by this action, except those three states which had a previous disapproval. In these letters, the Agency requested information relative to any state court decisions which have found the emission disclosure provisions disapproved below to be consistent with the emission disclosure requirements of section 110(a) (2) (F) of the Clean Air Act. Should the Agency be advised by any of these States that their emission disclosure provisions have been addressed by a state court and found to be consistent with Federal requirements, the Agency will evaluate such information with a view to withdrawal of the applicable disapproval announced herein. Moreover, to provide such States with an adequate opportunity to respond to the Agency's inquiry, the Agency's disapproval action will not become effective until promulgation of proposed replacement regulations dealing with public availability of emission data which appear in another part of this FEDERAL REGISTER. However, to comply with the decision of the Fifth Circuit Court, the disapproval of Georgia's confidentiality provision is to be immediately effective.

Again, the Administrator urges states to correct their confidentiality provisions

² NRDC et al. v. EPA, 478 F.2d 875 (1st Cir. 1973), NRDC et al. v. EPA (Nos. 72-1728 and 72-2165, 2nd Cir., March 13, 1974), NRDC et al. v. EPA (No. 72-2402, 5th Cir., February 8, 1974).

to be consistent with the requirements of the Act, thus allowing the Administrator to revoke the disapprovals issued below.
(42 U.S.C. 1857c-5 and 1857g)

Dated: September 19, 1974.

JOHN QUARLES,
Acting Administrator.

Parts 51 and 52, Chapter I, Title 40 of the Code of Federal Regulations are amended as follows:

1. In § 51.11, paragraph (g) is added as follows:

§ 51.11 Legal authority.

(g) Enabling authority relating to the issuance of enforcement orders, variances, or other State-initiated measures designed to defer compliance with a plan requirement which is necessary for attainment of a national standard shall specifically provide for consistency with the following requirements.

(1) Except as provided in paragraph (g) (2) of this section compliance may not be deferred beyond the applicable attainment date specified in Part 52 of this chapter. Where a plan contains different attainment dates for primary and secondary standards (i.e., specific measures have been identified for attaining primary standards and additional measures have been identified for attaining secondary standards), a plan requirement necessary for attainment of primary standards may not be deferred beyond the primary standards attainment date and a plan requirement for attainment of secondary standards may not be deferred beyond the secondary standards attainment date.

(2) Where the Governor of a State has requested, and the Administrator (under authority of section 110(f) of the Clean Air Act) has approved a compliance date postponement with respect to a given source, compliance may be deferred for such source only up to the expiration date of the 110(f) postponement.

(3) Where the Administrator has extended the date for attainment of a primary standard beyond July 31, 1975, pursuant to section 110(e) of the Clean Air Act, compliance with a plan requirement necessary for attainment of such primary standard may be deferred beyond July 31, 1975, only for the source or sources for which the extension was granted and only up to the expiration date of the 110(e) extension.

2. In § 51.15, paragraph (d) is added as follows:

§ 51.15 Compliance schedules.

(d) Regulations relating to the issuance of compliance schedules in conjunction with or pursuant to enforcement orders, variances, or other measures designed to obtain compliance with a plan requirement which is necessary for attainment of a national standard shall specifically provide for consistency with the following requirements.

(1) Except as provided in paragraph (d) (2) of this section, compliance schedules may not set forth dates of compliance which extend beyond applicable attainment dates specified in Part 52 of this chapter. Where a plan contains different dates of attainment for primary and secondary standards, a compliance schedule for a source included in the applicable control strategy for attainment of primary standards may not set forth a date of compliance which extends beyond the attainment date for such primary standards, and a compliance schedule for a source included in the applicable control strategy for attainment of secondary standards may not set forth a date of compliance which extends beyond the attainment date for such secondary standards.

(2) Where the Governor of a State has requested, and the Administrator (under authority of section 110(f) of the Clean Air Act) has approved a compliance date postponement with respect to a given source, the compliance schedule for such source may set forth a date of compliance only up to the expiration date on the 110(f) of postponement.

(3) Where the Administrator has extended the date for attainment of a primary standard beyond July 31, 1975, pursuant to section 110(e) of the Clean Air Act, compliance with a plan requirement necessary for attainment of such primary standard may be deferred beyond July 31, 1975, only for the source or sources for which the extension was granted and only up to the expiration date of the 110(e) extension.

(4) Any change to a compliance date shall not become part of the applicable plan until the change has been submitted to and approved by the Administrator as a plan revision under §§ 51.6 and 51.8 of this chapter.

3. In § 51.32, paragraph (f) is revised. As amended, § 51.32 reads as follows:

§ 51.32 Request for 1-year postponement.

(f) A State's decision to defer the date by which a source must achieve compliance with an applicable plan provision will not necessitate a request for postponement under this section if the deferral meets the following requirements:

(1) Compliance is not deferred beyond the applicable attainment date specified in Part 52 of this chapter. Where a plan contains different dates of attainment for primary and secondary standards (i.e., specific measures have been identified for attainment of primary standards and additional measures have been identified for attainment of secondary standards), the applicable attainment date for the purposes of this paragraph shall be determined by whether the plan requirement being deferred is necessary for attainment of primary standards or secondary standards.

(2) Where the Administrator has extended the date for attainment of a primary standard beyond July 31, 1975, pursuant to section 110(e) of the Clean Air

Act, compliance with a plan requirement necessary for attainment of such primary standard may be deferred beyond July 31, 1975, only for the source or sources for which the extension was granted and only up to the expiration date of the 110(e) extension.

4. In Subpart A of Part 52, the introductory paragraph of § 52.20 is amended as follows:

§ 52.20 Attainment dates for national standards.

Each subpart contains a section which specifies the latest dates by which national standards are to be attained in each region in the State. An attainment date which only refers to a month and a year (such as July 1975) shall be construed to mean the last day of the month in question. * * *

5. In Subpart A of Part 52, § 52.26 is added as follows:

§ 52.26 Variances and enforcement orders.

(a) Subsequent to May 31, 1972, the Administrator reviewed state implementation plans to determine whether the plans will allow or permit the issuance of variances, enforcement orders, or other state-initiated measures designated to defer compliance with an applicable plan requirement after the dates specified in section 110 of the Clean Air Act for attainment of national primary and secondary ambient air quality standards. The review indicates that state plans generally are not consistent with the Clean Air Act in this regard. Accordingly, all state plans are disapproved to the extent that their enabling authority and regulations permit the deferral of compliance with applicable plan requirements beyond the statutory attainment dates specified in the Clean Air Act. This disapproval applies to all States listed in Subparts B through DDD of this part.

(b) No provision in a plan which either explicitly or implicitly directs a state official to take cognizance of source hardship, availability of technology, or economic burden may be construed to permit the issuance of a variance, enforcement order, or any other state-initiated deferral measure which has a terminal date for compliance that conflicts with the provisions of §§ 51.15(d) or 51.32(f) of this chapter.

6. In Subpart C, § 52.73 is added as follows:

§ 52.73 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the legal authority to provide for public availability of emission data is inadequate.

7. In § 52.74, paragraph (c) is added as follows:

§ 52.74 Legal authority.

(c) The requirements of § 51.11(a) (6) of this chapter are not met since § 46.03.180 of the Alaska Statutes could, in some circumstances, prohibit the dis-

closure of emission data to the public. Therefore, § 46.03.180 is disapproved.

8. In Subpart E, § 52.178 is added as follows:

§ 52.178 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the legal authority to provide for public availability of emission data is inadequate.

9. Section 52.179 is added as follows:

§ 52.179 Legal authority.

(a) The requirements of § 51.11(a) (6) of this chapter are not met since section 82-1937 of the Arkansas Water and Air Pollution Control Act could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 82-1937 is disapproved.

10. In Subpart H, § 52.376 is added as follows:

§ 52.376 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since section 22a-3-1 of the Regulations of Connecticut State Agencies, Department of Environmental Protection, Article 1, Part 3, and section 19-508-10(b) of the Connecticut Administrative Regulations could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, sections 22a-3-1 and 19-508-10(b) are disapproved.

11. In Subpart H, § 52.377 is added as follows:

§ 52.377 Legal authority.

(a) The requirements of § 51.11(a) (6) of this chapter are not met, since section 19-513(a) of the Connecticut Environmental Protection Act could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 19-513(a) is disapproved.

12. In Subpart K, § 52.525 is added as follows:

§ 52.525 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the legal authority to provide for public availability of emission data is inadequate.

13. Section 52.526 is added as follows:

§ 52.526 Legal authority.

(a) The requirements of § 51.11(a) (6) of this chapter are not met, since § 403.111 of the Florida Statutes could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, § 403.111 is disapproved.

14. In Subpart L, § 52.577 is added as follows:

§ 52.577 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met, since the legal authority to provide for public availability of emission data is inadequate.

15. Section 52.578 is added as follows:

§ 52.578 Legal authority.

(a) The requirements of § 51.11(a) (6) of this chapter are not met, since section

88-908 of the Georgia Code could in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 88-908 is disapproved.

16. Section 52.579 is added as follows:

§ 52.579 Economic feasibility considerations.

Section 88-906(h), (i), (k), (o) and (q) of the Georgia Code is disapproved, since consideration of economic feasibility could, in some cases, conflict with the requirements of the Act that primary standards be attained as expeditiously as practicable, but in no case later than July 1975.

17. In Subpart M, § 52.624 is added as follows:

§ 52.624 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the legal authority to provide for public availability of emission data is inadequate.

18. Section 52.625 is added as follows:

§ 52.625 Legal authority.

(a) The requirements of § 51.11(a) (6) of this chapter are not met, since sections 322-64(5) and 322-66 of the Hawaii Revised Statutes could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, sections 322-64(5) and 322-66 are disapproved.

19. In in Subpart P, § 52.774 is added as follows:

§ 52.774 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the legal authority to provide for public availability of emission data is inadequate.

20. In § 52.775, paragraph (b) is added as follows:

§ 52.775 Legal authority.

(b) The requirements of § 51.11(a) (6) of this chapter are not met, since section 3 of Chapter 16 of the Indiana Air Pollution Control Law could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 3 of Chapter 16 is disapproved.

21. In § 52.925, paragraph (a) is added as follows:

§ 52.925 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the legal authority to provide for public availability of emission data is inadequate.

22. In Subpart T, § 52.982 is added as follows:

§ 52.982 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met, since sections 6.4 and 7.5 of the Regulation, Air Control Commission could, in some circumstances, prohibit the disclosure of emission data to the public.

23. Section 52.983 is added as follows:

§ 52.983 Legal authority.

(a) The requirements of § 51.11(a) (6) of this chapter are not met, since sec-

tion 2210 of the Louisiana Air Control Law could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 2210 is disapproved.

24. In Subpart V, paragraph (c) of § 52.1074 is added as follows:

§ 52.1074 Legal authority.

(c) The requirements of § 51.11(a) (6) of this chapter are not met, since section 698(f) of the Maryland Air Quality Control Act could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 698(f) is disapproved.

25. Section 52.1113 is added as follows:

§ 52.1113 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met, since sections 10.03.35.11I and 10.03.35.10A of the Maryland Regulations governing the control of Air Pollution could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, regulations 10.03.35.11I and 10.03.35.10A are disapproved.

26. In Subpart W, § 52.1133 is added as follows:

§ 52.1133 Legal authority.

(a) The requirements of § 51.11(a) (6) of this chapter are not met since section 142B of chapter 111 of the General Laws of Massachusetts could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 142B is disapproved.

27. Sections 52.1156 is added as follows:

§ 52.1156 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the legal authority to provide for public availability of emission data is inadequate.

28. In Subpart Z, paragraph (b) of § 52.1275 is added as follows:

§ 52.1275 Legal authority.

(b) The requirements of § 51.11(a) (6) of this chapter are not met, since section 7106-117 of the Mississippi Code could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 7106-117 is disapproved.

29. In Subpart Z, § 52.1277 is added as follows:

§ 52.1277 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met, since the legal authority to provide public availability of emission data is inadequate.

30. In Subpart BB, § 52.1378 is added as follows:

§ 52.1378 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the legal authority to provide for public availability of emission data is inadequate.

31. In Subpart BB, § 52.1379 is added as follows:

§ 52.1379 Legal authority.

(a) The requirements of § 51.11(a) (6) of this chapter are not met, since section 69-3918 of the Montana Clean Air Act could, in some circumstances prohibit the disclosure of emission data to the public. Therefore, section 69-3918 is disapproved.

32. In subpart DD, paragraph (c) of § 52.1473 is added as follows:

§ 52.1473 General requirements.

(c) The requirements of § 51.10(e) of this chapter are not met, since Nevada Air Quality Regulation 2.7.1 could in some circumstances, prohibit the disclosure of emission data to the public. Therefore, regulation 2.7.1 is disapproved.

33. Section 52.1474 is added as follows:

§ 52.1474 Legal authority.

(a) The requirements of § 51.11(a) (6) of this chapter are not met, since section 445.576 of the Nevada Air Pollution Control Law could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 445.576 is disapproved.

34. In Subpart EE, § 52.1526 is added as follows:

§ 52.1526 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met, since New Hampshire Air Pollution Control Regulation number 18, section III.D could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section III.D is disapproved.

35. In Subpart FF, § 52.1574 is added as follows:

§ 52.1574 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the legal authority to provide for public availability of emission data is inadequate.

36. In Subpart FF, § 52.1575 is added as follows:

§ 52.1575 Legal authority.

(a) The requirements of § 51.11(a) (6) of this chapter are not met, since section 26:2C-9 of the New Jersey Air Pollution Control Law could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 26:2C-9 is disapproved.

37. In Subpart GG, § 52.1623 is added as follows:

§ 52.1623 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met, since New Mexico Environmental Improvement Board Air Quality Control Regulations 702.E and 703.D could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, regulations 702.E and 703.D are disapproved.

38. In Subpart GG, § 52.1632 is added as follows:

§ 52.1632 Legal authority.

(a) The requirements of § 51.11(a) (6) of this chapter are not met, since section 12-14-10 of the New Mexico Air Quality Control Act could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 12-14-10 is disapproved.

39. In Subpart HH, § 52.1685 is added as follows:

§ 52.1685 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since regulation 200.2 of Title 6 of New York's Code of Rules and Regulations could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, regulation 200.2 is disapproved.

40. Section 52.1686 is added as follows:

§ 52.1686 Legal authority.

(a) The requirements of § 51.11(a) (6) of this chapter are not met since section 19-0305.2(a) of the New York Environmental Conservation Law could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 19-0305.2(a) is disapproved.

41. In Subpart JJ, § 52.1825 is added as follows:

§ 52.1825 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the legal authority to provide for public availability of emission data is inadequate.

42. In Subpart JJ, § 52.1826 is added as follows:

§ 52.1826 Legal authority.

(a) The requirements of § 51.11(a) (6) of this chapter are not met, since section 23-25-06 of the North Dakota Air Pollution Control Act could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 23-25-06 is disapproved.

43. In Subpart LL, § 52.1926 is added as follows:

§ 52.1926 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met, since Oklahoma regulation 4.2 could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, regulation 4.2 is disapproved.

44. In Subpart MM, § 52.1983 is added as follows:

§ 52.1983 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the legal authority to provide for public availability of emission data is inadequate.

45. In Subpart MM, § 52.1984 is added as follows:

§ 52.1984 Legal authority.

(a) The requirements of § 51.11(a) (6) of this chapter are not met, since section 449.800(7) of the Oregon Air Pollution Control Laws could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 449.800(7) is disapproved.

46. In Subpart NN, § 52.2024 is added as follows:

§ 52.2024 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the legal authority to provide for public availability of emission data is inadequate.

47. In Subpart NN, § 52.2025 is added as follows:

§ 52.2025 Legal authority.

(a) The requirements of § 51.11(a) (6) of this chapter are not met, since section 1719 of the Allegheny Health Department's rules and regulations and section 5-1104 of the Philadelphia Home Rule Charter could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, sections 1719 and 5-1104 are disapproved.

48. In Subpart SS, § 52.2274 is added as follows:

§ 52.2274 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the legal authority to provide for public availability of emission data is inadequate.

49. In Subpart SS, § 52.2300 is added as follows:

§ 52.2300 Legal authority.

(a) The requirements of § 51.11(a) (6) of this chapter are not met, since section 1.07 of the Texas Clean Air Act could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 1.07 is disapproved.

50. In Subpart VV, § 52.2424, paragraph (b) is added as follows:

§ 52.2424 General requirements.

(b) The requirements of § 51.10(e) of this chapter are not met since the legal authority to provide for public availability of emission data is inadequate.

51. In Subpart VV, § 52.2430, paragraph (c) is added as follows:

§ 52.2430 Legal authority.

(c) The requirements of § 51.11(a) (6) of this chapter are not met, since section 10-17.21 of the Virginia Air Pollution Control Law could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 10-17.21 is disapproved.

52. In Subpart BBB, § 52.2725 is added as follows:

§ 52.2725 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met, since section 2.4 of the Puerto Rico Regulation for Control of Atmospheric Pollution could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 2.4 is disapproved.

53. In Subpart BBB, § 52.2726 is added as follows:

§ 52.2726 Legal authority.

(a) The requirements of § 51.11(a) (6) of this chapter are not met, since Article 17 of Puerto Rico Act 9 could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, Article 17 is disapproved.

[FR Doc.74-22305 Filed 9-25-74; 8:45 am]

[FRL 268-7]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Alabama; Clarification of Plan Revisions

On August 8, 1974 (39 FR 28528), the Administrator announced his approval,

with one exception, of a revision in the Alabama implementation plan. This revision changed the limits on sulfur dioxide emissions from fuel combustion sources. The purpose of the present notice is to clarify the language of the preamble to that approval.

The plan revision in question, after public hearing, was adopted by the Alabama Air Pollution Control Commission on May 29, 1973, and was submitted to EPA with supporting control strategy changes on August 21, 1973. This modification of SO₂ emission limits was based on an analysis made by the State. The analysis showed that an insufficient supply of fuels would be available to allow compliance with the regulations originally set forth in the State's implementation plan. Alabama was one of the first States to relax the stringency of its original sulfur dioxide emission limitations in such a way as to make optimum use of current fuel supplies while assuring attainment and maintenance of the national ambient air quality standards—the intent of the Agency's clean fuels policy.

Prior to the public hearing, adoption, and official submittal of this plan revision, EPA had not discussed with the State the feasibility of establishing emission limits which varied within an air quality control region, but rather had stressed the desirability of approaching the matter on a regional basis.

EPA's evaluation of the stringency of control needed in various portions of the Tennessee River Valley-Cumberland Mountains AQCR was based on information provided by the State in its plan revision submittal, and the Agency performed no independent evaluation.

Discussion will continue between Alabama and the Agency to determine the optimum course of action to be followed in respect to further changes in the State's SO₂ regulations. Any additional changes will require extensive analysis to assure that no violation of primary standards would result.

Dated: September 17, 1974.

JACK E. RAVAN,
Regional Administrator,
Region IV.

[FR Doc. 74-22308 Filed 9-25-74; 8:45 am]

[FRL 262-2]

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

Controls Applicable to Motor Vehicle Manufacturers

On January 10, 1973 (38 FR 1254), EPA promulgated regulations prescribing certain labeling and gasoline filler inlet design requirements applicable to motor vehicle manufacturers. Those regulations require that any motor vehicle that is equipped with an emission control device which the Administrator determines will be significantly impaired by the use of leaded gasoline (e.g., any vehicle which is certified using a catalytic converter), shall be labeled "Unleaded Gasoline Only", both on the instrument panel and adjacent to the gasoline filler inlet compartment and that the filler inlet shall be so

designed as to prevent the insertion of a gasoline pump nozzle dispensing leaded fuel. The regulations further require that when such insertion is attempted with the incorrect nozzle, the filler inlet shall be so designed as to immediately activate the automatic shutoff of that nozzle.

On September 21, 1973 (38 FR 26449) EPA responded to the petitions of several motor vehicle manufacturers concerning these requirements. Specifically, the Agency added a provision allowing approval of alternate unleaded fuel labeling schemes if it is determined that such an alternate scheme fulfills the purpose of the unleaded fuel labeling requirement. Secondly, the design standard for minimum unleaded filler inlet restriction was redefined so as to prevent the insertion of a fuel nozzle with a diameter equal to or greater than 0.930", this diameter being less than the legal minimum diameter for leaded fuel nozzles. Finally, an ascertainable standard of performance was established defining the immediate shutoff requirement for attempted filling with a leaded fuel nozzle in an unleaded fuel filler inlet. The term "immediately" in the regulation was defined to require the design of the unleaded fuel filler inlet to activate the automatic shutoff of a standard nozzle so as to allow a maximum of 700 cubic centimeters of fuel to be delivered into the vehicle tank per attempt.

Several motor vehicle manufacturers subsequently requested EPA to reexamine the testing specifications for insertion of a fuel nozzle into the fuel filler inlet. Additionally, EPA further investigated the flow rate setting of the nozzle valve when such test filling is attempted.

EPA has reconsidered these specifications and has determined to take the following actions:

1. *Positioning of the nozzle spout within the filler inlet.* The regulations require that a vehicle which requires the use of unleaded gasoline shall have a fuel filler inlet designed so as to prevent the insertion of a fuel nozzle equal to or greater than 0.930 inches in diameter. The regulations further state that if a fill is attempted with a nozzle of diameter equal to or greater than 0.930 inches, not more than 700 cc of gasoline may pass into the tank on any one attempt before automatic shutoff occurs. As a test for compliance with these standards, the regulations stated that during such attempted introduction of fuel, the terminal end of the nozzle spout shall be within the filler inlet beyond the cam surface. Manufacturers requested clarification of this positioning statement because (1) it addresses only those filler necks using a cam type cap locking device and (2) it does not adequately define the location of the spout during the test. The Agency concludes that the positioning statement is ambiguous, and hence adds the requirements that the terminal end of the spout shall be placed at various depths within the filler inlet in any manner that may be reasonably expected to be encountered.

2. *Nozzle flow rate during attempted filling.* As part of the test for an attempted fill of an unleaded fuel filler inlet with a nozzle equal to or greater than 0.930 inches in diameter, the regulations state that the nozzle valve shall be fully and rapidly opened to a 12±1 gallon/minute flow setting. The Agency has determined that this flow rate is abnormally higher than that encountered in the field since (1) it is expected that service station attendants do not normally open the nozzle valve to the maximum position, but set the nozzle at some intermediate stop point and (2) pump and nozzle manufacturers state that the maximum designed flow rate of 12 gallons/minute is usually only found in new pump and nozzle assemblies. Field deterioration lowers the maximum attainable flow rate to typically 10 gallons a minute or less. Based upon this information the Agency reestablishes the fuel flow rate during the test at 8±1 gallons/minute.

The Agency finds that good cause exists for omitting as unnecessary and impracticable a notice of proposed rule making, public comment, and postponement of effective date in the issuance of these amendments, in that (1) they are designed to clarify the regulations or to make more flexible their application; (2) to the extent substantive revisions are made they are of minor regulatory impact and were recommended by the regulated parties; and (3) considerations of lead time for the 1976 model year dictate immediate promulgation.

Dated: September 20, 1974.

JOHN QUARLES,
Acting Administrator.

Part 80, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows, effective beginning with the 1976 model year, as defined in 40 CFR 85.001, 85.201, 85.701, 85.801, and 85.901.

The provisions of this Part 80 are issued under sections 211 and 301 of the Clean Air Act, as amended (42 U.S.C. 1857f-6c and 1857g).

Section 80.24, paragraph (b)(1) of Part 80, Title 40 of the Code of Federal Regulations, is revised to read as follows:

§ 80.24 Controls applicable to motor vehicle manufacturers.

(b) * * *

(1) Such filler inlet shall be designed to pass not more than 700 c.c. of gasoline into the tank when the introduction of gasoline into such filler inlet is attempted from a nozzle, as described in § 80.22(f)(1), which has a vacuum port the center of which is located within 0.37 inches of the tip and which passes less than 120 c.c. of fuel when fully and rapidly activated with the nozzle vacuum port plugged. During such attempted introduction, the nozzle shall be inserted such that its automatic shutoff vacuum port is at various depths within the filler inlet, except those locations which cause fuel spillage (not including splash back) outside the filler inlet shall not be used.

The nozzle may have any orientation within the filler inlet which may reasonably be expected to be encountered in

use. The nozzle valve shall be fully and rapidly opened to a 8±1 gallon/minute flow setting. This test is conducted using a test fixture which positions the filler inlet pipe in the same position as it is installed in the vehicle.

[FR Doc. 74-22306 Filed 9-25-74; 8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

RESPONSIBLE PROSPECTIVE CONTRACTORS

Review List of Bidders

This change to the General Services Administration Procurement Regulations (GSPR) updates and amplifies procedures on responsible prospective contractors and the Review List of Bidders.

Subpart 5A-1.12—Responsible Prospective Contractors

PART 1A-1—GENERAL

Subpart 5A-1.12—Responsible Prospective Contractors

1. The table of contents for Part 5A-1 is amended to delete § 5A-1.1205-3 and to revise and add new entries as follows:

Sec.	
5A-1.1205	Procedures for determining responsibility of prospective contractors.
5A-1.1205-2	When information will be obtained.
5A-1.1205-4	Preaward surveys.
5A-1.1205-50	Review List of Bidders.
5A-1.1206	Subcontractor responsibility.

2. Section 5A-1.1205 is revised as follows:

§ 5A-1.1205 Procedures for determining responsibility of prospective contractors.

(a) See Subpart 1-1.12.

(b) While poor past performance can form the basis for a finding of nonresponsibility (§ 1-1.1203-1(c)), it should be emphasized that poor performance is usually a symptom of some other difficulty such as lack of capacity, integrity, or perseverance and the basic cause of the poor performance must be determined. When poor performance is the basis for a finding of nonresponsibility, such poor performance must have been experienced in the relatively recent past. Emphasis should not be placed on poor performance which occurred during periods so remote in time as to bear little relationship to the bidder's current capabilities or willingness to perform. Where there has been repeated instances of poor performance on the part of a contractor, debarment pursuant to § 1-1.604 should be recommended through appropriate channels.

(c) Advice and assistance should be obtained from all appropriate activities, including legal counsel, quality control, and finance, in arriving at a determination that a bidder qualifies as responsible under the standards set forth in § 1-1.1203. For instructions regarding processing determinations of nonresponsibility see § 5A-1.1205-50(c).

3. Section 5A-1205-2 is added as follows:

§ 5A-1.1205-2 When information will be obtained.

(a) *If plant survey is needed.* In the case of large dollar value procurements which warrant special attention (e.g., a special or critical item not previously produced by the prospective contractor), a current plant facilities report shall be requested. In advertised procurements, a plant facilities report (PFR) usually shall not be requested until a determination has been made that the bid is responsive and offers a reasonable price. A secondary PFR may be requested for the bidder next in line if there is reason to believe that the otherwise acceptable bidders will not be eligible for award. In such cases, the PFR shall be marked "SECONDARY PFR" in block No. 6 of the request. In competitive negotiated procurements where the position of offerors for award purposes cannot be determined with any degree of certainty until award is made, a PFR shall be requested on all offerors within an acceptable competitive range provided such a report is required under current regulations.

(b) *If financial assistance is involved.* For any contract of \$50,000 or more, or which involves Government financial assistance, the contracting officer shall obtain a financial responsibility report regarding the prospective contractor involved from the appropriate credit and finance activity, except with respect to transportation contracts with regulated common carriers under Government bills of lading which are not subject to special terms, conditions, or specifications. Unless notified otherwise, the information furnished should be considered current for a reasonable length of time for use in connection with subsequent bids of that prospective contractor. The request for a financial responsibility report is submitted, in duplicate, on GSA Form 894, Financial Responsibility—Inquiry and Reply (illustrated at § 5A-16.950-894).

(c) *If affiliation with organized crime is suspected.* (1) Where there is a doubt in the mind of the contracting officer as to whether a firm is, or is not, involved with organized crime, additional information shall be requested from the Office of Investigations (BI). Requests for such information are processed on GSA Form 2713, Records Check and Inquiry on Bidders and Contractors, in accordance with the instructions on the form (see § 5A-16.950-2713). Concurrently, furnish a copy of the GSA Form 2713 to the Assistant Commissioner for Procurement (FP). Procurement activities shall assure compliance with instructions regarding disclosure or reproduction of the information furnished. Requests initiated in the Central Office, FSS, are to be furnished to the Director, Office of Investigations (BI), Office of Administration. Requests initiated in the regions are to be furnished to the cognizant Director, Field Investigations Office.

(2) Incidental to determining bidder or offeror responsibility prior to award,

contracting officers may: (i) Determine a suspected firm to be nonresponsible if the information received from BI indicates the firm or members of the firm have been convicted under the Organized Crime Control Act of 1970, or convicted of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which seriously and directly affects the question of present responsibility as a Government contractor. In the event that an appeal taken from any conviction results in a reversal of the conviction, contracting officers may not consider the conviction in determining responsibility. (See § 1-1.6.)

(ii) Submit to the Assistant Commissioner for Procurement (FP), or the Assistant Commissioner for Transportation and Public Utilities (FZ), as appropriate, all cases where information provided by BI does not contain evidence of conviction of offenses mentioned in paragraph (c) (2) (i) of this section, but does contain other convincing evidence which would seriously impugn the integrity and business ethics of a firm otherwise eligible for contract award. FP will review such information and provide guidance with respect to determination of contractor responsibility.

4. Section 5A-1.1205-3 is deleted.

§ 5A-1.1205-3 [Deleted]

5. Section 5A-1.1205-4 is added as follows:

§ 5A-1.1205-4 Preaward surveys.

(a) A Plant Facilities Report (PFR) shall be requested as soon as feasible after bid opening if the contracting officer determines that a PFR is necessary. A responsibility determination may be made without obtaining a new or updated PFR if the contracting officer is satisfied that the prospective contractor has the facilities, capacity, and quality control system to perform the proposed contract, considering the dollar value thereof and any critical aspects involved in the procurement. PFR's for proposed contracts of less than \$15,000 shall be requested only with the concurrence of the appropriate branch chief.

(b) Requests for a PFR shall be made on GSA Form 353, Plant Facilities Report (see § 5A-16.950-353). The Procurement activity making the request shall complete section I of GSA Form 353. Any special reasons for making the request should be stated in block 6 of the form. Any pertinent information known to the buying activity which would be helpful in making the PFR should be noted in block 5 of the form. When there is a current GSA Form 353 on hand indicating the contractor is capable, and there is merely a need to determine the proposed contractor's available plant capacity to perform the contract, requests should indicate capacity only in block 6 of the form. Such requests for PFR's should clearly show that they are restricted to capacity.

(1) Prepare an original and two copies of GSA Form 353; the original and one shall be forwarded to the Quality Control Division in the region in which the plant facilities are located, and the second copy to the Quality Control Division, Central Office, together with the following:

(i) Two copies of the invitation for bids;

(ii) Two copies of all pertinent information submitted by the bidder in his bid, including delivery time and, where applicable, the bidder's indicated monthly production capacity or supply potential. (In lieu of extracting such information from the bid, copies of the bid or pertinent pages thereof may be furnished);

(iii) Any pertinent correspondence between GSA and the bidder; and

(iv) Any other information the buying activity has which should be considered by the Quality Control Division in making the evaluation. The second copy of the GSA Form 353, and of each of the documents and information described above, shall be forwarded to the Central Office Quality Control Division.

(2) The Director, Quality Control Division is committed to furnish PFR's to the requester within 15 working days from the date the request is received. Twenty working days will be required if the bidder's testing laboratory is located in another region. If a PFR has been requested and it is determined prior to receipt of the report not to make award to the bidder, the Director, Quality Control Division shall be notified without delay.

(3) When the contracting officer does not concur in the PFR recommendation, he shall bring the matter to the attention of the branch chief who will, if he agrees, contact the regional Quality Control Division Director concerned in an effort to resolve the points in question. If agreement cannot be reached, and it is determined to override the regional Quality Control Division recommendation, the GSA Form 1535, Request for Approval of Awards, shall be documented to include a factual summary and be forwarded to the appropriate Procurement Division Director for concurrence. In all cases involving awards exceeding \$100,000 (or below in sensitive cases) the appropriate Procurement Division Director will contact the regional Quality Control Division Director in order to reconcile the respective positions prior to his concurrence. Emphasis shall be placed on avoiding award of contract to a marginal supplier. If award is made to a firm despite an unfavorable PFR, a letter notice of the action taken and the reason for it shall be sent to the Quality Control Division which prepared the PFR, with a copy to the Central Office Quality Control Division (FMQ).

6. Section 5A-1.1205-50 is added as follows:

§ 5A-1.1205-50 Review List of Bidders.

The Review List of Bidders is a list of firms or individuals who, because of questionable responsibility, require extraordinary consideration before award

of contracts and, if awards are made, require exceptional treatment with respect to contract administration. The List is established as the medium for notification (within GSA) that information exists, pertaining to the listed firms or individuals, which is sufficient to warrant timely inquiry or surveillance because of questionable responsibility, but is not sufficient in and of itself to warrant debarment.

(a) *Establishment and maintenance of the List.* (1) The Office of Investigations (BI) shall establish and maintain the Review List in accordance with this § 5A-1.1205-50, and arrange for the reproduction and distribution of the List. The List shall be marked "For Official Use Only," and private parties shall not be apprised of it in any way whatsoever.

(2) Distribution of copies of the List shall be made to all GSA officials or employees whose duties require access to the List. Copies of the List may be furnished to officials and employees of other Federal agencies by the Office of Investigations.

(b) *Bases for inclusion in the List.* The names of firms or individuals shall be included on the Review List upon recommendation by the Office of Investigations, and determination by the head of a procuring service that the firm or individual is of questionable responsibility (within the purview of Subparts 1-1.12 and 5A-1.12) and that such information should be distributed to all other GSA contracting activities. A firm or individual named in the GSA Debarred Bidders List shall not at the same time be included in the Review List of Bidders.

(c) *Processing determinations of non-responsibility.* When a bid or offer is rejected because of a determination by the contracting officer that the offeror does not qualify as responsible, the contracting officer shall promptly notify the offeror by letter, setting forth the reasons for the rejection. This will provide an opportunity, where applicable, for the correction of the offending practices prior to future offerings. A copy of the letter of rejection together with a copy of the determination of non-responsibility shall be sent to the Office of Investigations, BI, and to each other FSS buying activity for informational purposes. The transmittal letter shall include a recommendation that the offeror be or not be placed on the Review List. If the recommendation is made to place the bidder on the Review List the transmittal letter shall be sent through the appropriate Assistant Commissioner or Regional Commissioner; otherwise, the letter shall be transmitted through the appropriate Procurement Division Director. If the basis for rejection includes lack of financial responsibility a copy also shall be furnished to the appropriate finance activity.

(d) *Investigations, evaluations, and determinations.* (1) The Office of Investigations, shall collect and investigate information developed within GSA or by other agencies to determine whether such information falls within the purview of § 1-1.12. When the head of a procuring

activity has reason to believe that a firm should be listed on the Review List, a request for investigation shall be forwarded to the Office of Investigations with a statement of the pertinent circumstances. A copy of such request shall be sent to the head of the procuring service concerned.

(2) The Office of Investigations will evaluate the information developed as a result of its investigation and, if justified, will recommend to the head of the appropriate procuring service that the firm or individual be included in the List. The Office of Investigations files compiled in support of such recommendations may be reviewed by the procuring activity upon request.

(3) The head of the procuring service will determine whether the facts warrant placing the firm or individual on the Review List and request the Office of Investigations to add such individual or firm to the List.

(e) *Removal from the List.* (1) Removal of a firm or individual from the List may be accomplished at any time it is determined that sufficient reason no longer exists for retention. Any recommendation for removal shall be forwarded, through channels, to the Office of Investigations, or the Office of Investigations may initiate the recommendation. In either case, the Office of Investigations shall coordinate the matter with the service that originally approved the listing. The head of that procuring service will determine whether to delete or retain the firm or individual on the List.

(2) The List shall be screened periodically (at least every 2 years) by the Office of Investigations. Firms and individuals listed 12 months or more prior to the date of screening shall be reported to the initiating office with a recommendation for removal or retention based on the seriousness of the original cause for listing and the presence or absence of derogatory information received subsequent to the determination for inclusion in the List. These firms and individuals shall be retained on the List unless the initiating office requests removal within 30 working days of the reporting date.

(f) *Treatment to be accorded listed firms or individuals.* (1) The inclusion of a firm or individual on the List must not itself be interpreted to mean that the listed firm or individual will not be given an opportunity to bid or quote on a proposed procurement; that negotiations cannot be carried on with that firm or individual; or that an award cannot be made to such firm or individual.

(2) No contract shall be awarded to a listed firm or individual until the contracting officer determines the bidder to be responsible based on all available information. Inquiry shall be made of such elements of the Central Office and the regional offices as the contracting officer may see fit, to support such a determination or to support rejection for failure to qualify as a responsible prospective contractor. The extent or scope of the inquiry is for determination by the contracting officer. A new plant facility report usually shall be obtained prior to

making award to a firm on the GSA Review List of Bidders. When the contracting officer determines that a firm on the GSA Review List of Bidders is responsible and recommends award, the case shall be submitted to the appropriate Regional Commissioner or to the appropriate Central Office Assistant Commissioner for review before award is made.

(3) If a nonresponsibility determination is made, the contracting officer shall comply with § 1-1.1207. The List shall not be cited as a reason for, or factor contributing to, the nonresponsibility determination.

(4) When a contract is awarded to a firm on the Review List and the contract is of significant interest to warrant surveillance at a level above the contracting officer, the appropriate Assistant Commissioner (or, in the case of a regional procurement, the regional Director, Procurement Division) when deemed necessary, shall in coordination with the Director, Supply Control Division and/or Director, Quality Control Division, recommend timely and positive contract administration action including interaction between Central Office and the regions where both have awarded contracts to the same firm.

7. Section 5A-1.1206 is revised as follows:

§ 5A-1.1206 Subcontractor responsibility.

(a) *Change in suppliers by prime contractors.* Before authorizing a contractor to change a designated source of supply or any designated inspection or production point, the contracting officer shall determine that such change will not be detrimental to the ability of the contractor to fulfill his obligations under the terms of the contract.

(b) In making an evaluation of the requested change, contracting officers shall exercise similar precautions with regard to new sources as were taken in determining the acceptability of the initial supply source. If the contracting officer approves a change of supply source, inspection point, or production point, he shall issue an appropriate contract amendment specifying the nature of the change and the effective date. Where feasible, the amendment shall provide that delivery orders placed prior to the effective date will remain in effect as written. In determining the effective date, contracting officers shall take into consideration the time necessary for offices concerned to receive and take required actions thereunder.

PART 5A-16—PROCUREMENT FORMS

The table of contents for Part 5A-16 is amended by addition of the following sections:

- 5A-16.050-353 GSA Form 353, Plant Facilities Report.
- 5A-16.950-894 GSA Form 894, Financial Responsibility—Inquiry and Reply.

Note: GSA Form 353, Plant Facilities Report (February 1971), and GSA Form 894, Financial Responsibility—Inquiry and Reply

(June 1969), illustrated in §§ 5A-16.950-353 and 5A-16.950-894 respectively, are filed as part of the original document.

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

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

Dated: July 1, 1974.

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

[FR Doc. 74-22345 Filed 9-25-74; 8:45 am]

PART 5A-10—BONDS AND INSURANCE
Bonds and Insurance

This change to the General Services Administration Procurement Regulations (GSPR) deletes the requirement for collection officers to be bonded for the receipt of bid guarantees, and clarifies the instructions for including insurance provisions in contracts.

Subpart 5A-10.1—Bonds

1. Section 5A-10.103 is revised as follows:

§ 5A-10.103 Bid guarantees.

Bid guarantees, other than bid bonds, shall be placed in the custody of a collection officer after the opening of bids. The contracting officer shall arrange for the return of guarantees, or their equivalent, to unsuccessful bidders as soon as the contract is awarded. The bid guarantee of the successful bidder shall be returned upon execution of any further documents required by the contract; e.g., performance bonds.

Subpart 5A-10.103—Insurance—General

2. Section 5A-10.301 is amended as follows:

§ 5A-10.301 General.

(a) The policy stated in § 1-10.301 is based on the theory that the quantity of the Government's transactions, together with the magnitude of its resources, makes it more advantageous to the Government to carry its own risks than to have them assumed by private insurers whose rates are based on recovery of possible losses, estimated operating expenses, and anticipated profit. Exceptions to this principle exist where Government property is not under the direct control and custody of the Government, or when other special circumstances are present as indicated in § 1-10.301. However, where a contractor is responsible for Government property, there is no objection to requiring or permitting the contractor to carry insurance against loss of, or damage to the property, provided the Government's interests in any payments under the policy are protected and the contractor does not pass on the cost of the insurance to the Government, except as provided in FPR 1-10.301; i.e., where it is required by law or where it is in the best interest of the Government, and the Government's interests in any payments under the policy are protected. The need for this coverage and the ex-

tent of protection required shall be based on the circumstances in each case.

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

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

Dated: September 10, 1974.

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

[FR Doc. 74-22344 Filed 9-25-74; 8:45 am]

Title 43—Public Lands: Interior
CHAPTER II—BUREAU OF LAND
MANAGEMENT

SUBCHAPTER B—LAND RESOURCE
MANAGEMENT (2000)

Circular No. 2363

FILING OF ALASKA NATIVE CLAIM SETTLEMENT ACT SELECTIONS OVER NATIVE ALLOTMENT APPLICATIONS

The purpose of this amendment is to provide (1) for the inclusion of lands in pending Native allotment applications within subsequently filed Native land selections made pursuant to the Alaska Native Claims Settlement Act of 1971 (43 U.S.C. 1601), and (2) that village and regional corporations filing applications under 43 CFR 2651 and 2652 may file applications for lands withdrawn under section 11(a)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1601), unless the lands are withdrawn for the national park system or are withdrawn or reserved for national defense purposes.

Regulations found in paragraph (e) of 43 CFR § 2561.1 require the rejection of all applications filed for lands which are the subject of an acceptable Native allotment application. This amendment permits Native land selections to "overlap" Native allotment applications where the selector desires to acquire the lands in the event the Native allotment is not approved. Under this amendment the Native allotment applicants would continue to have priority for the lands.

This amendment does not require the filing of selection applications over pending Native allotment applications or amendment of applications to include lands within Native allotment applications which are rejected after the filing of the Native land selection application.

The regulation found at 43 CFR 2091.9-5 is revised to include a provision for filing of "overlapping" applications as described above.

Since this regulation is to aid the Alaska Native regional corporations in filing selection claims under the Alaska Native Claims Settlement Act (43 U.S.C. 1601), and the act requires that these selections must be filed by December 17, 1974, it is determined that the Department's policy on public participation in rulemaking (36 FR 8336) is impractical and this amendment shall become effective September 26, 1974.

Subchapter B (2000) of Title 43 of the Code of Federal Regulations is amended as follows:

PART 2090—SPECIAL LAWS AND RULES

1. Section 2091.1(a) is revised to read as follows:

§ 2091.1 Rejection of applications.

(a) Withdrawal or reservation of lands; except that this does not prevent the filing of applications by village and regional corporations under 43 CFR Parts 2561 and 2652 for public lands withdrawn under section 11(a)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1601), unless the lands are withdrawn for the national park system or are withdrawn or reserved for national defense purposes.

2. Section 2091.9-5 is redesignated as § 2091.6-5 and revised to read:

§ 2091.6-5 Application for native allotment.

The filing of an acceptable application for a Native allotment will segregate the lands. Thereafter, subsequent conflicting applications for such lands will be rejected, except when the conflicting application is made for the conveyance of lands pursuant to any provision of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et. seq.). When there is more than one Native allotment application covering the same tract of land, a determination will be made as to which applicant has fulfilled the requirements of the act and the regulations thereunder.

PART 2560—ALASKA OCCUPANCY AND USE

3. Section 2561.1(e) is revised to read:

§ 2561.1 Applications.

(e) The filing of an acceptable application for a Native allotment will segregate the lands. Thereafter, subsequent conflicting applications for such lands shall be rejected, except when the conflicting application is made for the conveyance of lands pursuant to any provision of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

PART 2650—ALASKA NATIVE SELECTION

4. In § 2651.4, paragraph (h) is added to read:

§ 2651.4 Selection limitations.

(h) Village or regional corporations may, but are not required to, select lands within pending Native allotments. If the village or regional corporation selection omits lands within a pending Native allotment, this will not be construed as violating the requirements for compactness and contiguity. If, during the selection period, the pending Native allotment is finally rejected and closed, the village or regional corporation may amend its selection application to include all of the land formerly in the Native allotment-application, but is not required to do so to meet the requirements for compactness and contiguity.

5. In § 2653.3, paragraph (d) is added to read:

§ 2653.3 Lands available for selection.

(d) Native land selections under Sec. 14(h) of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) may, but are not required to, include within such selections land within pending Native allotment applications.

JACK O. HORTON,
Assistant Secretary of the Interior.

SEPTEMBER 18, 1974.

[FR. Doc. 74-22327 Filed 9-25-74; 8:45 am]

Title 45—Public Welfare**CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE****GRANTS TO STATES FOR SERVICES TO AGED, BLIND, OR DISABLED****Title VI Modifications**

Chapter II of Title 45 of the Code of Federal Regulations is amended to implement section 302 of Pub. L. 92-603, Social Security Amendments of 1972, which establishes a new Title VI of the Social Security Act, Grants to States for Services to the Aged, Blind, or Disabled, effective January 1, 1974.

The amendments make clear which requirements and conditions contained in Chapter II are applicable to the program under the new Title VI.

Notice of proposed rule making has been dispensed with because these amendments merely reflect the statutory change that transferred social services for the aged, blind, or disabled from Titles I, X, XIV, and XVI of the Social Security Act to Title VI of that Act for the 50 States and the District of Columbia.

Accordingly, §§ 201.1, 201.3, 201.6, 204.1, 205.5, 205.30, 205.50, 205.60, 205.70, 205.100, 205.101, 205.130, 205.145, 205.150, 205.190, 205.200, 225.2, and 225.3, are amended to read as set forth below:

PART 201—GRANTS TO STATES FOR PUBLIC ASSISTANCE PROGRAMS**§ 201.1 General definitions.**

(h) "State agency" means the State agency administering or supervising the administration of the State plan under title I, IV-A, VI, XIV, XVI, or XIX of the Act;

§ 201.3 Approval of State plans and amendments.

The State plan consists of written documents furnished by the State to cover each of its programs under the Act: Old-age assistance (title I); aid and services to needy families with children (part A of title IV); services to aged, blind, or disabled (title VI); aid to the blind (title X); aid to the permanently and totally disabled (title XIV); aid to the aged, blind or disabled (title XVI); or medical assistance (title XIX). The State may submit the common material on more than one program as an integrated

plan. However, it must identify the provisions pertinent to each title since a separate plan must be approved for each public assistance title. A plan submitted under title XVI encompasses, under a single plan, the programs otherwise covered by three separate plans under titles I, X, and XIV. After approval of the original plan by the Service, all relevant changes, required by new statutes, rules, regulations, interpretations, and court decisions, are required to be submitted currently so that the Service may determine whether the plan continues to meet Federal requirements and policies.

§ 201.6 Withholding of payment; reduction of Federal financial participation in the costs of social services and training.

(a) *When withheld.* Further payments to a State are withheld in whole or in part if the Administrator, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of an approved plan, finds:

(1) That the plan no longer complies with the provisions of section 2, 402, 602, 1002, 1402, 1602, or 1902 of the Act; or

(b) *When the rate of Federal financial participation is reduced.* Under title I, VI, X, XIV, or XVI of the Act, Federal financial participation in the costs of social services and training approved at the rate of 75 per centum is reduced to 50 per centum if the Administrator, after reasonable notice and opportunity for a hearing to the State agency, finds:

PART 204—GENERAL ADMINISTRATION—SOCIAL AND REHABILITATION SERVICE GRANTS PROGRAMS**§ 204.1 Submittal of State plans for Governor's review.**

A State plan under title I, IV-A, IV-B, VI, X, XIV, XVI, or XIX of the Social Security Act, section 101 of the Rehabilitation Act of 1973, or title I of the Mental Retardation Facilities and Community Mental Health Centers Construction Act, must be submitted to the State Governor for his review and comments, and the State plan must provide that the Governor will be given opportunity to review State plan amendments and long-range program planning projections or other periodic reports thereon. This requirement does not apply to periodic statistical or budget and other fiscal reports. Under this requirement, the Office of the Governor will be afforded a specified period in which to review the material. Any comments made will be transmitted to the Social and Rehabilitation Service with the documents.

PART 205—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS**§ 205.5 Plan amendments.**

(a) *State plan requirements.* A State plan under title I, IV-A, VI, X, XIV, XVI, or XIX of the Social Security Act must provide that the plan will be amended

whenever necessary to reflect new or revised Federal statutes or regulations, or material change in any phase of State law, organization, policy or State agency operation.

(b) *Federal financial participation.* Except where otherwise provided, Federal financial participation is available in the additional expenditures resulting from an amended provision of the State plan as of the first day of the calendar quarter in which an approvable amendment is submitted or the date on which the amended provision becomes effective in the State, whichever is later.

§ 205.30 *Methods of administration.*

State plan requirements: A State plan under title I, IV-A, VI, X, XIV, XVI, or XIX of the Social Security Act must provide for such methods of administration as are found by the Secretary to be necessary for the proper and efficient operation of the plan.

§ 205.50 *Safeguarding information.*

(a) *State plan requirements.* A State plan under title I, IV-A, VI, X, XIV, XVI, or XIX of the Social Security Act, except as provided in paragraph (b) of this section, must provide that:

§ 205.60 *Reports and maintenance of records.*

(a) *State plan requirements.* A State plan under title I, IV-A, VI, X, XIV, XVI, or XIX of the Social Security Act must provide that:

§ 205.70 *Availability of agency program manuals.*

State plan requirements. A State plan under title I, IV-A, IV-B, VI, X, XIV, XVI, or XIX of the Social Security Act must provide that:

§ 205.100 *Single State agency.*

(a) *State plan requirements.* A State plan under title I, IV-A, VI, X, XIV, XVI, or XIX of the Social Security Act must:

§ 205.101 *Organization for administration.*

(a) A State plan under title I, IV-A, VI, X, XIV, XVI, or XIX of the Social Security Act shall include a description of the organization and functions of the single State agency and an organizational chart of the agency.

(b) Where applicable, a State plan under title I, IV-A, VI, X, XIV, or XVI of the act shall identify the organizational unit within the State agency which is responsible for operation of the plan and shall include a description of its organization and functions and an organizational chart of the unit. (See also, for requirements concerning the organization for the administration of service programs, pt. 220 of this chapter as to programs under title IV-A and B of the act, and pt. 222 of this chapter as to programs under title I, VI, X, XIV, or XVI of the act.)

(c) A State plan under title XIX of the act must:

(1) Provide for the establishment of a medical assistance unit in the single State agency which shall include the program director and other appropriate staff for participation in the development, analysis, and evaluation of the State's medical assistance program;

(2) Include a description of the organization and functions of the medical assistance unit and an organizational chart of the unit;

(3) Include a description of the kinds and numbers of professional medical personnel and supporting staff that will be used in the administration of the plan and of the responsibilities they will have; and

(4) If eligibility determinations are made by a State agency other than the title XIX single State agency or by local agency staff under the supervision of a State agency, include a description of the staff designated by such agencies and the functions they will perform in carrying out this responsibility.

§ 205.130 *State financial participation.*

State plan requirements:

(a) A State plan until title I, IV-A, VI, X, XIV, XVI, or XIX of the Social Security Act must provide that:

§ 205.145 *Fiscal policies and accountability.*

State plan requirements: A State plan under title I, IV-A, VI, X, XIV, XVI, or XIX of the Social Security Act must provide that the State agency, in discharging its fiscal accountability, will maintain an accounting system and supporting fiscal records adequate to assure that claims for Federal funds are in accord with applicable Federal requirements. Under this requirement, State and, where applicable, local agencies are required to maintain accounting records, identifiable for each of the above titles of the Act, for a period of 3 years, subject to the following qualifications:

(a) The 3-year retention period starts from the date of submission of the final expenditure report;

(b) The records shall be retained beyond the 3-year period if audit findings have not been resolved;

(c) Records for nonexpendable property which was acquired with Federal grant funds shall be retained for 3 years after final disposition of such property.

§ 205.150 *Cost allocation.*

(a) *State plan requirements.* A State plan under title I, IV-A, IV-B, VI, X, XIV, XVI, or XIX of the Social Security Act must provide that the single State agency will establish and maintain methods and procedures for properly charging the costs of administration, services (excluding those purchased), and training activities under the plan in accordance with Federal requirements (Office of Management and Budget Circular No. A-87 and Department and Social and Rehabilitation Service regulations and

instructions). Such methods and procedures must include those for:

§ 205.190 *Standard-setting authority for institutions.*

(a) *State plan requirements.* If a State plan under title I, X, XIV, or XVI, of the Social Security Act includes aid or assistance to individuals in institutions as defined in § 233.60(b) (1) and (2) of this chapter and if a State plan under title VI includes services for individuals in institutions the plan must:

§ 205.200 *Standards of personnel administration.*

(a) A State plan under title I, IV-A, VI, X, XIV, XVI, or XIX of the Social Security Act must provide that methods of personnel administration will be established and maintained in the State agency administering or supervising the State plan and in local agencies administering the State plan in conformity with the Standards for a Merit System of Personnel Administration, 45 CFR Part 70. Under this requirement, laws, rules, regulations, and policy statements effectuating such methods of personnel administration are a part of the State plan. Statements of acceptance of these standards by all official local agencies included in the State plan must be obtained and methods must be established by the State to assure compliance by local jurisdictions. These statements and citations of applicable State laws, rules, regulations, and policies which provide assurance of conformity to the standards in 45 CFR Part 70 must be submitted to the Department of Health, Education, and Welfare for determination as to adequacy. Copies of the materials cited and of similar local materials maintained by a State official responsible for compliance by local jurisdictions must be furnished to the Department on request.

PART 225—TRAINING AND USE OF SUBPROFESSIONALS AND VOLUNTEERS

§ 225.2 *State plan requirements.*

The State plan for OAA, AFDC, SABD, AB, APTD, AABD or MA under title I, IV (Part A), VI, X, XIV, XVI or XIX of the Social Security Act or for CWS under title IV (Part B) of the Act must:

§ 225.3 *Federal financial participation.*

Under the State plan programs under Titles I, IV (Parts A and B), VI, X, XIV, XVI, and XIX of the Act, Federal financial participation in expenditures for the recruitment, selection, training, and employment and other use of subprofessional staff and volunteers is available at the rates and under related conditions established for training, services, and other administrative costs under the respective titles.

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

Effective date: January 1, 1974.

(Catalog of Federal Domestic Assistance Nos. 13.724, Public Assistance—State and Local Training and 13.754, Public Assistance—Social Services)

Dated: August 23, 1974.

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

Approved: September 20, 1974.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc. 74-22418 Filed 9-25-74; 8:45 am]

PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS

Need and Amount of Assistance; Termination of Pass-On Requirements

Part 233 of Chapter II of Title 45 of the Code of Federal Regulations is amended to indicate that the requirements for pass-on of part of OASDI benefit increases pursuant to sections 304 and 306 of Pub. L. 92-603 are no longer in effect as of December 31, 1973.

§ 233.20 [Amended]

Paragraph (d) of § 233.20 is revoked.

Effective date: January 1, 1974.

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

(Catalog of Federal Domestic Assistance Program No. 13.761, Public Assistance Maintenance Assistance (State Aid).)

Dated: September 4, 1974.

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

Approved: September 20, 1974.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc. 74-22355 Filed 9-25-74; 8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—MERCHANT MARINE OFFICERS AND SEAMEN

[CGD 73-238R]

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

Training Schools With Approved Courses

The purpose of these amendments is to change the regulations concerned with licensing of officers and motorboat operators and registration of staff officers to allow the acceptance of certificates from training schools with approved courses of instruction as an alternative to certain examinations that the Coast Guard may require.

In the October 12, 1973, issue of the FEDERAL REGISTER (38 FR 28298), the

Coast Guard proposed regulation changes which would establish general requirements for approved courses of instruction for radar observers and also provide for acceptance of both private and government operated or sponsored courses. Interested parties were given until November 30, 1973, to comment on the proposals. A total of fifteen comments were received.

Concern was expressed by several commentators concerning the degree of supervision that would be exercised and the right of the local Officer in Charge Marine Inspection to examine a person with the authorized certificate if he deemed this necessary, as well as the need for signatures from both the school and the local Officer in Charge Marine Inspection on certificates issued. The right, as well as the responsibility, of the Coast Guard to closely monitor the courses, is considered to be adequately provided for in the final regulations. In the event that the local Officer in Charge Marine Inspection has reason to question the capabilities of any person completing an approved course, he has the authority to either monitor or administer the end of course examination. The provision that all certificates issued must be signed by both the head of the school and the local Coast Guard Officer in Charge Marine Inspection has been retained. However, it is now clearly indicated that this authority to sign may be delegated to persons under the jurisdiction of each. This dual signature will not only remove any doubt as to the authenticity of the certificate, when it is presented for issuance of a license or for renewal of an existing license, but it will also satisfy any doubts interested parties might have concerning the degree of Coast Guard involvement in such approved courses. It is the intention of the Coast Guard to request participation by the Maritime Administration in the review of course curriculum for both initial approvals and subsequent approval of changes to such curriculum.

It was also recommended that the period of approvals granted be reduced from 2 years to 1 year for the initial approval and from 5 years to 2 years for subsequent approvals. After careful consideration, this recommendation was rejected as it would impose a burden of unnecessary paperwork upon both the school and the Coast Guard. With the requirements for close Coast Guard involvement with the courses which have been imposed, it is felt that the quality of instruction of the various courses can be kept at a level which will adequately meet minimum uniform requirements. In addition, the right to suspend or revoke the approval granted is retained by the Coast Guard. A reduction in the total number of classroom hours required for the various certificates was recommended. Although some candidates can undoubtedly master the subject of radar, including its proper and efficient interpretation, in less classroom hours than is provided, it is felt that the regulations specify the minimum acceptable number of hours for the average

candidate. International standards, which are constantly being developed in the field of personnel qualifications, also address the question of radar training and if the Coast Guard is to continue to meet these standards, any reduction in total hours would be unacceptable.

In addition to the changes discussed above, as well as minor editorial changes, the Coast Guard has rearranged the regulations to provide general requirements which all courses in instruction approved by the Coast Guard must meet. These requirements were set out in the notice of proposed rulemaking as applying only to radar observer courses. It is felt that it is proper to apply these requirements to all courses of instruction. The requirements themselves have not been changed. The applicability of the requirements has been expanded. This expanded applicability will allow the Coast Guard to approve a wide range of courses of instruction in the future. Additional unique requirements for radar observer courses are also listed, as well as those radar observer courses which have been approved.

Accordingly, Part 10 of Title 46 of the Code of Federal Regulations is amended as follows:

1. By revising § 10.02-9(e) (3), (4), and (5) to read as follows:

§ 10.02-9 Requirements for renewal of license.

(e) * * *

(3) Except as allowed in paragraph (e) (5) of this section, a master, mate, or pilot who desires to renew a license with a "radar observer" endorsement, must demonstrate his knowledge of the subjects contained in § 10.05-46(b) (3) and (4) of this subpart if he, within 36 months before the month in which his application is dated served—

(i) Under the authority of his license on a vessel; or
(ii) In a position closely related to the operation of vessels.

(4) Except as allowed in paragraph (e) (5) of this section, a master, mate, or pilot who desires to renew a license with a "radar observer" endorsement and who can not meet the experience requirement contained in paragraphs (e) (3) (i) or (e) (3) (ii) of this section, must pass a written examination of the subjects contained in § 10.05-46(b) of this chapter.

(5) A master, mate, or pilot who shows an appropriate radar observer certificate of an approved radar training course from one of the schools listed in § 10.30-5 of this chapter that is dated within 12 months before the month of application for renewal of a license that has a "radar observer" endorsement is not required to demonstrate his knowledge, as required in paragraph (e) (3) of this section, or pass a written examination as required in paragraph (e) (4) of this section.

2. By revising § 10.05-46 (a) and (d) to read as follows:

§ 10.05-46 Radar observer.

(a) Except as provided for in paragraph (d) of this section, a written examination on the subjects contained in paragraph (b) of this section is required for each applicant for—

- (1) An original license;
- (2) A raise in grade; or
- (3) An increase in scope of license for service in vessels of 300 gross tons and over.

(d) An applicant for a license specified in paragraph (a) of this section who shows an appropriate radar observer certificate of an approved radar training course from one of the schools listed in § 10.30-5 of this chapter that is dated within 12 months before the month of application is not required to pass the written examination required in paragraph (a) of this section.

3. By adding a new Subpart 10.30, to follow Subpart 10.25 and to read as follows:

Subpart 10.30—Training Schools With Approved Courses

Sec.	
10.30-1	Applicability.
10.30-2	Course Approval.
10.30-3	General Standards.
10.30-5	Radar Observer Qualifying Courses.

§ 10.30-1 Applicability.

This subpart prescribes the general requirements applicable to all approved courses which may be accepted in lieu of an examination required by the Coast Guard, and lists those individual courses which have been approved with the particular requirements of each course.

§ 10.30-2 Course approval.

(a) A training school desiring to have a course approved by the Coast Guard must submit a written request through the appropriate Officer in Charge Marine Inspection to the Commandant (G-MVP/82) U.S. Coast Guard, Washington, D.C. 20590, that contains:

- (1) A list of the curriculum including a description of and the number of classroom hours required in each subject;
- (2) A description of the facility and equipment;
- (3) A list of instructors including the experience, background, and the qualifications of each; and
- (4) Evidence supporting the need for such approved training.

(b) Unless sooner surrendered, suspended or revoked, and approval for a course at a training school that meets Coast Guard standards expires 24 months after the month in which it is issued, or on the date of any change in the ownership of the school for which it was issued, whichever is earlier.

(c) If the training school desires to have its course approval renewed, it must submit a written request to the address listed in paragraph (a) of this section. Unless sooner surrendered, suspended, or revoked, a renewal of the approval expires 60 months after the month it is is-

sued, or on the date of any change in ownership of the school for which it is issued, whichever is earlier.

(d) The Coast Guard notifies each applicant in writing whether or not an approval is granted. If a request for approval is denied, the Coast Guard informs the applicant the reasons for the denial and describes what corrections are required for an approval.

§ 10.30-3 General standards.

Each school with an approved course must:

(a) Have a modern and well maintained facility that accommodates the students in a safe and comfortable environment conducive to learning.

(b) Have visual aids for realism, including simulators where appropriate, which are modern and well maintained and sufficient for the number of students to be accommodated.

(c) Give appropriate written or practical examinations in the course material to each student of such a degree of difficulty that a student who successfully completes them could reasonably assume that he would pass, on his first attempt, an examination prepared by the Coast Guard and based upon knowledge requirements of the position or endorsement for which the student is being trained.

(d) Keep for each enrolled student for at least 1 year after the end of the students enrollment—

- (1) Each written examination, or in the case of a practical test, a report of such test; and
- (2) A record of each student's classroom attendance.

(e) Not change its approved curriculum unless that change is approved in writing after the request for change has been submitted in writing through the appropriate Officer in Charge Marine Inspection to the Commandant (G-MVP/82), U.S. Coast Guard.

(f) At any time the Officer in Charge Marine Inspection shall direct, allow the Coast Guard to:

- (1) Inspect its personnel facilities, equipment, and records, including scholastic records;
- (2) Conduct interviews and surveys of students to aid in course evaluation and improvement;
- (3) Assign personnel to observe or participate in the course of instruction; and
- (4) Supervise or administer the required examinations or practical demonstrations.

§ 10.30-5 Radar Observer Qualifying Courses.

This section lists those schools providing approved Radar Observer Courses and the particular requirements for the approved courses.

(a) A student who takes an approved course of training and who meets the requirements of this section is entitled to an appropriate radar observer certificate.

(b) If the student successfully completes the course, including the examinations and practical demonstration re-

quired by § 10.30-3(c), he is entitled to an appropriate radar observer certificate—

(1) In a form prescribed by the school that is acceptable to the Coast Guard; and,

(2) Signed by both the head of the school and the local Officer in Charge Marine Inspection or a responsible officer under the jurisdiction of each, who shall be designated in writing.

(c) The following radar observer certificates are issued under this section:

- (1) Radar Observer (no limitations as to area of operation).
- (2) Radar Observer (restricted to inland waters).
- (3) Radar Observer (renewal).
- (4) Radar Observer (inland waters/renewal).

(d) A school with an approved radar observer course may not issue a certificate listed in § 10.30-5(c) to a student unless he has completed the curriculum as follows:

- (1) Radar Observer (no limitation as to area of operation). A total of 64 classroom hours or more in the subjects listed in § 10.05-46(b) of this part.
- (2) Radar Observer (restricted to inland waters). A total of 40 classroom hours or more in the subjects listed in § 10.05-45(b) of this part.
- (3) Radar Observer (renewal) or radar observer (inland/renewal). A total of 4 classroom hours or more in the subjects contained in § 10.05-46(b) (3) and (4) of this part.

(e) Each instructor of an approved radar observer course must hold a valid license endorsed as "radar observer", or possess other appropriate qualifications acceptable to the Coast Guard.

(f) The following training schools have approved radar observer courses:

- (1) Maritime Administration Radar Observer School, Seamen's Church Institute, 15 State Street, New York, New York 10004. (Mailing address: Atlantic Coast Director, Federal Building, 26 Federal Plaza, 37th Floor, New York, New York 10007.)
 - (2) Maritime Administration Radar Observer School, Fort Mason, San Francisco Army Terminal. (Mailing address: Pacific Coast Director, U.S. Department of Commerce, Maritime Administration, 450 Golden Gate Avenue, Box 36073, San Francisco, California 94102.)
 - (3) Maritime Administration Radar Observer School, Room 14040, New Federal Building, 701 Loyola Avenue, New Orleans, Louisiana 70150.
 - (4) U.S. Merchant Marine Academy, Kings Point, New York 11754.
 - (5) U.S. Army Transportation School, Fort Eustis, Virginia 24437.
 - (6) State University of New York, Maritime College, Fort Schuyler, New York 10065.
 - (7) Maine Maritime Academy, Castine, Maine 04421.
 - (8) Texas Maritime Academy, Galveston, Texas 77552.
 - (9) Maritime Institute of Technology and Graduate Studies, 5700 Hammonds Ferry Road, Linthicum Heights, Maryland 21090.
- (R.S. 4405, as amended (46 U.S.C. 375), R.S. 4462, as amended (46 U.S.C. 416), Sec. 6(b) (1), 80 Stat. 937 (49 U.S.C. 1655(b) (1)); 49 CFR 1.46(b))

Effective date. This amendment shall be effective November 25, 1974.

Dated: September 20, 1974.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard
Acting Commandant.

[FR Doc. 74-22396 Filed 9-25-74; 8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC-19; Sub-No. 19]

PART 1056—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

Motor Common Carriers of Household Goods; Consumer Protection

Upon investigation and consideration of views, arguments, and representations of the parties, the formal adoption of certain interpretations of the specific statistical items listed in 49 CFR 1056.7 (b), which interpretations are designed to improve the relationship between motor common carriers of household goods and their customers, found to be in the public interest. Appropriate order entered.

Petition for modification of 49 CFR 1056.7, to limit initial performance reporting requirement, denied.

In our final report and order (Practices of Motor Common Carriers of Household Goods, 119 M.C.C. 585), dated February 22, 1974, this Commission promulgated regulations which amended Parts 1056 and 1003 of Chapter X of Title 49 of the Code of Federal Regulations by modifying §§ 1056.7 and 1056.8 and 1003.1 as set forth in appendix B' to the said report. We therein adopted certain rules requiring household goods carriers to supply every prospective shipper with (1) the summary of information set forth in Form BOP 103 (49 CFR 1003.1), (2) a copy of this Commission's Public Advisory Number 4 (dealing with loss and damage claims), and (3) a summary of the carrier's latest annual performance report containing certain information specified in the amended § 1056.7(b).

BACKGROUND

By Civil Action No. 74-642, Movers' & Warehousemen's Association of America, Inc., et al., filed a complaint in the United States District Court for the District of Columbia seeking to permanently enjoin and set aside the said Commission order dated February 22, 1974. The complainants challenged the authority of this Commission to compel a carrier to print and distribute at its own cost copies of its annual operating performance statistics and copies of government information publications. In addition, they alleged that some of the information in the government publication was misleading and that the performance report requirements were drafted in such a way

as would lead to inaccurate and misleading reporting by some carriers. Finally, they charged that the carriers were given inadequate time to comply with this Commission's order.

By order dated June 11, 1974, the Court dismissed Civil Action No. 74-642 without prejudice, inasmuch as a stipulation had been entered into and presented to the court by the plaintiffs and the Interstate Commerce Commission. This stipulation is set forth in appendix A to this report.

In compliance with part 1.C. of the stipulation, this Commission directed the Office of Proceedings to conduct an informal conference at which representatives of parties to the proceeding might discuss with members of our staff, problems as to interpretation of 49 CFR 1056.7(b). The conference was held July 12, 1974, and the parties were given every opportunity to explore for uniformity of interpretation with the objective that all carriers might set forth comparable data in their respective performance reports. It is the purpose of this report to provide a formal interpretation of the specific statistical items listed in 49 CFR 1056.7(b) as contemplated by the stipulation.

Also, as agreed under part 1.B. of the stipulation, we have accepted for filing and will consider herein a joint petition submitted by the American Movers Conference (AMC), Household Goods Carriers' Bureau, and the Movers' & Warehousemen's Association of America, Inc., seeking to limit the initial performance report specified in 49 CFR 1056.7 to a period from July 1 through December 31, 1974, rather than the entire calendar year of 1974 as presently required.

Finally, pursuant to part 1.A. of the stipulation, certain language agreed upon for insertion in form BOP 103 will appear in the next printing of that form.

INTERPRETATION OF SPECIFIC STATISTICAL ITEMS

The above-described informal conference was to afford parties an opportunity to discuss problems of interpretation regarding carrier performance statistics required to be reported pursuant to 49 CFR 1056.7(b). At the conference, AMC and Movers Round Table (MRT) proposed various interpretations which were substantially similar, and will be referred to throughout this report. Based upon the discussion at the conference, the record in this proceeding, and the need for uniform regulations in the public interest, it is apparent that an interpretive order from this Commission would serve a useful public purpose. This report, therefore, is our formal interpretation of the items which troubled the conferees. Its primary purpose is to enable all carriers, large and small, to prepare and report to the public the required data in a meaningful and uniform manner. What follows is a discussion and our interpretive ruling on each of the separate statistical items which carriers must include in their annual performance reports. For ready reference, the regulation

in question, 49 CFR 1056.7, is set out in appendix B filed as part of the original document.

In general, the requirements are that each carrier maintain a record of its service; file that record with this Commission annually; and serve a copy of that record upon potential customers. The items of information recorded are intended to indicate the proficiency of the service. Because this self-revelation might, among other things, influence a shipper's choice of carrier, the carriers are anxious that the reporting be on a fair, uniform basis as to each item of data required.

Items 1 and 2, requiring the name of the motor carrier, its domicile address, and I.C.C. MC-number are self-explanatory.

Item 3 requires the carrier to provide certain data for separately specified types of accounts. These accounts are categorized as (1) c.o.d. shipper, (2) Department of Defense, and (3) national accounts and other Government traffic. It was generally agreed at the July conference, and is our view herein, that a c.o.d. shipment covers any shipment where motor carrier charges are payable at or prior to delivery. Accounts of individual consumers would fall within this first category. The representative of Consumers Union (CU) voiced some concern that the individual shipping customer, when reading the carrier's report, might be unaware that he belongs to this category. Accordingly, we are of the opinion that a carrier should specifically state in its performance report that the list relating to c.o.d. shipments includes the shipments of individual householders.

With regard to the specification of Department of Defense (DOD) as a separate type of account, members of the industry attending the conference suggested that this category be modified to read "Department of Defense and other government traffic." In support of this change, industry representatives stated generally that statistics prepared in the past have been developed from an underlying government bill of lading (GBL) and that there has been no line of demarcation with respect to DOD or any other government agency which issues a GBL. They also maintained that, as a percentage, non-DOD shipments are an almost insignificant portion of GBL shipments.

Before considering the merits of the proposal it is important to point out that the July conference, held in accordance with the stipulation set forth in appendix A, was aimed solely at interpretive problems. There was no intent by this Commission, in entering into the stipulation or in ordering the conference, to modify the involved regulation in any way. What is requested of us here is a formal modification which cannot be accomplished in these circumstances or on this record. On the merits, there appears to be little or no interpretive problem with this item. The Commission clearly separated DOD traffic from other Government traffic and the intent for such action can be discovered in our comments in the prior

¹ Appendix filed as part of original.

report, 119 M.C.C. 585, at 602, to the effect that the carriers should be required to give a single performance report to DOD for each reporting period so that DOD "will then be in a position to compare these statistics with those it may keep and can notify us of any discrepancies that it may find." Certainly, this could only be accomplished if DOD shipments are set forth in a separate category.

Also, in order to avoid confusion, the term "other Government traffic" should be interpreted to mean only traffic moving on United States Government Bills of Lading. Traffic of any other governments (e.g., State and local) would more likely fit within the category of national accounts shipments.

Item 3 also requires the carrier to provide specified data for each of the above-mentioned types of accounts. The kinds of data are set forth in sub-items (a) through (1) of 49 CFR 1056.7(b)(3). Sub-item (a) calls for the number of shipments delivered and the number of estimates on such shipments. Although some carriers contended that the word "delivered" involves ambiguity, we do not believe that that term is ambiguous. Rather, the problem requiring interpretation is just which delivered shipments must be included in the performance report. In considering this point, we must take into consideration the practicalities of carrier operations. Thus, it appears that carriers do not usually consider a transaction closed until all of the documents relating to particular shipments are back in their possession and processed, after the distribution of revenue is made. Industry members explain that only then can they accurately determine the statistics relevant to a particular move, and that, accordingly, a shipment should not be considered for listing in the performance report for the purposes of sub-item (a) until such time. AMC suggested sub-item (a) be construed to include all shipments included in the carrier's cumulative final "Quarterly Reports of Results of Operations" (Class I and II carriers only) and Annual Report (Class III carriers only) for the period covered. We have no objection to this method of uniform statistical compilation and sub-item (a) will be interpreted accordingly. This interpretation will undoubtedly result in shipments actually delivered during the latter portion of each year not being included in the performance report for that year. Carriers are hereby placed on notice that all such shipments not included in a particular year's performance report because of the above interpretation of sub-item (a) must include those shipments in the performance report for the following year. In this way all statistics will be uniform.

Under sub-items (b) and (c), respectively, carriers must indicate the percentage of shipments on which the final charge exceeded or fell short of the estimate by 10 percent or more. Parties at the conference suggested we limit this requirement to cover only shipments on which estimates were given. They ex-

pressed concern that all carriers be made aware that an estimated shipment, as used herein, refers to one for which a written estimate is given in accordance with existing regulations. We concur in their recommendation that an estimate be defined as a circumstance in which the carrier furnishes the shipper a completed "Estimated Cost of Services" form pursuant to 49 CFR 1056.8. We also conclude that, for fair and realistic reporting, the word "shipments" in sub-items (b) and (c) should be construed to encompass all shipments upon which an estimate, as above defined, was given.

Sub-items (d) and (e) require a carrier to note the percentage of shipments picked up later than specified in the order for service—(d) covering pickups made more than 5 days late, and (e) pickups 1 to 5 days late. AMC recommends (d) be modified to read "Percentage of shipments, by category, picked up one to five calendar days later than specified in the Order of Service or GBL" [Emphasis added]. AMC explains that the words "by category" should be added to emphasize to carriers that the data required by each of the sub-items under 1056.7(b)(3) must be furnished with regard to each of the specified types of account. AMC further explains that the word "calendar" should be inserted, primarily to protect the consumer who might otherwise be misled by a carrier's possible assertion that Saturdays and Sundays are not to be considered when counting those days in delay. In discussion, however, it became clear that in industry practice, when stating a number of days "calendar days" is intended unless otherwise specifically indicated.

MRT suggested it be made clear that, if the order for service is amended, the pickup date on the amended order be used as the date of reference. This suggestion caused a rather extensive discussion at the informal conference. It became apparent that the original date showing on an order for service is often amended orally, generally by telephone, and that poses the problem as to how such an amended date can be properly verified.

No modifications in the existing regulation can or will be made at this time for the reasons previously explained. In view of our interpretation of the specified types of accounts found above, we believe the carriers have been given adequate notice that the date required by each of the sub-items under § 1056.7(b)(3) must be furnished with regard to each of the three specified types of account. Additionally, the specified number of days in sub-items (d) and (e) shall be construed to mean consecutive calendar days, including Saturdays, Sundays, and holidays, in keeping with the accepted industry practice, and this should be clearly indicated on the performance reports to avoid any confusion on the shipper's part. Because all carriers adhere to this practice, there should be no problem in presenting uniform reports to the Commission. It was agreed to by those attending the conference that as a matter or

practical necessity, sub-items (d) and (e) should be interpreted as including amended orders for service. Accordingly, if an order of service is amended by mutual agreement of shipper and carrier, the pickup date on the amended order shall be used as the date of reference. Where there is no written request for a change in the pickup date or no initialing by the shipper or consumer on the order for service, then the burden of proof in such cases will rest on the carriers, and their follow-up documentation in each such instance shall contain sufficiently complete entries to fully explain the change in pickup times. Finally, it should be noted that if an order for service specifies that a carrier will make a pickup during some stated period of time, then the late period will be considered to commence the day immediately following the last date of the period.

Sub-items (f) and (g), respectively, require carriers to indicate the percentage of shipments delivered more than 5 days later than specified in the order for service, and the percentage of shipments delivered 1 to 5 days later than specified in the order for service. Parties at the informal conference voiced concern over the interpretation of the word "delivered" as used in these two sub-items. It was pointed out that a carrier often arrives at a specified destination at the agreed time, but that for one reason or another the customer is not in a position to accept the lading or seeks to delay his actual acceptance. Carriers do not wish to record such incidents as late deliveries. Consequently, they propose that the word "delivered" as used in sub-items (f) and (g) be defined as the date on which a carrier tenders a shipment for delivery. Since the ultimate concern is with adequate service to the public, and this entire reporting requirement is addressed to the achievement of such service, we shall have made progress when the industry can deliver (and pick-up), at the appointed time or as soon thereafter as the shipper is ready and capable of receiving (or turning over) the lading. In all fairness, carriers should not have to indicate a late delivery (or pick-up) when the lateness arises, as it sometimes does, out of a shipper disability. Accordingly, for the purpose of sub-items (f) and (g) of this regulation, we consider a carrier to have made delivery at the time it offers the shipment physically to the customer. Also, as noted in our discussion of sub-items (d) and (e), we shall construe the specified number of days in sub-items (f) and (g) to mean consecutive calendar days, including Saturdays, Sundays, and holidays, and this should also be noted on the performance report. We shall likewise construe sub-items (f) and (g) as including amended orders for service.

Under sub-item (h) a carrier must indicate the percentage of shipments on which a claim was filed for loss or damage of \$50 or more. At the conference it was suggested that the term "percentage" be interpreted as matching the claims received against the shipments delivered in

the same reporting period. Thus, to compute the percentage, the number of claims filed in a calendar year would be divided by the number of shipments reported in sub-item (a) for the same year. That interpretation would be practical, and over period of time, would probably produce as accurate a result as any method. We hereby adopt it for industry-wide application under this regulation.

Some discussion developed at the conference with respect to the word "claim" as used in sub-item (h). AMC suggested that we adopt an interpretation which meets the definitional criteria set forth in Ex Parte 263. Such an interpretation would not include all expressions of dissatisfaction with service called to the attention of a carrier. Often, when a customer registers discontent, usually informally, the matter, upon further investigation, is settled to the satisfaction of all concerned and no formal claim is lodged. The carriers seek to prevent such initial expressions of dissatisfaction from being included as claims for loss or damage under sub-item (h).

The industry representatives suggested an approach to situations where a shipper reports damage or a loss but fails to state a dollar amount or a basis for determining such an amount. For the purposes of sub-item (h) in such situations, they would deem a claim to have been filed when and if the carrier offers a settlement of \$50 or more. For reporting under this regulation, we believe the public should be made aware, to the extent practicable, of all instances where the customer lodged a notice which satisfies the definition of a claim as set forth in 49 CFR 1005(a) and (b) or which evoked a settlement offer at \$50 or more from the carrier; and sub-item (h) shall be so construed.

Compliance with (h) as so interpreted imposes a special burden upon the carrier. In each instance where the shipper or his representative (e.g., repairman, appraiser, etc.) fails to specify a dollar amount or provide a basis for determin-

ing a dollar amount, the carrier shall immediately contact the shipper or his representative (as appropriate) to find out the dollar amount sought. If such contact proves futile or cannot be made at all, and the carrier thereupon offers a settlement of \$50 or more, the instance shall be recorded as a claim under sub-item (h). The carrier shall maintain a record of the compliance steps so taken.

Sub-item (i) requires a carrier to specify the percentage of claims filed for damages or expenses resulting from carrier delay. The term "percentage" should be interpreted in the same manner as done under sub-item (h). Accordingly, "percentage of claims" shall be construed to mean the number of delay claims received during the reporting period divided by the number of shipments reported in sub-item (a) above for the same period. Certain of the conferees submitted that the term "claim" as used in subitem (i) should be construed to mean a specific demand in writing from the shipper for expense reimbursement resulting from failure to perform pick up and/or delivery on the dates or within the periods of time specified in the order for service or GBL, including dates specified in any amendments to the order for service. We can accept this construction in essence. However, if a shipper makes any written demand to be recompensed by the carrier for his loss resulting from carrier delay, such a demand shall be deemed adequately specific to be counted for sub-item (i) purposes; and this regulation shall be so interpreted.

Sub-item (j) requires a carrier to indicate the average length of time to settle claims for loss or damage (for claims settled during the calendar year). This item generated much discussion at the conference, particularly as to the term "settle". Industry members interpret (j) to cover the average length of time from date of receipt of a claim by the carrier or its agent to the date of action by the carrier in paying, denying, or making a firm compromise offer as to all items claimed. This raises issues as to what constitutes a "firm compromise offer," and how long a carrier must wait for claimant's answer to its compromise offer? Or may an unanswered offer ever be considered a settlement?

By letter filed with the Commission July 17, 1974, CU submitted further comment on sub-item (j), contending that a claim should be considered settled only at the date of its final disposition. It further contends that a final disposition can only occur when a claim is either (1) paid (before, during, or after litigation), (2) disallowed by the carrier, and the shipper does not contest the disallowance within 30 days, or (3) disallowed by a trial court.

We find merit in both suggestions. Yet, since sub-item (i) deals separately with claims terminated by court decree, we must look at the word "settle" in sub-items (j) and (k) as indicating final disposition short of obtaining a final court decree. Accordingly, we adopt the industry interpretation (which incorporated

most of CU's proposal) subject to the modification that a denial should be considered final and a compromise offer be considered firm, and the claim therefore "settled" for purpose of sub-item (j), if such denial or compromise offer is not challenged by the claimant within 30 days after being tendered.

Sub-item (k) requires a carrier to report "the percentage of settled claims for the calendar year to date settled prior to: (1) The institution of judicial process [and] (2) the completion of judicial process." Sub-item (l) requires a carrier to report "the percentage of claims carried to completion of the judicial process and the entering of a final decree." AMC suggests these two sub-items be combined to require the reporting of (1) the percentage of settled claims in which judicial process had been initiated, (2) the percentage of settled claims which are settled between the institution and completion of judicial process and (3) the percentage of settled claims carried to completion of judicial process and entering of a final decree.

There has been no good cause demonstrated for the modification proposed by AMC and we must once again note that the purpose of this report is to adopt interpretations of the existing regulation rather than to modify that regulation. We are of the opinion that the two separate subsections, as presently set forth, clearly specify the required information. To eliminate any possible ambiguity, however, carriers are hereby placed on notice that we interpret sub-item (k) (ii) to refer to claims settled between the institution and completion of judicial process. Sub-item (l), as is, accurately, and unequivocally describes the sought disclosure, namely, the percentage of claims dispositions in the calendar year which were not settled, withdrawn, or volitionally concluded, but rather could not be finalized short of an ultimate court decree.

Each of the specific statistical items listed in 49 CFR 1056.7(b) has now been discussed, and certain formal interpretations adopted. Our purpose herein is threefold—(1) to aid all household goods movers, large and small, to prepare the required data in a standard, uniform manner; (2) to provide an informing implement by which consumers might intelligently select the carrier that will best serve their personal needs; and (3) to obtain public disclosure of carrier performance as a means of motivating each of the carriers to correct deficiencies and improve service. It is hoped that self-analysis by the carriers on a fair basis of comparability with other carriers in the same business and a discriminating selection of carriers by consumers fortified with performance data, will bring about better service and consumer satisfaction.

ANNUAL REPORT 1974

By joint petition filed June 18, 1974, AMC, the Household Goods Carriers' Bureau, and Movers' & Warehousemen's Association of America, Inc., request

² Section 1005.2 Filing of claims.

(a) *Claims in writing required.* A claim for loss or damage to baggage of for loss, damage, injury, or delay to cargo shall not be voluntarily paid by a carrier unless filed in writing, as provided in subparagraph (b) below, with the receiving or delivering carrier or carrier issuing the bill of lading, receipt, ticket, or baggage check, or carrier on whose line the alleged loss, damage, injury, or delay occurred, within the specified time limits applicable thereto and as otherwise may be required by law the terms of the bill of lading or other contract of carriage, and all tariff provisions applicable thereto.

(b) *Minimum filing requirements.* A communication in writing from a claimant, filed with a proper carrier within the time limits specified in the bill of lading or contract of carriage or transportation, and (i) containing facts sufficient to identify the baggage or shipment (or shipments) of property involved, (ii) asserting liability for alleged loss, damage, injury, or delay, and (iii) making claim for the payment of a specified or determinable amount of money, shall be considered as sufficient compliance with the provisions for filing claims embraced in the bill of lading or other contracts of carriage.

that the coverage of the initial performance report specified in 49 CFR 1056.7 be limited to the period from July 1 through December 31, 1974, rather than the entire year 1974 as presently required. Petitioners note that the performance-report requirement is designed to aid prospective customers to compare the performance of various movers before making a selection. As a practical matter, that purpose, they assert, will be accomplished by a 6-month report inasmuch as the shipper will be presented with the carriers' performance reports prepared under identical standards and covering a reasonably substantial period.

Petitioners note that, in the interim report served in this proceeding on May 31, 1973. Practices of Motor Common Carriers of Household Goods, 118 M.C.C. 173, we proposed a rule which would have required the carriers to prepare and issue to potential shippers a quarterly performance report, but that in the final report and order we changed the requirement to an annual performance report, stating that "... performance reporting on a quarterly basis, as originally proposed, would appear to be an unduly burdensome task to place upon the carriers." Practices of Motor Common Carriers of Household Goods, 119 M.C.C. 585, at 603. Petitioners now contend that since the originally proposed 3-month survey period was deemed a reliable sample for comparative statistics, any period longer than that would necessarily be a reliable sample period.

Petitioners further contend that a report covering only the second half of 1974 would be more accurate than one for the entire year, in that the performance report calls for data which carriers have not heretofore been required to accumulate and do not have readily available for the first 6 months of 1974. Even if records of each shipment during that first part of 1974 were examined, the required information they contend is not likely to be found, there having been no previous requirement to compile it. Moreover, the process would be costly and time consuming. They maintain, however, that commencing with July 1, 1974 (or as soon thereafter as standardized interpretations of the required data are developed), carriers will be able to program their data gathering so that the necessary information may be assembled at the time each shipment is handled. Accordingly, they contend, complete and accurate information will be available for all or most of the final 6 months of 1974.

Petitioners further note that an initial report covering the limited time period as requested would give added weight to a carrier's performance during the "high" season (June 1 to September 15), and that this high season performance would constitute 42.5 percent of the total for the 6 months, as compared with 29.1 percent for an annual report period.

Replying to the petition, CU contends that carriers' existing records should contain most, if not all, of the data

needed for even the initial annual performance report. It asserts that the information a carrier will be required to display in said annual performance report is either the same as that currently being filed with the Commission on a quarterly basis, or is information the carriers are required to maintain as part of their permanent shipment records.

CU agrees with the joint petitioners that a 6-month reporting period from July 1 to December 31 will produce somewhat less averaging of peak season performance figures than would an annual reporting period, but it maintains that the averaging effect could be reduced even more substantially by including the entire "high season" which it asserts (from shippers' perspective) runs from approximately May 1 to October 31. Accordingly, CU argues, the petitioners have advanced no compelling justification for excluding the "critical" months of May and June from the first annual performance report.

In addition, CU argues that petitioners' apparent assumption that an annual report would merely reflect the average of an entire year's performance data is erroneous. It contends that our order changing the proposed quarterly publication to an annual publishing schedule gives no indication of an authorization for carriers to conceal seasonal variations by reporting performance statistics as annual averages. To the contrary, it notes, this Commission cited as one of the advantages of the annual report the fact that it "will * * * reflect seasonal fluctuations in service not discernible in quarterly reports." Practices of Motor Common Carriers of Household Goods, 119 M.C.C. 585, at 603. Accordingly, it argues, the only way to reflect said seasonal variations in an annual report is to break down and display the performance statistics by season.

For these reasons, CU now argues, we should specify that all estimating, pick-up, and delivery statistics and one set of claims statistics (i.e., items (a)-(h) of 49 CFR 1056.7(b)) must be broken down seasonally. In its view, performance data for the "high" and "low" moving seasons (May 1 to October 31, and November 1 to April 30 respectively), should be presented separately. It notes that a less desirable alternative would be to display the data for each quarter of the calendar year.

A procedural matter must be discussed before our disposition of the involved petition. By motion filed August 1, 1974, petitioners seek waiver of Rule 23 of our General Rules of Practice (49 CFR 1100.23) and ask permission to file a reply to CU's response. They contend that the said response contains inaccuracies, and that they, as the opening

* Replicant asserts that items (i) through (l) are omitted because the claims settlement process does not appear to exhibit strong seasonal fluctuations. Accordingly, it states that a seasonal breakdown with respect to these items would serve no useful informational purpose.

party should be offered an opportunity to answer. A reply is attached to the motion.

The said reply will not be accepted for filing. It is in the nature of a reply to a reply and as such is not permitted under the Commission's General Rules of Practice (49 CFR 1100.23 and 1100.51). Even if the material in said reply were to be considered, however, it would not change our ultimate conclusions specified below. Based on the foregoing, the petitioner's motion will be overruled, and the reply to the reply rejected.

We are of the opinion that the relief sought in the joint petition herein is not justified. The petition will therefore be denied. The initial performance reports should accordingly provide data covering the entire year 1974, as specified in 49 CFR 1056.7. Petitioners do not contend that the necessary data is unavailable, merely that it will be costly and time-consuming to review existing shipping records for the first part of 1974 in order to accumulate such information. We are not persuaded that such a task will be unduly burdensome. The information carriers will be required to display in an annual performance report is largely similar to that currently being filed with this Commission or is information that carriers are required to maintain as part of their permanent shipment records. In any event, carriers should review their complete annual performance records in order to determine which aspects of their services to the public require improvement, not merely in order to compile statistics for their required reports.

We are not in agreement with the contention of CU that annual performance data must be broken down and displayed by seasons. We did state in our final report herein, when changing the originally proposed quarterly report to an annual one, that a performance report for the first quarter of a given year would be somewhat misleading in that such would not reflect a carrier's performance during the third quarter, which embraces most of the "high" or busy season. However, an annual report, by including statistics for the full year, would thereby reflect the total operating performance of the carrier. This Commission's regulation, 49 CFR 1056.7(b), does not require the carriers to present their performance report statistics broken down on a quarterly basis and the stipulation incorporated in the Court's order likewise has made no provision for revision of the regulation in the manner requested by CU.

In summary, we continue to feel that the initial performance report specified in 49 CFR 1056.7 should provide data for the entire year 1974. By including statistics for the full year such annual report will thereby reflect the total operating performance of the carrier, and accordingly, carriers will not be required to present performance report statistics broken down on a seasonal or quarterly basis. Carriers, of course, may attach to their performance reports subjective evaluations of their respective perform-

ance statistics. These evaluations might contain statistical breakdowns by season or quarter. No such breakdown, however, is required.

FINDINGS

We find that the interpretations of the statistical items listed in 49 CFR 1056.7 (b), as made herein, are reasonable and proper; that said interpretations are necessary to the effective enforcement of the provisions of Part II of the Interstate Commerce Act, as amended; that such interpretations are otherwise lawful and, as found in this report, are required by the present and future public convenience and necessity; and that this decision is not a major Federal action significantly affecting the quality of our human environment within the meaning of the National Environmental Policy Act of 1969.

An appropriate order will be entered.

ORDER

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 20th day of September, 1974.

It appearing, that by stipulation entered into June 11, 1974, Civil Action No. 74-642 in the United States District Court for the District of Columbia was dismissed; that, as agreed under said stipulation, this Commission accepted for filing and considered on its merits a joint petition of American Movers Conference, Household Goods Carriers' Bureau, and Movers' & Warehousemen's Association of America, filed June 18, 1974, seeking to limit the period to be covered by the initial performance report specified in 49 CFR 1056.7 to July 1, 1974 through December 31, 1974, rather than the entire year 1974 as presently required; and that, as further agreed under the said stipulation, this Commission, following a conference between members of its staff and representatives of the parties, has set forth formal interpretations of the specific statistical items listed in 49 CFR 1056.7(b); and

It further appearing, that investigation of the matters and things involved in this proceeding has been made and that the Commission has made and filed its report herein containing its findings of fact and conclusions thereon, which report is hereby referred to and made a part hereof; and good cause appearing therefor:

It is ordered, That the joint petition of American Movers Conference, Household Goods Carriers' Bureau, and Movers' & Warehousemen's Association of American, Inc., be, and it is hereby, denied.

It is further ordered, That the motion by the petitioners in the next preceding paragraph to file a tendered reply to a reply be, and it is hereby, overruled and the tendered reply be, and it is hereby, rejected.

It is further ordered, That the interpretations of the specific statistical items listed in 49 CFR 1056.7(b) be, and they are hereby, adopted by this Commission.

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 filing a copy with the Director, Office of the Federal Register.

By the Commission.*

[SEAL] ROBERT L. OSWALD,
Secretary.

APPENDIX A

By stipulation entered into June 11, 1974, in Civil Action No. 74-642, Counsel for the respective parties agreed as follows:

1. The defendant Interstate Commerce Commission will take the following actions in its proceeding entitled Ex Parte No. MC-19 (Sub-No. 19), Practices of Motor Common Carriers of Household Goods (Consumer Protection):

A. Cause to be inserted, after the second sentence of the first full paragraph on page 19 of Form BOP 103 (Revised 1974), the following phrase at the end of the second sentence:

* * * provided, however, that the defenses of force majeure as construed by the courts shall not be denied the carrier.

B. Accept for filing and consider on its merits a petition of plaintiffs under 49 CFR 1100.102, seeking relief limiting the period to be covered by the initial performance report specified in 49 CFR 1056.7 to July 1 through December 31, 1974, rather than the entire year 1974 as presently required.

C. Issue an official interpretive order, following a conference between members of the Commission's staff and representatives of parties to the proceeding, which will interpret the specific statistical items listed in 49 CFR § 1056.7(b), as may be required to the end that all carriers will set forth comparable data in their respective performance reports.

2. In consideration of the actions of the Interstate Commerce Commission described in paragraph, hereof, plaintiffs agree to voluntarily dismiss this action forthwith.

[FR Doc.74-22422 Filed 9-25-74; 8:45 am]

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte No. 306]

PART 1100—FEDERAL RULES OF PRACTICE

Freight Rates for Recyclables; Correction

SEPTEMBER 23, 1974.

In the FEDERAL REGISTER for Tuesday, August 20, 1974, appearing at 39 FR 30046, the STCC number for "Miscellaneous Non-ferrous Metal Residue" was incorrectly stated as 33394. This STCC number should read 33398.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-22425 Filed 9-25-74; 8:45 am]

Title 50—Wildlife and Fisheries

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

PART 32—HUNTING

BOMBAY HOOK NATIONAL WILDLIFE REFUGE, DEL.

The following special regulation is issued and is effective during the period November 8, 1974 through November 13, 1974.

* Commissioner Clapp not participating.

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

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of deer with shotguns on the Bombay Hook National Wildlife Refuge, Delaware, is permitted only on the Deer Hunting Area and South Upland Hunting Area designated by signs as open to hunting. These open deer hunting areas are delineated on maps available at refuge headquarters, Smyrna, Delaware 19777 and from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of deer with firearms subject to the following special conditions:

(1) A Federal permit is required to hunt on the Deer Hunting Area and may be obtained by applying to the Refuge Manager in writing for an advance reservation. An individual with an advance reservation will forfeit his permit if he is not present one hour prior to the start of legal shooting time on the date of the reservation. These forfeited permits and permits not reserved by advance reservations will be awarded to standby hunters by lot one-half hour before the start of legal shooting time. Permits must be surrendered prior to departure from the refuge.

(2) The number of hunters admitted to the open area at one time will be restricted to 50.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge area generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 13, 1974.

RICHARD E. GRIFFITH,
Regional Director, U.S. Fish
and Wildlife Service.

SEPTEMBER 17, 1974.

[FR Doc.74-22323 Filed 9-25-74; 8:45 am]

PART 32—HUNTING

BOMBAY HOOK NATIONAL WILDLIFE REFUGE, DEL.

The following special regulation is issued and is effective during the period November 6, 1974 through January 17, 1975.

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

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Bombay Hook National Wildlife Refuge, Delaware, is permitted on areas designated by signs as open to hunting including the South Public Hunting Area, the West Public Hunting Area, the Youth Hunt Area, and the Upland Game Hunting Area. These open areas are delineated on maps available at the refuge headquarters, Smyrna, Delaware, or from the Regional Direc-

tor, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, and coots subject to the following special conditions:

(1) Hunting is permitted on the West Public Hunting Area from one-half hour before sunrise to 12 noon local standard time, Tuesdays, Thursdays, and Saturdays during the goose season.

(2) Hunting in the South, West, and Youth Hunt Public Hunting Areas shall be from existing numbered blinds. The possession of a loaded gun or shooting while outside of a blind is prohibited on these areas.

(3) No person shall have in his possession or use in one day more than 10 shells on the West Public Hunting Area.

(4) Hunting is permitted in the South Public Hunting Area during the State duck season.

(5) The necessary permit to enter the South Public Hunting Area will be issued each hunting day by a ticket-lottery system at 1½ hours before legal shooting time at the checking station at Port Mahon. Hunters arriving after the lottery will be issued permits on a first-come, first-served basis until 3:00 p.m. Permits will be surrendered at the checking station within one-half hour after sunset. The necessary permit to enter the West Public Hunting Area may be obtained by applying to the Refuge Manager for advance reservation. The permits for advance reservations will be canceled if the holder is not present one hour prior to the start of legal shooting time on the date of his reservation. These forfeited permits and permits not reserved by advance reservation will be awarded to other hunters by lot on the morning of the hunt. All hunters will check out through the headquarters checking station prior to leaving the refuge.

(6) Each hunting permittee using the West Public Hunting Area will pay a blind fee of \$5.00 on the day of the hunt. A User Fee of \$1.00 per hunter will be charged on the South Public Hunting Area.

(7) Not more than four persons may occupy a blind at any one time on the West Public Hunting Area nor more than three on the South Public Hunting Area.

(8) The Youth Hunt Area will be open on Saturdays and holidays to young hunters who present evidence of having completed the prescribed training program. Two youths, accompanied by an instructor who may not discharge a firearm, may use one blind.

(9) On designated days on the South and West Public Hunting Areas, migratory waterfowl will be hunted with 12-gauge shotguns using steel shot. Ammunition will be provided by the refuge at a charge of not less than \$0.16 per round. No person shall have in his possession lead shot shells during steel shot hunt days.

(10) Hunters, when requested by federal or state enforcement officers, must

display for inspection all game, hunting equipment, and ammunition.

The provisions of this special regulation supplement the regulations which govern hunting of wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 17, 1975.

RICHARD E. GRIFFITH,
Regional Director, U.S. Fish
and Wildlife Service.

SEPTEMBER 17, 1974.

[FR Doc.74-22324 Filed 9-25-74;8:45 am]

PART 32—HUNTING

Prime Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective during the period November 6, 1974 through January 17, 1975.

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

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

The public hunting of waterfowl, rails, coots, gallinules, common snipe, woodcock and mourning doves on Prime Hook National Wildlife Refuge is permitted within the regularly established 1974-75 waterfowl hunting season of the State of Delaware, but only within the 1,663 acre waterfowl hunting area as delineated on a map available at the refuge headquarters, Rural Delivery No. 1, Box 195, Milton, Delaware 19968 and from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

Hunting shall be in accordance with all applicable Federal and State regulations covering the hunting of migratory birds subject to the following special conditions:

(1) Permits will be issued by a ticket-lottery system at 2½ hours before sunrise. Hunters arriving after the lottery will be issued permits in a first-come, first-served basis until 3:00 p.m. Permits will be surrendered at the checking station within one hour after sunset.

(2) Hunting shall be only from blinds at locations designated by refuge personnel. The possession of a loaded gun or shooting outside of a blind while hunting migratory game birds is prohibited. Three hunters per blind permitted.

(3) Access to the waterfowl hunting area will be at the refuge headquarters, and other designated access points.

(4) On designated days, migratory waterfowl will be hunted with 12-gauge shotguns using steel shot. Ammunition will be provided by the refuge at a charge of not less than \$0.16 per round. No person shall have in his possession lead shot shells during steel shot hunt days.

(5) Hunters, when requested by federal or state enforcement officers, must display for inspection all game, hunting equipment, and ammunition.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 17, 1975.

RICHARD E. GRIFFITH,
Regional Director, U.S. Fish
and Wildlife Service.

SEPTEMBER 17, 1974.

[FR Doc.74-22325 Filed 9-25-74;8:45 am]

PART 32—HUNTING

Kirwin National Wildlife Refuge, Kans.

The following special regulation is issued and is effective on September 26, 1974.

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

KANSAS

KIRWIN NATIONAL WILDLIFE REFUGE

Public hunting of pheasants, quail, cottontail rabbits, and fox squirrels on the Kirwin National Wildlife Refuge, Kansas, is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,700 acres, is delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kansas, and from the Regional Director, Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225. Hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants, quail, cottontail rabbits, and fox squirrels subject to the following special conditions.

(1) The open season for hunting pheasants on the refuge extends from November 9 through December 6, 1974, inclusive, and from December 16, 1974, through January 31, 1975, inclusive.

(2) The open season for hunting quail on the refuge extends from November 9 through December 6, 1974, inclusive, and from December 16, 1974, through January 31, 1975, inclusive.

(3) The open season for hunting cottontail rabbits and fox squirrels on the refuge shall be only on those days during the open season for the hunting of pheasants and quail.

(4) Shotguns and bow and arrows are legal weapons. Rifles or handguns will not be permitted.

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

Dated: September 9, 1974.

KEITH S. HANSEN,
Refuge Manager, Kirwin
National Wildlife Refuge,
Kansas.

[FR Doc.74-22402 Filed 9-25-74;8:45 am]

PART 32—HUNTING

National Wildlife Refuges, N. Dak.

The following special regulations are issued and are effective on September 26, 1974.

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

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Arrowwood National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. The open area comprising 11,063 acres is delineated on a map available at the refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Avenue, Denver, Colorado 80215. Hunting shall be in accordance with all applicable State regulations, covering the hunting of deer subject to the following conditions.

(1) Hunting is permitted from 12 Noon to sunset on November 8, 1974, and from sunrise to sunset November 9, 1974 through November 17, 1974.

(2) The number of hunters will be limited to 125; the 125 hunters to be determined by a drawing. Applications for these 125 permits will be accepted by mail from October 15, 1974 through November 1, 1974.

(3) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State Officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 17, 1974.

CHASE LAKE NATIONAL WILDLIFE REFUGE

Public hunting of deer on Chase Lake National Wildlife Refuge, North Dakota, is closed for the 1974 season.

Dated: September 20, 1974.

JIM MATTHEWS,
Refuge Manager, Arrowwood
National Wildlife Refuge,
North Dakota.

[FR Doc.74-22407 Filed 9-25-74; 8:45 am]

PART 32—HUNTING

Slade National Wildlife Refuge, N. Dak.

The following special regulations are issued and are effective on September 26, 1974.

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

NORTH DAKOTA

SLADE NATIONAL WILDLIFE REFUGE,
NORTH DAKOTA

Public hunting of deer on the Slade National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising approximately 2,840 acres, is delineated on a map available at the refuge headquarters and from the

Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Avenue, Denver, Colorado 80215. Hunting shall be in accordance with all applicable State regulations, covering the hunting of deer subject to the following conditions.

(1) Hunting is permitted from 12 Noon to sunset November 8, 1974, and from sunrise to sunset November 9, 1974, through November 17, 1974.

(2) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

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 November 17, 1974.

Dated: September 20, 1974.

JIM MATTHEWS,
Refuge Manager, Arrowwood
National Wildlife Refuge,
North Dakota.

[FR Doc.74-22606 Filed 9-25-74; 8:45 am]

PART 32—HUNTING

Tishomingo National Wildlife Refuge, Okla.

The following special regulations are issued and are effective on September 26, 1974.

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

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Tishomingo National Wildlife Refuge, Oklahoma, is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,170 acres, is delineated on maps available at refuge headquarters, Tishomingo, Oklahoma, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following specific conditions:

(1) The archery deer hunting season on the Management Unit (Zones 1, 2, and 3) is opened on October 12, 13, 19, and 20, 1974. Shooting hours are from daylight to dark. No permit is required. A maximum of 60 archery hunters per day will be admitted to the hunting area.

(2) The gun deer hunting season on the Management Unit will be opened November 28, 29, and 30, and December 1, 1974. Thirty-five permits will be issued per day on a first-come first-served basis. Applicants must be 18 years of age or older. Shotguns only will be legal. Shooting hours are from daylight to dark.

(3) A Federal permit is not required to enter the public hunting area for the hunting of deer, but hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

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 1, 1974.

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

Public hunting of quail on the Tishomingo National Wildlife Refuge, Oklahoma, is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,170 acres, is delineated on maps available at refuge headquarters, Tishomingo, Oklahoma, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of quail subject to the following special conditions:

(1) The open season for hunting quail on the Management Unit (Zones 1 and 2) extends from sunrise to 11:45 a.m., December 7, 1974 through February 1, 1975, inclusive, on Tuesdays, Thursdays, Saturdays, Sundays and all national holidays.

(2) Dogs may be used for the purpose of hunting and retrieving.

(3) A Federal permit is not required to enter the public hunting area, but hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

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 February 1, 1975.

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

Public hunting of ducks, geese and coots on the Wildlife Management Unit of the Tishomingo National Wildlife Refuge, Oklahoma, is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 3,170 acres, are delineated on maps available at refuge headquarters, Tishomingo, Oklahoma, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese and coots subject to the following special conditions:

(1) All waterfowl hunting on the Wildlife Management Unit of the Tishomingo National Wildlife Refuge during the 1974-75 waterfowl hunting season will be conducted as part of an experimental program to evaluate use of iron (mild steel) shot shells for waterfowl hunting. Iron shot shells are available in 12 gauge only; therefore, 12 gauge shotguns will be the only legal firearms permitted within the hunting areas. It will be ille-

gal for waterfowl hunters to possess shotgun ammunition other than iron (mild steel) shot shells within the refuge waterfowl hunting areas during the waterfowl seasons, except shells furnished by the refuge for special experiments.

(2) Ducks and coots may be hunted only in Management Unit Zones 1 and 2. Duck and coot hunting is restricted to the periods of one-half hour before sunrise to 11:45 a.m. on Tuesdays, Thursdays, Saturdays, Sundays and national holidays; from October 26 through November 16, 1974, and from December 7, 1974 through January 11, 1975. Duck and coot hunting in Zone 2 will be restricted to hunters using retrieving dogs.

Eight duck blinds are provided in Zone 1, and hunters will be assigned to these blinds on a first-come, first-choice basis. Construction of temporary blinds is permitted in the "pothole" area of Zone 1. These blinds may be placed where desired after giving due consideration to safety and hunting opportunities of hunters already in the area. Blinds may not be constructed or used within 80 yards of a blind already in use.

(3) Geese may be hunted in Zone 3 only. Goose hunting is restricted to the period of one-half hour before sunrise to 11:45 a.m. on Tuesdays, Thursdays, Saturdays, Sundays and national holidays, from November 2 through November 16, 1974, and from December 7, 1974 through January 11, 1975.

In Zone 3, thirty-five goose blinds are provided; all goose hunting must be from these blinds. Hunters must apply in writing to the Refuge Manager, Tishomingo National Wildlife Refuge, P.O. Box 248, Tishomingo, Oklahoma 73469 for blind reservations. Reservation requests for five dates may be submitted.

Hunt applications for specific dates will be processed in the order in which they are received at the refuge until available blind spaces are filled. Confirmations and rejections of applications will be made by mail if time permits.

Blind assignments to those whose applications have been accepted will be determined by a punchboard procedure just prior to each day's hunt.

Each hunter in Zone 3 will be limited to the possession of six (6) shotgun shells.

(4) Zone 1 and Zone 3 hunters must remain in blinds to which they have been assigned during the hunt except to place

or adjust decoys and/or retrieve downed birds. Further, hunters may leave their blinds to pick up decoys and return to the check stations only at 9:30 a.m. and after 11:30 a.m.

(5) All hunters in all Zones, upon entering or leaving the area, shall report at designated checking stations for the purpose of purchasing legal iron shot shells (locally available only through the refuge), blind assignment, and to furnish information on their hunting activities.

(6) Sky-busting; i.e., firing at birds in excess of 45 yards from the hunter, is prohibited in all hunt Zones.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 11, 1975.

Dated: September 20, 1974.

ROBERT F. STEPHENS,
Acting Regional Director, U.S.
Fish and Wildlife Service,
Albuquerque, New Mexico.

[FR Doc.74-22403 Filed 9-25-74; 8:45 am]

PART 33—SPORT FISHING

Long Lake National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on September 26, 1974.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

LONG LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Long Lake National Wildlife Refuge, Moffit, North Dakota is permitted on refuge waters. These open areas, comprising 3,625 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Avenue, Denver, Colorado 80215. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for winter sport fishing on the refuge extends from December 15, 1974 to March 23, 1975.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuges gen-

erally which are set forth in Title 50, Part 33, and are effective through March 23, 1975.

Dated: September 20, 1974.

JIM MATTHEWS,
Refuge Manager, Arrowwood
National Wildlife Refuge,
North Dakota.

[FR Doc.74-22404 Filed 9-25-74; 8:45 am]

PART 32—HUNTING

Long Lake National Wildlife Refuge, N. Dak.

The following special regulations are issued and are effective on September 26, 1974.

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

NORTH DAKOTA

LONG LAKE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Long Lake National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising approximately 19,500 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Avenue, Denver, Colorado 80215. Hunting shall be in accordance with all applicable State regulations, covering the hunting of deer subject to the following conditions.

(1) Hunting is permitted from 12 Noon to sunset November 8, 1974, and from sunrise to sunset November 9, 1974, through November 17, 1974.

(2) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

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 November 17, 1974.

Dated: September 19, 1974.

JIM MATTHEWS,
Refuge Manager, Arrowwood
National Wildlife Refuge,
North Dakota.

[FR Doc.74-22405 Filed 9-25-74; 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

Office of the Secretary

[31 CFR Part 51]

FISCAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

Miscellaneous Amendments

Pursuant to the authority vested in the Secretary of the Treasury by the State and Local Fiscal Assistance Act of 1972 (31 U.S.C.A. 1221-1264); approved October 20, 1972, the Department of the Treasury proposes to amend the regulations in Part 51 of Subtitle B of Title 31, Code of Federal Regulations, which became effective April 5, 1973 (38 FR 9232), and amended on July 13, 1973 (38 FR 18668) and March 5, 1974 (39 FR 8323) for the entitlement period beginning January 1, 1973, and for entitlement periods subsequent thereto.

On May 22, 1974, the State and Local Fiscal Assistance Act of 1972 was amended by Pub. L. 93-288 to add a new section 145 captioned "Entitlement Factors Affected by Major Disasters". It is the purpose of this regulation amendment to inform the recipient governments of the manner in which this amendment to the Act will be carried out by the Office of Revenue Sharing.

Paragraph (e) (1) of § 51.20 provides that a recipient government which is within the area designated as a major disaster area by the President may continue to have its pre-disaster data factor used for purposes of the Revenue Sharing Program if that data factor is superior to the post-disaster data factor for purposes of the allocation process.

Paragraph (e) (2) of § 51.20 sets forth the eligibility requirements for recipient governments by providing that the Administrator of the Disaster Assistance Administration will certify to the Office of Revenue Sharing those geographical areas declared by the President as major disaster areas. Further, this paragraph requires the recipient governments within the declared major disaster areas to certify that their post-disaster data factors were adversely affected by the major disaster. Finally, notice is given to the recipient governments that the data factor stabilization period shall not exceed 60 months from the designation of the major disaster area and may be shorter if a subsequently developed data factor is superior, for purposes of the allocation process, to the post-disaster data factor.

Prior to the adoption of this regulation, consideration will be given to any comments or suggestions pertaining thereto which are received, in writing, in triplicate, on or before October 28,

1974. Written comments should be directed to the Director, Office of Revenue Sharing (Symbols CC), Department of the Treasury, Washington, D.C. 20226. In accordance with 31 CFR 1.4(h), written comments submitted in response to this solicitation will be available to the public upon request therefor, unless confidential status of the submission has been requested in writing and approved.

This proposed regulation is issued under the authority of the State and Local Fiscal Assistance Act of 1972, as amended (title I, Pub. L. 92-512) and Treasury Department Order No. 224, dated January 26, 1973 (38 FR 3342).

Dated: September 20, 1974.

[SEAL] GRAHAM W. WATT,
Director,
Office of Revenue Sharing.

Approved:

EDWARD C. SCHMULTS,
Under Secretary.

Subpart C of Part 51 is amended to add a new paragraph (e) to § 51.20 to read as follows:

§ 51.20 Data.

(e) *Data affected by major disaster—*
(1) *In general.* Any change in data otherwise eligible for use in determining the entitlement of a recipient government after April 1, 1974, shall be disregarded for a period of 60 months if that change:

(i) Resulted from a major disaster determined by the President under section 301 of the Disaster Relief Act of 1974 (Pub. L. 93-288) and

(ii) Results in a data factor which is less beneficial than the previous data factor for purposes of the revenue sharing allocation process.

(2) *Eligibility requirements.* In order for a recipient government to be eligible for the data stabilization benefit of paragraph (e) (1) of this section, it shall:

(i) Be located within a State declared by the President as a major disaster area, and

(ii) Be located within a geographical subdivision of the State as certified to the Office of Revenue Sharing as a major disaster area by the Administrator of the Disaster Assistance Administration of the Department of Housing and Urban Development.

Further, each recipient government within the specific geographic area so designated will be notified pursuant to the data improvement program, provided for in § 51.28 of this Subpart, of each of its data factors developed subsequent to the major disaster designa-

tion and shall be required to verify, through its chief executive officer, that the data was adversely affected by the major disaster. In addition, the Secretary may require that such verifications be accompanied by substantiating documentation evidencing a causal relationship between the major disaster and the less favorable revenue sharing allocation value of the subject data factor. The Secretary, upon being satisfied that all of the requirements of this section have been met with respect to any post-disaster data factor, shall refrain from using the post-disaster data factor in the allocation process, and shall continue to use the pre-disaster data factor, until whichever of the following occurs first: (1) A data factor more beneficial than the pre-disaster data factor currently being used is developed, or (2) 60 months have expired from the designation by the President of the specific major disaster area.

[FR Doc.74-22401 Filed 9-25-74; 8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 944]

IMPORTED GRAPEFRUIT

Grade and Size Requirements

This proposal would continue, after October 20, 1974, current grade and size requirements applicable to imported grapefruit as follows: Imported seeded grapefruit—U.S. No. 1 and 3 $\frac{1}{8}$ inches in diameter; seedless grapefruit—Improved No. 2 and 3 $\frac{1}{8}$ inches in diameter. The requirements are the same as those applicable to grapefruit produced in Florida and regulated pursuant to Marketing Order No. 905.

Notice is hereby given that the Department is considering a proposal, as hereinafter set forth, which would regulate the importation of any grapefruit into the United States, pursuant to Part 944—Fruits, Import Regulations (7 CFR Part 944).

The proposal is as follows:

Order. In § 944.111 (Grapefruit Regulation 15; 39 FR 33306) the provisions of paragraph (a) preceding subparagraph (1) thereof are amended to read as follows (the provisions of paragraph (a) (1) and (a) (2) are included for purposes of clarity):

§ 944.111 Grapefruit Regulation 15.

(a) On and after October 21, 1974, the importation into the United States of any grapefruit is prohibited unless such grapefruit is inspected and meets the following requirements:

(1) Seeded grapefruit shall grade at least U.S. No. 1 and be of a size not smaller than 312/16 inches in diameter, except that a tolerance for seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in § 51.761 of the United States Standards for Florida Grapefruit; and

(2) Seedless grapefruit shall grade at least Improved No. 2 and be of a size not smaller than 39/16 inches in diameter, except that a tolerance for seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in § 51.761 of the United States Standards for Florida Grapefruit. ("Improved No. 2" shall mean grapefruit grading at least U.S. No. 2 and also meeting the requirements of the U.S. No. 1 grade as to shape (form) and color.)

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 11, 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 19, 1974.

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

[FR Doc. 74-22336 Filed 9-25-74; 8:45 am]

[7 CFR Part 1136]

[Docket No. AO-309-A20]

MILK IN THE GREAT BASIN MARKETING AREA

Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Great Basin marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, on or before October 11, 1974. The exceptions should be filed in quadruplicate. 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 above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

visions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Pocatello, Idaho, during the period June 11-13, 1974 pursuant to notice thereof which was issued May 17, 1974 (39 FR 18114).

The material issues on the record of the hearing relate to:

1. Expansion of the marketing area.
2. Modification of the pool plant provisions.
3. Revision of the handler location adjustment provisions.
4. Miscellaneous or conforming changes.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Expansion of the marketing area.* The Great Basin marketing area should be expanded to include the Idaho counties of Bannock, Bear Lake, Bingham, Bonneville, Franklin, Jefferson, and Madison.

The counties are located immediately north of the present marketing area and have a total population (1970 census) of 172,190. The principal centers of population in the proposed expanded area are the cities of Pocatello and Idaho Falls which had a population in 1970 of 40,036 and 35,776, respectively. The total population of the area recommended herein to be added equals about 17 percent of the population in the present marketing area.

Expansion of the marketing area was proposed by the Upper Snake River Valley Dairymen's Association, Inc., Mountain Empire Dairymen's Association, and Western General Dairies, Inc. These producer associations initially proposed that the area be extended to include the seven southeastern Idaho counties of Bannock, Bear Lake, Bingham, Bonneville, Franklin, Jefferson, and Madison. At the hearing, proponents offered an alternative proposal which would extend the marketing area to include only the corporate limits of the towns of Blackfoot, Idaho Falls, Pocatello, Preston, and Rexburg. Under either proposal all of the principal dealers distributing milk in southeastern Idaho would become regulated.

Proponents testified that Federal regulation of milk marketing in southeastern Idaho is needed because:

(1) Marketing conditions for Grade A fluid milk distributed in southeastern Idaho markets have been seriously disrupted for more than two years.

(2) A comprehensive system for pay-

ing southeastern Idaho producers according to the utilization of their milk has been unattainable.

(3) Available fluid outlets for milk have not yielded an adequate Class I return.

Proponent's position was supported by a Great Basin regulated handler who supplies packaged milk products throughout southeastern Idaho to stores owned by the firm.

Six Idaho distributors and two handlers regulated under the Great Basin order distribute milk in the seven southeastern Idaho counties recommended herein for inclusion in the marketing area. Two of the Idaho distributors' plants are located at Pocatello, two at Idaho Falls, and one each at Boise and Rigby. Five of these plants are located within or immediately adjacent to the seven-county area. The Boise plant in southwestern Idaho is more than 225 miles from Idaho Falls and Pocatello.

Estimated current monthly distribution of fluid milk products in the total proposed area of extension is five million pounds. More than 90 percent of the fluid milk products comprising this distribution are processed at plants which would become regulated as a result of area expansion. It is expected that six additional distributing plants would become regulated. Total route disposition of the two Great Basin regulated handlers in the proposed area of extension averaged monthly about 441,000 pounds in 1973.

Disorderly marketing conditions prevail in the handling of milk in the proposed area of extension. For more than two years there has been a significant variation among handlers in payments to dairy farmers for fluid milk distributed within this area of southeastern Idaho. Three distributors with high Class I utilization pay their dairy farmers on a flat price basis. The prices paid by these distributors have averaged more than \$1 per hundredweight below the Great Basin order Class I price which is paid by regulated handlers. A distributor operating a plant in Pocatello (Powers County, Idaho), with substantial fluid distribution throughout most of the proposed area of extension, purchases his entire supply on a classified use basis from one of the proponent cooperative associations. However, the Class I price paid by this handler is substantially less (\$1 per hundredweight less in June 1974) than the Great Basin order price, and there is no provision in the terms of sale for auditing the utilization of milk.

Western General—a principal proponent of area expansion—operates an unregulated processing plant at Idaho Falls, Idaho. This plant has the largest distribution of fluid milk in the southeastern Idaho area here under consideration. The cooperative has been unable to obtain for its members returns in any way comparable to those of producers under the Great Basin order. Because it directly competes primarily with other unregulated southeastern Idaho plants that do not purchase their milk on a classified use basis, the

cooperative has been unable to establish such a plan or to return prices to its members that reasonably reflect the use value of their milk. Consequently, the cooperative can only return to its members the prevailing "flat" rate even though the milk is disposed of for fluid use.

The Boise, Idaho, distributor has route disposition of fluid milk products throughout the proposed area of extension. In April 1974, this distributor's disposition in the proposed area of extension was about 19 percent of the receipts of Grade A milk at its plant. The milk supply for this plant is provided by one of the proponent cooperative associations, and the firm accounts to the association on a classified use basis at specified prices, but without audit. The association's Class I price generally applicable to this handler is the Minnesota-Wisconsin manufacturing milk price plus \$1.50 per hundredweight for milk distributed in southwestern Idaho. However, the Class I price for that milk distributed in southeastern Idaho is about 40 cents less. The cooperative is forced to accept this price concession for milk sold in southeastern Idaho in order to retain the outlet for its milk.

Such price concessions undercut the market structure in southeastern Idaho, and contribute to market instability in the proposed area of extension. This is evidenced by the fact that the Boise plant, according to the testimony of a distributor witness, has made substantial inroads on the fluid milk sales of handlers located in southeastern Idaho.

Another factor contributing to disorderly marketing conditions in southeastern Idaho has been the proliferation of the use of "private label" milk distributed through stores at varying prices. Through the use of the various private labels, individual distributors have structured a multiple priced market. Because of this, distributors in southeastern Idaho do not actually know until after such private label sales are made (usually at the end of the month) how much they can "afford" to pay for Class I milk.

The principal Pocatello based distributor testified that since 1969 his company has experienced a significant continuing loss of milk sales in the area to private label milk packaged by processing plants far removed from the Pocatello area. Under this circumstance, the cooperative associations have been unable to achieve terms of sale by which their milk would be priced according to use.

At least one of the proponent cooperatives has had the nominal right to conduct audits of utilization at its buyers' plants, but it has not been possible, on a market basis, to conduct and enforce a comprehensive audit of the type made by a market administrator under a Federal order. As a group, producers have no means of achieving uniform milk classification, or of enforcing the payment of adjustments even if audits were made by any of the cooperative associations.

Several of the southeastern Idaho based distributors are supplied by dairy

farmers who are not members of any cooperative association. Consequently, these dairy farmers have had little or no influence on the terms by which they are paid for their milk. Further, they do not have adequate verification of weights and butterfat tests of their milk, and they do not have access to marketwide data on which to evaluate marketing conditions under which their milk is sold.

A handler who operates both a pool distributing plant in Salt Lake City and an unregulated distributing plant in Boise, Idaho, testified that he did not object to the requested extension of the marketing area provided the Boise plant did not become fully regulated. This, he suggested, could be assured by limiting the area expansion to the five Idaho counties of Bannock, Bear Lake, Bingham, Bonneville, and Franklin, and by increasing the performance standard requirements of a fluid milk pool plant under the order.²

This handler's Boise operation, hereinbefore discussed, has substantial fluid milk distribution throughout the proposed area of extension. Notwithstanding, southeastern Idaho is, in fact, only a secondary area of distribution from the Boise plant since its principal area of sales is the southcentral and southwestern sections of Idaho. Based on its current distribution pattern, expansion of the marketing area to include the seven southeastern Idaho counties would almost certainly result in full regulation of this plant.

The handler asserted that full regulation would place him at a serious cost disadvantage since all of his competition in the primary area of distribution is not subject to Federal regulation. This was conceded by the proponents of area expansion.

Notwithstanding, regulation of the seven southeastern Idaho counties, recommended herein, is necessary in that it represents a compact area in which the same handlers generally compete for fluid milk sales. The Boise operation is a major distributor in this area. Currently this plant has about 20 percent of the total fluid sales in the seven southeastern Idaho counties recommended to be included in the marketing area.

This handler, however, has considerable flexibility in his operations to affect the regulatory status of his Boise operation. He could choose to serve the area in part or entirely from his presently regulated Salt Lake City plant, from his Boise, Idaho, plant, or elsewhere. In choosing one alternative as compared to another, the final choice will be based largely on relative Class I prices and cost of transporting packaged milk. However, since this handler's Salt Lake City plant is located substantially closer to the recommended area of expansion than the Boise plant, it appears the seven Idaho counties area could best be served from its Salt Lake City plant.

² Modification of the pool plant provisions is treated as a separate issue at a later point in this decision.

At the hearing, and in his brief, the principal Pocatello based dealer contended that if Federal regulation is justified for any part of southern Idaho, it should be made applicable to all of southern Idaho. It was this dealer's position that if his operation were brought under full regulation as a result of area extension, his principal competitors must likewise be fully regulated.

In support of his position, this dealer argued that since he had substantial route disposition beyond the area herein adopted for regulation, he would be forced to compete with unregulated handlers. He estimated that between 30 and 40 percent of his total route disposition would be outside of the recommended area of extension. Considering the sparsely populated area in which such out-of-area sales would occur, it appears that disposition to this extent would be unlikely. Further, this area is also served by handlers that are presently regulated or would become regulated as a result of the recommended marketing area extension. Therefore, it is extremely unlikely that unregulated milk would be a serious competitive factor affecting this dealer's operation.

Conceivably, in view of existing operations in the recommended area of extension, such area might be distinguishable as a separate marketing area. In fact, however, the location of this proposed area of extension in relation to the present regulated area, the interrelationship of producers and the relative small volume of Class I milk in the area under consideration supports the need for a single expanded and integrated order. Moreover, there is a growing economic relationship between southeastern Idaho and Great Basin.

Additionally, the proponent cooperative associations for area expansion market more than 90 percent of the milk of producers in the Great Basin order and supply about 90 percent of the milk received at the Idaho plants that would become subject to regulation under the recommended marketing area extension. With such a close interrelationship in location, distribution patterns, milk supply and producer representation, orderly marketing in the area will best be achieved by adding the Idaho territory to the Great Basin marketing area.

It is concluded that a uniform price plan applicable to all handlers purchasing milk for sale in the expanded area will stabilize and improve marketing conditions in the area. Accordingly, regulation of southeastern Idaho will effectuate the declared policy of the Act by providing for:

1. The establishment of uniform prices to handlers for milk received from producers according to a classified price plan based upon the utilization made of the milk;
2. An impartial audit of handler's records to verify the payments of required prices;
3. A system for verifying the accuracy of weights and butterfat content of the milk purchases; and

4. Uniform returns to producers supplying the market based upon an equalization sharing among all producers supplying the expanded market of the lower returns for the sale of reserve milk which cannot be marketed as Class I milk.

The public interest will be served by establishing orderly marketing conditions for milk in the proposed area that will assure a continuing and adequate supply of fluid milk for the area at reasonable prices.

It is concluded also that, except as modified by this decision, the present provisions of the Great Basin order are equally appropriate for the extended marketing area and they are hereby adopted for the identical reasons advanced in the decision adopting such provisions in the order.

2. *Modification of pool plant definition.* The performance standards under which a fluid milk plant may qualify as a pool plant under the Great Basin order should be revised. The order should provide that a pool fluid milk plant shall have not less than 15 percent of its receipts of fluid milk products as route disposition in the marketing area. No change should be made with respect to the percentage requirements that a fluid milk plant's total receipts of fluid milk products which must be disposed of as route disposition.

The order now provides that a fluid milk plant must distribute not less than 40 percent in May-August, 45 percent in March-April and 50 percent in September-February of its receipts as Class I on routes and that 15 percent of such plant's total route disposition is distributed in the marketing area if it is to qualify as a pool plant.

The handler who operates a pool distributing plant in Salt Lake City and an unregulated distributing plant in Boise, Idaho, proposed a revision of the pool fluid milk plant qualification requirement from the present minimum of 15 percent of a plant's total route disposition which must be disposed of in the marketing area to a minimum of 20 percent of such plant's total Grade A milk receipts to be disposed of on routes in the marketing area. This proposal was supported, in principle, by the cooperative proponents of marketing area expansion.

The handler's proposal to increase the performance requirements for a pool fluid milk distributing plant under the order was made to additionally assure for his Boise plant partially regulated status under the extended order. The plant, otherwise, would become fully regulated unless the handler made certain adjustments in distribution as between his Great Basin and Boise plants.

Performance standards, provide the basis of determining which plants and what milk constitute the regular and normal sources of supply for the market that should be subject to full regulation. Such standards apply uniformly to all plants wherever located. Any plant regardless of location may be brought under regulation or it may remain outside the scope of regulation dependent on the mode of operation elected by the

operator of each plant. The determination and decision as to how a plant shall be operated remains vested in the plant operator.

As indicated elsewhere in this decision, the operator of the Boise distributing plant has considerable flexibility to assure that such plant will have partially regulated status under the expanded order without changing the present performance standards of distributing plants.

Proponent cooperatives requested that the performance requirement of a pool distributing plant be modified by requiring such plant to have at least 15 percent of its receipts of fluid milk products as route disposition in the marketing area. This modification, they contended, was necessary to provide additional assurance that the Class I sales of the recommended expanded marketing area will be shared among those producers who are an essential and regular part of the supply for the area.

Under current conditions, this requested modification of performance requirements by the proponent cooperatives would not affect the regulatory status of either the present order pool distributing plants or those additional plants that would become fully regulated under the recommended expanded order. Accordingly, this proposed revision of performance requirements of pool distributing plants is adopted in this decision.

3. *Modification of location adjustments.* The location adjustment provisions of the order should be revised to replace Ogden and Provo, Utah, with Salt Lake City as the basing point from which distances are measured in determining location adjustments.

The order now provides that the Class I and uniform prices be reduced 22 cents per hundredweight at a plant in the 150-160 mile zone from the nearest basing point of either Ogden or Provo, Utah. At a plant located beyond 160 miles, the location adjustment is increased 1.5 cents for each additional 10 miles or fraction thereof.

Proponents of extending regulation to southeastern Idaho proposed a complete restructuring of location adjustments. Under their proposal, four zones would be established. Zone I would include all territory located within 100 miles of the county courthouse in Provo, Utah, for which no location adjustment would be applicable. Zone II, under their proposal, would include specified Utah, Wyoming and Nevada counties located immediately adjacent to the area comprising Zone I. A 10 cents per hundredweight location adjustment would apply to this zone. Zones III and IV would be made up of certain designated Idaho and Utah counties. The applicable location adjustment for Zones III and IV would be 20 cents and 30 cents, respectively. Under proponents' proposal, the location adjustment at any plant outside of the designated zones would be 10 cents, plus 1.5 cents for each 10 miles or fraction thereof that such plant was situated in excess of 100 miles from Provo, Utah.

Their proposal, proponent contended, would: (1) Provide appropriate Class I prices at bottling plants that become regulated because of the marketing area expansion without changing the price structure at presently regulated plants; and (2) assure a more equitable pricing basis for milk not needed for processing at pool plants and diverted directly to nonpool manufacturing plants.

The immediate and primary problem of location pricing resulting from extending the marketing area is one of applying appropriate prices at all locations at which milk is delivered by producers; thereby facilitating the orderly movement of milk from farms to plants serving the principal market center.

Under the order milk is priced at the plant of physical receipt. No location adjustment is applicable when milk is received directly from the farm at a processing plant in the market center. Hence, the cost of transportation on milk so delivered is paid for by the individual producer through negotiation with haulers. When producers deliver their milk to a plant in the production area their hauling costs are naturally less than that of other producers in the same area who deliver to plants located in or near the market centers. This saving in transportation cost appropriately should be reflected in relative prices paid at different plant locations.

The southeastern Idaho plants that will become regulated under the area extension are all located a considerable distance from the principal population center of the marketing area and within an important production area from which presently regulated bottling plants in the market center obtain a substantial part of their milk supply. Under present order provisions, however, location adjustments would not apply to certain of these southeastern Idaho plants since such plants are located less than 150 miles from the nearest basing point of Ogden, Utah, as provided by the present order.

With Ogden, Utah, as a basing point (as presently provided) no location adjustment would apply to the Pocatello, Idaho, plants which are located less than fifty miles from the Idaho Falls plant. A location adjustment of 25 cents, however, would apply to the Idaho Falls plant. This situation could not promote continued orderly marketing over time since producers in this area delivering to plants in the central market area would net a lesser return because of the longer haul and hence higher hauling costs.

This result would not recognize the proper location value of milk received at the southeastern Idaho plants in relation to its value in the central market. Accordingly, the basing point at Ogden, Utah, should be discontinued.

An important consideration in establishing an appropriate basing point for computing location adjustments is to identify the major population center(s) of the expanded marketing area. The heaviest population center in the present and proposed expanded marketing area is Salt Lake City. The 1970 population of the Salt Lake City metropolitan area was 557,635, accounting for 47 percent of the

population of the recommended expanded marketing area. Population of Ogden and Provo, the present basing points for location pricing, in 1970 was 126,278 and 137,776, respectively.¹ These two cities represent the north-south extremities of the heaviest populated portion of the present and proposed expanded marketing area. More significantly, Salt Lake City is centrally located in this concentrated area. Ogden is about 35 miles north of Salt Lake City and Provo is 43 miles south of Salt Lake City.

Almost all of the pool distributing plants under the Great Basin order are now located in the Salt Lake City metropolitan area. In April 1974, nine of the 14 pool distributing plants under the order were located in the Salt Lake City metropolitan area. From these plants, fluid milk products are regularly distributed within a radius of about 150 miles.

In view of the foregoing, it is concluded, that Salt Lake City is the appropriate basing point for computing location adjustments at distant plants under current marketing conditions. The adoption of Salt Lake City as a basing point will result in no change in the applicable price at plants presently regulated under the order. The location adjustments applicable at Idaho plants that would be regulated as a result of the market area extension provided herein would approximate -23 cents at Pocatello, -31 cents at Idaho Falls, -32 cents at Rigby, and -49 cents at Boise.

Under proponent's proposal a location adjustment of 10 cents would apply to milk diverted to manufacturing plants at Richmond and Smithfield, Utah. Both of these plants are located in close proximity of fluid milk plants in the Ogden-Salt Lake City area and under the present order no location adjustments are applicable. Any saving in the cost of transportation realized by diverting milk from farms to the same vicinity to these plants, as compared to hauling the milk to Ogden or Salt Lake City fluid processing plants could not be significant. Therefore diversions to such plants appropriately should not be subject to a location adjustment.

Beyond this, their proposal to establish location adjustments based on specified zones emanating from Provo as the center of the market was not supported with meaningful evidence. Further, the proposed zones were not geared to mileage considerations in such a manner that the adjustments would apply equally to plants similarly situated from a central basing point. For these reasons their proposed zoning procedure is not appropriate under the procedure here adopted.

Location adjustments would continue to be computed (as now provided by the Great Basin order) on a mileage basis, from a specified basing point. A rate of 1.5 cents per 10 miles (as now provided in the order) is appropriate to reflect the

cost of hauling milk efficiently in bulk tank lots. It is recognized as a representative rate for transporting milk and is the rate most applicable in Federal orders throughout the United States. While proponents testified that transportation rates may be higher than those now provided in the Great Basin order, and in other Federal orders, no change in the rate was proposed.

To deter the uneconomic movement of reserve milk to the central market for manufactured uses from one pool plant to another, the present order provides a method of applying location adjustment credits by limiting the amount of such credit. For clarification purposes, only, this provision is revised herein to reflect greater specificity of the computation of location adjustment credits to transfers between pool plants.

4. Miscellaneous or conforming changes.

(a) The method of accounting for milk and milk products on a handler system basis under the order should not be changed. Under this method of accounting milk and milk products are accounted for on the basis of the combined receipts and utilization at all pool plants operated by a single handler.

At the hearing, the operator of the Boise, Idaho, distributing plant proposed accounting for milk and milk products on an individual plant basis. Proponent held that handler system accounting results in unnecessary accounting problems for a multiple plant handler.

The proponent handler currently operates a pool distributing plant under the order. As indicated previously, it is possible that his Boise, Idaho, plant may also become fully regulated as a result of the recommended marketing area extension. Undoubtedly, the fact that both plants might be fully regulated, prompted the handler's proposal.

The record does not disclose what accounting problems proponent seeks to resolve through individual plant accounting. Moreover, under the present order, there is a multiple plant handler operating four pool distributing plants. Apparently, the handler system of accounting has operated satisfactorily in this instance. There has been no proposal for change from the Great Basin handler now subject to the provisions, and he introduced no supporting testimony at the hearing. In view of the foregoing, it would be inappropriate, at this time, to adopt the proposal.

(b) A handler proposed that, for the first month, the handlers who are to become newly regulated because of marketing area expansion should not be subject to the pricing and payment provisions of the order, but should report to the market administrator on a "dry run" basis as has been regularly practiced in the past with respect to newly promulgated orders.

It has been customary to provide the "dry run" period when an order has been newly promulgated. It is feasible to do so, at the inception of an order, because all handlers who would be regulated enter upon such regulation simultaneously. Consequently, a temporary period in which only reports are sub-

mitted and during which the pricing provisions would not apply would have uniform application among the handlers.

Such is not the case in an amendment proceeding. Any amendment to an order, including expanding the marketing area, is an integral part of the entire order and hence from the effective date of the amended order it is necessary to apply all provisions of the order to the affected handlers. Moreover, each newly regulated handler will have a minimum of 30 days' advanced notice of the terms and provisions of an amended order as prescribed in the final decision. This period should be adequate time for such handlers to apply the provisions of the amended order to their business. The proposal, therefore, is denied.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held;

¹ Official notice is taken of U.S. Census of Population, 1970 for Idaho, Nevada, Utah, and Wyoming, issued by the Bureau of Census U.S. Department of Commerce.

(d) All milk and milk products handled by handlers, as defined in the tentative marketing agreement and the order as hereby proposed to be amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(e) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk specified in § 1136.86 of the aforesaid tentative marketing agreement and the order as proposed to be amended.

RECOMMENDED MARKETING AGREEMENT AND ORDER AMENDING THE ORDER

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to amending the order, as amended, regulating the handling of milk in the Great Basin marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. Section 1136.6 is revised as follows:

§ 1136.6 Great Basin marketing area.

"Great Basin marketing area" hereinafter called the "marketing area" means all the territory, including all government reservations and installations and all municipalities, within the places listed below:

UTAH COUNTIES

Box Elder	Morgan
Cache (city of Logan only)	Salt Lake
Carbon	Sanpeta
Daggett	Sevier
Davis	Summit
Duchesne	Tooele
Emery	Uintah
Grand	Utah
Juab	Wassatch
Miller	Webber

NEVADA COUNTIES

Elko	White Pine
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WYOMING COUNTIES

Ulta (town of Evanston only)

IDAHO COUNTIES

Bannock	Franklin
Bear Lake	Jefferson
Bingham	Madison
Bonneville	

2. In § 1136.11, paragraph (a) is revised as follows:

§ 1136.11 Pool plant.

(a) A fluid milk plant, except a producer-handler plant, from which not less than 50 percent in any month of September through February, not less than 45 percent in any month of March and April, and not less than 40 percent in any month of May through August of the fluid milk products, except filled milk, approved by a duly constituted health

authority for fluid consumption that are physically received at such plant (excluding milk received at such plant from other order plants or dairy farms which is classified in Class III under this order and which is subject to the pricing and pooling provisions of another order issued pursuant to the Act) or diverted therefrom as producer milk to a nonpool plant pursuant to § 1136.13 is disposed of on routes, and not less than 15 percent of such receipts are on routes in the marketing area.

3. Section 1136.53 is revised as follows:

§ 1136.53 Location adjustments to handlers.

(a) For milk which is received from producers at a pool plant, or is diverted therefrom, or is delivered by a cooperative association pursuant to § 1136.9(c) to a pool plant and which is assigned to Class I milk, subject to the limitations pursuant to paragraph (b) of this section, and for other source milk for which a location adjustment is applicable, the price computed pursuant to § 1136.50(a) shall be reduced as follows:

Distance (miles):	Rate per hundredweight (cents)
150 but not more than 160.....	22.0
For each additional 10 miles or fraction thereof in excess of 160.....	1.5

Such distance to be the shortest hard-surfaced highway distance as determined by the market administrator from the plant to the County Courthouse of Salt Lake County, Utah;

(b) In applying such credits to transfers of fluid milk products between pool plants, a Class I location adjustment credit for the transferor-plant shall be determined by the market administrator for skim milk and butterfat, respectively, as follows:

(1) From the pounds of skim milk remaining in Class I at the transferee-plant after the computations are made pursuant to § 1136.44(a) (10) subtract the pounds of skim milk in receipts of milk at the transferee-plant from producers and handlers described in § 1136.9(c);

(2) Assign any remaining pounds of skim milk in Class I at the transferee-plant to the skim milk in receipts of fluid milk products from other pool plants, first to the transferor-plants at which no location adjustment applies and then in sequence beginning with the plant at which the least location adjustment applies;

(3) Compute the total amount of location adjustment credits to be assigned to transferor-plant pursuant to paragraph (b) (2) of this section by the applicable adjustment rate for each such plant, and add the resulting amounts;

(4) Assign the total amount of location adjustment credits computed pursuant to paragraph (b) (3) of this section to those transferor-plants that transferred fluid milk products containing skim milk classified as Class I milk pursuant to § 1136.44(a), in sequence beginning with the plant at which the least location adjustment applies. Subject to the availability of such credits,

the credit assigned to each plant shall be equal to the hundredweight of such Class I skim milk multiplied by the applicable location adjustment rate for such plant. If the aggregate of this computation for all plants having the same location adjustment rate exceeds the credits that are available to those plants, such credits shall be prorated to the volume of skim milk in Class I transfers received from such plants; and

(6) Class I location adjustment credit for butterfat shall be determined in accordance with the procedure outlined for skim milk in paragraph (b) (1) through (5) of this section.

Signed at Washington, D.C., on: September 23, 1974.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.74-22419 Filed 9-25-74; 8:45 am]

DEPARTMENT OF COMMERCE

National Bureau of Standards

[15 CFR Part 265]

TRAFFIC AND CONDUCT ON THE GROUNDS OF THE NATIONAL BUREAU OF STANDARDS

Notice is hereby given that the National Bureau of Standards proposes to amend title 15 of the Code of Federal Regulations by adding a new Part 265 prescribing regulations for the protection of the facilities and grounds of the Bureau in Montgomery County, Maryland, and Boulder and Larimer Counties, Colorado, over which the Federal Government, on July 14, 1972, acquired concurrent jurisdiction under the laws of Maryland (Art. 96, secs. 28, 31 and 47, Ann. Code of Maryland), and the laws of Colorado (sec. 142-1-2, Colo. Rev. Stat.).

Interested persons are invited to participate in the proposed rulemaking by submitting written comments or suggestions to the Director, National Bureau of Standards, Washington, D.C. 20234, on or before October 29, 1974. The final regulations will be published in the FEDERAL REGISTER after consideration of all such comments and will become effective 30 days after publication. Upon becoming effective, the regulations will be enforced by the issuance of citations for violations and the payment of fines by mail or appearance before a U.S. Magistrate.

Dated: September 20, 1974.

RICHARD W. ROBERTS,
Director.

The following proposals are under consideration:

PART 265—REGULATIONS GOVERNING TRAFFIC AND CONDUCT ON THE GROUNDS OF THE NATIONAL BUREAU OF STANDARDS, GAITHERSBURG, MARYLAND, AND BOULDER AND FORT COLLINS, COLORADO

Subpart A—General

Sec. 265.1	Definitions.
265.2	Applicability.
265.3	Compliance with directions.
265.4	Making or giving of false reports.
265.5	Laws of Maryland and Colorado applicable.

Subpart B—Traffic and Vehicular Regulations

Sec.	
265.11	Inspection of license and registration.
265.12	Speeding or reckless driving.
265.13	Emergency vehicles.
265.14	Signs.
265.15	Right-of-way in crosswalks.
265.16	Parking.
265.17	Parking permits.
265.18	Prohibited servicing vehicles.
265.19	Unattended vehicles.
265.20	Towing of improperly parked vehicles.
265.21	Improper use of roads as thoroughfares.
265.22	Bicycle traffic.

Subpart C—Buildings and Grounds

265.31	Closing the site.
265.32	Trespassing.
265.33	Preservation of property.
265.34	Conformity with posted signs.
265.35	Nuisances.
265.36	Intoxicating beverages.
265.37	Narcotics and other drugs.
265.38	Intoxication or other impairment of function.
265.39	Weapons and explosives.
265.40	Nondiscrimination.
265.41	Gambling.
265.42	Photography for news, advertising, or commercial purposes; advertising and soliciting.

Subpart D—Penalties

265.51 Penalties—other laws.

AUTHORITY: Sec. 9, 31 Stat. 1450, as amended; (15 U.S.C. 277). Applies sec. 1, 72 Stat. 1711, as amended; (15 U.S.C. 278e(b)).

Subpart A—General

§ 265.1 Definitions.

As used in this part:

(a) "Site" means those grounds and facilities of the National Bureau of Standards, Department of Commerce, located in Montgomery County, Maryland, and in Boulder and Larimer Counties, Colorado, over which the Federal Government, on July 14, 1972, acquired concurrent jurisdiction under the laws of Maryland (Art. 96, secs. 28, 31, and 47, Ann. Code of Maryland and under the laws of Colorado (sec. 142-1-2, Colo. Rev. Stat.).

(b) "Uniformed guard" means a designated employee appointed by the Director for purposes of carrying out the authority of a U.S. Special Policeman, as provided by 40 U.S.C. 318.

(c) "Director" means the Director of the National Bureau of Standards.

§ 265.2 Applicability.

The regulations in this part establish rules with respect to the parking and operation of motor vehicles and other activities and conduct on the site. These regulations are intended to supplement the rules and regulations regarding conduct in Part O of Subtitle A of this title and in other officially issued orders and regulations of the Department of Commerce and the National Bureau of Standards.

§ 265.3 Compliance with directions.

No person shall fail or refuse to comply with any lawful order or direction of a uniformed guard in connection with the control or regulation of traffic and parking or other conduct on the site.

§ 265.4 Making or giving of false reports.

No person shall knowingly give any false or fictitious report or information to any authorized person investigating an accident or apparent violation of law or these regulations. Nothing in this section shall affect the applicability of 18 U.S.C. 1001 regarding false, fictitious or fraudulent statements or entries.

§ 265.5 Laws of Maryland and Colorado applicable.

Unless otherwise specifically provided herein, the laws of the State of Maryland and of the State of Colorado shall be applicable to the site located within those respective states. The applicability of State laws shall not, however, affect or abrogate any other Federal law or regulation applicable under the circumstances.

Subpart B—Traffic and Vehicular Regulations

§ 265.11 Inspection of license and registration.

No person may operate any motor vehicle on the site unless he holds a current operator's license, nor may he, if operating a motor vehicle on the site, refuse to exhibit for inspection, upon request of a uniformed guard, his operator's license or proof of registration of the vehicle under his control at time of operation.

§ 265.12 Speeding or reckless driving.

(a) No person shall drive a motor vehicle on the site at a speed greater than is reasonable and prudent for the particular location, given the conditions of traffic, weather, and road surface and having regard to the actual and potential hazards existing.

(b) Except when a special hazard exists that requires lower speed for compliance with subsection (a) of this section, the speed limit on the site is 25 m.p.h., unless another speed limit has been duly posted, and no person shall drive a motor vehicle on the site in excess of the speed limit.

§ 265.13 Emergency vehicles.

No person shall fail or refuse to yield the right-of-way to an emergency vehicle when operating with siren or flashing lights.

§ 265.14 Signs.

Every driver shall comply with all posted traffic and parking signs.

§ 265.15 Right-of-way in crosswalks.

No person shall fail or refuse to yield the right-of-way to a pedestrian or bicyclist crossing a street in a marked crosswalk.

§ 265.16 Parking.

No person, unless otherwise authorized by a posted traffic sign or directed by a uniformed guard, shall stand or park a motor vehicle—

- (a) On a sidewalk;
- (b) Within an intersection or within a crosswalk;
- (c) Within 15 feet of a fire hydrant,

5 feet of a driveway or 30 feet of a stop sign or traffic control device;

(d) At any place which would result in the vehicle being double parked;

(e) At curbs painted yellow;

(f) In a direction facing on-coming traffic;

(g) In a manner which would obstruct traffic;

(h) In a parking space marked as not intended for his use;

(i) Where directed not to do so by a uniformed guard;

(j) Except in an area specifically designated for parking or standing;

(k) Except within a single space marked for such purposes, when parking or standing in an area with marked spaces;

(l) At any place in violation of any posted sign; or

(m) In excess of 24 hours, unless permission has been granted by the Physical Security Office.

§ 265.17 Parking permits.

No person, except visitors, shall park a motor vehicle on the site without having a valid parking permit displayed on such motor vehicle in compliance with instructions of the issuing authority. Such permits may be revoked by the issuing authority for violation of any of the provisions of this part.

§ 265.18 Prohibited servicing of vehicles.

No person shall wash, polish, or make nonemergency repairs on privately owned vehicles on the site.

§ 265.19 Unattended vehicles.

No person shall leave a motor vehicle unattended on the site with the engine running or a key in the ignition switch or the brake not effectively set.

§ 265.20 Towing of improperly parked vehicles.

Any motor vehicle that is parked in violation of these regulations may be towed away or otherwise moved if a determination is made by a uniformed guard that it is a nuisance or hazard. A reasonable amount for the moving service and for the storage of the vehicle, if any, may be charged, and the vehicle is subject to a lien for that charge.

§ 265.21 Improper use of roads as thoroughfares.

No person shall drive a motor vehicle onto the site for the sole purpose of using the roads of the site as a thoroughfare between roads bordering the site.

§ 265.22 Bicycle traffic.

Sections 265.12, .13, .14, .15, .16, .18, .20, and .21 of this Subpart B shall apply with equal force and effect to bicyclists and bicycle traffic.

Subpart C—Buildings and Grounds

§ 265.31 Closing the site.

As determined by the Director (Deputy Director, IBS/Boulder, for sites in Colorado), the site may be closed to the public in emergency situations and at such other times as may be necessary for the

orderly conduct of the Government's business. At such times no person shall enter the site except authorized individuals, who may be required to sign a register and display identification when requested by a uniformed guard.

§ 265.32 Trespassing.

No person shall come onto the site other than in pursuance of official Government business or other properly authorized activities.

§ 265.33 Preservation of property.

No person shall, without authorization, willfully destroy, damage, or deface any building, sign, equipment, marker, or structure, tree, flower, lawn or other public property on the site.

§ 265.34 Conformity with posted signs.

No person shall fail or refuse to comply with officially posted signs of a prohibitory nature or with directions of a uniformed guard.

§ 265.35 Nuisances.

(a) No person shall willfully disrupt the conduct of official business of the site, or engage in disorderly conduct; nor shall any person unreasonably obstruct the usual use of entrances, foyers, lobbies, corridors, offices, elevators, stairways, or parking lots.

(b) No person shall litter or dispose of rubbish except in a receptacle provided for that purpose; nor shall any person throw articles of any kind from a building or from a motor vehicle or bicycle.

§ 265.36 Intoxicating beverages.

Except as expressly authorized by the Director, the consumption or use on the site of intoxicating beverages is prohibited.

§ 265.37 Narcotics and other drugs.

The possession, sale, consumption, or use on the site of narcotic or other drugs illegal under the laws of the State in which the particular site is situated is prohibited. The provisions of this section are not intended to preclude the applicability of any State or local laws and regulations with respect to the possession, sale, consumption, or use of narcotic or other drugs.

§ 265.38 Intoxication or other impairment of function.

No person shall enter or remain on the site while noticeably impaired by the use of intoxicating beverages or narcotics or other drugs, and any such person found on the site in such a state of impairment may be removed from the site.

§ 265.39 Weapons and explosives.

No person other than uniformed guards specifically authorized, or other Federal, State, or local law enforcement officials so authorized, shall carry, transport, or otherwise possess on the site, firearms whether loaded or not, other dangerous or deadly weapons or materials, or explosives, either openly or concealed, without the written permission of the Director.

§ 265.40 Nondiscrimination.

No person shall discriminate against any other person because of race, creed, color, sex, or national origin, in furnishing, or by refusing to furnish to such person the use of any facility of a public nature, including all services, privileges, accommodations, and activities provided thereby on the site.

§ 265.41 Gambling.

No person shall participate on the site in games for money or other property, or in the operation of gambling devices, the conduct of lotteries or pools, or in the selling or purchasing of numbers tickets, or the taking or placing of bets.

§ 265.42 Photography for news, advertising, or commercial purposes; advertising and soliciting.

(a) Except where security regulations apply, photographs for news purposes may be taken in entrances, lobbies, foyers, corridors, and auditoriums when used for public meetings, in facilities on the site, unless otherwise marked, without prior approval. Photography for advertising and commercial purposes or for purposes of civic promotion may be conducted only with the written permission of the Chief, Office of Information Activities of the National Bureau of Standards (Chief, Program Information Office, IBS/Boulder, for sites in Colorado).

(b) Commercial advertisements and other material which are not directly pertinent or applicable to NBS employees but which nevertheless may be of interest or benefit to them, may, with the approval of the Associate Director for Administration (Executive Officer, IBS/Boulder, for sites in Colorado), be placed in an appropriate location and made available to employees who visit that area. Except with approval as provided herein, no person shall distribute commercial advertising literature or engage in commercial soliciting on the site.

Subpart D—Penalties

§ 265.51 Penalties—other laws.

Except with respect to the laws of the State of Maryland and the State of Colorado assimilated by § 265.5 or otherwise, whoever shall be found guilty of violating these regulations is subject to a fine of not more than \$50 or imprisonment of not more than 30 days, or both (40 U.S.C. 318c). Except as expressly provided in this part, nothing contained in these regulations shall be construed to abrogate any other Federal laws or regulations, or any State and local laws and regulations applicable to the area in which the site is situated.

[FR Doc.74-22316 Filed 9-25-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 431, 436, and 448]

PEPTIDE ANTIBIOTIC DRUGS

Zinc Bacitracin; Change in Method for Determining Zinc Content

The Commissioner of Food and Drugs proposes to amend the antibiotic drug

regulations for human use as set forth below to provide a new official method for determining the zinc content of zinc bacitracin.

The proposed method is more sensitive and more specific, and it can be performed in a shorter period of time than the method set out currently in the regulations.

Therefore, under provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes that Subchapter D be amended as follows:

1. In Part 431 by amending § 431.53 (b) (1), by revising the last item in the table to read as follows:

§ 431.53 Fees.

	* * *
(b) * * *	
(1) * * *	
Test:	Chargeable fee per test
* * *	* * *
Zinc content	36
* * *	* * *

2. In Part 436 by establishing new § 436.311, to read as follows:

§ 436.311 Atomic absorption method for determining the zinc content of zinc bacitracin.

(a) *Equipment.* An atomic absorbance spectrophotometer equipped with a zinc hollow-cathode discharge lamp, an air-acetylene flame, a nebulizer-burner system for introducing the sample solution into the flame, an optical dispersing device (such as a monochromator) for isolating a resonance line of zinc from others produced by the emission source, and a suitable radiation detector and recorder.

(b) *Preparation of working standard and sample solutions.*—(1) *Working standard solutions.* Prepare a standard stock solution containing 10 milligrams of zinc per milliliter as follows: Weigh 3.11 grams of zinc oxide into a 250-milliliter volumetric flask, add 80 milliliters of 1N HCl, warm to dissolve, cool to room temperature, and dilute to volume with water. Dilute aliquots of this standard stock solution with 0.001N HCl to obtain three working standard solutions containing respectively 0.5, 1.5, and 2.5 micrograms of zinc per milliliter.

(2) *Sample solution.* Accurately weigh approximately 200 milligrams of the sample into a 100-milliliter volumetric flask. Dissolve and dilute to volume with 0.01N HCl. Transfer a 2.0-milliliter aliquot of this solution to a 200-milliliter volumetric flask and dilute to volume with 0.001N HCl.

(c) *Procedure.* Using 0.001N HCl as the blank, adjust the absorbance of the instrument to zero at a detection wavelength of 213.8 nanometers. Determine the absorbance of each standard solution and the sample solution at 213.8 nanometers.

(d) *Calculations.* Plot the absorbance versus the concentration of each of the working standard solutions. Draw a straight response line of best fit through these points. Read the concentration of

zinc in micrograms per milliliter corresponding to the absorbance of the sample solution. Calculate the percent zinc in the sample as follows:

$$\text{Percent zinc} = \frac{C \times 100,000}{m}$$

Milligrams of sample \times (100-m)

where:

C=Concentration of zinc in the sample solution in micrograms per milliliter;
m=Percent moisture in the sample.

3. In Part 448:

a. Section 448.13(b) (5) is revised to read as follows:

§ 448.13 Zinc bacitracin.

(b) * * *

(5) *Zinc content.* Proceed as directed in § 436.311 of this chapter.

b. Section 448.13a(b) (6) is revised to read as follows:

§ 448.13a Sterile zinc bacitracin.

(b) * * *

(6) *Zinc content.* Proceed as directed in § 436.311 of this chapter.

Interested persons may, on or before November 25, 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 19, 1974.

MARY A. MCENIRY,
Assistant to the Director for
Regulatory Affairs, Bureau of
Drugs.

[FR Doc.74-22330 Filed 9-25-74;8:45 am]

[21 CFR Part 440]

PENICILLIN ANTIBIOTIC DRUGS

Proposed Revision of Pyrogens Test for Methicillin

The Commissioner of Food and Drugs has received recent reports concerning clinical cases of pyrogenic responses due to methicillin injections. Laboratory studies by the Food and Drug Administration have confirmed low levels of pyrogen contamination in some batches of injectable methicillin. These low pyrogen levels are such that the methicillin content of the test dose solution currently set forth in the antibiotic drug regulations is too low for reliable detection of pyrogen contamination.

The Commissioner therefore proposes that an increase in the methicillin content of the pyrogen test dose solution is necessary to provide adequate assurance for detection of pyrogen contamination.

A copy of pertinent supportive data has been placed on display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

Therefore, under provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 440 be amended as follows:

1. In Subpart A by revising § 440.36a (b) (3) to read as follows:

§ 440.36a Sterile sodium methicillin.

(b) * * *

(3) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter, using a solution containing 60 milligrams of methicillin per milliliter.

2. In Subpart C by revising § 440.236 (b) (3) to read as follows:

§ 440.236 Sodium methicillin for injection.

(b) * * *

(3) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter, using a solution containing 60 milligrams of methicillin per milliliter.

Interested persons may, on or before November 25, 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 19, 1974.

MARY A. MCENIRY,
Assistant to the Director for
Regulatory Affairs, Bureau of
Drugs.

[FR Doc.74-22331 Filed 9-25-74;8:45 am]

Social Security Administration

[20 CFR Part 404]

[Reg. No. 4]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Subpart G—Filing of Applications and Other Forms

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the regulations set forth in tentative form below are proposed by the Commissioner of Social Security with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations revise and update Subpart G of Part 404 to include provisions of Pub. L. 89-97 and Pub. L. 92-603, current requirements, policies, and procedures not already incorporated into the regulations. The proposed regulations make the following revisions and additions:

1. Section 404.601 (meaning of terms) is revised to include entitlement to hospi-

tal insurance benefits and special age 72 payments among those benefits for which an application must be filed subject to the requirements set forth in Subpart G.

2. Section 404.603 (execution of applications) is revised to permit a parent or one who stands in the place of a parent to execute an application for child's benefits on behalf of an individual who is over the age of 18 but under the age of 22. Also, an individual who is qualified to receive an underpayment may apply for disability insurance benefits on behalf of a disabled worker who died before filing for benefits.

3. Paragraph (a) of § 404.606 (filing of application for monthly benefits before the first month for which individual may become entitled to such benefits) and § 404.607a (filing of application for the establishment of a period of disability) are revised to reflect the provisions of section 328 of Pub. L. 89-97. These provisions make valid an application filed before the first month in which the requirements for entitlement are satisfied if such requirements are satisfied before a final decision on the application is made.

4. Paragraph (b) of § 404.607 (filing of application for monthly benefits after first month for which individual may become entitled to such benefits) is revised and a new paragraph (e) is added to § 404.607a to reflect the provisions of section 118 of Pub. L. 92-603. That section provides that an application for disability insurance benefits or to establish a period of disability may be filed on behalf of a deceased individual within three months after the month in which such individual died.

5. A new section (404.608a) is added permitting an applicant to change his first month of entitlement after adjudication of his claim, and listing the requirements for approval by the Social Security Administration.

6. Section 404.615a (cancellation of request for withdrawal) is revised to indicate that where the Social Security Administration has approved a request for cancellation of a withdrawal request, a notice of such approval will be sent to the applicant.

7. Section 404.616 (filing of proof of support or application for lump-sum death payment after 2-year period) is revised to reflect the provisions of section 324 of Pub. L. 89-97. This provision permits the filing of proof of support or an application for the lump-sum death payment at any time after the expiration of the statutory 2-year period if good cause is found for failure to file within the 2-year period.

8. Additional revisions of an editorial nature and to include necessary references have also been made within the sections referred to above.

Prior to final adoption of the proposed regulations, 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 Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before October 29, 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 regulations are to be issued under the authority contained in sections 202, 205, 216, 223, 228, and 1102, 53 Stat. 1368, as amended, 79 Stat. 379, as amended, 49 Stat. 647, as amended; section 5 of Reorganization No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 402, 405, 416, 423, 428, and 1302.

(Catalog of Federal Domestic Assistance Program Nos. 13.802, Social Security—Disability Insurance; 13.803, Social Security—Retirement Insurance; 13.805, Social Security—Survivors Insurance.)

Dated: September 2, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: September 20, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education,
and Welfare

Subpart G of Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 404.601 is revised to read as follows:

§ 404.601 Meaning of terms.

(a) *Claimant defined.* The term "claimant" for purposes of this subpart refers to the individual who has filed on his own behalf, or on whose behalf a proper party under § 404.603 has filed, an application for monthly benefits, a lump-sum death payment, the establishment of a period of disability, entitlement to hospital insurance benefits, or special age 72 payments.

(b) *Applicant defined.* The term "applicant" for purposes of this subpart refers to the individual who has filed an application on his own behalf or on behalf of another for monthly benefits, a lump-sum death payment, the establishment of a period of disability, special age 72 payments, or entitlement to hospital insurance benefits.

(c) *Application defined.* Unless otherwise specified, the term "application" refers only to an application on a form prescribed in § 404.602 and includes an application for monthly benefits, a lump-sum death payment, the establishment of a period of disability, special age 72 payments, and entitlement to hospital insurance benefits.

(d) *Filing of application on prescribed form.* Except as provided in §§ 404.611, 404.613, and 404.614, an individual has not "filed an application" for purposes of sections 202, 216(i), 223, 226, or 228 of the Act until an application on a form prescribed in § 404.602 has been filed in

accordance with the provisions of this Subpart G.

(e) *Execution of application, written statement, requests, or notice; defined.* The term "to execute an application" (or a written statement, request, or notice (see §§ 404.610 and 404.613)), means the completion and signing of the application (or written statement, request, or notice). Irrespective of who may have completed the items on the application (or written statement, request, or notice), the document is considered to have been executed by or on behalf of such claimant when it is signed by the claimant (or an individual authorized to do so on his behalf under § 404.603).

2. Section 404.603 is amended by revising paragraph (a), revising and redesignating present paragraph (g) as paragraph (h), and adding a new paragraph (g) to read as follows:

§ 404.603 Execution of applications.

The Social Security Administration determines who is the proper party to execute an application for benefits in accordance with the following rules:

(a) If the claimant has attained the age of 18, is mentally competent, and is physically able to execute the application, the application shall be executed by him except that, if he has not yet attained age 22 and the application is for child's insurance benefits, such application may be executed by his parent or a person standing in place of the parent. Where, however, paragraph (d) of this section applies, the application may also be executed by the claimant's legal guardian, committee, or other representative.

(g) When a disabled individual dies prior to filing an application for disability insurance benefits or a disability freeze, an application for such benefits may be executed within 3 months after the month in which such individual died by an individual who would be qualified to receive an underpayment in accordance with § 404.503(b).

(h) For good cause shown, the Social Security Administration may accept an application executed by a person other than one described in paragraphs (a) through (g) of this section.

3. Section 404.605 is revised to read as follows:

§ 404.605 Claimant must be alive when application is filed.

Except as provided in §§ 404.603(g), 404.607(b)(2), and 404.607a(e), the claimant must be alive at the time a properly executed application (see § 404.603) is filed with the Social Security Administration (see § 404.608) in order for such application to be considered effectively filed. (See § 404.362 where a person potentially equitably entitled to the lump-sum death payment dies before filing an application. See also § 404.613 relating to the filing of a prescribed application form after submittal of a written statement.)

4. Section 404.606 is revised to read as follows:

§ 404.606 Filing of application for monthly benefits before the first month for which individual may become entitled to such benefits.

(a) *Effective as of July 30, 1965.* An application for monthly benefits filed before the first month in which the claimant meets all conditions of entitlement for such benefits will be deemed a valid application if such conditions are met before the Secretary makes a final decision on such application. (See paragraph (c) of this section for exception in case of special age 72 payments.) If upon final decision by the Secretary or decision by a court on review of the Secretary's decision, the claimant is found to have met such conditions, the application will be deemed to have been filed in the first month in which he met such conditions. These provisions apply with respect to:

(1) Applications filed on or after July 30, 1965;

(2) Applications as to which the Secretary had not made a final decision before July 30, 1965; and

(3) Applications as to which there had been no final judicial decision before July 30, 1965, in cases where civil action for review of the Secretary's decision was commenced under section 205(g) of the Act (see § 422.210 of this chapter) before such date.

(b) *Effective before July 30, 1965—(1) Old-age and survivors insurance benefits.* Except as provided in paragraph (a) of this section, an application for monthly benefits (other than an application for disability insurance benefits) will be accepted as an application for such benefits if it is filed not more than 3 months prior to the first month for which the claimant could become entitled to such benefits. Any such application filed within such 3-month period shall be deemed filed in the first month for which the claimant could be entitled to such benefits.

(2) *Disability insurance benefits—(i) Application filed prior to March 1960.* Except as provided in paragraph (a) of this section, an application for disability insurance benefits filed after September 1956 and prior to March 1960 will be accepted as an application for such benefits if it was filed not more than 9 months prior to the first month for which the claimant could become entitled to such benefits and while the claimant was under a disability.

(ii) *Application filed after February 1960.* Except as provided in paragraph (a) of this section, an application for disability insurance benefits filed after February 1960 will be accepted as an application for such benefits for months no earlier than September 1960 if it is filed not more than 9 months prior to the month for which the claimant could become entitled to such benefits; except that, where cause (ii) of section 223(a)

(1) of the Act (concerning prior entitlement to disability insurance benefits and/or a prior period of disability) is applicable, an application for disability insurance benefits may not be filed more

than 6 months prior to the first month for which the claimant could become entitled to such benefits. An application filed within the 9-month or 6-month period, whichever is appropriate, shall be deemed filed in the first month for which the claimant could be entitled to such benefits, but no earlier than September 1960.

(c) *Special age 72 payments.* An application for special age 72 payments may be filed no earlier than 3 months prior to the first month for which the applicant could become entitled to payments.

(d) *Specific dates.* Where any of the provisions in this Part 404 become effective on the basis of an application filed on or after a specific date, this section shall apply only if the application is filed on or after that date.

5. In § 404.607, paragraph (c) is revoked, paragraph (d) is redesignated as paragraph (c), and paragraph (b) is revised to read as follows:

§ 404.607 Filing of application for monthly benefits after first month for which individual may become entitled to such benefits.

(b) *Disability insurance benefits—(1) Disabled individual is alive.* An application for disability insurance benefits filed while the claimant was under a disability and at any time after the first month for which he could have become entitled to such benefits will be accepted as an application for such benefits beginning with 12 months immediately preceding the month in which such application is filed but not before the first month for which he could become entitled, provided he was under a disability in such first month and such disability continued until the time such application was filed. However, it may not be accepted as an application for any month prior to July 1957, the first month for which disability insurance benefits were payable. For purposes of determining whether the individual has met all conditions of entitlement in such prior months, the application shall have the same effect as though it had been filed in such months.

(2) *Disabled individual is deceased—(i) Disabled individual died after December 31, 1969, and before October 30, 1972.* An application for disability insurance benefits filed on behalf of an individual who died after December 31, 1969, but before October 30, 1972, will be accepted as an application for such benefits beginning with 12 months immediately preceding the month in which such individual died but not before the first month for which such individual could have been entitled had he filed timely; *Provided,* That such application on behalf of such deceased individual is filed before February 1, 1973, by an individual who would be qualified for an underpayment in accordance with § 404.503(b).

(ii) *Disabled individual died after October 29, 1972.* An application for disability insurance benefits filed by an individual who would be qualified for an

underpayment in accordance with § 404.503(b) on behalf of an individual who died after October 29, 1972, will be accepted as an application for such benefits beginning with 12 months immediately preceding the month in which such application is filed but not before the first month in which such individual could have been entitled had he filed timely; *Provided,* That such application on behalf of such deceased individual is filed no later than the last day of the third month following the month in which the individual died.

6. Section 404.607a is revised to read as follows:

§ 404.607a Filing of application for the establishment of a period of disability.

(a) *Applications filed after June 1965 or on which there had been no final decision before July 1965.* Except as provided in paragraph (e) of this section, an application to establish a period of disability filed after June 1965, or an application to establish a period of disability filed before July 1965 to which the provisions of § 404.312a(a)(2) are applicable, is effective to establish a period of disability if it is filed no later than 12 months after the month in which the period of disability may end.

(b) *Application to establish period of disability which ended after January 1968.* Except as provided in paragraph (e) of this section, an application to establish a period of disability which ended after January 1968 may be filed up to 36 months after the cessation of disability provided: (1) The claimant is alive at the time of filing; and (2) his failure to file a timely application was due to a physical or mental condition which made him incapable of executing an application.

(c) *Application filed before beginning of period of disability—(1) Application filed prior to March 1960.* An application filed after December 31, 1954, and prior to March 1960 to establish a period of disability will be accepted as an application for such purpose if it was filed while the claimant was under a disability and not more than 3 months before the first day on which a period of disability may begin for the claimant.

(2) *Application filed after February 1960.* An application filed after February 1960 to establish a period of disability will be accepted as an application for such purpose if it is filed not more than 3 months before the first day on which a period of disability may begin for the claimant; except that, where clause (ii) of section 223(a)(1) of the Act (concerning prior entitlement to disability insurance benefits and/or a prior period of disability) is applicable, an application for such purpose may be filed as early as 6 months prior to the first month for which the claimant becomes entitled to disability insurance benefits. An application filed within such 3-month or 6-month period shall be deemed filed on the first day of such 3-month period or

in the first month of such 6-month period, whichever is appropriate. Where the 6-month period is applicable in connection with clause (ii) of section 223(a)(1) of the Act, the period of disability may begin no earlier than September 1960.

(d) *Application filed after beginning of period of disability.* Except as provided in paragraph (e) of this section, where a claimant files an application to establish a period of disability beginning prior to the date the application is filed and has been continuously disabled from such time up to the time of filing, a period of disability may be established commencing prior to the date of filing subject to the following rules:

(1) *Application filed prior to July 1, 1962.* An application filed after December 31, 1954, and prior to July 1, 1962, may be used to establish a period of disability commencing no earlier than October 1, 1941.

(2) *Application filed after June 30, 1962.* An application filed after June 30, 1962, may be used to establish a period of disability commencing no earlier than 18 months prior to the date such application is filed.

(e) *Application to establish period of disability on behalf of deceased individual.* Notwithstanding any other provision of this section or § 404.605, an application to establish a period of disability on behalf of an individual who died after December 31, 1969, filed by an individual who would be qualified for an underpayment in accordance with § 404.503(b) will be accepted as an application for such purpose provided that:

(1) If such individual died before October 30, 1972, such application is filed no later than January 31, 1973; or

(2) If such individual died after October 29, 1972, such application is filed no later than the last day of the third month following the month in which such individual died.

7. Following § 404.608, a new § 404.608a is added to read as follows:

§ 404.608a Changing first month of entitlement after adjudication of claim.

After adjudication of a claim based on an application for monthly benefits, the claimant who filed the application may change his first month of entitlement to any month within the retroactive period of his original application or to the month in which he filed his application if:

(a) He files a request in writing to change his first month of entitlement; and

(b) He is alive when the request is filed; and

(c) Any other person whose entitlement would be adversely affected by such change of month of entitlement consents in writing or written consent is given on behalf of such other person by an individual authorized to execute an application on his behalf under § 404.603; and

(d) There is repayment of any amount previously paid which would not be payable based upon the change in first month of entitlement or it can be established

to the satisfaction of the Social Security Administration that repayment of any such amount is assured.

8. Section 404.615a is revised to read as follows:

§ 404.615a Cancellation of request for withdrawal.

Before or after a written request for withdrawal has been approved by the Social Security Administration, the claimant (or a person who is authorized under § 404.603 to execute an application on his behalf) may request that the "request for withdrawal" be canceled and that the withdrawn application or request for revision of earnings be reinstated. Such request for cancellation must be in writing and must be filed, in a case where the requested withdrawal was approved by the Social Security Administration, no later than 60 days after mailing of notice to the individual of such approval. The claimant must be alive at the time the request for cancellation of the "request for withdrawal" is filed with the Social Security Administration. Where the request for cancellation of the withdrawal is approved, notice of approval shall be sent to such individual.

9. Section 404.616 is revised to read as follows:

§ 404.616 Filing of proof of support or application for lump-sum death payment after 2-year period.

In any case in which the proof of support required to be filed under § 404.316 (a) (4), § 404.331(a) (6), or § 404.338(a) (6), or the application for the lump-sum death payment required to be filed under § 404.355(b), is not filed within the 2-year period prescribed by the appropriate section, such proof of support or application shall nevertheless be deemed to have been filed within such 2-year period if it is determined, as provided in § 404.617, that there was good cause for failure to file such proof or application within the initial 2-year period.

[FR Doc. 74-22356 Filed 9-25-74; 8:45 am]

**DEPARTMENT OF
TRANSPORTATION**

Coast Guard

[46 CFR Part 57]

[CGD 74-102P]

WELDING AND BRAZING

**Proposed Adoption of the 1974 Edition,
Section IX, ASME Code**

The Coast Guard is considering amending the regulations for welding and brazing in order to adopt the 1974 Edition of section IX of the ASME (American Society of Mechanical Engineers) Boiler and Pressure Vessel Code as limited, modified, or replaced by specific requirements of Part 57 of Chapter I of Title 46 of the Code of Federal Regulations.

Section IX of the ASME Boiler and Pressure Vessel Code, Welding Qualifications, has been adopted and is part of

the current Coast Guard marine engineering regulations appearing in Part 57. The 1974 edition of the ASME Code became effective 1 July 1974 and entails several major revisions to Section IX.

The Coast Guard considers that Adoption of the 1974 Edition of section IX of the ASME Code is essential for the following reasons:

1. The new Code has a revised format which is not compatible with the present wording of the regulations. Additionally, the revised format is simpler and more readable than the old and it is, therefore, advantageous to the Coast Guard and industry to recognize this improvement.

2. The 1974 edition of section IX of the ASME Code no longer makes position of the test piece during welding an essential variable in welding procedure qualification tests except where toughness is a factor. The Coast Guard proposes to adopt this change because the requirements for welding procedure qualification are intended to test only the mechanical properties required by the design considerations of the weldment. No additional pertinent information regarding these mechanical properties is gained by requiring the test plate to be welded in more than one position because the tensile strength and ductility of the weldment will not differ significantly from one position to another unless there is a deviation from acceptable limits of other essential variables. However, where notch toughness is a criterion for acceptance, the regulations will retain the requirement that position be an essential variable in the procedure qualification tests.

3. Another significant change in welding procedure qualification is that test plates may consist of either plate, pipe, or tube and one qualifies the procedure for use on other material forms. The Coast Guard proposes to adopt this change since, as with position of the test piece, there is no significant additional information to be gained about physical properties of the weldment by additional tests with material forms as the only variable.

4. References to the appendices to section IX of the Code must be removed from the regulations since the 1974 edition will not contain appendices.

Contrary to the 1974 Code, the Coast Guard proposes that the variable "QW 402.4 [t]he deletion of the backing in single-welded butt joints", be an essential variable for all weld procedures. This revision is based on unfavorable experiences where deletion of the backing ring in single-welded butt joint procedures has caused serious weld defect problems.

An amendment to Part 57 which is included in this proposal, but which is not related to the revision of section IX of the ASME Code, is the deletion of the requirement that a macro-etch specimen be submitted for all welding procedure qualification approvals. For normal atmospheric temperature applications the additional information about the mechanical properties of the weldment to be gained from examination of a macro-

etch specimen is of little value. However, the requirement for macro-etch specimens in low temperature applications (-18° C (approx. 0° F) and below) is retained in the regulations because the information that can be gathered from the examination of a macro-etch specimen is important in evaluating the soundness of the weldment for use under these conditions.

Another proposed amendment not related to a change in the ASME Code concerns requirements for filler metals. The present wording of § 57.02-4 is overly restrictive in that it implies that a filler metal must be used when welding and this is not intended. Additionally, provisions should be made to allow the use of new filler metals which may not have been approved by the American Bureau of Shipping. It is proposed that the cognizant Officer in Charge Marine Inspection be permitted to approve new filler metals based on satisfactory welding procedure tests.

In addition, it is proposed to correct the authority citation for Part 57 of Title 46 of the Code of Federal Regulations by eliminating references to the Revised Statutes, Public Law, and the Statutes at Large.

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments to the Commandant (G-CMC/82), U.S. Coast Guard, Washington, D.C. 20590. Written comments should include the docket number of the notice, the name and address of the person submitting the comments, and the specific section of the proposal to which each comment is addressed.

A public hearing is not contemplated for this rulemaking, but one will be held if requested by anyone who raises a genuine issue.

All relevant communications received on or before November 11, 1974 will be fully considered before final action is taken on this proposal.

This proposal may be changed in the light of the comments received; however, acknowledgment of individual comments will not be made. Copies of comments received will be available for examination in Room 8234, Department of Transportation, 400 Seventh Street SW, Washington, D.C. Copies of comments will be furnished to interested persons upon request to the Coast Guard (G-CMC/82) and payment of the fees prescribed in 49 CFR 7.81.

These amendments are proposed under authority of 14 U.S.C. 633; 46 U.S.C. 375, 390(b), 391a, 392, 406, 409, 411, 416, 526p; 49 U.S.C. 1655(b); 49 CFR 1.46(b); and E.O. 11239 (30 FR 9671).

In consideration of the foregoing, it is proposed to amend Part 57 of Title 46 of the Code of Federal Regulations as follows:

§ 57.01-1 [Amended]

1. By striking from § 57.01-1 the words "(Replaces Q-1(a), QN-1(a), QB-1(a))" and inserting in place thereof the words "(Replaces QW 101 and QB 101)".

2. By striking from § 57.01-1 the "(Modifies Q-21(b), QN-21(b), QB-21(b))" and inserting in place thereof the words "(Modifies QW 305 and QB 305)".

3. In § 57.02-1 paragraph (a) is amended by deleting the second sentence and revising table 57.02-1(a) and paragraph (b) is revised as follows:

§ 57.02-1 Adoption of section IX of the ASME Code.

(a) * * * "The provisions in the appendices to Section IX of the ASME Code are adopted and shall be followed when the requirements in Section IX make them mandatory."

Table 57.02-1(a)—Limitations and Modifications to the Adoption of Section IX of the ASME Code

Paragraphs in section IX ASME code, and Disposition	Unit of this part
QW-101 replaced by.....	57.01-1(a)
QW-103 replaced by.....	57.02-3(a)
QW-201 modified by.....	57.03-1(a)
QW-202 modified by.....	57.04-1
QW-202.1 modified by.....	57.03-1(b)
QW-210 modified by.....	57.04-1
QW-211 modified by.....	57.02-4
QW-253 modified by.....	57.03-1(g)
QW-254 modified by.....	57.03-1(g)
QW-255 modified by.....	57.03-1(g)
QW-305 modified by.....	57.01-1(b)
QW-451 modified by.....	57.03-1(b) and 57.04-1
QB-101 replaced by.....	57.01-1(a)
QB-103 replaced by.....	57.02-3(a)
QB-201 modified by.....	57.03-1(a)
QB-202 modified by.....	57.04-1
QB-305 modified by.....	57.01-1(b)

(b) References to the ASME Code, like paragraph QW-131.1 indicate:

Q=Section IX, Welding and Brazing Qualifications, ASME Code.

W=Part containing requirements for welding procedure, welder, and welding operator qualifications.

131....=Major division within the part.

131.1=Specific subparagraph within the part.

6. By revising § 57.02-3(a) to read as follows:

§ 57.02-3 Fabricator's responsibility.

(a) (Replaces QW 103 and QB 103). Each manufacturer or contractor is responsible for the welding and brazing done by his organization and shall conduct tests required in this part to qualify the welding and brazing procedures used and the performance of welders and brazers who apply these procedures. The manufacturer shall bear the expense of conducting the tests. Each manufacturer shall maintain a record of the test results obtained in welding and brazing procedure and welder and brazer performance qualifications. These required records, together with identification data, shall be maintained by the manufacturer or contractor on the recommended forms illustrated in QW 480 and QB 480 of Section IX, ASME Code, or on any other form acceptable to the Officer in Charge, Marine Inspection. Upon request, duplicate forms shall be

furnished by the manufacturer or contractor to the marine inspector.

7. By revising § 57.02-4 to read as follows:

§ 57.02-4 Filler metals.

(a) Except as provided for in paragraph (b) of this section, when filler metal is used in a welded fabrication that is required to meet the requirements of this Part the filler metal must be one that has been approved by the American Bureau of Shipping.

(b) In instances where a fabricator desires to use a filler metal which has not been approved by the American Bureau of Shipping the approval of the filler metal can be made by the Officer in Charge, Marine Inspection on the basis of the fabricator passing the weld procedure qualification tests as outlined in this Part. This alternate means of approval applies to wire-gas and wire-flux combinations as well as to stick electrodes. Filler metal approvals given in this manner will extend only to the specific fabricator to whom they are granted.

8. By revising § 57.03-1 to read as follows:

§ 57.03-1 General requirements.

(a) (Modifies QW 201 and QB 201). In order to obtain Coast Guard approval of a weld procedure to be used on welded fabrication that is required to meet the requirements of this Part each manufacturer or contractor must do the following:

(1) Each manufacturer or contractor must submit to the cognizant Officer in Charge, Marine Inspection, for approval, a welding or brazing procedure specification for the particular welding or brazing process to be used. The welding or brazing procedure specification must include a sketch showing joint preparation. Suggested forms showing the information which is required in the welding or brazing procedure specification are in QW 480 and QB 480 of Section IX of the ASME Code.

(2) Each manufacturer or contractor must submit to the cognizant Officer in Charge, Marine Inspection, for approval, the results of the physical tests required by section IX of the ASME Code.

(b) (Modifies QW 202.1 and QW 451). To obtain approval of the welding procedure, fabricators desiring to use any welding process for applications involving temperatures below -18° C (approx. 0° F) must conduct a procedure qualification test in accordance with the requirements of paragraph (a) of this section and the following additional requirements:

(1) The test piece must be large enough so that sufficient material is available for the tests prescribed in QW 451 of the ASME Code, plus toughness tests and a macro-etch specimen.

(2) To obtain approval the fabricator must conduct toughness tests and qualify in accordance with § 54.05 of the

subchapter. Results of toughness tests must be submitted for approval to the cognizant Officer in Charge, Marine Inspection.

(3) The macro-etch specimen must be submitted with the test results required by paragraph (a) of this section. Macro-etch specimens must not be obtained by flame or arc cutting from the test piece. Weld reinforcement must remain in place unless the production welds are to be machined or ground. Backing rings must also be left in place unless they are to be removed in production.

(4) Low temperature procedure qualification thickness ranges are as indicated in Table 57.03-1(b).

TABLE 57.03-1(b)—Low temperature weld procedure qualification thickness ranges

Thickness, "t" of test plate or pipe as welded (inches)	Range of thickness of materials qualified by test plate or pipe (inches)	
	Minimum	Maximum
$\frac{1}{8}$ to $\frac{3}{8}$, inclusive.....	$\frac{1}{8}$	$\frac{3}{8}$
Over $\frac{3}{8}$ but less than $\frac{1}{2}$	$\frac{1}{4}$	$\frac{3}{4}$
$\frac{1}{2}$ to 3, inclusive.....	$\frac{3}{8}$	2 $\frac{1}{2}$

¹ For thicknesses less than $\frac{3}{8}$ inch, the thickness of the test plate or pipe is the minimum thickness qualified.

² Where "t" is the thickest material over $\frac{1}{4}$ inch to be used in production.

(c) [Reserved]

(d) For quenched and tempered steels, the Commandant may prescribe special testing to assure that the welding procedure produces weldments which are not prone to low energy fracture through the heat affected zone.

(e) Welding procedures that utilize type E 6012, E 6013, E 6014, E 6024, E 7014, or E 7024 electrode will be approved only for the specific type, size, and brand electrode used. If a different type, size, or brand of electrode is used, a new procedure qualification test must be conducted.

(f) Welding or brazing procedure approvals cannot be transferred from one plant to another plant of the same company or from one company to another.

(g) (Modifies QW 253, QW 254, and QW 255). Item QW 402.4 is an essential variable for all procedure specifications.

9. By revising § 57.04-1 to read as follows:

§ 57.04-1 Test specimen requirements and definition of ranges (modifies QW 202, QW 210, QW 451, and QB 202).

The type and number of specimens that must be tested to qualify an automatic, semiautomatic, or manual procedure specification shall be in accordance with QW 202, QW 210, or QB 202 of the ASME Code as applicable, except as supplemented by paragraph 57.03-1 (b) and 57.03-1(d).

§ 57.05-30 [Amended]

10. By adding a new test position, 6G, to Figure 57.05-3(a) in § 57.05-3 indicating a position such that the axis of

the piece is inclined 45 degrees to the horizontal.

§ 57.06-1 [Amended]

11. By striking the words "Table Q 11.1" from § 57.06-1(c) and inserting in place thereof the words "QW 422".

§ 57.06-4 [Amended]

12. By striking the words "Figure Q-8, QN-8, Q-8.1 or QN-8.1" from § 57.06-4 (h) and inserting in place thereof the words "QW 466.1, QW 466.2, or QW 466.3."

13. By revising the authority citation for Part 57 to read as follows:

AUTHORITY: (14 U.S.C. 633; 46 U.S.C. 375, 390(b), 391a, 392, 406, 409, 411, 415, 526p, 49 U.S.C. 1655(b)) E.O. 11239 (30 FR 9671); unless otherwise noted.

Dated: September 19, 1974.

D. H. CLIFTON,
Captain, U.S. Coast Guard, Acting
Chief, Office of Merchant
Marine Safety.

[FR Doc. 74-22398 Filed 9-25-74; 8:45 am]

Federal Aviation Administration
[14 CFR Part 71]

[Airspace Docket No. 74-NE-33]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.171 of the Federal Aviation Regulations so as to alter the Burlington, Vermont, Control Zone (39 FR 364).

A new Standard Instrument Approach Procedure will be established at the Burlington International Airport. This will require alteration of the Burlington, Vermont, Control Zone to provide controlled airspace for aircraft executing the procedure for this new approach.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received on or before October 29, 1974, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Operations, Procedures and Airspace Branch, New England Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Burlington, Vermont, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Burlington, Vermont, Control Zone in its entirety and insert the following in lieu thereof:

"Within a 7 mile radius of the center, 44°28'17" N 73°09'13" W, of the Burlington International Airport, Burlington, Vermont."

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749 (49 U.S.C. 1348)] and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Burlington, Massachusetts, on September 5, 1974.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc. 74-22340 Filed 9-25-74; 8:45 am]

[14 CFR Parts 71 and 75]

[Airspace Docket No. 74-WA-22]

JET ROUTE AND CONTROLLED AIRSPACE

Proposed Alteration and Designation

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would realign J-833R to extend from the vicinity of J. F. Kennedy Airport, N.Y., to Bangor, Maine; designate J-831R from the vicinity of J. F. Kennedy Airport to waypoint Cod, east of Nantucket, Mass.; extend Jet Route J-150 from Hampton, N.Y. to Robbinsville, N.J.; and establish controlled airspace for this Jet Route segment.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 12 New England Executive Park, Burlington, Mass. 01803. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

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

As part of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices. Applicability of International Stand-

ards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since these actions involve, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The FAA proposes to amend Parts 71 and 75 of the Federal Aviation Regulations as follows:

1. In § 71.161 (39 FR 345) Jet Route No. 150 would be amended to read as follows:

"Jet Route No. 150, from Robbinsville, N.J., via Hampton, N.Y.; Hyannis, Mass.; to Striper INT."

This would provide controlled airspace for the proposed extension of J-150 from Hampton, N.Y., to Robbinsville, N.J.

2. In § 75.100 (39 FR 699) Jet Route No. 150 would be amended to read as follows:

"Jet Route No. 150, from Robbinsville, N.J., via Hampton, N.Y.; Hyannis, Mass.; to the INT Hyannis 068° and Boston, Mass., 097° radials."

3. § 75.400 (39 FR 718, 38 FR 24204) would be amended as follows:

a. In J808R and J809R, waypoint "PATTY 40°50'10" N, 71°58'04" W, Putnam, Conn., (198.8/67.4)" would be added between waypoint SARDI and waypoint MARYS.

b. J833R would be amended to read as follows:

J833R Bangor, Maine, to New York, N.Y. Bangor, Maine, 44°50'30" N. 68°52'28" W. Bangor, Maine (000.0/00.0)

GORDI 43°55'19" N. 69°29'54" W. Kenne-
bunk, Maine (075.1/57.0)
DOMIE 41°39'12" N. 70°57'00" W. Putnam,
Conn. (128.0/44.0)
PATTY 40°50'10" N. 71°58'04" W. Putnam,
Conn. (198.8/67.4)
SARDI 40°31'19" N. 72°47'56" W. Kennedy,
N.Y. (109.0/45.0)

c. J831R would be added to read as follows:

J831R New York, N.Y. to Cod.
PATTY 40°50'10" N. 71°58'04" W. Putnam,
Conn. (198.8/67.4)
Nantucket, Mass. 41°16'54" N. 70°01'38" W.
Nantucket, Mass. (000.0/00.0)
Cod 41°16'50" N. 68°00'00" W. Nantucket,
Mass. (104.3/91.7)

The proposed Jet Route and RNAV routes would improve air traffic handling in the New York area and conform to recommendations made by the Metroplex Area Review Committee in their March 1974 report.

These amendments are proposed under the authority of sec. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 FR 9565) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

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

[FR Doc. 74-22341 Filed 9-25-74; 8:45 am]

Office of Pipeline Safety

[49 CFR Part 192]

[Docket No. OPS-30, Notice 74-6]

OFFSHORE PIPELINE FACILITIES

Proposed Standards

The Federal gas pipeline safety standards in Part 192 of Title 49 of the Code of Federal Regulations cover pipelines and pipeline facilities used in the transportation of gas on the "outer continental shelf" and the "lands beneath navigable waters" as those terms are defined in the Outer Continental Shelf Lands Act (43 USC 1331) and the Submerged Lands Act (43 USC 1301), respectively. These areas are hereinafter called "offshore."

The Office of Pipeline Safety (OPS) is considering the need to establish additional standards for the safety of offshore pipeline facilities used to transport gas and to amend existing standards in Part 192 applicable to offshore pipelines. Many of the current standards in Part 192 are by their terms inappropriate for pipeline facilities located offshore. Others, while they are construed to apply to offshore facilities, do not, in the opinion of OPS, prescribe adequate minimum safety requirements for an offshore environment. Some of the restrictions which provide minimum safety onshore appear to OPS to be unreasonable or unnecessary to ensure operational safety when applied offshore. These difficulties exist in part because the standards in Part 192 reflect the requirements of the 1968 edition of the United States of

America Standards Institute B31.8 Code. The requirements of the 1968 edition of this Code are based on principles developed primarily in onshore operations.

This notice solicits early participation by the public in selecting a course of action with respect to developing new or amended rules for offshore pipelines and pipeline facilities. It does not contain proposals for final rule making action. OPS has a policy of beginning a rule making proceeding in this manner before making a specific proposal for rules or amendments where information available to OPS is insufficient to provide a firm basis for action. This notice is in furtherance of that policy.

Besides the considerations of OPS, this notice is based on a petition submitted by the Interstate Natural Gas Association of America (INGAA) to change many of the standards in Part 192 with respect to offshore pipelines. As discussed hereafter, OPS has identified a number of problems in the INGAA petition where advance public comment would be helpful in deciding upon the scope and nature of any formally proposed rule changes. Some of the rule changes suggested by INGAA in its petition which do not concern standards discussed in this notice will be the subject of a future notice of proposed rule making. The INGAA petition is included in the docket for this proceeding and may be reviewed by interested persons.

The primary objective of any new or amended standard for offshore pipelines and pipeline facilities is to provide safety for the general public. To the extent that any new or amended standards are designed to limit or prevent discharges from pipelines or pipeline facilities, these standards will also provide for protection against pollution of the navigable waters or waters of the Outer Continental Shelf.

The OPS invites all interested persons to review the existing standards and the INGAA suggestions and then submit views, data, and information on the following identified problem areas:

(1) *Class location.* Section 192.5 classifies pipeline locations by number based on the number of inhabited buildings within a specific area and on the proximity of a pipeline to inhabited buildings, or occupied outside areas. These classifications are referenced throughout the standards in Part 192 wherever the level of safety required varies according to the location of the pipeline to which the standard applies. A higher degree of safety is required as classification numbers increase.

The classifications in §192.5 were not adopted with offshore pipelines in mind. As a result, the level of safety required by Part 192 under the existing classification scheme may be inappropriate or insufficient for offshore pipeline facilities, except perhaps for facilities at or near platforms or shorelines. If this is true, how should offshore pipeline facilities be classified to provide an adequate level of safety? For example, in addition to proximity to inhabited areas, should offshore pipelines be classified in terms of

the depth of water over a pipeline, the turbulence of water around a pipeline, or the proximity of a pipeline to shipping lanes?

(2) *Supports and anchors.* The existing requirements pertaining to this subject are in §192.161. Paragraphs (b)-(f) concern anchors or supports for "exposed" and "underground" pipelines. It is unclear which, if any, of these requirements applies to offshore pipelines. Which of the requirements should be amended to expressly cover offshore pipelines? If paragraph (f) concerning a foundation to prevent lateral or vertical pipeline movement applies offshore, should it be amended to permit a flexible installation as permitted in paragraph (e)?

(3) *Compressor stations: design and construction.* Section 192.163 governs the design and construction of compressor stations. It was developed with onshore installations in mind. Some of the requirements, particularly in paragraph (a) which covers location, cannot be met offshore. How should §192.163 be amended to provide for the differences between onshore and offshore compressor stations?

(4) *Installation of pipe in a ditch.* Section 192.319 governs installation of pipe in a ditch. What problems are involved in complying with this section offshore? What changes in the requirements should be made to accommodate offshore problems?

(5) *Cover.* Section 192.327 prescribes minimum thickness of soil and rock cover for buried pipelines in various situations. However, this section does not require that pipelines be buried. Should there be a mandatory requirement that offshore pipelines be buried in certain areas? What technological or equipment difficulties would preclude mandatory burial or make it economically impracticable? What offshore hazards would pertain to the burial of pipe? Also, OPS is interested in learning what State or local requirements exist for burial near shorelines and under shipping lanes.

Are the existing cover requirements adequate for offshore pipelines installed below the sea bed? If not, what requirements would be appropriate for offshore pipelines? Should requirements vary with depth of water cover? In answering these questions, it is important to note that significant factors affecting the need for cover offshore do not occur onshore: bottom currents, depth of water cover, vessel traffic, characteristics of soil in the sea bed, and proximity to offshore platforms.

(6) *Leak test and strength test requirements.* When air, natural gas, or inert gas is used as a test medium under §192.503 to substantiate a proposed maximum allowable operating pressure, the maximum hoop stress allowed is governed by the table in paragraph (c). The maximum hoop stress allowed by this table for a Class I location, applicable to most offshore pipelines, is 80 percent of specified minimum yield strength (SMYS). INGAA suggests that tests

made under water should be permitted at 90 percent of SMYS. What hazards in testing under water should be considered in deciding whether a 90 percent level would be safe? If the allowable percentage of SMYS were increased to 90, should any additional safeguards be required to provide a level of safety equal to that for testing at 80 percent of SMYS?

(7) *Increasing maximum allowable operating pressures (uprating).* When uprating is done by increments, § 192.553(a)(1) requires that the segment of pipeline affected be checked for leaks at the end of each increment. Then, under paragraph (a)(2), each leak detected must be repaired or, if the leak is not potentially hazardous, monitored during the pressure increase. Except near shorelines, under shipping lanes, and at or near platforms, leaks offshore are probably not as dangerous as those onshore. Most offshore leaks are unlikely to result in a fire or to accumulate in a closed area and result in an explosion. Should requirements in Subpart K for incremental increases in pressure during uprating apply to offshore pipelines? If so, where there is little risk involved with leaks offshore, are checks for leaks necessary at each incremental increase in pressure? Are hazards present in the process of checking and monitoring leaks under water? If hazards are present, do they overcome the safety advantages of multiple checks for leaks? If the submerged portions of offshore pipelines are exempted from paragraph (a), should the requirements remain applicable to pipelines at or near platforms?

(8) *Uprating under § 192.557.* Paragraph (b)(2) requires that before increasing maximum allowable operating pressure, leaks detected as a result of a leakage survey must be repaired or, if the leak is not potentially hazardous, monitored during the pressure increase. Since gas escaping from an underwater pipeline is not as dangerous as gas escaping onshore (except near shorelines, under shipping lanes, and at or near platforms), should offshore pipelines be exempted from paragraph (b)(2)? Also, are the incremental increases required by paragraph (c) too restrictive? If so, what increases should be permitted?

(9) *Transmission lines: markers.* Section 192.707 requires operators to install line markers wherever necessary to reduce the possibility of damage to or interference with transmission lines. Conventional markers probably cannot be installed offshore. In what locations are markers presently installed offshore? Should this section be amended with respect to offshore pipelines? If so, how should it be amended?

(10) *Transmission lines: permanent field repairs.* Under §§ 192.713, 192.715 and 192.717, a permanent field repair of any imperfection or damage, unacceptable weld, or leak must be made by welding, except for leaks due to corrosion pitting. To meet these welding requirements for offshore pipelines, operators must use specialized equipment and personnel

specially trained to make an acceptable underwater weld. The need for special offshore equipment and personnel results in greater costs of compliance than in meeting the requirements onshore. These added costs may not be warranted in view of the reduced hazard posed by gas escaping offshore as compared with onshore leaks. INGAA states that devices using mechanical connections have been developed to make repairs equal to or better than welding. Should §§ 192.713, 192.715, and 192.717 be amended to permit the use of mechanical connections in lieu of welding offshore? What difficulties have arisen in complying with the current welding requirements offshore?

The OPS is interested in learning more about the use of mechanical devices for permanent repair of pipelines. What types of devices are available on the market for making these repairs and what equipment is necessary for installation? What research and testing has been accomplished concerning these mechanical devices? Has the pipeline industry's experience in using the devices shown them to be reliable for making underwater repairs? Do these devices make a repair as safe as welding? If the devices are permitted offshore in lieu of welding, should they also be permitted onshore?

Comments should identify the notice number and be submitted in duplicate to the Director, Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590. All comments received by November 22, 1974, will be considered by the Director before taking action based on this notice. Late filed comments will be considered so far as practicable. As they are received, comments will be placed in the public docket and thereafter will be available for examination by interested persons.

This advance notice of proposed rule making is issued under the authority of section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. § 1672), § 1.58(d) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.58(d)), and the redelegation of authority to the Director, Office of Pipeline Safety, set forth in Appendix A to Part 1 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 1).

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

JOSEPH C. CALDWELL,
Director, Office of
Pipeline Safety.

[FR Doc. 74-22315 Filed 9-25-74; 8:45 am]

[49 CFR Part 192]

[Docket No. OPS-31; Notice 74-7]

TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE

Definition of Gathering Line

The Office of Pipeline Safety (OPS) is considering an amendment to § 192.3 to clarify the existing definition of the term "gathering line." In accordance

with the Natural Gas Pipeline Safety Act of 1968, the Federal safety standards (Part 192) apply to the gathering, transmission, or distribution of gas by pipeline in or affecting interstate or foreign commerce, except that the standards do not apply to the gathering of gas in rural locations outside populated areas. Thus, a clear definition of the term "gathering line" is necessary to identify pipelines used in the gathering of gas and to determine applicability of the Federal safety standards to pipelines in rural locations.

In § 192.3 the term "gathering line" is defined as "a pipeline that transports gas from a current production facility to a transmission line or main." Since this definition was adopted (35 FR 13248, August 17, 1970), there has been difficulty in distinguishing between a gathering line and a transmission line. The difficulty arises because the term "transmission line" is defined under § 192.3 with reference to the term "gathering line," creating a vicious circle. This cross referencing results in confusion as to where a gathering line ends and a transmission line begins.

The OPS also recognizes a problem of distinguishing the beginning of a gathering line under the existing definition of the term. Under this definition, a gathering line "transports gas from a current production facility"; but the term "production facility" is not defined, and its limits are not generally recognized. Consequently, the point where pipelines in a production facility end and gathering lines begin is unclear.

The term "production facility" is used in the definition as a beginning point for gathering lines to differentiate between gas in production and gas in transportation. The Federal safety standards in Part 192 apply to the transportation after gas has been produced. The standards do not apply to processes of production or pipelines used to produce gas. Under the proposed new definition, however, the beginning of a gathering line would no longer be at an implicit boundary of a "production facility" but rather the point at which gas has been produced, wherever this may occur. The transportation of gas, and thus a gathering line, would begin as soon as gas is produced and transported by pipeline. Natural gas, for example, is produced and enters transportation at the outlet of a separator or trap, or in the absence of either, at the outlet of a well-head or well-head assembly. Downstream from these locations no further production process is necessary to bring material into a gaseous state or to draw gas from the ground, as the case may be; and the production of gas is complete.

When Part 192 was issued, OPS noted in a preambulatory statement that defining a term is unnecessary when it is used in its ordinary dictionary sense or in accordance with the meaning commonly understood in the gas industry. This rubric is relevant to the jurisdiction of OPS over gathering lines. The dictionary definition is insufficient to properly

delineate jurisdiction. Also, in industry the gathering of gas is a complex operation, involving a variety of pipeline facilities used for sundry purposes. As a consequence, a particular facility may not be generally recognized as a "gathering line." Only a clear definition can make OPS jurisdiction over that facility definite.

Instead of naming components within the meaning of the term "gathering line," the proposed new definition is based on the actual function or service that a line performs. This approach eliminates the need to amend a definition as new or different components not included in the definition are developed. It also eliminates the need to interpret the meaning of named components which may not be generally understood. Under the proposed definition, once the function of a pipeline is determined, by resolving whether it is used to produce gas or to transport gas during treatment or other processing, then there should be no problem identifying a line as a "gathering line."

In consideration of the foregoing, the OPS proposes to amend § 192.3 of Title 49 of the Code of Federal Regulations, as follows:

§ 192.3 Definitions.

As used in this part—

"Gathering line" means a pipeline that transports gas from the point where gas is produced to the end of any treatment or other processing necessary to make the gas generally fit for consumers.

Interested persons are invited to participate in this rule-making action by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and notice numbers and be submitted in duplicate to the Director, Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590. All communications received by November 8, 1974, will be considered by the Director before taking final action on the notice. All comments will be available for examination by interested persons at the Office of Pipeline Safety before and after the closing date for comments. The proposal contained in this notice may be changed in the light of comments received.

This notice is issued under the authority of section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. § 1672), sections 831-835 of Title 18, United States Code, section 6(e)(4), § 1.58(d) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.58(d)), and the redelegation of authority to the Director, Office of Pipeline Safety, set forth in Appendix A to Part 1 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 1).

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

JOSEPH C. CALDWELL,
Director, Office of
Pipeline Safety.

[FR Doc. 74-22314 Filed 9-25-74; 8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 302]

[PDR-37, Docket No. 27040; Dated September 20, 1974]

RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Proposed Revision of Format of Compilation Entitled "Local Service Air Carriers' Unit Costs"

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to its rules of practice (14 CFR Part 302) revising the contents of the compilation entitled "Local Service Air Carriers' Unit Costs." The purpose of the proposed amendment is explained in the attached Explanatory Statement, and the proposed amendment is set forth in the proposed rule. The amendment is proposed under the authority of sections 204 and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 771; 49 U.S.C. 1324, 1336.

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before November 11, 1974, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

EXPLANATORY STATEMENT

Subpart K of the Board's Procedural Regulations (14 CFR 302.1101-302.1109) prescribes a standardized costing methodology for estimating the cost impact, on an annual basis, of proposed changes in the authorized operations of local service air carriers. For use in preparing the required cost estimates, Subpart K provides for reference to data which the Board publishes twice yearly in a compilation entitled "Local Service Air Carriers' Unit Costs."

Section 302.1109(b) provides that each such published compilation will contain a summary sheet showing the currently prescribed unit costs for each local service carrier to be used in preparing the cost estimates, work sheets showing the derivation of the unit costs, and a general exposition of the costing system prescribed in Subpart K. Prior to publication of the March 1972 edition of the compilation, the publication had consisted of a single volume containing all of the prescribed material. However, beginning with the March 1972 publication, the compilation was expanded to include comparative cost data for trunkline carriers; and, since September 1972, it has been published twice yearly in two volumes.

Because of increasing costs for publishing the expanded compilation, the Board has reviewed § 302.1109(b), and has tentatively concluded that the material presently contained in Volume II, i.e., the work sheets reflecting the derivation of the unit costs and the comparative cost data for trunkline carriers, need be published only once a year. We therefore propose to publish the full two volumes of data only once a year, but to continue to publish semi-annually the volume containing the summary sheets of the current unit costs for each local service and trunkline air carrier, and a general exposition of the costing system prescribed by Subpart K.

Although, under the proposed rule, the compilation published in July would no longer contain the derivation of the unit costs, it is our intention to have this information publicly available by maintaining a copy of the computer runs in the Board's Public Reference Room. It is our tentative opinion that this revised format will still enable users of the compilation to perform the calculations required by Subpart K, while at the same time permitting the Board to reduce its administrative costs.

Finally, we will take this opportunity to revise the list of local service air carriers to whose operations the subpart applies in order to reflect those presently extant.

PROPOSED RULE

It is proposed to amend Part 302 of the Board's Procedural Regulations (14 CFR Part 302) as follows:

1. Amend § 302.1101 to read as follows:

§ 302.1101 Applicability.

This subpart sets forth specific rules applicable to the preparation of cost estimates submitted by any party or nonparty in hearing or nonhearing proceedings which involve proposed changes in the authorized operations of any of the local service air carriers named hereinbelow. The rules set forth herein are also to be used to prepare the estimated cost of operating an existing route or route segment as to which no change in authority is currently proposed, where this information is required in a proceeding. For this purpose, the authorized operation to be costed shall be treated as a proposed deletion. The rules are not applicable to proceedings involving rates and fares. For use with these provisions the Board will issue a compilation entitled "Local Service Air Carriers' Unit Costs" (referred to in these provisions as the "compilation"), pursuant to the provisions of § 302.1109.

Allegheny Airlines, Inc.
Frontier Airlines, Inc.
Hughes Air Corp. d.b.a. Hughes Airwest
North Central Airlines, Inc.
Ozark Air Lines, Inc.
Piedmont Aviation, Inc.
Southern Airways, Inc.
Texas International Airlines, Inc.

2. Amend § 302.1109 by revising paragraphs (a) and (b) and adding a new paragraph (c), the section as amended to read as follows:

§ 302.1109 *Compilation.*

(a) *Use of compilation in proceedings.* The Board will publish semiannually, on or about the first of January and July of each year,¹ a compilation entitled "Local Service Air Carriers' Unit Costs." Each new issue shall be appropriately dated and identified, and will supersede the previous edition. Copies of the latest edition may be obtained upon request from the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428. Interested persons may, upon written request, be placed on a mailing list to receive new issues as copies become available for mailing. Copies of the current and all past issues will be available for inspection during office hours at the Board's Docket Section, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. Evidence, pleadings, and argument introduced in a proceeding on the basis of a then current issue shall not be invalidated by the publication of a later issue; however, the administrative law judge or the Board may take official notice of the later issue and make appropriate adjustments in the estimates. Where a subsequent issue of the compilation shows a change in a local service air carriers' unit costs which substantially affects an issue in a proceeding, the administrative law judge or the Board may, upon appropriate terms, permit or require amendments to the record to reflect the subsequent issue.

(b) *Contents of compilation.* Each compilation will contain a summary sheet showing the currently-prescribed unit costs for each local service carrier which are to be used in estimating the total annual cost of a proposed charge in authorized operations, in accordance with the instructions contained in §§ 302.1104 to 302.1107 of this subpart. The compilation will contain a general exposition of the costing method used in determining the unit costs. The Board may also publish as an attachment to any compilation such other data as it may deem appropriate.

(c) *Work papers.* The Board will publish annually, as an attachment to the compilation to be published on or about January 1st, pursuant to paragraph (a) of this section, the work sheets showing the derivation of the unit costs set forth in such compilation. In addition, work papers showing the derivation of unit costs set forth in each current and past compilation will be available for inspection and copying during office hours at the Board's Docket Section, Room 714.

¹The data published in January shall be for the twelve months ended the preceding September 30th and the dates published in July shall be for the twelve months ended the preceding March 31st.

Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. The work papers, whether published or made available for inspection and copying, will contain a general exposition of the costing method used in determining unit costs.

[FR Doc.74-22412 Filed 9-25-74;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1120]

CONSUMER PRODUCT SAFETY COMPLAINTS; RECORDS ACCESS AND INFORMATION

Extension of Comment Period

On September 3, 1974 the Consumer Product Safety Commission published in the FEDERAL REGISTER (39 FR 31916) proposed requirements that manufacturers, importers, private labelers, and distributors of consumer products maintain and permit access to records and provide information relating to consumer product safety complaints. Comments on the proposal were invited to be submitted on or before October 3, 1974.

To accommodate all parties who have indicated an interest in commenting on this proposal, notice is given that the time period for comments is extended to November 4, 1974. Comments and views on the proposal may be submitted, preferably with five copies, to the Secretary, Consumer Product Safety Commission, 1750 K Street, NW., Washington, D.C. 20207. Comments received after November 4, 1974 will not be considered.

Dated: September 20, 1974.

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

[FR Doc.74-22371 Filed 9-25-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 267-5]

CALIFORNIA

Approval and Promulgation of Implementation Plans

On May 31, 1972 (37 FR 10842), September 22, 1972 (37 FR 19812) and May 14, 1973 (38 FR 12702) pursuant to Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved and promulgated portions of the California plan for the implementation of the national ambient air quality standards. On April 22, 1974 and June 7, 1974, after notice and public hearings, the Governor of California through his designee submitted to the Environmental Protection

Agency (EPA) revisions to the compliance schedule portions of the approved plan. This publication proposes that these revisions be approved pursuant to the provisions of 40 CFR 51.8.

Fifty-one State compliance schedules were submitted. All 51 schedules have been found to satisfy the requirements of 40 CFR Part 51 and are consistent with the approved control strategy. However, 18 of these 51 schedules have since expired and the affected sources are now required to be in compliance with applicable air pollution control regulations. Therefore, the Administrator will take no action with regard to the compliance schedules submitted for these sources.

Each proposed compliance schedule revision establishes a new date by which an individual air pollution source must comply with an emission limitation specified by the implementation plan. This date is indicated in the table below, under the heading "Final Compliance Date." In some cases, the schedule includes incremental steps towards compliance which are not listed in the table.

Proposed compliance schedule revisions listed here are available for public inspection at the California Air Resources Board and the office of EPA, Region IX, at the addresses listed below. An evaluation of each of the 51 schedules is also available at the office of EPA, Region IX.

State of California Air Resources Board
1709, 11th Street
Sacramento CA 95814

Environmental Protection Agency
Enforcement Division, Room 314
100 California Street
San Francisco CA 94111

Interested persons are encouraged to submit written comments on any proposed compliance schedule. Such comments will be accepted for consideration if received on or before October 29, 1974. Comments should be addressed to: Director, Enforcement Division, EPA, Region IX, 100 California Street, San Francisco, California 94111. All comments will be available for public inspection during business hours at the above address.

(42 U.S.C. 1857c-5(a))

Dated: September 3, 1974.

PAUL DEFALCO, Jr.,
Regional Administrator.

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

Subpart F—California

1. Section 52.240 is amended by adding the following schedules to the table:

§ 52.240 Compliance schedules.

• • • • •
(f) • • •

Source	County	Rule or regulation involved	Date of adoption	Effective date	Final compliance date
Crown Simpson Pulp Company, Order No. 74-2.	Humboldt	52c	Mar. 6, 1974	Immediately	Dec. 21, 1974
Campbell Soup Co.	Sacramento	25	Jan. 25, 1974	do	Dec. 31, 1974
Occidental Chemical Co., Order No. 73-6.	San Joaquin	401 and 404	Feb. 21, 1974	do	Nov. 15, 1974
Signal Terminals, Inc., Order No. 74-7.	do	410 and 412	do	do	Dec. 31, 1974
Southern Pacific Pipe Lines, Inc., Order No. 74-8.	do	do	do	do	Do.
Time Oil Co., Order No. 74-11.	do	do	do	do	Do.
Julius Goldman's Egg City, Order No. 118.	Ventura	52 and 53	Feb. 13, 1974	do	Sept. 30, 1974
American Forest Products, Order No. 27.	Amador	3	Mar. 9, 1974	do	Dec. 16, 1974
Batley Janss Enterprises (protein dryer), Order No. 1.	Imperial	113, 114, and 121	Nov. 7, 1973	do	Oct. 17, 1974
Batley Janss Enterprises (grinding cyclone), Order No. 1.	do	do	do	do	Sept. 15, 1974
United Alfalfa Mills (milling system), Order No. 1.	do	114 and 121	Dec. 12, 1973	do	Sept. 1, 1974
United Alfalfa Mills (dehydration system), Order No. 1.	do	do	do	do	Dec. 1, 1974
Holtville Alfalfa Mills (milling system), Order No. 2.	do	121	do	do	Oct. 31, 1974
Holtville Alfalfa Mills (dehydration system), Order No. 2.	do	do	do	do	Jan. 31, 1975
Naval Air Facility, Order No. 2.	do	do	Feb. 13, 1974	do	Do.
California Portland Cement Co., Order No. 73-7.	Kern	401, 404.1, and 405	Dec. 31, 1973	do	Oct. 18, 1974
DG Shelter Products, Feather River Division, Order No. 73-2.	Plumas	50	Oct. 23, 1973	do	Sept. 1, 1974
Collins Pine Co., Order No. 74-1.	do	do	Jan. 16, 1974	do	Jan. 15, 1975
Western Consumers Industries, Inc., Order No. 74-6.	San Joaquin	401	Jan. 22, 1974	do	Oct. 15, 1974
Ripon Milling, Order No. 74-5.	do	do	do	do	Dec. 15, 1974
Pacific Growers (Nulsaid Food, Inc.), Order No. 74-4.	do	404	do	do	Jan. 1, 1975
Owens-Illinois, Order No. 74-3.	do	401	do	do	July 1, 1975
The Learner Co., Order No. 74-2.	do	401 and 404	do	do	Apr. 1, 1975
California Cedar Products, Order No. 74-1.	do	401, 404, 405, and 406	do	do	Jan. 1, 1975
Holly Sugar Co., Order No. 73-3.	do	401 and 404	Dec. 27, 1973	do	July 1, 1975
Port of Stockton, Order No. 73-8.	do	do	do	do	May 1, 1975
Spreckels Sugar Division, Amstar Corp., Order No. 73-9.	do	404 and 405	do	do	Oct. 1, 1974
Stockton Elevators, Order No. 73-10.	do	401	do	do	Dec. 1, 1974
Feather River Lumber, Order No. 74-1.	Sierra	8 and 10	Jan. 22, 1974	do	Aug. 31, 1974
Holstrom Lumber Co., Order No. 74-2.	do	do	do	do	Nov. 15, 1974
Riverbank Army Ammunition Plant.	Stanislaus	400	Feb. 7, 1974	do	Dec. 31, 1974
Fibreboard Corp. (Pickering Lumber Co.), Order No. 74-1.	Tnolumne	401 (a and b)	Jan. 16, 1974	do	Dec. 1, 1974
3M Co., Order No. 119.	Ventura	66A	Dec. 20, 1973	do	Aug. 31, 1974

[FR Doc. 74-22190 Filed 9-25-74; 8:45 am]

[40 CFR Part 52]

[FRL 268-6]

ALABAMA IMPLEMENTATION PLAN

Proposed Revision; Extension of Comments Period

On August 9, 1974 (39 FR 28645), the Administrator announced a proposed revision in the Alabama implementation plan. This consisted of changes in the regulations governing particulate emissions from coke ovens by providing specific regulations for these sources. Because of the complexity of this revision and in response to numerous requests from affected sources, the Administrator hereby extends the comment period to October 9, 1974. All comments received on or before this date will be considered.

Dated: September 17, 1974.

JACK E. RAVAN,
Regional Administrator,
Region IV.

[FR Doc. 74-22309 Filed 9-25-74; 8:45 am]

[40 CFR Part 52]

[FRL 261-8]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Deferral of Implementation Plan Requirements and Public Availability of Emission Data

During the past 12 months, four Circuit Courts of Appeal have addressed the question of whether a state may extend a source's compliance date without satisfying the substantive and procedural requirements of section 110(f) of the Clean Air Act (Act). Three of these courts—the First, Second and Eighth Circuits¹—held that source compliance dates could be deferred through the mechanism of a State-issued and EPA-approved vari-

¹ Natural Resources Defense Council, Inc. (NRDC) et al. v. EPA 478 F. 2d 875 (1st Cir. 1973) NRDC et al. v. EPA (Nos. 72-1728 and 72-2165, 2nd Cir., March 13, 1974) NRDC et al. v. EPA, 483 F. 2d 690 (8th Cir. 1973).

ance or enforcement order but only up to the attainment date for meeting the primary ambient air quality standards. In most instances, the date for meeting the primary standards is no later than July 31, 1975. However, in some air quality control regions (AQCRs), primary standards attainment dates have been deferred by extensions granted under authority of § 110(e) of the Act.

From a technical standpoint, the pronouncements of the three circuit courts referred to above can be construed as applying only to those States which are within the jurisdiction of the courts. However, the Administrator believes that when three appellate courts uniformly resolve an issue which is common to every state, the decisions of the courts should be accepted as strongly persuasive guidance for Agency action in all states. Accordingly, the Administrator has determined that the proper course of action is to revise 40 CFR Part 51 (Regulations for Preparation, Adoption, and Submittal of Implementation Plans) to be consistent with the decisions of the courts, and to simultaneously disapprove in 40 CFR Part 52 (Approval and Promulgation of Implementation Plans) the provisions in all plans which have deferral authority inconsistent with the terms of 40 CFR Part 51 as revised. This revision and disapproval are published as final rulemaking in another part of this FEDERAL REGISTER. Regulations limiting the issuance of variances, enforcement orders or other state-initiated measures designed to defer compliance with the applicable plan are proposed below for all states. These proposed regulations will supersede the variance portion of the June 11, 1974 proposal (39 FR 20511) for the State of Washington. This action is being taken so that the regulatory language will be uniform for all states. For the same reason these regulations are being proposed for Indiana, Iowa, Massachusetts, and Rhode Island, even though regulations were promulgated previously for these states. When finalized, the regulatory language proposed herein will supersede the extant variance regulations for these states.

The fourth appellate court² to address the issue of compliance date deferrals held that section 110(f) of the Act is the exclusive means of deferring a compliance date even where the deferral does not go beyond the date for attaining primary standards. It is the Administrator's opinion that compliance date deferrals which do not go beyond applicable attainment dates for primary or secondary standards should be dealt with as a plan revision pursuant to 40 CFR 51.6 and 51.8. Accordingly, the Agency requested the Supreme Court to review the Fifth Circuit Court's opinion, and to stay the

² NRDC et al. v. EPA (N. 72-2402, 5th Cir. February 8, 1974).

decision of the Court pending the outcome of the review. On June 10, 1974, the Supreme Court granted both requests.

Irrespective of this appeal, it is clear that the variance and enforcement order provisions of these states must be disapproved along with those of all other states. However, although the replacement regulations proposed below will apply to the six states within the Fifth Circuit if the Supreme Court reverses the Fifth Circuit's decision, final Agency action on this matter must await the decision of the Supreme Court.

The replacement regulation proposed below requires that, except where a postponement has been granted pursuant to section 110(f) of the Act, no enforcement order, variance, or other state-initiated measure which defers compliance with a provision of the applicable plan shall be granted if it defers compliance beyond the applicable date for attainment of national standards specified in 40 CFR Part 52. Where a section 110(f) postponement has been granted for a given source, compliance for such source may be deferred only up to the expiration date of the section 110(f) postponement. Where a plan contains different dates for attainment of primary and secondary standards, a plan requirement necessary for attainment of primary standards may not be deferred beyond the primary standards attainment date and a plan requirement for attainment of secondary standards may not be deferred beyond the secondary standards attainment date. Finally, the regulation specifies that where the Administrator has extended the date for attainment of a primary standard beyond July 31, 1975, pursuant to section 110(e) of the Act, compliance with a plan requirement necessary for attainment of such primary standard may be deferred beyond July 31, 1975, only for the source or sources for which the extension was granted, and only up to the expiration date of the section 110(e) extension.

PUBLIC AVAILABILITY OF EMISSION DATA

Under § 110(a) (2) (F) of the Act, state plans must provide for the periodic reporting of emissions data which must be made available to the public in a reasonable manner. While many of the plans approved by the Administrator do provide that the public must have access to emission data, they also contain confidentiality provisions which might, in a given set of circumstances, cause such data to be withheld from public scrutiny.

Although, in originally approving such plan provisions, the Administrator was careful to obtain the state attorney general's opinion whenever EPA questioned the efficacy of a given emission disclosure provision, three Circuit Courts³ have held that the presence of a confidentiality provision in a plan so beclouds the public's right to emission data that the emis-

sion disclosure provisions must be disapproved. Since, as indicated earlier, the Administrator views such consistently decided judicial opinions as tantamount to a mandate for nation-wide regulatory action, he has again reviewed every implementation plan to determine whether ostensibly sound emission disclosure provisions may—as envisioned by the courts—be compromised by language which deals with confidentiality. The disapproval notices published in another part of this FEDERAL REGISTER are the result of this review.

During the week of August 12, 1974, the Agency wrote to each state affected this action except those states which had a previous disapproval, and requested information relative to any state court decisions which have construed the emission disclosure provisions in question and found them to be consistent with the emission disclosure requirements of section 110(a) (2) (F) of the Act. Should the Agency be advised by any of these states that their emission disclosure provisions have been addressed by a state court and have been found to be consistent with Federal requirements, EPA will withdraw the applicable disapproval. Moreover, to provide such states with an adequate opportunity to respond to the Agency's inquiry, the Agency's disapproval action (except for Georgia) will not become effective until promulgation of the proposed replacement regulations below which deal with public availability of emission data. To comply with the decision of the Fifth Circuit, the disapproval of Georgia's confidentiality provision will be immediately effective.

The replacement regulations proposed herein provide that any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, may request the appropriate Regional Administrator to obtain and make public such data. This provision is applicable to any source subject to emission limitations which are part of the approved plan. Not later than 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit the required data within 30 days. Commencing after initial notification, the owner or operator of the source shall maintain records of emission data and report these to the Administrator periodically. Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at the locations in the state designated by the Regional Administrator. Where the Administrator has previously proposed and/or promulgated a somewhat different regulation to correct a state confidentiality provision (as is the case with Iowa, Minnesota, Missouri, Nebraska, Nevada, Rhode Island, Vermont, Wisconsin and Wyoming), the proposal below is also applicable to such states. When finalized, the regulation proposed

herein will replace the emission disclosure regulations previously promulgated for these states. This will provide national uniformity in the corrective regulations involving this issue.

Again, the Administrator urges states to correct their confidentiality provisions to be consistent with the requirements of the Act, thus allowing the Administrator to revoke the disapprovals.

Comments may be submitted to the Environmental Protection Agency, Standards Implementation Branch, Research Triangle Park, North Carolina 27711, Attention Mr. Clark. All relevant comments received not later than October 29, 1974, will be considered. Comments received will be available for public inspection during normal business hours at the Office of Public Affairs, 401 M Street SW., Washington, D.C. 20460. (42 U.S.C. 1857c-5(c))

Dated: September 19, 1974.

JOHN QUARLES,
Acting Administrator.

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

1. In the following sections, paragraph (b) is added or revised as indicated below:

- a. Subpart B—section 52.58 [added].
- b. Subpart C—section 52.94 [added].
- c. Subpart D—section 52.142 [added].
- d. Subpart E—section 52.180 [added].
- e. Subpart F—section 52.268 [added].
- f. Subpart G—section 52.342 [added].
- g. Subpart H—section 52.378 [added].
- h. Subpart I—section 52.430 [added].
- i. Subpart J—section 52.498 [added].
- j. Subpart K—section 52.527 [added].
- k. Subpart L—section 52.579 [added].
- l. Subpart M—section 52.630 [added].
- m. Subpart N—section 52.681 [added].
- n. Subpart O—section 52.737 [added].
- o. Subpart P—section 52.791 [revised].
- p. Subpart Q—section 52.829 [revised].
- q. Subpart R—section 52.882 [added].
- r. Subpart S—section 52.930 [added].
- s. Subpart T—section 52.984 [added].
- t. Subpart U—section 52.1027 [added].
- u. Subpart V—section 52.1114 [added].
- v. Subpart W—section 52.1131 [revised].
- w. Subpart X—section 52.1179 [added].
- x. Subpart Y—section 52.1233 [added].
- y. Subpart Z—section 52.1278 [added].
- z. Subpart AA—section 52.1337 [added].
- a.a. Subpart BB—section 52.1390 [added].
- b.b. Subpart CC—section 52.1434 [added].
- c.c. Subpart DD—section 52.1484 [added].
- d.d. Subpart EE—section 52.1527 [added].
- e.e. Subpart FF—section 52.1601 [added].
- f.f. Subpart GG—section 52.1627 [added].
- g.g. Subpart HH—section 52.1687 [added].
- h.h. Subpart II—section 52.1776 [added].
- i.i. Subpart JJ—section 52.1828 [added].
- j.j. Subpart KK—section 52.1882 [added].
- k.k. Subpart LL—section 52.1928 [added].
- l.l. Subpart MM—section 52.1985 [added].
- m.m. Subpart NN—section 52.2057 [added].
- n.n. Subpart OO—section 52.2079 [revised].
- o.o. Subpart PP—section 52.2130 [added].
- p.p. Subpart QQ—section 52.2177 [added].
- q.q. Subpart RR—section 52.2231 [added].
- r.r. Subpart SS—section 52.2301 [added].
- s.s. Subpart TT—section 52.2332 [added].
- t.t. Subpart UU—section 52.2378 [added].
- u.u. Subpart VV—section 52.2450 [added].
- v.v. Subpart WW—section 52.2480 [added].
- w.w. Subpart XX—section 52.2527 [added].
- x.x. Subpart YY—section 52.5280 [added].

³ NRDC et. al. v. EPA, 478 F.2d 875 (1st Cir. 1973), NRDC et. al. v. EPA, (Nos. 72-1728 and 72-2165, 2nd Cir., March 13, 1974), NRDC et. al. v. EPA, (No. 72-2402, 5th Cir., February 8, 1974).

y.y. Subpart ZZ—section 52.2629 [added].
z.z. Subpart AAA—section 52.2675 [added].
a.a.a. Subpart BBB—section 52.2727 [added].
b.b.b. Subpart CCC—section 52.2777 [added].
c.c.c. Subpart DDD—section 52.2825 [added].

Paragraph (b) reads as follows:

(b) *Regulation limiting variances.* No variance, enforcement order, or other state-initiated measure designed to defer compliance with a plan requirement which is necessary for attainment of a national standard shall be issued unless it specifically provides for consistency with the following requirements.

(1) Except as provided in paragraph (b)(2) of this section compliance may not be deferred beyond the applicable attainment date specified in Part 52 of this chapter. Where a plan contains different attainment dates for primary and secondary standards (i.e., specific measures have been identified for attaining primary standards and additional measures have been identified for attaining secondary standards), the applicable attainment date for purposes of this paragraph shall be determined by whether a plan requirement being deferred is necessary for attainment of primary or secondary standards.

(2) Where the Governor of a state has requested, and the Administrator (under authority of section 110(f) of the Clean Air Act) has approved a compliance date postponement for a given source, compliance may be deferred for such source only up to the expiration date of the section 110(f) postponement.

(3) Where the Administrator has extended the date for attainment of a primary standard beyond July 31, 1975, pursuant to section 110(e) of the Act, compliance with a plan requirement necessary for attainment of such primary standard may be deferred beyond July 31, 1975, only for the source or sources for which the extension was granted, and only up to the expiration date of the section 110(e) extension.

2. In the following sections, paragraph (b) is added or revised, as indicated below:

a. Subpart C—section 52.73 [added].
b. Subpart E—section 52.178 [added].
c. Subpart H—section 52.376 [added].
d. Subpart K—section 52.525 [added].
e. Subpart L—section 52.577 [added].
f. Subpart M—section 52.624 [added].
g. Subpart P—section 52.774 [added].
h. Subpart Q—section 52.823 [revised].
i. Subpart S—section 52.925 [added].
j. Subpart T—section 52.982 [added].
k. Subpart V—section 52.1113 [added].
l. Subpart W—section 52.1156 [added].
m. Subpart Y—section 52.1224 [revised].
n. Subpart Z—section 52.1277 [added].
o. Subpart AA—section 52.1324 [revised].
p. Subpart BB—section 52.1378 [added].
q. Subpart CC—section 52.1423 [revised].
r. Subpart DD—section 52.1473 [revised].
s. Subpart EE—section 52.1526 [added].
t. Subpart FF—section 52.1574 [added].
u. Subpart GG—section 52.1623 [added].
v. Subpart HH—section 52.1685 [added].
w. Subpart JJ—section 52.1825 [added].
x. Subpart LL—section 52.1926 [added].

y. Subpart MM—section 52.1983 [added].
z. Subpart NN—section 52.2024 [added].
aa. Subpart OO—section 52.2073 [revised].
bb. Subpart SS—section 52.2274 [added].
cc. Subpart UU—section 52.2374 [revised].
dd. Subpart WW—section 52.2474 [added].
ee. Subpart YY—section 52.2573 [revised].
ff. Subpart ZZ—section 52.2624 [revised].
gg. Subpart BBB—section 52.2725 [added].

Paragraph (b) reads as follows:

(b) *Regulation for public availability of emission data.* (1) Any person who cannot obtain emission data from the "State or local" Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit, within 30 days of receipt of notification by the Administrator, information on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with the applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1–June 30 and July 1–December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

Subpart VV—Virginia

3. In § 52.2424, paragraph (c) is added as follows:

§ 52.2424 General requirement.

(c) *Regulation for public availability of emission data.* (1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit, within 30 days of receipt of notification by the Administrator, information on the nature and amounts of emissions from such source and/or any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Administrator pursuant to paragraph (c)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and/or any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1–June 30 and July 1–December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

[FR Doc.74-22304 Filed 9-25-74;8:45 am]

[40 CFR Part 120]

[FRL 265-1]

NAVIGABLE WATERS OF THE COMMONWEALTH OF KENTUCKY

Proposed Water Quality Standards

The purpose of this notice is to propose regulations setting forth standards of water quality to be applicable to the Commonwealth of Kentucky pursuant to section 303(c)(4)(B) of the Federal Water Pollution Control Act, as amended

(33 U.S.C. 1313(c)); 86 Stat. 816 et seq.; Pub. L. 92-500, "the Act." A notice to all State Environmental Authorities announcing the intention of the Environmental Protection Agency to review all interstate and intrastate water quality standards pursuant to the Act was published in the FEDERAL REGISTER on December 29, 1972, 37 FR 28775-28780.

Under section 303(a) of the Act, the Administrator of the U.S. Environmental Protection Agency is required to review water quality standards for waters of the United States which have been adopted and submitted by the States and approved by the EPA. When he determines that changes in such standards are necessary to meet the requirements of the Act, the Administrator must prepare and publish proposed revised water quality standards in accordance with such requirements.

Kentucky, prior to October 17, 1972, adopted water quality standards for both interstate and intrastate waters. After the enactment of the 1972 Amendments, U.S. Environmental Protection Agency reviewed both the interstate and intrastate standards pursuant to section 303(a) of the Act. On January 18, 1973, the Regional Administrator notified Kentucky that certain revisions to its interstate water quality standards were necessary to make the standards consistent with applicable requirements of the Act. A similar notification was made for intrastate water quality standards on March 14, 1973. In response to the EPA's request, Kentucky held a public hearing on June 4, 1973, for proposed revisions to the standards. On November 5, 1973, and February 6, 1974, new and revised water quality standards for interstate and intrastate waters were adopted by the State and submitted to the EPA on February 11, 1974. The EPA approved Kentucky standards on February 28, 1974. (40 CFR § 120.10.)

Presently, classifications apply only to those streams found on a map entitled "Streams of Kentucky" appended to Kentucky administrative regulations WP-6-2. The EPA approval of Kentucky's water quality standards was based upon an administrative judgment that the vast majority of Kentucky's navigable waters were represented on the map attached to WP-6-2 and the further judgment that those waters not portrayed on the map were intermittent streams which did not have a flow sufficient to support aquatic life.

Following further study and investigation, the Administrator has determined that there is substantial evidence that not all navigable waters (hereinafter "waters of the United States") are classified by Kentucky water quality standards as required by the Act, the regulations promulgated pursuant thereto, and developing case law precedent. Classification of all waters of the United States in the Commonwealth of Kentucky not found on the aforementioned "Streams of Kentucky" is, therefore, proposed. In addition, a fecal coliform limit is proposed, for those waters previously not classified, in order to assure that secondary contact quality be maintained in accordance with national policy.

The water quality standards, contained in Kentucky state regulations WP-4-1, "Water Quality Standards for Waters, Treatment Requirements, and Compliance", and "Policy for Addition of Streams Not Shown on the Map, 'Streams of Kentucky,'" February 6, 1974, as submitted to and approved by the EPA are consistent with the requirements of the law, except as otherwise noted below in the proposed regulations, and are the water quality standards applicable to the waters of Kentucky. Accordingly, except as provided in the attached proposed regulations, the water standards previously adopted by the Commonwealth of Kentucky, as referenced above, are valid and effective standards under section 303 of the Act.

Pursuant to section 303(c)(4)(B), U.S. EPA is now proposing regulations setting forth standards required to comply with the Act. The document is available for inspection and copying at the Kentucky Department of Natural Resources and Environmental Protection, Bureau of Environmental Quality, 1031 Capitol Plaza Tower, Frankfort, Kentucky 40601, and the U.S. Environmental Protection Agency Regional Office, 1421 Peachtree Street, NE., Atlanta, Georgia 30309. U.S. Environmental Protection Agency's information regulation 40 CFR Part 2, provides that a fee may be charged for making copies.

The agency encourages the submission of written data, views, or arguments, in triplicate, in regard to the attached proposed regulations to be prepared by any and all interested persons, organizations and governmental agencies. This material is to be forwarded to the Regional Administrator, 1421 Peachtree Street, NE., Atlanta, Georgia 30309. All relevant material received within 45 days of publication of this notice will be considered by the Administrator prior to promulgation of the subject regulations, and the Administrator, prior to promulgation shall determine whether the submission of this material suggests the need for a public hearing.

Section 303(c) of the Act requires the Administrator to promulgate standards no later than 90 days after the date of publication of this notice, unless by such time the State shall have adopted water quality standards which the Administrator determines to be in accordance with the requirements of section 303(a) of the Act.

However, the Administrator is not required to await State action for the entire 90 day period prior to promulgation. Thus, these standards may be promulgated by the Administrator at any time following the expiration of time for public comment.

In consideration of the foregoing it is hereby proposed that 40 CFR Part 120 be amended as set out below.

Issued: September 20, 1974.

JOHN QUARLES,
Acting Administrator.

§ 120.10 [Amended]

1. Section 120.10 is amended by deleting the paragraph entitled "Kentucky."

2. A new § 120.21 is added to read as follows:

§ 120.21 Kentucky Water Quality Standards.

Water Quality Standards established by Kentucky which are contained in the following documents: WP-4-1, Water Quality Standards for the Commonwealth of Kentucky, July 23, 1971; Anti-degradation Statement, March 5, 1971; WP-6-2, Use Classification of Waters, Treatment Requirements, and Compliance, November 5, 1973; and "Policy for addition of Streams not shown on the Map, Streams of Kentucky", February 6, 1974. The aforementioned documents will be the water quality standards for the Commonwealth of Kentucky as amended in the following particulars:

(a) The following shall be added to WP-4-1:

Section 6. The EPA Administrator or his designee may grant an exception to classifications and/or criteria upon adequate demonstration that maintenance of water quality necessary for the preservation and propagation of desirable or indigenous species of aquatic biota and secondary contact recreation is not possible. This determination must be made on a case-by-case basis with respect to a specific water following an analysis of each area. The analysis must show that the necessary water quality cannot be maintained due to technological limitations and/or naturally occurring poor water quality.

(b) Section 1.(2), Regulation WP-6-2 shall be revised to read as follows:

All waters as defined in 40 CFR § 125.1 not shown on the map described in (1) of this section shall be classified *Aquatic Life*, as set forth in section 3(3) of WP-4-1 and shall meet the water quality criteria supporting that classification, and in addition, shall meet the following criteria necessary to support secondary contact recreation as defined in the Report of the National Technical Advisory Committee, April 1968: Fecal coliform concentrations shall not exceed an average of 2000/100 ml and not exceed a maximum of 4000/100 ml.

[FR Doc.74-22303 Filed 9-25-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 74]

[Docket No. 20189; RM-1735]

REMOTE PICKUP BROADCAST STATIONS

Proposed Rulemaking

1. The Commission has under consideration a complete revision of Part 74, Subpart D (Remote Pickup Broadcast Stations) of its rules and regulations.

2. The Commission's proposal is in partial response to a petition for rule making filed by the National Association of Broadcasters (NAB) in 1971 (RM-1735), and partly as a result of the ongoing Broadcast Re-regulation Study initiated by the Commission in 1972. Comments supporting the NAB petition were filed by Vega Electronics.

3. This proceeding looks toward a comprehensive revision of those Commission rules which govern the licensing and operation of remote pickup broadcast stations. Each existing rule in the subject subpart has been examined. Drawing upon the recommendations of the NAB,

as set forth in its petition, and upon the work of the Commission's Broadcast Regulation Task Force, the Commission's proposed revision of Subpart D is set out in its entirety below. It will be seen that essentially every rule in the subject subpart has been affected to some extent. In some cases only minor editorial changes have been made, but in such important areas as licensing, permitted uses, equipment and frequency availabilities, very significant changes are proposed.

4. It would appear that no purpose would be served by identifying in this part of the notice each change under consideration. Such an effort would merely be a verbatim duplication of the material to be found below. To indicate the scope of this proceeding, however, some of the important matters under consideration are: Channel splitting in the 450 MHz band¹ and earmarking certain frequencies for transmission of program material only and establishing a limited number of narrow-band channels for operational communications only; providing for licensing of groups of stations as a system authorized pursuant to a single license; requiring the use of type accepted equipment; specifying additional frequency bands for use by low power broadcast auxiliary stations; and, revision of logging requirements.

5. It is to be emphasized that only some of the matters under consideration have been identified. If a useful record is to be developed in this proceeding, a thorough examination of the entire proposal is essential. Interested parties must weigh each provision in the proposal and must consider it in relation to the entire proposal. In developing comments, parties must continually be mindful of the goal of this proceeding, namely, to develop a complete set of viable, current-vintage rules for the remote pickup service.

6. Authority for institution of this proceeding, and adoption of the rules proposed herein, is contained in sections 4(i), 303(g) and (r) of the Communications Act of 1934, as amended.

7. RM-1735 (para. 2, supra) is incorporated, in part, into this proceeding.

8. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested parties may file comments on or before November 21, 1974, and reply comments on or before December 20, 1974. All relevant and timely Commission before final action is taken.

In reaching its decision in this proceeding, the Commission may also take into account other relevant information be-

fore it, in addition to the specific comments invited by this notice.

9. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs and other documents shall be furnished the Commission. However, in an effort to obtain the widest possible response in this proceeding, informal comments (without extra copies) will be accepted. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. (1919 M Street NW., Washington, D.C. 20554).

Adopted: September 11, 1974.

Released: September 18, 1974.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

1. Section 74.15(b) is amended to read as follows:

§ 74.15 License period.

(b) Licenses for stations or systems in the Auxiliary Broadcast Services will be issued for a period running concurrently with the license of the associated broadcasting station with which the auxiliary station or system is used. A remote pickup broadcast station or system licensed for use with more than one broadcasting station will be licensed for a period running concurrently with the license of the broadcasting station having the longest license period.

2. Part 74, Subpart D, is amended in its entirety and reads as follows:

Subpart D—Remote Pickup Broadcast
Stations

DEFINITIONS AND ALLOCATION OF
FREQUENCIES

§ 74.401 Definitions.

Associated broadcasting station(s). The broadcasting station or stations with which a remote pickup broadcast station or system is licensed as an auxiliary and with which it is principally used.

Authorized bandwidth. The occupied or necessary bandwidth, whichever is greater, authorized to be used by a station.

Automatic relay station. A remote pickup broadcast base station which is actuated by automatic means and is used to relay transmissions between remote pickup broadcast base and mobile stations, between remote pickup broadcast mobile stations and from remote pickup broadcast mobile stations to broadcasting stations. (Automatic operation is not operation by remote control.)

Carrier power. The average power at the output terminals of a transmitter (other than a transmitter having a suppressed, reduced or controlled carrier)

during one radio frequency cycle under conditions of no modulation.

Low power broadcast auxiliary station. A remote pickup broadcast station authorized and operated pursuant to the special provisions set forth in § 74.435 of this subpart.

Mean power. The power at the output terminals of a transmitter during normal operation, averaged over a time sufficiently long compared with the period of the lowest frequency encountered in the modulation. A time of $\frac{1}{10}$ second during which the mean power is greatest will be selected normally.

Necessary bandwidth. For a given class of emission, the minimum value of the occupied bandwidth sufficient to ensure the transmission of information at the rate and with the quality required for the system employed, under specified conditions. Emissions useful for the good functioning of the receiving equipment, as for example, the emission corresponding to the carrier of reduced carrier systems, shall be included in the necessary bandwidth.

Occupied bandwidth. The frequency bandwidth such that, below its lower and above its upper frequency limits, the mean powers radiated are each equal to 0.5 percent of the total mean power radiated by a given emission.

Operational communications. Communications concerning the technical operation of a broadcasting station and its auxiliaries.

Remote control operation. Operation of a base station by a properly designated person on duty at a control position from which the transmitter is not visible but that position is equipped with suitable controls so that essential functions can be performed therefrom.

Remote pickup broadcast base station. A remote pickup broadcast station authorized for operation at a specified location.

Remote pickup broadcast mobile station. A remote pickup broadcast station authorized for use while in motion or during halts at unspecified locations. (As used in this subpart, mobile stations include hand-carried, pack-carried and other portable transmitters.)

Remove pickup broadcast stations. A term used in this subpart to include both remote pickup broadcast base stations and remote pickup broadcast mobile stations.

Station. As used in this subpart, each remote pickup broadcast transmitter, and its associated accessory equipment necessary to the radio communication function, constitutes a separate station.

Studio. Any room or series of rooms equipped for the regular production of broadcast programs of various kinds. A broadcasting booth at a stadium, convention hall, church, or other similar place is not considered to be a studio.

System. A complete remote pickup broadcast facility consisting of one or more mobile stations and/or one or more base stations authorized pursuant to a single license.

¹ Outstanding references in Dockets 20027 and 20005, concerning frequency allocations for oil spill cleanup operations and use of radio for remote reading of public utility meters, respectively, which await consideration until such time as the Commission proceeds to split the 450 and 455 MHz remote pickup channels will be addressed in further proceedings in those two dockets upon reaching a final decision regarding the channel splitting proposed herein.

§ 74.402 Frequency assignment.

(a) The following frequencies are allocated for use by remote pickup broadcast stations:

- (1) Group A (kHz)
 - * 1606
 - 1622
 - 1646
- (2) Group D (MHz)
 - * 25.87
 - 26.15
 - 26.25
 - 26.35
- Group E (MHz)
 - * 25.91
 - 26.17
 - 26.27
 - 26.37
- Group F (MHz)
 - * 25.95
 - 26.19
 - 26.29
 - 26.39
- Group G (MHz)
 - * 25.99
 - 26.21
 - 26.31
 - 26.41
- Group H (MHz)
 - * 26.03
 - 26.23
 - 26.33
 - 26.43
- (3) Group I (MHz)
 - * 26.07
 - 26.11
 - 26.45
- Group J (MHz)
 - * 26.09
 - 26.13
 - 26.47
- (4) Group K (MHz)
 - * 152.87
 - * 152.93
 - * 152.99
 - * 153.05
 - * 153.11
 - * 153.17
 - * 153.23
 - * 153.29
 - * 153.35
 - * 161.64
 - * 161.67
 - * 161.70
- (5) Group L (MHz)
 - * 161.73
 - * 161.76
- (6) Group M (MHz)
 - * 170.15
- (6) Group N (MHz)
 - 450.05
 - 450.10
 - 450.15
 - 450.20
 - 450.25
 - 450.30
 - 450.35
 - 450.40
 - 450.45
 - 450.50
 - 450.55
 - 450.60
 - 450.65
 - 450.70
 - 450.75
 - 455.05
 - 455.10
 - 455.15
 - 455.20
 - 455.25
 - 455.30
 - 455.35
 - 455.40
 - 455.45
 - 455.50
 - 455.55
 - 455.60
 - 455.65
 - 455.70
 - 455.75
- (7) Group P (MHz)
 - * 450.01
 - * 450.02
 - * 450.98
 - * 450.99
 - * 455.01
 - * 455.02
 - * 455.98
 - * 455.99
- (8) Group R (MHz)
 - * 450.80
 - * 450.85
 - * 450.90
 - * 450.95
 - * 455.80
 - * 455.85
 - * 455.90
 - * 455.95

(b) The following frequencies are allocated for assignment to remote pickup broadcast stations in Puerto Rico and the Virgin Islands only:

- 160.89 MHz 161.07 MHz 161.25 MHz
- 160.95 MHz 161.13 MHz 161.31 MHz
- 161.01 MHz 161.19 MHz 161.37 MHz

NOTE: These frequencies are shared with the Land Transportation Radio Service.

(c) More than one frequency may be assigned for use by each station. The frequencies which will be assigned to any one licensee for use in a single area however, shall be limited to the extent that: Frequencies will not be assigned from more than one group in Groups D through H; frequencies will be assigned from either Group I or J, but not both; frequencies will be assigned from either Group L or M, but not both. This limitation does not preclude assignment of additional frequencies from Groups A, K, N, P or R to the same licensee. Applicants shall request assignment of only those frequencies necessary for satisfactory operation. A licensee may operate a remote pickup broadcast station or system only if the station or system is equipped to operate on all frequencies specified in the instrument of authorization.

(d) Remote pickup broadcast stations or systems will not be granted exclusive frequency assignments; the same frequency or frequencies may be assigned to other licensees in the same area.

§ 74.403 Frequency selection to avoid interference.

(a) Where two or more remote pickup broadcast station licensees are authorized to operate on the same frequency or group of frequencies in the same area and when simultaneous operation is contemplated, the licensees shall endeavor to select frequencies or schedule operation in such manner as to avoid mutual interference. If mutual agreement to this effect cannot be reached the Commission shall be notified and it will specify the frequency or frequencies on which each station is to be operated.

(b) The following order of priority of transmissions shall be observed on all frequencies except those listed in § 74.402(a) (3), (a) (7) and (a) (8):

foregoing west and north boundaries; (ii) within 150 miles of New York City; and (iii) in Alaska or outside the continental United States; and is subject to the condition that not harmful interference is caused to government radio stations in the band 162-174 MHz.

* These frequencies may not be used by remote pickup stations in Puerto Rico or the Virgin Islands. In other areas, certain existing stations in the Public Safety and Land Transportation Radio Services have been permitted to continue operation on these frequencies on condition that no harmful interference is caused to remote pickup broadcast stations.

* The use of these frequencies is limited to operational communications, including tone and signalling transmissions.

* The use of these frequencies is limited to the transmission of program material and cues and orders immediately necessary thereto.

- (1) The transmission of program material to be broadcast.
- (2) The transmission of cues and orders immediately necessary thereto.
- (3) Operational communications.
- (4) Test or drills to check the performance of stand-by emergency circuits.

NOTE: During an emergency or impending emergency, transmissions directly related to the safety of life and property shall take precedence over all other transmissions.

§ 74.404 Use of FCC Form 425.

(a) Applicants proposing to operate on the frequencies specified in paragraph (c) of this section and who propose to operate in the Chicago, Illinois, Regional Area defined in paragraph (d) of this section, shall make application on FCC Form 425 in lieu of FCC Form 313. Form 425 shall be used to apply for new facilities or to apply for modification, renewal or assignment of existing authorizations.

(b) Applications on FCC Form 425 shall be submitted to the Commission's Chicago Regional Office, at 1550 Northwest Highway, Park Ridge, Illinois 60068.

(c) FCC Form 425 must be used to file for the following frequencies in the Chicago Regional Area:

Group D (MHz)	Group I (MHz)
26.15	26.11
26.25	26.45
26.35	Group J (MHz)
Group E (MHz)	26.13
26.17	26.47
26.27	Group K (MHz)
26.37	152.87
Group F (MHz)	152.93
26.19	152.99
26.29	153.05
26.39	153.11
Group G (MHz)	153.17
26.21	153.23
26.31	153.29
26.41	153.35
Group H (MHz)	
26.23	
26.33	
26.43	

(d) The Chicago, Illinois, Region is defined to consist of the counties listed below:

ILLINOIS

- 1. Boone
- 2. Bureau
- 3. Carroll
- 4. Champaign
- 5. Christian
- 6. Clark
- 7. Coles
- 8. Cook
- 9. Cumberland
- 10. De Kalb
- 11. De Witt
- 12. Douglas
- 13. Du Page
- 14. Edgar
- 15. Ford
- 16. Fulton
- 17. Grundy
- 18. Henry
- 19. Iroquois
- 20. Jo Daviess
- 21. Kane
- 22. Kankakee
- 23. Kendall
- 24. Knox
- 25. Lake
- 26. La Salle
- 27. Lee
- 28. Levingston
- 29. Logan
- 30. Macon
- 31. Marshall
- 32. Mason
- 33. McHenry
- 34. McLean
- 35. Menard
- 36. Mercer
- 37. Moultrie
- 38. Ogle
- 39. Peoria
- 40. Piatt
- 41. Putnam
- 42. Rock Island
- 43. Sangamon
- 44. Shelby
- 45. Stark
- 46. Stephenson

¹ Subject to the condition that no harmful interference is caused to the reception of standard broadcasting stations.

² Subject to the condition that no harmful interference is caused to stations in the broadcasting service.

³ Subject to the condition that no harmful interference is caused to stations operating in accordance with the Table of Frequency Allocations set forth in Part 2 of the Commission's Rules and Regulations.

⁴ Operation on the frequencies 166.25 MHz and 170.15 MHz is not authorized (1) within the area bounded on the west by the Mississippi River, on the north by the parallel of latitude 37°30' N., and on the east and south by the arc of the circle with center at Springfield, Ill., and radius equal to the airline distance between Springfield, Ill., and Montgomery, Alabama, subtended between the

PROPOSED RULES

47. Tazewell
48. Vermillion
49. Warren
50. Whiteside

INDIANA

- | | |
|----------------|----------------|
| 1. Adams | 28. Madison |
| 2. Allen | 29. Marion |
| 3. Benton | 30. Marshall |
| 4. Blackford | 31. Miami |
| 5. Boone | 32. Montgomery |
| 6. Carroll | 33. Morgan |
| 7. Cass | 34. Newton |
| 8. Clay | 35. Noble |
| 9. Clinton | 36. Owen |
| 10. De Kalb | 37. Parke |
| 11. Delaware | 38. Porter |
| 12. Elkhart | 39. Pulaski |
| 13. Fountain | 40. Putnam |
| 14. Fulton | 41. Randolph |
| 15. Grant | 42. St. Joseph |
| 16. Hamilton | 43. Starke |
| 17. Hancock | 44. Steuben |
| 18. Hendricks | 45. Tippecanoe |
| 19. Henry | 46. Tipton |
| 20. Howard | 47. Vermillion |
| 21. Huntington | 48. Vigo |
| 22. Jasper | 49. Wabash |
| 23. Jay | 50. Warren |
| 24. Kosciusko | 51. Wells |
| 25. Lake | 52. White |
| 26. LaGrange | 53. Whitley |
| 27. La Porte | |

IOWA

- | | |
|------------|--------------|
| 1. Cedar | 5. Jones |
| 2. Clinton | 6. Muscatine |
| 3. Dubuque | 7. Scott |
| 4. Jackson | |

MICHIGAN

- | | |
|--------------|----------------|
| 1. Allegan | 13. Kalamazoo |
| 2. Barry | 14. Kent |
| 3. Berrien | 15. Lake |
| 4. Branch | 16. Mason |
| 5. Calhoun | 17. Mecosta |
| 6. Cass | 18. Montcalm |
| 7. Clinton | 19. Muskegon |
| 8. Eaton | 20. Newaygo |
| 9. Hillsdale | 21. Oceana |
| 10. Ingham | 22. Ottawa |
| 11. Ionia | 23. St. Joseph |
| 12. Jackson | 24. Van Buren |

OHIO

- | | |
|-------------|-------------|
| 1. Defiance | 4. Van Wert |
| 2. Mercer | 5. Williams |
| 3. Paulding | |

WISCONSIN

- | | |
|----------------|----------------|
| 1. Adams | 18. Manitowoc |
| 2. Brown | 19. Marquette |
| 3. Calumet | 20. Milwaukee |
| 4. Columbia | 21. Outagamie |
| 5. Dane | 22. Ozaukee |
| 6. Dodge | 23. Racine |
| 7. Door | 24. Richland |
| 8. Fond du Lac | 25. Rock |
| 9. Grant | 26. Sauk |
| 10. Green | 27. Sheboygan |
| 11. Green Lake | 28. Walworth |
| 12. Iowa | 29. Washington |
| 13. Jefferson | 30. Waukesha |
| 14. Juneau | 31. Waupaca |
| 15. Kenosha | 32. Waushara |
| 16. Kewaunee | 33. Winnebago |
| 17. Lafayette | |

§ 74.405 Special provisions relating to Land Mobile Spectrum Management Program in Chicago region.

(a) The licensing policies, general operating requirements, equipment, technical, and other operating requirements of this subpart will govern for all licensees and applicants for Remote Pickup Broadcast Stations who must file on FCC

Form 425 in the Chicago region. Limitations for the service in which licensee eligibility is established will govern the use of a station even though the frequency assigned may not be from the service in which eligibility was established; except in the case of automatic relay stations which will only be permitted on frequencies previously available for automatic relay use.

(b) The table below reflects the basic frequency assignment methodology for use in the Chicago region. Category I consists of the police and fire radio service and their present frequencies. Category II consists of other radio services and their frequencies:

CATEGORY I

Police radio service.
Fire radio.

CATEGORY II

GROUP A

Forestry-conservation radio service.
Highway maintenance radio service.
Local government radio service.
Special emergency radio service.

GROUP B

Power radio service.
Telephone maintenance radio service.
Railroad radio service.

GROUP C

Petroleum radio service.
Forest products radio service.
Manufacturers radio service.
Special industrial radio service.
Motor carrier radio service.
Automobile emergency radio service.
Business radio service.
Taxicab radio service.
Motion picture radio service.
Relay press radio service.
Remote pickup broadcast stations.

GROUP D

Domestic public land mobile radio service.¹

¹ These frequencies will not be shared with private systems in the Chicago region at this time.

GROUP E

Citizens radio service (Class A).

(c) Frequencies in Category I are available only to those who establish eligibility in that category. Frequencies in Category II are available to persons who establish eligibility in Category II; and are also available to Category I eligibles on a secondary basis.

(d) To the extent practicable, frequencies from the service within which an applicant has established eligibility will be assigned to that applicant. If no suitable frequency is available, then a search will be made of frequencies of other services in the same group as the applicant. Access to the frequencies of a different group will be permitted only on a case-by-case basis and only when no suitable frequency is available in the group in which eligibility is established.

(e) Where services which presently share frequencies are in different categories or groups, the shared frequencies will only be available to the lower priority category or group.

(f) The Chicago Land Mobile Spectrum Management District consists of

the following counties in the States noted:

ILLINOIS

- | | |
|--------------|----------------|
| 1. Boone | 11. Kendall |
| 2. Bureau | 12. Lake |
| 3. Cook | 13. LaSalle |
| 4. DeKalb | 14. Lee |
| 5. DuPage | 15. Livingston |
| 6. Ford | 16. McHenry |
| 7. Grundy | 17. Ogle |
| 8. Iroquois | 18. Putnam |
| 9. Kane | 19. Will |
| 10. Kankakee | 20. Winnebago |

INDIANA

- | | |
|--------------|----------------|
| 1. Benton | 9. LaPorte |
| 2. Carroll | 10. Marshall |
| 3. Cass | 11. Newton |
| 4. Elkhart | 12. Porter |
| 5. Fulton | 13. Pulaski |
| 6. Jasper | 14. St. Joseph |
| 7. Kosciusko | 15. Starke |
| 8. Lake | 16. White |

MICHIGAN

- | | |
|------------|--------------|
| 1. Allegan | 3. Cass |
| 2. Berrien | 4. Van Buren |

WISCONSIN

- | | |
|--------------|-------------|
| 1. Jefferson | 5. Rock |
| 2. Kenosha | 6. Walworth |
| 3. Milwaukee | 7. Waukesha |
| 4. Racine | |

ADMINISTRATIVE PROCEDURE

§ 74.411 - Cross reference.

See §§ 74.11 to 74.16.

LICENSING POLICIES AND GENERAL OPERATING REQUIREMENTS

§ 74.431 Permissible service.

(a) Remote pickup broadcast mobile stations may, consistent with other provisions of this subpart, be used for the transmission of broadcast program material from the scene of events which occur outside a studio and for the transmission of cues and orders and other related communications which are necessary to accomplish the broadcast. The program material transmitted by the remote pickup broadcast mobile station shall be intended for simultaneous or delayed broadcast by a station licensed to the licensee of the associated broadcasting station or stations. The program material may also be transmitted to any other broadcasting stations in the area, for simultaneous or delayed broadcast, but only if it is being transmitted simultaneously to, and for use by, a station licensed to the licensee of the associated broadcasting station or stations. Editing or rearranging the program material to suit the needs of the broadcasting station is not precluded.

(b) Consistent with other provisions of this subpart, a remote pickup broadcast mobile station may communicate with the broadcasting station or stations with which it is operating and with other remote pickup stations of its licensee. It may also relay the transmissions of other remote pickup broadcast stations of its licensee.

(c) A remote pickup broadcast mobile station may be operated in conjunction with broadcasting stations which are licensed to the licensee of the associated broadcasting station or stations but are

located in other areas, for a period of 30 days or less without prior authority of the Commission: Provided that, whenever the transmitting equipment will be out of its system's area of operation for more than 24 hours, the Engineer-in-Charge of the radio district in which the operation will occur is notified in writing in advance of such operation. In cases where the decision to continue operation for more than 24 hours is not made until the operation has begun, the advance notice requirement is waived and the written notice shall be given when such decision is made.

(d) A remote pickup broadcast base station may, consistent with other provisions of this Subpart, be used for the transmission of cues, orders, and instructions to remote pickup broadcast mobile stations in its system for the purpose of dispatching them to the scene of events to be broadcast, and directing their operation on the scene. Cueing may include brief transmissions of program material to the remote pickup broadcast mobile station, if necessary. A remote pickup broadcast base station may also be used to relay transmissions, either directly or via an automatic relay station, to and from remote pickup broadcast mobile stations in its system. Remote pickup broadcast base stations operating pursuant to § 74.432(c) (2) and (c) (5) may communicate with other remote pickup broadcast base stations.

(e) Remote pickup broadcast base and mobile stations in Alaska, Guam, Hawaii, Puerto Rico and the Virgin Islands may be used for any purpose related to the programming or technical operation of a broadcasting station, except for transmissions intended for direct reception by the general public.

(f) Remote pickup broadcast base and mobile stations may be used for operational communications: *Provided*, That such use is consistent with the priority requirements of § 74.403(b): *and provided further*, Operational communications may not be conducted on frequencies listed in § 74.402(a) (8). Operational communications shall be construed to include the transmission of alerting tones of short duration and special signals used for telemetry or control.

(g) In the event of damage or impairment of the regular communication and program circuits of a broadcasting station due to storms, floods, fires, strikes, equipment failures, or other similar causes, authorized remote pickup broadcast base and mobile stations may be used to provide such temporary circuits as may be needed to continue the broadcasting operation, pending the restoration of the regular circuits.

(h) Remote pickup broadcast base and mobile stations associated with broadcasting stations participating in the Emergency Broadcast System, or a similar emergency survival communication system, may be used: (1) To transmit, for broadcasting station use, warnings, instructions, and information relating to war, threat of war, a state of public peril or disaster, or other national, state, or local emergency constituting a threat to

the safety of life or property; (2) for coordination of effort in connection with such broadcasts; and (3) for periodic tests or drills to ascertain the reliability of the circuit. Drills should not be conducted more than once a week and should be completed as quickly as possible. Individual transmitters may be turned on for alignment, adjustment, and repair whenever necessary. The conduct of a test or drill is subject to the condition that no interference will be caused to remote pickup broadcast base or mobile stations engaged in the transmission of program material, the preparation for such transmission, or other authorized operation.

(i) A remote pickup broadcast station may operate on only one assigned frequency at any one time. A licensee may operate two or more authorized remote pickup broadcast stations simultaneously on different authorized frequencies.

(j) Remote pickup broadcast base and mobile stations operated by one licensee may communicate with remote pickup broadcast base and mobile stations operated by another licensee, either directly or via an automatic relay station:

(1) For the purpose of scheduling the use of shared remote pickup broadcast frequencies, in order to minimize potential interference;

(2) When engaged in a pooled remote pickup operation.

(k) Automatic relay stations may be used to relay any authorized transmissions of other remote pickup broadcast stations operating on authorized remote pickup broadcast frequencies, except transmissions of another automatic relay station. Normally such transmissions will originate from remote pickup broadcast stations operated by the licensee of the automatic relay station. However, transmissions of remote pickup broadcast stations operated by other licensees on a frequency occupied by an automatic relay station may be relayed for monitoring purposes to avoid interference which might be caused by actuating the automatic relay station when the frequency on which it would operate is occupied. Operation of the automatic relay station for monitoring observations shall be confined to the brief period necessary to determine whether the monitored frequency is in use.

§ 74.432 Licensing requirements and procedures.

(a) A license for a remote pickup broadcast facility will be issued only to the licensee of a standard, commercial FM, non-commercial educational FM, commercial television, or non-commercial educational television broadcasting station.

(b) A broadcasting station licensee is not limited with respect to the number of remote pickup broadcast stations or systems which may be licensed for operation in a single area.

(c) Remote pickup broadcast stations and systems will be licensed as follows:

(1) Base stations may be licensed as automatic relay stations and, as such, will be separately licensed. An automatic relay station will be licensed to operate

only on frequencies in Groups N, P and R in § 74.402(a). Each automatic relay station shall be operated in accordance with the provisions of § 74.436. A licensee may be authorized to operate more than one automatic relay station; however, no more than two frequencies will be assigned a licensee for use by such stations in any single area. Automatic relay stations operating on a frequency listed in Group N of § 74.402(a) shall operate in accordance with the priorities prescribed in § 74.403(b).

(2) Base stations may be authorized to provide one-way or two-way voice communications between the studio and transmitter of a broadcasting station, the licensee of which is also the licensee of an aural or television broadcast STL station used for program transmission between the same two points, or to provide such voice communications between the point of origin and the destination of an aural or television intercity relay system. A single station or paired stations operated for these purposes will be licensed as a system and a single license will be issued for each such system. Automatic relay stations will not be authorized for use with these systems. Operation of these systems shall be limited to the frequencies listed in frequency Groups I and J of § 74.402(a).

(3) Remote pickup broadcast mobile stations and the principal base station or base stations with which they communicate, excluding automatic relay stations, will be licensed as a system and a single license will be issued for each such system. Any of the frequencies listed in § 74.402, as available to the location, may be assigned for use by stations in these systems.

(4) In the event a broadcasting station licensee wishes to operate one or more remote pickup broadcast mobile stations only, such station or stations will be licensed as a system and a single license will be issued for each such system. Any of the frequencies listed in § 74.402, as available to the location, may be assigned for use by stations in these systems.

(5) Base stations may be authorized to provide standby program circuits from places where official broadcasts may be made during a war, threat of war, or state of public peril or disaster or other national, state, or local emergency constituting a threat to the safety of life or property; and circuits to interconnect broadcasting stations participating in the Emergency Broadcast System or a similar emergency survival communication system. Each such station will be licensed separately. An applicant may request the assignment of any of the frequencies listed in § 74.402 as available to the location for these purposes.

(6) In Alaska, Guam, Hawaii, Puerto Rico, or the Virgin Islands, base stations may be licensed to provide program circuits between the studio and transmitter or to relay programs between broadcasting stations. Except in emergencies, such uses are not permitted within the 48 contiguous United States or the District of Columbia. Each station licensed for these

purposes shall be licensed separately. Any of the frequencies listed in § 74.402 as available in the above places may be requested by an applicant. A base station operated pursuant to this paragraph may be operated unattended: Provided, such operation is conducted in accordance with the following:

(i) In the case where the station retransmits another station's signals received directly "off-the-air", the transmitter shall be equipped with automatic circuits that will cause it to cease radiating at times when no signal is being received from the station which it is relaying.

(ii) The transmitter shall be provided with adequate safeguards to prevent improper operation of the equipment.

(iii) The transmitter installation shall be adequately protected against tampering by unauthorized persons.

(iv) Whenever an unattended station is in operation, a person designated by and under control of the licensee shall be on duty at the receiving end of the circuit. The designated person need not be a licensed operator under Part 13 (Commercial Radio Operators) of the Commission's rules. The designated person on duty at the receiving end of the circuit shall observe circuit performance and initiate corrective action when required and shall maintain an operating log as prescribed in § 74.481(g).

(v) All transmitter repairs or adjustments which may affect the proper operation of a remote pickup broadcast station shall be made by or under the immediate supervision of a person holding a first or second-class commercial radiotelephone operator's license.

(d) A remote pickup broadcast system license authorizing operation of mobile stations will specify the number of such stations authorized, as follows

- 1 to 4 stations
- 5 to 9 stations
- 10 to 24 stations
- 25 to 49 stations
- 50 or more stations

Licensees shall install the minimum number of mobile stations authorized, prior to commencing operation.

(e) The Commission will assign a separate call sign for each station or system separately licensed. The licensee of a remote pickup broadcast system shall assign an individual unit designator to each station in the system.

(f) An application for a new remote pickup broadcast station or system shall specify the frequency or frequencies, desired and, for systems, shall indicate the frequencies to be used by each station. Only those frequencies necessary for satisfactory operation shall be requested.

(g) An application for a remote pickup broadcast station or system shall specify the broadcasting station or stations (where more than one broadcasting station is specified, all such broadcasting stations shall be licensed to the applicant and to the same community) with which the remote pickup broadcast facility is to be principally used and the licensed area of operation for a system which in-

cludes mobile stations shall be the area considered to be served by the associated broadcasting station or stations. Mobile stations may be operated outside the licensed area of operation pursuant to § 74.431(c). Where the applicant for remote pickup broadcast facilities is the licensee of more than one class of broadcasting station (standard, FM, TV), all licensed to the same community, designation of one or more such stations as the associated broadcasting station or stations will not preclude use of the remote pickup broadcast facilities with those broadcasting stations not included in the designation and such additional use shall be at the discretion of the licensee.

(h) Each remote pickup broadcast station operated by a licensee shall be made available for inspection upon request by any authorized representative of the Commission. In cases where a series of broadcasts are to be made from the same location, portable or mobile transmitters may be left at such location for the duration of the series of broadcasts: *Provided*, The transmitting apparatus is properly secured so that it may not be operated by unauthorized persons when unattended. Prior Commission authority shall be obtained for the installation of any transmitting antenna which requires notification to the FAA, pursuant to § 17.7 of the Commission's rules and regulations, or which will be in existence for more than 10 days.

(i) The location of each remote pickup broadcast base station will be specified in the station or system license and such stations may not be operated at any other location without prior authority of the Commission.

(j) A remote pickup broadcast station or system may be authorized solely for operational communications provided such operation is confined to the frequencies listed in § 74.402(a) (7).

(k) In case of permanent discontinuance of operation of a station or system licensed under this subpart, the licensee shall forward the station or system license to the issuing authority for cancellation.

(l) Applications for renewal of authority to operate remote pickup broadcast stations filed after (effective date of these rules) shall include information which identifies the stations to be licensed separately and those to be included in a system in accordance with procedures set forth in this section.

§ 74.433 Temporary authorizations.

(a) Special temporary authority may be granted for: operation of a remote pickup broadcast station licensed to another broadcasting station licensee; operation, as remote pickup broadcast station, of equipment licensed to another class of station; or, operation of equipment of suitable design not heretofore licensed. Such authority will normally be granted only for special operations of a temporary nature.

(b) A request for special temporary authority for the operation of a remote pickup broadcast station may be made by

informal application, which shall be filed with the Commission at least 10 days prior to the date of the proposed operation: *Provided*, That, an application filed within less than 10 days of the proposed operation may be accepted upon a satisfactory showing of the reasons for the delay in submitting the request.

(c) An informal request for special temporary authority shall be addressed to the Commission in Washington, D.C., or the Commission's Chicago Regional Office, as appropriate (see § 74.404), and shall set forth full particulars including: licensee's name, call letters of associated broadcasting station or stations, name and address of individual designated to receive return telegram, call letters of remote pickup station if assigned, type and manufacturer of equipment, power output, emission, frequency or frequencies proposed to be used, commencement and termination date and location of proposed operation, and purpose for which request is made including any particular justification. In the event that the proposed antenna installation will increase the height of any natural formation or existing man-made structure by more than 20 feet, a vertical plan sketch showing the height above ground of any existing structure, the elevation of the site above mean sea level, and the geographic coordinates of the proposed site, shall be submitted with the application.

(d) A request for special temporary authority shall specify a frequency or frequencies consistent with the provisions of § 74.402: *Provided*, That, in the case of events of wide-spread interest and importance which cannot be transmitted successfully on these frequencies, frequencies assigned to other services may be requested upon a showing that operation thereon will not cause interference to established stations: *And provided further*, In no case will operation of a remote pickup broadcast station be authorized on frequencies employed for the safety of life and property.

(e) An applicant requesting special temporary authority to operate, as a remote pickup broadcast station, equipment authorized for use by another class of station, shall, if the equipment to be used is not licensed to the applicant, submit a statement to show that temporary control of the transmissions therefrom has been secured for the duration of the special operation proposed.

(f) Special temporary authority to permit operation of remote pickup broadcast stations or systems pending Commission action on an application for regular authority will not normally be granted.

§ 74.434 Remote control operation.

(a) Remote control operation is permitted for remote pickup broadcast base stations only and such operation shall be in accordance with the following conditions:

(1) The transmitter shall be equipped with a device which will automatically prevent modulation in excess of the limits set forth in this Subpart or the control position shall be equipped with a

percentage modulation indicator or calibrated program level meter.

(2) The person at the control position designated to operate the transmitter shall have on-and-off control of the transmitter output.

(3) The transmitter shall be inaccessible to other than duly authorized persons.

§ 74.435 Special rules relating to low power broadcast auxiliary stations.

(a) Where requirements set forth in this section differ from those set forth elsewhere in this subpart, the licensing and operation of low power broadcast auxiliary stations shall conform with requirements of this section.

(b) The devices which will be licensed under this section are those which are normally intended to transmit over distances not in excess of a few hundred feet and will normally fall into two general categories: Cue and control signal transmitters and wireless microphones.

(c) A license authorizing operation of one or more low power broadcast auxiliary stations will be issued only to the licensee of a standard, commercial FM, non-commercial educational FM, commercial television, or non-commercial educational television broadcasting station and low power broadcast auxiliary stations will be licensed for use with a specific broadcasting station or combination of broadcasting stations licensed to the same licensee and to the same community. Licensing of low power broadcast auxiliary stations for use with a specific broadcasting station or combination of such stations does not preclude their use with other broadcasting stations of the same or a different licensee at any location. Such additional use is permitted without further authority of the Commission: *Provided*, However, operation of low power broadcast auxiliary stations shall, at all times, be in accordance with the requirements of paragraph (1) of this section: *And provided further*, A low power broadcast auxiliary station that is being used with a broadcasting station other than one with which it is licensed shall, in addition to meeting the requirements in paragraph (1) of this section, not cause harmful interference to another low power broadcast auxiliary station which is being used with the broadcasting station or stations with which it is licensed.

(d) The license for a low power broadcast auxiliary station authorizes the transmission of cues and orders to production personnel and participants in broadcast programs and in the preparation therefor, the transmission of program material by means of a wireless microphone worn by a performer or other participant in a program during rehearsal and during the actual broadcast, or the transmission of comments, interviews, and reports from the scene of a remote broadcast. Low power broadcast auxiliary stations operating in the 947-952 MHz band may, in addition, transmit synchronizing signals and various control signals to portable or hand-carried TV cameras which employ low power

radio signals in lieu of cable to deliver picture signals to the control point at the scene of a remote broadcast. All transmissions of low power broadcast auxiliary stations shall be intended for reception at a receiving point within the same studio, building, stadium, or similar limited indoor or outdoor area or at the location of a nearby remote pickup broadcast mobile station where they will be relayed to a broadcasting station for simultaneous or delayed broadcast.

(e) An application for new low power broadcast auxiliary stations or for a change in an existing authorization shall specify the broadcasting station or combination of such stations with which the low power broadcast auxiliary facilities are to be principally used, as set forth in paragraph (c) of this section. A single application, filed in duplicate on FCC Form 313 or FCC Form 425, as appropriate, may be used in applying for authority to operate one or more low power broadcast auxiliary units and the application shall specify the number of units to be operated and the frequency bands which will be used.

(f) Low power broadcast auxiliary stations will be authorized to operate in the frequency bands 26.10-26.48 MHz, 152.84-153.38 MHz, 161.625-161.775 MHz (except in Puerto Rico or the Virgin Islands), 450-451 MHz, 455-456 MHz and 947-952 MHz. Transmitting units may be operated on any frequency within the band of frequencies for which the station is licensed.

(g) The occupied bandwidth of a low power broadcast auxiliary station shall not be greater than that necessary for satisfactory transmission and, in any event, an emission appearing on any discrete frequency outside the authorized band shall be attenuated, at least, 46-10 log₁₀ (mean output power, in watts) decibels below the mean output power of the transmitting unit.

(h) The frequency tolerance applicable to transmitting units shall be 0.005 percent or better.

(i) Low power broadcast auxiliary stations shall be operated so that no harmful interference is caused to any other station operating in accordance with Commission rules and regulations and with the Table of Frequency Allocations in Part 2 thereof.

(j) The maximum transmitter power which will be authorized for low power broadcast auxiliary stations is 1 watt. Licensees may accept the manufacturer's power rating; however, it is the licensee's responsibility to observe specified power limits. Unusual transmitting antennas or antenna elevations shall not be used to deliberately extend the range of such stations beyond the limited areas defined in paragraph (d) of this section.

(k) If a low power broadcast auxiliary station employs amplitude modulation, the transmitting unit shall be equipped so as to automatically limit the instantaneous peak voltage of the radio frequency carrier to a value not exceeding twice the unmodulated carrier peak voltage.

(1) A low power broadcast auxiliary

station may be operated only by a person designated by and under the control of the licensee and need not be a licensed operator under Part 13 (Commercial Radio Operators) of the Commission's rules and regulations. Any adjustments or repairs that could affect the proper operation of transmitting units shall be made by or under the immediate supervision of an operator holding a valid first- or second-class radiotelephone license.

(m) Call signs will not be assigned for low power broadcast auxiliary stations. In lieu thereof, an announcement shall be made at the beginning and end of each period of operation at a single location, over the transmitting unit being operated, identifying the type of transmitting unit, its location, and the call sign of the broadcasting station with which it is being used. A period of operation may consist of a continuous transmission or intermittent transmissions pertaining to a single event.

(n) Each licensee of low power broadcast auxiliary stations shall maintain an accurate record, which may be kept at the main studio or transmitter of a broadcasting station with which the auxiliary is licensed or at the location where records for remote pickup broadcast facilities are kept, listing the current location of all such low power broadcast auxiliary stations. These records shall be retained for a period of two years.

(o) The license for one or more low power broadcast auxiliary stations shall be posted with the license for any broadcasting station with which the auxiliary is licensed.

§ 74.436 Special requirements for automatic relay stations.

An automatic relay station installation shall, in addition to the relay transmitter, include a monitor receiver, a control unit, and one or more relay receivers.

(a) Monitor receiver: A receiver tuned to the frequency assigned to the automatic relay station and connected to the transmitting antenna used by the automatic relay station shall be in operation at the automatic relay station site at all times when the relay transmitter is capable of being turned on automatically. The monitor receiver shall comply with the following requirements:

(1) The receiver shall be equipped with a "lock-out" control circuit which will prevent the relay transmitter from being turned on automatically whenever a signal other than the signal of the relay transmitter is being received.

(2) The sensitivity of the monitor receiver shall be such that a signal of 2 microvolts or more across the antenna input terminals will actuate the "lock-out" control which prevents the transmitter from being turned on automatically.

(3) The "lock-out" control shall be so designed that if the monitor receiver is inoperative the relay transmitter cannot be turned on automatically.

(b) Control unit: The control unit may be an integral part of the relay

receiver or may be a separate unit into which the output of one or more relay receivers is fed. The control unit shall meet the following requirements:

(1) The control unit shall be so designed that it will turn the relay transmitter on only upon receipt of a predetermined coded signal consisting of at least two tones which may be transmitted either simultaneously or sequentially, or a series of at least three dissimilar pulse combinations transmitted sequentially. In lieu of the coded signal, the control unit may be designed so that the transmitter will remain operative only when receiving a continuous single tone superimposed on the material being relayed.

(2) The control unit shall be capable of turning the transmitter off upon receipt of an appropriate signal. The complexity of the signal used to turn off the relay transmitter is left to the discretion of the licensee.

(3) The control unit shall also be designed so that the absence of a signal from the relay receiver either due to cessation of operation of the station being relayed or failure of the relay receiver or control unit, will automatically place the relay transmitter in an inoperative condition. A suitable time-delay factor may be incorporated to prevent actuation of the automatic cut-off due to momentary failures of the incoming signals.

(c) Relay receiver: One or more receivers tuned to frequencies used by the stations which are to be relayed by the automatic relay station, may be installed at the automatic relay station site. The receivers shall be installed so that they will turn the relay transmitter on and off only through the control unit. The choice of receivers and receiving antennas is left to the discretion of the licensee.

(d) The automatic relay station may accomplish the retransmission of the incoming signals by simple heterodyne frequency conversion or by modulating the transmitter with aural signals obtained by demodulation of the incoming signal. If the relay transmitter is to be modulated with aural signals the transmitter or the receiver or both shall be equipped with automatic controls which will prevent overmodulation of the relay transmitter.

(e) The transmitting apparatus and control equipment shall be adequately protected against tampering by unauthorized persons.

(f) An application for authority to construct an automatic relay station shall include a satisfactory showing as to the manner of compliance with the requirements of this section.

EQUIPMENT

§ 74.451 Type acceptance of equipment.

(a) Applications for new remote pickup broadcast stations or systems which are tendered after (one year following the effective date of these rules) will not

be accepted unless the equipment specified therein has been type accepted for use pursuant to provisions of this subpart.

(b) Any manufacturer of a transmitter to be used in this service may apply for type acceptance for such transmitter following the type acceptance procedure set forth in Part 2 of the Commission's rules and regulations. Attention is also directed to Part 1 of the Commission's Rules and Regulations which specifies the fees required when filing an application for type acceptance.

(c) An applicant for a remote pickup broadcast station or system may also apply for type acceptance for an individual transmitter by following the type acceptance procedure set forth in Part 2 of the Commission's Rules and Regulations. The application for type acceptance must be accompanied by the proper fees as prescribed in Part 1 of the Commission's rules and regulations. Individual transmitters which are type accepted will not normally be included on the Commission's "Radio Equipment List".

(d) All transmitters marketed after (one year following the effective date of these rules) shall be type accepted by the Federal Communications Commission for use under this subpart. (Refer to Subpart I of Part 2 of the Commission's rules and regulations.)

(e) Remote pickup broadcast station equipment authorized to be used pursuant to an application accepted for filing prior to (one year following the effective date of these rules) may continue to be used by the licensee or its successors or assignees: *Provided, however,* If operation of such equipment causes harmful interference due to its failure to comply with the technical standards set forth in this Subpart, the Commission may, at its discretion require the licensee to take such corrective action as is necessary to eliminate the interference.

(f) Each instrument of authority which permits operation of a remote pickup broadcast station or system using equipment which has not been type accepted will specify the particular transmitting equipment which the licensee is authorized to use.

§ 74.452 Equipment changes.

(a) Prior Commission approval is required for any change in the overall height of an antenna structure, except where notice to the Federal Aviation Administration is specifically not required under § 17.14(b) of the Commission's rules and regulations.

(b) The licensee of a remote pickup broadcast station may, except as set forth in paragraph (d) of this section, make any other changes in the equipment that are deemed desirable or necessary, including replacement with type accepted equipment, without prior Commission approval: *Provided,* The proposed changes will not depart from any of the terms of the station or system authorization or the Commission's technical rules governing this service: *And pro-*

vided further, That any changes made to type accepted transmitting equipment shall be in compliance with provisions of Part 2 of the Commission's rules and regulations concerning modification to type accepted equipment.

(c) Any equipment changes made pursuant to paragraph (b) of this section shall be set forth in the next application for renewal of license.

(d) Prior to (one year following the effective date of these rules), Commission approval must be obtained before replacing an authorized transmitter with a transmitter which has not been type accepted for use in the remote pickup broadcast service. Transmitters initially installed after (one year following the effective date of these rules) must be type accepted for use in this service.

TECHNICAL OPERATION AND OPERATORS

§ 74.461 Transmitter power.

(a) Transmitter power is the power at the transmitter output terminals and delivered to the antenna, antenna transmission line, or any other impedance-matched, radio frequency load. For the purpose of this subpart, the transmitter power is the carrier power.

(b) The authorized transmitter power for a remote pickup broadcast station shall be limited to that necessary for satisfactory service and, in any event, shall not be greater than 100 watts, except that a station to be operated aboard an aircraft shall be limited to a maximum authorized power of 15 watts.

(c) Each station or system license will specify the transmitter power(s) authorized for the station(s) licensed thereunder. To the extent practicable, transmitters shall be operated at or below authorized power. In any event, actual operating power shall not exceed 120 percent of authorized power.

(d) For transmitters included in the Commission's list of type accepted equipment for this service, the manufacturer's power rating may be accepted. For transmitters not on the Commission's list of type accepted equipment, the transmitter power is subject to individual determination and shall be in general agreement with values normally employed for similar equipment operated within the pertinent frequency range.

§ 74.462 Authorized bandwidth and emissions.

(a) Each authorization for a new remote pickup broadcast station or system issued pursuant to an application accepted after (one year following the effective date of these rules) shall require the use of type accepted equipment and such equipment shall be operated in accordance with emission specifications included in the type acceptance grant and as prescribed in paragraphs (b), (c) and (d) of this section.

(b) The maximum authorized bandwidth of emissions corresponding to the types of emission specified below, and the maximum authorized frequency deviation in the case of frequency or phase modulated emission, shall be as follows:

Frequencies (MHz)	Authorized bandwidth (kHz)	Maximum frequency deviation ¹ (kHz)	Type of emission ^{2,3,4}
25.87 to 26.03.....	40	10	A3, F3
26.07 to 26.47.....	20	5	A3, F3
152.87 to 153.35.....	60	10	A3, F3

¹ Applies where class F1, F2, F3, or F9 emission is used.
² Stations operating in any of the frequency bands listed above may use A3 or F3 emission depending upon the equipment employed.
³ Station operating above 450 MHz shall show a need for employing A1, A2, F1, F2, or F9 emission.
⁴ Emission designators shall be established in accordance with provisions of subpart C of part 2 of the Commission's rules and regulations. For transmitting equipment which is type accepted, emission designators will appear in the Commission's radio equipment list.

Frequencies (MHz)	Authorized bandwidth (kHz)	Maximum frequency deviation (kHz)	Type of emission
160.80 to 161.37..	60	10.0	A3, F3
161.64 to 161.76..	30	5.0	A3, F3
166.25 to 170.15..	60	10.0	A3, F3
450.01 to 450.02..	10	1.5	A1, A2, A3, F1, F2, F3, F9
450.05 to 450.06..	60	10.0	A1, A2, A3, F1, F2, F3, F9
450.08 to 450.09..	10	1.5	A1, A2, A3, F1, F2, F3, F9
455.01 to 455.02..	10	1.5	A1, A2, A3, F1, F2, F3, F9
458.05 to 458.95..	60	10.0	A1, A2, A3, F1, F2, F3, F9
458.98 to 458.99..	10	1.5	A1, A2, A3, F1, F2, F3, F9

¹ An outstanding rulemaking proceeding (Docket 19646) looks toward reducing the authorized bandwidth to 25 kHz.

(c) The mean power of emissions shall be attenuated below the mean output power of the transmitter in accordance with the following schedule:

(1) On any frequency removed from the assigned frequency by more than 50 percent up to and including 100 percent of the authorized bandwidth: At least 25 decibels;

(2) On any frequency removed from the assigned frequency by more than 100 percent up to and including 250 percent of the authorized bandwidth: At least 35 decibels;

(3) On any frequency removed from the assigned frequency by more than 250 percent of the authorized bandwidth: At least 46 plus 10 log₁₀ (mean output power, in watts) decibels.

(d) In the event a station's emissions outside its authorized channel cause harmful interference, the Commission may, at its discretion, require the licensee to take such further steps as may be necessary to eliminate the interference.

(e) The maximum authorized bandwidth for stations operating on 1606, 1622, or 1646 kHz shall be 10 kHz and operations on these frequencies shall be limited to A3 emission only.

§ 74.463 Modulation requirements.

(a) Each new remote pickup broadcast station authorized pursuant to an application accepted for filing after (one year following the effective date of these rules) and authorized to operate with a power output in excess of 3 watts shall be equipped with a device which will automatically prevent modulation in ex-

cess of the limits set forth in this subpart.

(b) If amplitude modulation is employed, modulation shall not exceed 100 percent on negative peaks.

(c) If frequency modulation is employed, emission shall conform to the requirements specified in § 74.462.

§ 74.464 Frequency tolerance.

The licensee of a remote pickup broadcast station or system shall maintain the operating frequency of each such station in accordance with the following:

Frequency range	Tolerance (percent)	
	Base station	Mobile station
1.6 to 2.0 MHz.:		
200 watts or less.....	0.01	0.02
Over 200 watts ¹005	.02
25 to 30 MHz.:		
3 watts or less.....	.002	.005
Over 3 watts.....	.002	.002
30 to 300 MHz.:		
3 watts or less.....	.0005	.005
Over 3 watts.....	.0005	.0005
300 to 500 MHz. All powers.....	.00025	.0005

¹ The listing of tolerances for power over 200 watts is in accordance with treaty values and shall not be construed as a finding that such power will be authorized.

§ 74.465 Frequency monitors and measurements.

(a) The licensee of a remote pickup broadcast station or system shall provide the necessary means to assure that all operating frequencies are maintained within the allowed tolerances. The date and time of each frequency check, the frequency as measured, a description or identification of the method employed and identification of the transmitter on which the measurement is made shall be entered in the operating log.

(b) Frequency measurements for each transmitter shall be made as often as necessary to assure proper operation. In any event, the frequency of a station authorized to operate with output power in excess of 3 watts shall be measured when the transmitter is initially installed and at intervals not exceeding 12 months.

§ 74.466 Station inspections.

The licensee of each remote pickup broadcast station or system shall make such station or system available for inspection by representatives of the Commission at any reasonable hour.

§ 74.467 Posting of licenses.

(a) The license for a remote pickup broadcast station or system and any other instrument of authorization or individual order concerning the construction of the equipment or manner of operation shall be posted with the license of any associated broadcasting station.

(b) At the operating position for each transmitter there shall be displayed an identification label, provided by the licensee, showing the call sign, frequency(s) and unit designator, if any, of the station, the name and address of the licensee, the call letters of the associated broadcasting station or stations and, if appropriate, any information or

condition set forth in the station or system license which is necessary to assure that the equipment is operated properly.

(c) If the station is authorized to operate as an automatic relay station, and is operated at an unattended site, the call sign and location of the associated broadcasting station or stations, together with the legend "Automatic Relay Station," shall be displayed at the relay transmitter site. The required display shall be affixed to the transmitter housing or antenna supporting structure so as to be visible to a person standing on the ground at the transmitter site, or if the transmitting facilities are installed on the roof of a building, the required display must be visible to a person standing on the roof. The display shall be prepared so as to withstand normal weathering for a reasonable period of time and shall be maintained in a legible condition by the licensee.

§ 74.468 Operator requirements.

(a) Except under the circumstances specified in paragraph (d) of this section, a remote pickup broadcast station may be operated by any person designated by and under control of the station licensee. That person need not be a licensed operator under Part 13 (Commercial Radio Operators) of the Commission's rules and regulations.

(b) Automatic relay stations authorized pursuant to the provisions of § 74.432 (c) (1) may be operated unattended.

(c) The provisions of this section authorizing unlicensed persons to operate remote pickup broadcast stations, or authorizing unattended operation of such stations in certain circumstances, shall not be construed to change or diminish in any respect the responsibility of a station licensee to have and to maintain control over the stations licensed to it or for the proper functioning and operation of those stations in accordance with the terms of the station or system license and pertinent Commission's rules and regulations.

(d) All transmitter repairs or adjustments which may affect the proper operation of a remote pickup broadcast station shall be made by or under the immediate supervision of a person holding a first or second-class commercial radiotelephone operator's license.

(e) In cases where a remote pickup broadcast mobile station is taken to the scene of an event to be broadcast and the operator-reporter wishes to leave the location of the transmitter in order to move about freely at the scene with a hand-carried or pack-carried transmitter in order to conduct interviews, obtain a better vantage point to view the scene or otherwise more effectively cover the event, the mobile station may be operated as a temporarily unattended automatic relay station subject to the following conditions:

(1) The output power of the hand-carried or pack-carried transmitter shall not exceed 1 watt.

(2) The unattended mobile station shall be so equipped that it will be activated by the carrier of the hand-carried or pack-carried transmitter and will transmit only when relaying the transmission of the hand-carried or pack-carried transmitter or when relaying the transmission of an associated base station operating on the same frequency as the hand-carried or pack-carried transmitter and directed to the operator-reporter at the scene of the event.

(3) Unless the operator-reporter is equipped to continuously monitor use of the frequency on which the unattended transmitter operates, while moving about at the scene of the event, he shall make an observation on the frequency before leaving the location of the mobile transmitter to ascertain whether it is in use so as to avoid interference to other users.

(f) The person operating a remote pickup broadcast station may, at the discretion of the licensee, be employed for other duties, including operation of another station or stations in accordance with the rules and regulations governing operation of such other stations: *Provided*, The additional duties shall in no way interfere with the duties connected with the operation of the remote pickup broadcast station.

§ 74.469 Painting and lighting of antenna structures.

The painting and lighting of antenna structures employed by the stations licensed under this subpart, where required, will be specified in the authorization issued by the Commission. Part 17 of the Commission's rules and regulations set forth the conditions under which painting and lighting will be required and the responsibility of the licensee with regard thereto.

§ 74.470 Additional orders.

In case the rules contained in this part do not cover all phases of operation or experimentation with respect to external effects, the Commission may make supplemental or additional orders in each case as may be deemed necessary.

OTHER OPERATING REQUIREMENTS

§ 74.481 Logs and records.

(a) The licensee of a remote pickup broadcast station or system shall, for each station or system separately licensed, maintain an operating log in which the following entries shall be made:

(1) The date and time of operation of the station or system.

(2) If the instrument of authorization requires painting and lighting of an antenna structure, entries requires by § 17.49 of the Commission's rules and regulations. Such entries shall be made whether or not the transmitter is used.

(3) An entry of frequency measurements made pursuant to § 74.465.

(4) An entry when service or maintenance is performed on any transmitter, if such service or maintenance could affect proper operation. The entry shall include a description of the work per-

formed, the date and the signature and license serial number of the operator performing the service or maintenance duties or under whose supervision such duties have been performed.

(5) An entry showing the name of the person or persons responsible for the operation of base stations each day, together with the period of their duty.

(b) In cases where a series of intermittent transmissions relate to a single event, an entry showing the time of the beginning and end of the series will suffice. Intermittent but unrelated transmissions shall be logged separately. A single time entry may be made for transmissions of less than one minute duration. The time of beginning and ending shall be logged for longer transmissions.

(c) Entries in the operating log shall be made by a person having knowledge of the facts entered. That person shall sign and date the log but the licensee shall not, thereby, be relieved of its responsibility to maintain complete and accurate logs and records.

(d) No provision of this section shall be construed as prohibiting the recording or other automatic maintenance of data required for the station or system log. However, where such automatic logging is used, the licensee shall comply with the following requirements.

(1) The licensee, when employing automatic logging must be able to accurately furnish the Commission with all information required to be logged.

(2) Each recording shall bear a statement, signed and dated by the licensee or a duly authorized agent of the licensee, attesting to the accuracy and completeness of the recorded information. Any information required to be logged which cannot be incorporated in the automatic process shall be similarly authenticated.

(3) The licensee shall extract any required information from the recording as requested by the Commission or its duly authorized representative and submit it in written log form.

(e) The licensee of a remote pickup broadcast system shall maintain a record of unit designators and the stations to which each designator has been assigned.

(f) Each licensee authorized to operate low power broadcast auxiliary stations shall maintain a record listing the current location of all such devices, pursuant to § 74.435(n).

(g) Licensees in Alaska, Guam, Hawaii, Puerto Rico, or the Virgin Islands, operating remote pickup broadcast base stations unattended pursuant to § 74.432(c)(6), shall maintain an operating log for each circuit in which such stations are operated. The operating log shall identify the station(s) being operated unattended, indicate the time and date of the beginning and end of each period of operation, identify the designated person on duty at the receiving end of the circuit and include notations, as appropriate, pertaining to operation of the station or stations included in the circuit.

(h) Remote pickup broadcast station or system logs and records may be kept at any location convenient to the

licensee: *Provided*, Such log and records shall be readily available for inspection by a duly authorized representative of the Commission upon request. Logs and records shall be retained for a period of two years.

§ 74.482 Station identification.

(a) Except for stations licensed pursuant to § 74.435, the Commission will assign a call sign for each remote pickup broadcast station or system and, for systems, the licensee shall assign a unit designator to each station in the system. The station or system call sign, and unit designator where appropriate, shall be transmitted by the station at the beginning and end of each period of operation. A period of operation may consist of a single continuous transmission or a series of intermittent transmissions pertaining to a single event.

(b) In cases where a period of operation is of more than one hour duration identification of remote pickup broadcast stations participating in the operation shall be made at approximately one-hour intervals. Identification transmissions during operation need not be made when to make such transmission would interrupt a single consecutive speech, play, religious service, symphony concert, or any type of production. In such cases, the identification transmissions shall be made at the first interruption in the program continuity and at the conclusion thereof. Hourly identification may be accomplished either by transmission of the station or system call sign and unit designator assigned to the individual station or identification of an associated broadcasting station with which the remote pickup broadcast station is being used.

(c) In cases where an automatic relay station is a part of the circuit, the call sign of the relay transmitter may be transmitted automatically by the relay transmitter or by the remote pickup broadcast base or mobile station that actuates the automatic relay station.

[FR Doc. 74-22248 Filed 9-25-74; 8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-11017; File No. 87-532]

REPORTS TO BE MADE BY CERTAIN EXCHANGE MEMBERS, BROKERS AND DEALERS

Proposal Concerning Statements Furnished to Customers of Broker-Dealers

The Securities and Exchange Commission announced today a proposal to amend paragraph (n) of Rule 17a-5 [17 CFR 240.17a-5] under the Securities Exchange Act of 1934. This amendment will modify the present requirements of paragraph (n) and will require all broker-dealers subject to paragraph (k) of Rule 17a-5 to furnish customers annually one unaudited report of financial condition and certain information concerning the firm's net capital in lieu of the quarterly reports presently required by paragraph

(n). In addition, paragraph (m) of the rule presently requires such broker-dealers to furnish an audited statement of financial condition and other pertinent data annually. Thus, under the proposed revision, customers would receive two financial reports from broker-dealers annually approximately 6 months apart, one audited and one unaudited.

As originally adopted, paragraph (n) of Rule 17a-5 required that a quarterly statement of financial condition be provided by the broker-dealer to all of its customers. The rule was subsequently amended to allow member firms to substitute the audited statement of condition filed pursuant to Rule 17a-5(m) for the regular unaudited quarterly statement (Release No. 34-9878, November 24, 1972 [37 FR 25356]. On March 23, 1973, the rule was further amended (Release No. 34-10055) [38 FR 9160] to extend the requirement for furnishing interim statements of financial condition from within 40 days after the end of the calendar or fiscal quarter to no later than the end of the next calendar or fiscal quarter.

The Commission believes that it is important that customers of broker-dealers receive the information as set forth in paragraphs (m) and (n) of the rule concerning the financial and operating condition of the broker-dealer to whom they entrust their monies and securities. The Commission also believes that because such financial information is, in many instances, mailed to customers on a quarterly basis and is mailed three months after the date of the statements, the usefulness of the quarterly financial statements sent to customers is diminished. Additionally, the Commission is of the opinion that the benefits of providing quarterly statements of financial condition to customers is significantly outweighed by the financial and administrative costs resulting from the sending of such statements.

Further, the Commission is of the view that customers of the broker-dealers will be provided with sufficient information if the broker-dealer is required to provide one unaudited report pursuant to paragraph (n) in addition to the annual audited report required pursuant to paragraph (m) of the rule. The amendment would provide that such unaudited statement will be as of a date approximately 6 months after the date of the audited statement. In proposing this amendment, the Commission believes that it will relieve broker-dealers of unduly burdensome and expensive responsibilities while still providing customers with information essential to judge whether his broker-dealer is financially sound and able to safely handle his securities transactions, monies and securities.

STATUTORY BASIS

The Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934 and, particularly, sections 15(c) (3), 17(a), and 23(a) thereof and deeming it necessary for the executions of its functions, hereby proposes to amend paragraph (n) of § 240.17a-5 of

Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 240.17a-5 Reports to be made by certain exchange members, brokers and dealers.

(n) Every member, broker or dealer who is subject to paragraphs (k), (l), and (m) of this section shall furnish customers (as defined in paragraph (o) of this section) and shall file with the Regional Office of the Commission for the region in which the member, broker or dealer has his principal place of business and with the national securities exchange and the national securities association of which he is a member (or, if he is not a member, only with the Commission) not later than 9 months from the date of the audited statements required by paragraph (m) of this section, an unaudited statement containing the information specified in paragraphs (m) (1) and (m) (2) of this section which shall be as of the date of the member's, broker's or dealer's fiscal period which ends nearest to 6 months from the date of the audited statements required to be furnished to customers pursuant to paragraph (m) of this section.

All interested persons are invited to submit their views and comments on or before November 4, 1974, to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All such communications should bear the File No. S7-532 and will be available for public inspection.

(Sections 15(c) (3), 17(a), 23(a), 48 Stat. 895, 897, 901, Sections 3, 4, 8, 49 Stat. 1377, 1379, Sections 2, 5, 52 Stat. 1075, 1076, Section 7(d), 84 Stat. 1653 (15 U.S.C. 78o(c) (3), 78q(a), 78w))

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 20, 1974.

[FR Doc.74-22395 Filed 9-25-74;8:45 am]

WATER RESOURCES COUNCIL

[18 CFR Part 701, 703, 705]

**NONDISCRIMINATION IN
FEDERALLY-ASSISTED PROGRAMS**

Proposed Rule Making

Notice is hereby given that the Water Resources Council, under the authority of 42 USC 2000d-1, and 42 USC 1962d-1, proposes to amend Chapter VI, Title 18, Code of Federal Regulations by the addition of § 701.78(a) (13), to Part 701, the replacement of present § 703.5(n) of Part 703 with a new § 703.5(n), the deletion of § 703.12, and the addition of Part 705, all as set forth below.

The purpose of the new Part 705 is to implement the provisions of Title VI of the Civil Rights Act of 1964, 42 USC 2000d-1, to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from the participation in, be de-

nied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving Federal financial assistance from the Water Resources Council.

The purpose of the addition of § 701.78(a) (13), the replacement of present § 703.5(n) with the new § 703.5(n), and the deletion of § 703.12, is to coordinate and implement other relevant rules and regulations of the Water Resources Council so as to facilitate the purposes of Part 705.

Interested persons are invited to submit written comments, suggestions or objections regarding this proposal to the Director, Water Resources Council, 2120 L Street, NW., Washington, D.C. 20037 on or before October 29, 1974.

Dated: September 18, 1974.

WARREN D. FAIRCHILD,
Director,
Water Resources Council.

Chapter VI, Title 18, Code of Federal Regulations is hereby amended as set forth below:

1. § 701.78(a) (13) is added to read as follows.

§ 701.78 Executive Director—delegation of authorities.

(a) * * *

(13) Serve as the "responsible agency official" under Part 705 of these rules and regulations.

2. In § 703.5 paragraph (n) is revised to read as follows.

§ 703.5 Contents of applications.

(n) Civil rights assurance: Provide assurance that the planning will be conducted in compliance with the provisions of Part 705 of these rules and regulations.

3. Part 705 is added to read as follows.

PART 705—NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Sec.	Purpose.
705.1	Purpose.
705.2	Definitions.
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705.4	Discrimination prohibited.
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705.7	Conduct of investigations.
705.8	Procedure for effecting compliance.
705.9	Hearings.
705.10	Decisions and notices.
705.11	Judicial review.
705.12	Effect on other regulations.

AUTHORITY: Sec. 602 of P.L. 88-352, 78 Stat. 252, (42 U.S.C. 2000 d-1), and Sec. 402 of Pub. L. 89-80, 79 Stat. 254, (42 U.S.C. 1962 d-1).

§ 705.1 Purpose.

The purpose of this subpart is to implement the provisions of Title VI of the Civil Rights Act of 1964, 78 Stat. 252 (hereafter referred to as the "Act"), to the end that no person in the United

States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving Federal financial assistance from the Water Resources Council.

§ 705.2 Definitions.

As used in this part—

(a) "Applicant" means one who submits an application, request, or plan required to be approved by the Water Resources Council, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and the term "application" means such an application, request, or plan.

(b) "Facility" includes all or any part of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

(c) "Federal financial assistance" includes:

(1) Grants and loans of Federal funds;

(2) The grant or donation of Federal property and interests in property;

(3) The detail of Federal personnel;

(4) The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and

(5) Any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(d) "Primary recipient" means any recipient that is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

(e) "Program" includes any program, project, or activity for the provision of services, financial aid, or other benefits to individuals (including education or training, health, welfare, rehabilitation, housing, or other services, whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient, and including work opportunities), or for the provision of facilities for furnishing services, financial aid or other benefits to individuals. The services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any services, financial aid, or other benefits provided with the aid of Federal financial assistance or the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements or other conditions which must be met in order to receive the Federal financial assistance, and to include any services, financial aid, or other benefits provided in or through a facility pro-

vided with the aid of Federal financial assistance or such non-Federal resources.

(f) "Recipient" may mean any State, territory, possession, the District of Columbia, or Puerto Rico, or any political subdivision thereof, or instrumentality thereof, any public or private agency, institution, or organization, or other entity, or any individual, in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assignee, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

(g) "Responsible agency official" means the Director of the Water Resources Council or his designee.

§ 705.3 Application of this part.

This part applies to any program for which Federal financial assistance is authorized under a law administered by the Water Resources Council. It applies to money paid, property transferred, or other Federal financial assistance extended under any such program after the date of this part pursuant to an application whether approved before or after such date. This part does not apply to (a) any Federal financial assistance by way of insurance or guaranty contracts, or (b) any employment practice except to the extent described in § 705.4(c).

§ 705.4 Discrimination prohibited.

(a) *General.* No person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under, any program to which this part applies.

(b) *Specific discriminatory actions prohibited.* (1) A recipient under any program to which this part applies may not directly or through contractual or other arrangements, on the grounds of race, color, or national origin—

(i) Deny a person any service, financial aid, or other benefit provided under the program;

(ii) Provide any service, financial aid, or other benefit to a person which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject a person to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;

(iv) Restrict a person in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;

(v) Treat a person differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which persons must meet in order to be provided any service, financial aid, or other benefit provided under the program; or

(vi) Deny a person an opportunity to

participate in the program through the provision of services or otherwise to afford him an opportunity to do so which is different from that afforded others under the program.

(vii) Deny a person the opportunity to participate as a member of a planning or advisory body which is an integral part of the program.

(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program, or the class of persons to whom, or the situations in which, such services, financial aid, other benefits, or facilities will be provided under any such program, or the class of persons to be afforded an opportunity to participate in any such program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin.

(3) As used in this section, the services, financial aid, or other benefits provided under a program receiving Federal financial assistance include any service, financial aid, or other benefit provided in or through a facility provided with the aid of Federal financial assistance.

(4) The enumeration of specific forms of prohibited discrimination in this paragraph does not limit the generality of the prohibition in paragraph (a) of this section.

(5) This part does not prohibit the consideration of race, color, or national origin if the purpose and effect are to remove or overcome the consequences of practices or impediments which have restricted the availability of, or participation in, the program or activity receiving Federal financial assistance, on the grounds of race, color, or national origin. When previous discriminatory practice or usage tends, on the grounds of race, color, or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this part applies, the applicant or recipient has an obligation to take reasonable action to remove or overcome the consequences of the prior discriminatory practice or usage, and to accomplish the purposes of the Act.

(c) *Employment practices.* (1) Where a primary objective of a program of Federal financial assistance to which this part applies is to provide employment, a recipient or other party subject to this part shall not, directly or through contractual or other arrangements, subject a person to discrimination on the grounds of race, color, or national origin in its employment practices under such program (including recruitment or recruitment advertising, hiring, firing, upgrading, promotion, demotion, transfer, lay-off, termination, rates of pay or other

forms of compensation or benefits, selection for training or apprenticeship, use of facilities, and treatment of employees). Such recipient shall take affirmative action to insure that applicants are employed, and employees are treated during employment, without regard to their race, color, or national origin. The requirements applicable to construction employment under any such program shall be those specified in or pursuant to Part III of Executive Order 11246 or any Executive order which supersedes it.

(2) Where a primary objective of the Federal financial assistance is not to provide employment, but discrimination on the grounds of race, color, or national origin in the employment practices of the recipient or other persons subject to the regulation tends, on the grounds of race, color, or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program to which this regulation applies, the provisions of subparagraph (1) of this paragraph shall apply to the employment practice of the recipient or other persons subject to the regulation, to the extent necessary to assure equality of opportunity to, and nondiscriminatory treatment of, beneficiaries.

(d) *Location of facilities.* A recipient may not make a selection of a site or location of a facility if the purpose of that selection, or its effect when made, is to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this rule applies, on the grounds of race, color, or national origin; or if the purpose is to, or its effect when made will, substantially impair the accomplishment of the objectives of this part.

705.5 Assurance required.

(a) *General.* Every application for Federal financial assistance to carry out a program to which this part applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this part. In the case of an application for Federal financial assistance to provide real property or structures thereon, or personal property or equipment of any kind, such assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the property is used for a purpose for which the Federal financial assistance is extended or for any other purpose involving the provisions of similar services or benefits. In all other cases, such assurance shall obligate the recipient for the period during which Federal financial assistance is extended pursuant to the application. The responsible agency official shall specify the

form of the foregoing assurances for each program, and the extent to which like assurances will be required of subgrantees, contractors, and subcontractors, transferees, successors in interest, and other participants in the program. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(b) *Planning grants to states.* Each designated state agency must submit the assurance specified in § 703.5(n) of these rules and regulations.

(c) *River basin commissions.* Each river basin commission is required to submit, along with its annual budget request, written assurance of its continuing compliance with § 705.4 of this part.

§ 705.6 Compliance information.

(a) *Cooperation and assistance.* The responsible agency official shall, to the fullest extent practicable, seek the cooperation of recipients in obtaining compliance with this part and shall provide assistance and guidance to recipients to help them comply voluntarily with this part.

(b) *Compliance reports.* Each recipient shall keep such records and submit to the responsible agency official timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the responsible agency official may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part. In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient or subcontracts with any other person or group, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part.

(c) *Access to sources of information.* Each recipient shall permit access by the responsible agency official during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities, as may be pertinent to ascertain compliance with this part. Whenever any information required of a recipient is in the exclusive possession of any other agency, institution, or person and that agency, institution, or person fails or refuses to furnish that information, the recipient shall so certify in its report and set forth the efforts which it has made to obtain the information.

(d) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this part and its applicability to the program under which the recipient receives Federal financial assistance, and make such information available to them in such manner, as the responsible agency official finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.

§ 705.7 Conduct of investigations.

(a) *Periodic compliance reviews.* The responsible agency official shall from time to time review the practices of recipients to determine whether they are complying with this part.

(b) *Complaints.* Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by this part may by himself or by a representative file with the responsible agency official a written complaint. A complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the responsible agency official.

(c) *Investigations.* The responsible agency official will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part. The investigation should include, whenever appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible non-compliance with this part occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this part.

(d) *Resolution of matters.* (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this part, the responsible agency official will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in § 705.8.

(2) If an investigation does not warrant action pursuant to subparagraph (1) of this paragraph, the responsible agency official will so inform the recipient and the complainant, if any, in writing.

(e) *Intimidatory or retaliatory acts prohibited.* No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Act or this part, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purpose of this part, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

§ 705.8 Procedure for effecting compliance.

(a) *General.* If there appears to be a failure or threatened failure to comply with this part and if the noncompliance or threatened noncompliance cannot be corrected by informal means, the responsible agency official may suspend or terminate, or refuse to grant or continue, Federal financial assistance, or use any other means authorized by law, to induce compliance with this part. Such

other means include, but are not limited to, (1) a reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking, and (2) any applicable proceeding under State or local law.

(b) *Noncompliance with assurance requirement.* If an applicant or recipient fails or refuses to furnish an assurance required under § 705.5 or fails or refuses to comply with the provisions of the assurance it has furnished, or otherwise fails or refuses to comply with any requirement imposed by or pursuant to Title VI or this part, Federal financial assistance may be suspended, terminated, or refused in accordance with the procedures of Title VI and this part. The Water Resources Council shall not be required to provide assistance in such a case during the pendency of administrative proceedings under this part, except that the Council will continue assistance during the pendency of such proceedings whenever such assistance is due and payable pursuant to a final commitment made or an application finally approved prior to the effective date of this part.

(c) *Termination of or refusal to grant or to continue Federal financial assistance.* No order suspending, terminating, or refusing to grant or continue Federal financial assistance shall become effective until—

(1) The responsible agency official has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means;

(2) There has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this part.

(3) The action has been approved by the Chairman of the Water Resources Council pursuant to § 705.10(e); and

(4) The expiration of 30 days after the responsible agency official has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for such action. Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found.

(d) *Other means authorized by law.* No action to effect compliance with Title VI of the Act by any other means authorized by law shall be taken until—

(1) The responsible agency official has determined that compliance cannot be secured by voluntary means;

(2) The recipient or other person has been notified of its failure to comply and

of the action to be taken to effect compliance; and

(3) The expiration of at least 10 days from the mailing of such notice to the recipient or other person. During this period of at least 10 days, additional efforts shall be made to persuade the recipient or other person to comply with the regulation and to take such corrective action as may be appropriate.

§ 705.9 Hearings.

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 705.8(c), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (1) fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request of the responsible agency official that the matter be scheduled for hearing or (2) advise the applicant or recipient that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this paragraph or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under section 602 of the Act and § 705.8(c) and consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall be held at the offices of the Water Resources Council in Washington, D.C., at a time fixed by the responsible agency official unless it determines that the convenience of the applicant or recipient or of the Council requires that another place be selected. Hearings shall be held before the responsible agency official or at its discretion, before a hearing examiner appointed in accordance with Section 3105 of Title 5, U.S.C., or detailed under Section 3344 of Title 5, U.S.C.

(c) *Right to counsel.* In all proceedings under this section, the applicant or recipient and the Water Resources Council shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with the Administrative Procedure Act (5 U.S.C. 554-557) and with such other regulations that may be necessary or appropriate for the conduct of hearings pursuant to this part.

(2) Technical rules of evidence do not apply to hearings conducted pursuant to this part, but rules or principles designed

to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this part with respect to two or more programs to which this part applies, or noncompliance with this part and the regulations of one or more other Federal departments or agencies issued under Title VI of the Act, the responsible agency official may, by agreement with such other departments or agencies, where applicable, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules or procedures not inconsistent with this part. Final decisions in such cases, insofar as this regulation is concerned, shall be made in accordance with § 705.10.

§ 705.10 Decisions and notices.

(a) *Procedure on decisions by hearing examiner.* If the hearing is held by a hearing examiner, the hearing examiner shall either make an initial decision, if so authorized, or certify the entire record including his recommended findings and proposed decision to the responsible agency official for a final decision, and a copy of such initial decision or certification shall be mailed to the applicant or recipient. Where the initial decision is made by the hearing examiner, the applicant or recipient may, within 30 days after the mailing of such notice of initial decision, file with the responsible agency official his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the responsible agency official may, on his own motion, within 45 days after the initial decision, serve on the applicant or recipient a notice that he will review the decision. Upon the filing of such exceptions or of notice of review, the responsible agency official shall review the initial decision and issue his own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision shall, subject to paragraph (e) constitute the final decision of the responsible agency official.

(b) *Decisions on record or review by the responsible agency official.* Whenever a record is certified to the responsible agency official for decision or it reviews the decision of a hearing examiner pursuant to paragraph (a) of this section or whenever the responsible

agency official conducts the hearing, the applicant or recipient shall be given reasonable opportunity to file with it briefs or other written statements of its contentions and a written copy of the final decision of the responsible agency official shall be sent to the applicant or recipient and to the complainant, if any.

(c) *Decisions on record where a hearing is waived.* Whenever a hearing is waived pursuant to § 705.9, a decision shall be made by the responsible agency official on the record and a written copy of such decision shall be sent to the applicant or recipient, and to the complainant, if any.

(d) *Rulings required.* Each decision of a hearing examiner or the responsible agency official shall set forth his or its ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this part with which it is found that the applicant or recipient has failed to comply.

(e) *Approval by the Chairman.* Any final decision by the responsible agency official provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this part or the Act, shall promptly be transmitted to the Chairman of the Water Resources Council, who may approve such decision, may vacate it, or remit or mitigate any sanction imposed.

(f) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this part, including provisions designed to assure that no Federal financial assistance will there-

after be extended under such programs to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this part, or to have otherwise failed to comply with this part, unless and until it corrects its noncompliance and satisfies the responsible agency official that it will fully comply with this part.

(g) *Post termination proceedings.* (1) An applicant or recipient adversely affected by an order issued under paragraph (f) shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this part and provides reasonable assurance that it will fully comply with this part.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (f) of this section may at any time request the responsible agency official to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of paragraph (g)(1) of this section. If the responsible agency official determines that those requirements have been satisfied, he shall restore such eligibility.

(3) If the responsible agency official denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes the responsible agency official to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record. The applicant or recipient will be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of paragraph (g)(1). While proceedings under this paragraph are pending, the sanctions imposed by the order issued under

paragraph (f) of this section shall remain in effect.

§ 705.11 Judicial review.

Action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act.

§ 705.12 Effect on other regulations.

(a) Nothing in this part shall be deemed to supersede any other order, regulation, or instruction which prohibits discrimination on the grounds of race, color, or national origin in any program or situation to which this part is inapplicable, or prohibit discrimination on any other ground.

(b) *Forms and instructions.* The responsible agency official shall issue and promptly make available to all interested persons forms and detailed instructions and procedures for effectuating this part as applied to programs to which this part applies and for which he is responsible.

(c) *Supervision and coordination.* The responsible agency official may from time to time assign to officials of other departments or agencies of the Government with the consent of such departments or agencies, responsibilities in connection with the effectuation of the purposes of Title VI of the Act and this part (other than responsibility for final decision as provided in § 705.10), including the achievement of effective coordination and maximum uniformity within the Water Resources Council and within the Executive Branch of the Government in the application of Title VI and this part to similar programs and in similar situations. Any action taken, determination made, or requirement imposed by an official of another department or agency acting pursuant to an assignment of responsibility under this paragraph shall have the same effect as though such action had been taken by the responsible agency official.

[FR Doc.74-22326 Filed 9-25-74;8:45 am]

notices

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

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

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

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Comptroller of the Currency's Regional Advisory Committee on Banking Policies and Practices of the Fourteenth National Bank Region will be held in Monterey, California on October 11, 1974.

The purpose of this meeting is to assist the Regional Administrator and the Comptroller of the Currency in a continuing review of bank regulations and policies. The meeting will also apprise agency officials of current conditions and problems banks are experiencing in the Region.

These meetings are concerned with the liquidity, solvency and continuity of the banking system and involve discussion of commercial and financial information obtained in confidence and required to be kept confidential.

It is hereby determined pursuant to section 10(d) of Pub. L. 92-463 that the meeting is concerned with matters listed in section 552(b) of Title 5 of the United States Code and particularly with exceptions (3), (4), and (8) thereof, and is therefore exempt from the provisions of section 19(a) (1) and (3) of the Act (Pub. L. 92-463) relating to open meetings and public participation therein.

Dated: September 13, 1974.

JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc. 74-22342 Filed 9-25-74; 8:45 am]

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

Notice of Closed Meetings

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Comptroller of the Currency's Regional Advisory Committee on Banking Policies and Practices of the Thirteenth National Bank Region will be held at 9:00 a.m. in the Sun Valley Lodge, Sun Valley, Idaho on Friday, September 27, 1974.

The purpose of this meeting is to assist the Regional Administrator and

Comptroller of the Currency in a continuing review of bank regulations and policies. The meeting will also apprise agency officials of current conditions and problems banks are experiencing in the Region.

These meetings are concerned with the liquidity, solvency and continuity of the banking system and involve discussion of commercial and financial information obtained in confidence and required to be kept confidential.

It is hereby determined pursuant to section 10(d) of Pub. L. 92-463 that the meeting is concerned with matters listed in section 552(b) of Title 5 of the United States Code and particularly with exceptions (3), (4) and (8) thereof, and is therefore exempt from the provisions of section 19(a) (1) and (3) of the Act (Pub. L. 92-463) relating to open meetings and public participation therein.

Dated: September 13, 1974.

JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc. 74-22343 Filed 9-25-74; 8:45 am]

Office of the Secretary

DEBT MANAGEMENT ADVISORY COMMITTEES

Notice of Meetings and Determination

Notice is hereby given, pursuant to section 10 of Pub. L. 92-463, that meetings will be held in Washington on October 29 and 30, 1974, of the following debt management advisory committees:

American Bankers Association, Government Borrowing Committee.

Securities Industry Association, Government Securities and Federal Agencies Committee.

The agenda for the meetings will include briefings for the advisory committees by Treasury staff on current debt management problems on October 29, separate deliberations by the two committees on October 29, and separate reports to the Secretary of the Treasury and Treasury staff on the morning of October 30.

Pursuant to the authority placed in Heads of Departments by section 10(d) of Pub. L. 92-463, and vested in me by Treasury Department Order 190, revised, I hereby determine that these meetings are concerned with information exempt from disclosure under section 552(b) (4) of Title 5 of the United States Code, and that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department requires frank and full advice from repre-

sentatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community, which committees are utilized by this Department at meetings called by representatives of this office. When so utilized they are recognized to be advisory committees under Public Law 92-463. The advice provided consists of commercial and financial information given and received in confidence in order to avoid adverse effects of premature disclosure on the financial markets and the economy. As such these debt management advisory committee activities concern matters which fall within the exemption covered by section 552(b) (4) of Title 5 of the United States Code for matters which are "trade secrets and commercial or financial information obtained from a person and privileged or confidential".

The Special Assistant to the Secretary (Debt Management) shall be responsible for maintaining records of the meetings of these committees and for providing annual reports setting forth a summary of their activities and such other matters as may be informative to the public consistent with the provisions of 5 U.S.C. 552(b) (4).

[SEAL]

JACK F. BENNETT,
Under Secretary
for Monetary Affairs.

SEPTEMBER 23, 1974.

[FR Doc. 74-22420 Filed 9-25-74; 8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

BAKERSFIELD DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Bakersfield, California, District Advisory Board will hold a business meeting on November 12, 1974, beginning at 9:00 a.m., P.D.T., in Room 224, Federal Building, 800 Truxtun Avenue, Bakersfield, California. The agenda for the meeting will include action on the 1975-76 grazing applications, transfer of grazing privileges, change in season of use, inter-agency coordination, district reorganization, status of the proposed tortoise preserve, ephemeral range classification, Interim Critical Management Program changes, review of the Jawbone Canyon Area Special Design, status of Advisory Board Charter and board reorganization, review of the Range Management Auto-

mated System, discussion of the Bramlette Allotment near Benton and the Adobe Valley Allotment, status of the wild free-roaming horses and burros, range improvement review, status of Bodie Planning Unit, FY 75 Annual Work Plan review.

This meeting will be open to the public. Interested persons will be permitted to appear before the board or file a written statement for its consideration. Those wishing to appear before the board must inform the Chairman in writing prior to the meeting. Written statements and requests to appear before the board should be submitted to the Advisory Board Chairman, c/o Louis A. Boll, District Manager, Bureau of Land Management, Federal Building, Room 311, 800 Truxtun Avenue, Bakersfield, CA 93301.

Dated: September 18, 1974.

TERRAL F. KING,
Acting Bakersfield
District Manager.

[FR Doc.74-22348 Filed 9-25-74;8:45 am]

[POWER PROJECT 2295]

ALASKA
Opening of Lands

SEPTEMBER 19, 1974.

1. In a letter issued June 13, 1966, the Federal Power Commission vacated the power withdrawal created by the filing of an application for a preliminary permit on March 31, 1961, by the Dillingham Public Utility District No. 1 for Power Project No. 2295, involving the following described lands:

Those lands in the vicinity of Dillingham, Alaska associated with the Lake Elva Hydroelectric Development, Federal Power Commission Project No. 2295, located within T. 6 S., R. 58 W., Seward Meridian.

2. There are no public lands in the township described in paragraph 1. The lands described in paragraph 1 are withdrawn subject to valid existing rights by Public Land Order 5186, dated March 15, 1972. This land order withdraws the township for classification and protection of the public interest.

3. Inquiries concerning the lands should be addressed to the Land Office Manager, Bureau of Land Management, Anchorage, Alaska 99501.

CURTIS V. McVEE,
State Director.

[FR Doc.74-22367 Filed 9-25-74;8:45 am]

[NM 22786]

NEW MEXICO
Notice of Application

SEPTEMBER 18, 1974.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½ inch natural gas pipelines right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 28 E.,
Sec. 18, SE¼NW¼.

These pipelines will convey natural gas across .128 mile of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

STELLA V. GONZALES,
Acting Chief, Branch of
Lands and Minerals Operations.

[FR Doc.74-22360 Filed 9-25-74;8:45 am]

[NM 22895]

NEW MEXICO
Notice of Application

SEPTEMBER 18, 1974.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a 4½ inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 37 E.,
Sec. 14, SE¼NW¼.

This pipeline will convey natural gas across 4.150 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

STELLA V. GONZALES,
Acting Chief, Branch of
Lands and Minerals Operations.

[FR Doc.74-22361 Filed 9-25-74;8:45 am]

[NM 22910]

NEW MEXICO
Notice of Application

SEPTEMBER 17, 1974.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a 6½ inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 21 S., R. 26 E.,
Sec. 1, Lots 4, 5, 6, 11 and 12.

T. 20 S., R. 27 E.,
Sec. 13, W½SW¼, NE¼SW¼ and N¼SE¼;

Sec. 14, S½S½;

Sec. 15, SE¼SE¼;

Sec. 34, NE¼NE¼;

Sec. 35, W½NW¼, N¼SW¼ and SE¼SW¼.

T. 20 S., R. 28 E.,

Sec. 18, Lots 2, 3 and SE¼NW¼.

This pipeline will convey natural gas across 5.150 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

STELLA V. GONZALES,
Chief, Branch of
Lands and Minerals Operations.

[FR Doc.74-22358 Filed 9-25-74;8:45 am]

[NM 22990]

NEW MEXICO
Notice of Application

SEPTEMBER 18, 1974.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a 2¾ inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 28 N., R. 11 W.,
Sec. 23, SW¼SE¼.

This pipeline will convey natural gas across .052 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

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

STELLA V. GONZALES,
Acting Chief, Branch of Lands
and Minerals Operations.

[FR Doc.74-22359 Filed 9-25-74;8:45 am]

[NM 22894]

NEW MEXICO
Notice of Application

SEPTEMBER 18, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat.

576), El Paso Natural Gas Company has applied for a 4½ inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 20 S., R. 37 E.,
Sec. 10, SE¼SE¼.

This pipeline will convey natural gas across .154 mile of national resource lands in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

STELLA V. GONZALES,
Acting Chief, Branch of
Lands and Minerals Operations.

[FR Doc. 74-22320 Filed 9-25-74; 8:45 am]

[NM 22926]

NEW MEXICO

Notice of Application

SEPTEMBER 16, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a dehydration and compressor site right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW
MEXICO

T. 26 S., R. 30 E.,
Sec. 10, NW¼NE¼.

This dehydration and compressor site contains .918 acres of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

STELLA V. GONZALES,
Acting Chief,
Lands Section.

[FR Doc. 74-22321 Filed 9-25-74; 8:45 am]

[NM 22924]

NEW MEXICO

Notice of Application

SEPTEMBER 18, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a dehydration and compressor site right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW
MEXICO

T. 22 S., R. 30 E.,
Sec. 24, SW¼NE¼ and NW¼SE¼.

This dehydration and compressor site contains 5 acres of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

STELLA V. GONZALES,
Acting Chief, Branch of
Lands and Minerals Operations.

[FR Doc. 74-22322 Filed 9-25-74; 8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

BADLANDS PLANNING UNIT MULTIPLE USE PLAN

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 Badlands Planning Unit, Forest Service Report Number USDA-FS-FES (Adm) R1-74-12.

The environmental statement concerns a proposed action for implementation of a Management Prescription for the Badlands Planning Unit, Little Missouri National Grasslands, Custer National Forest. The Planning Unit is located in McKenzie, Golden Valley, Billings, and Slope Counties of North Dakota and contains 1,232,831 acres of which 636,379 acres are administered by the U.S. Forest Service. Most of the other acreage is owned privately or by the State. In addition, this action recommends four specific petroleum projects. Two of these are oil pipelines; the other two are seismic activity and leasing.

This final environmental statement was filed with CEQ on September 19, 1974.

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

USDA Forest Service,
South Agriculture Bldg., Room 3231,
12th St. & Independence Ave. SW.,
Washington, DC 20250

USDA Forest Service,
Northern Region,
Federal Building,
Missoula, MT 59801

USDA Forest Service,
Custer National Forest,
2602 1st Avenue North,
Billings, MT 59103

USDA Forest Service,
Medora Ranger District,
1409 West Villard,
Dickinson, ND 58601

USDA Forest Service,
McKenzie Ranger District,

Highway 85 South,
Watford City, ND 58854

A limited number of single copies are available upon request to Forest Supervisor D. C. MacIntyre, Custer National Forest, P.O. Box 2556, Billings, MT 59103.

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

KEITH M. THOMPSON,
Acting Regional Forester, North-
ern Region, Forest Service.

SEPTEMBER 19, 1974.

[FR Doc. 74-22362 Filed 9-25-74; 8:45 am]

EAST FORK YAAK PLANNING UNIT MULTIPLE USE PLAN

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 East Fork Yaak Planning Unit, Forest Service Report Number USDA-FS-FES (Adm) R1-73-54.

The environmental statement concerns a proposed implementation of a revised multiple use plan for the East Fork Yaak Planning Unit, Yaak Ranger District, Kootenai National Forest, and located in Lincoln County, Montana. The proposal affects approximately 74,000 acres of National Forest lands which have been stratified into eight management situations or units with similar resource implications.

This final environmental statement was filed with CEQ on September 19, 1974.

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

USDA, Forest Service,
South Agriculture Bldg., Room 3231,
12th St. and Independence Ave. SW.,
Washington, D.C. 20250

USDA, Forest Service,
Northern Region,
Federal Building,
Missoula, MT 59801

Supervisor's Office,
Kootenai National Forest,
418 Mineral Avenue,
Libby, MT 59923

USDA, Forest Service,
Yaak Ranger District,
Sylvanite Ranger Station,
Troy, MT 59935

A limited number of single copies are available upon request to Forest Supervisor Floyd J. Marita, Kootenai National Forest, Box AS, Libby, MT 59923.

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

KEITH M. THOMPSON,
Acting Regional Forester,
Northern Region, Forest Service.

SEPTEMBER 19, 1974.

[FR Doc. 74-22363 Filed 9-25-74; 8:45 am]

ROCK CREEK ADVISORY COMMITTEE Meeting

The Rock Creek Advisory Committee will meet at 7 p.m. on October 15, 1974. Meeting place will be in Drummond, Montana, in the Catholic Church basement.

The purpose of this meeting is to discuss and receive Committee response and critique to Forest Service work in developing planning options for a land use plan for the East Fork-Skalkaho planning unit. Discussions with the Committee will also include existing timber sales, proposed tentative transmission corridors, inventoried roadless areas, transportation planning for the Upper Rock Creek area, various resource inventory data and comments from the public concerning various uses of the area involved.

The meeting will be open to the public. Any member of the public who wishes to do so shall be permitted to file a written statement with the Committee before or after the meeting. To the extent that time permits, the Committee Chairman may permit interested persons to present oral statements at the meeting.

General participation by members of the public, or questioning of Committee members or other participants shall not be permitted unless approved by the majority of Committee members.

Dated: September 18, 1974.

GEORGE M. SMITH,
Forest Supervisor,
Deerlodge National Forest.

[FR Doc.74-22353 Filed 9-25-74;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric
Administration

[Docket No. Sub-B-62]

MCCORMACK TRAWLING CORP.

Notice of Hearing

SEPTEMBER 20, 1974.

McCormack Trawling Corporation has applied for permission to transfer the operations of the 117.4' registered length fishing vessel TREMONT, constructed with the aid of a fishing vessel construction-differential subsidy, from the fishery for groundfish (cod, cusk, haddock, hake, ocean perch, and pollock), flounder, herring, mackerel, and whiting, to the fishery for groundfish (cod, cusk, haddock, hake, ocean perch, and pollock), flounder, herring, mackerel, whiting, and the fishery in the North Pacific Ocean, Bering Sea, and Gulf of Alaska for sablefish, Pacific ocean perch, Pacific hake, pollock, Pacific Coast flounders (arrowtooth halibut, California halibut, Dover, English, petrale, rex, sand), cod, rockfishes, herring, capelin, anchovies, Pacific mackerel, tuna (albacore, skipjack, bluefin, little, black), shrimp, excluding the Kodiak area as such will be defined by the Administrative Law Judge, crab (king, snow, Dungeness), excluding the Kodiak area as such will be defined

by the Administrative Law Judge, and krill.

Notice is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act, as amended (46 U.S.C. 1401-1413) and Notice and Hearing on Subsidies (50 CFR Part 257) and Reorganization Plan No. 4 of 1970, that a hearing in the above-entitled proceedings will be held on November 4, 1974, at 10 a.m., d.s.t., in the Penthouse of Page Building No. 1, 2001 Wisconsin Avenue NW., Washington, D.C. This hearing will be consolidated with the hearing of a similar application from Old Colony Trawling Corporation since the same fishery is involved. Any person desiring to intervene must file a petition of intervention with the Director, National Marine Fisheries Service, as prescribed in 50 CFR Part 257, at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

JOSEPH W. SLAVIN,
Acting Director.

[FR Doc.74-22438 Filed 9-25-74;8:45 am]

[Docket No. Sub-B-49]

OLD COLONY TRAWLING CORPORATION

Notice of Hearing

SEPTEMBER 20, 1974.

Old Colony Trawling Corporation has applied for permission to transfer the operations of the 117.4' registered length fishing vessel OLD COLONY, constructed with the aid of a fishing vessel construction-differential subsidy, from the fishery for groundfish (cod, cusk, haddock, hake, ocean perch, and pollock), flounder, herring, mackerel and whiting, to the fishery for groundfish (cod, cusk, haddock, hake, ocean perch, and pollock), flounder, herring, mackerel, whiting, and the fishery in the North Pacific Ocean, Bering Sea, and Gulf of Alaska for sablefish, Pacific ocean perch, Pacific hake, pollock, Pacific Coast flounders (arrowtooth halibut, California halibut, Dover, English, petrale, rex, sand), cod, rockfishes, herring, capelin, anchovies, Pacific mackerel, tuna (albacore, skipjack, bluefin, little, black), shrimp, excluding the Kodiak area as such will be defined by the Administrative Law Judge, crab (king, snow, Dungeness), excluding the Kodiak area as such will be defined by the Administrative Law Judge, and krill.

Notice is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act, as amended (46 U.S.C. 1401-1413) and Notice and Hearing on Subsidies (50 CFR Part 257) and Reorganization Plan No. 4 of 1970, that a hearing in the above-entitled proceedings will be held on November 4, 1974, at 10 a.m., d.s.t., in the Penthouse of Page Building No. 1, 2001 Wisconsin Avenue NW., Washington, D.C. This hearing will be consolidated with the hearing of a

similar application from McCormack Trawling Corporation since the same fishery is involved. Any person desiring to intervene must file a petition of intervention with the Director, National Marine Fisheries Service, as prescribed in 50 CFR Part 257, at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

JOSEPH W. SLAVIN,
Acting Director

[FR Doc.74-22439 Filed 9-25-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 5597; Docket No. FDC-D-563; NDA No. 8-644]

CERTAIN PREPARATIONS CONTAINING CARBAZOCHROME SALICYLATE

Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application Correction

In FR Doc. 74-17868 appearing at page 28306 in the issue for Tuesday, August 6, 1974, on page 28307, in the first column, the first line of the sixth paragraph now reading "In addition to the holder(s) of the" should be changed to read "(s) to him at the time of approval of the", and should be carried flush with the margin rather than paragraphed.

[DESI 1626; Docket No. FDC-D-678;
NDA 2-386 etc.]

INGREDIENT PREPARATIONS CONTAINING XANTHINE DERIVATIVES

Follow-Up Notice and Notice of Opportunity for Hearing

The Food and Drug Administration published a notice in the FEDERAL REGISTER of July 26, 1972 (37 FR 14895), regarding the efficacy of the following drugs:

OXTRIPHYLLINE PREPARATION

1. NDA 9-268—Cholel tablets containing oxtriphylline; Warner-Chilcott Laboratories Division, Warner Lambert Pharmaceutical Co., 210 Tabor Road, Morris Plains, NJ 07950.

DYPHYLLINE PREPARATIONS

1. NDA 7-794—Neothylline tablets containing dypiphylline; Lemmon Pharmacal Co., Cathill and Lonely Roads, Sellersville, PA 18960.

2. NDA 9-088—Neothylline Intramuscular containing dypiphylline; Lemmon Pharmacal Co.

AMINOPHYLLINE PREPARATIONS

1. NDA 2-386—Aminophylline tablets containing aminophylline; G. D. Searle, & Co., Post Office Box 5110, Chicago, IL 60680.

2. That part of NDA 4-096 pertaining to Aminophylline tablets; Cole Pharma-

cal Co., Inc., 3721 Laclede Avenue, St. Louis, MO 63108.

3. NDA 2-385—Aminophylline enteric coated tablets containing aminophylline; G. D. Searle, & Co.

THEOPHYLLINE SODIUM GLYCINATE PREPARATIONS

1. Synophylate tablets, elixir and suppositories, containing theophylline sodium glycinate; The Central Pharmacal Co., 116-128 East Third Street, Seymour, IN 47274. (NDA 6-333.)

2. Those parts of NDA 6-158 pertaining to Theoglycinate tablets and syrup containing theophylline sodium glycinate; Brayten Pharmaceutical Co., 1715 West 39th Street, Chattanooga, TN 37409.

Other drugs included in the notice of July 26, 1972 are not affected by this notice.

In addition to the holders of the new drug applications specifically named above, this notice applies to all person who manufacture or distribute a drug product, not the subject of an approved new drug application, which is identical, related, or similar to a drug product named above, as defined in 21 CFR § 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD-300), 5600 Fishers Lane, Rockville, MD 20852.

The notice stated that the rectal suppository containing theophylline sodium glycinate as the sole active ingredient was regarded as probably effective (bronchial asthma), possibly effective, and lacking substantial evidence of effectiveness for labeled indications; and that the other drugs were regarded as possibly effective with some indications lacking substantial evidence of effectiveness. The principal concern with regard to all of these products was not whether or not the xanthine derivatives were effective bronchodilators, but rather whether the dosage was such that adequate blood levels were achieved.

Based upon further review, the Director, Bureau of Drugs, concludes that these drugs are effective for the relief of acute bronchial asthma and for reversible bronchospasm associated with chronic bronchitis and emphysema, but that bioavailability data will be required for all such drug products.

The other less-than-effective indications are classified as lacking substantial evidence of effectiveness in that such evidence has not been received pursuant to the notice.

Accordingly, the previous notice is amended to read as follows, insofar as it pertains to the drugs listed above.

A. *Effectiveness classification.* The Food and Drug Administration has con-

sidered the Academy's reports as well as other available evidence and concludes that:

1. The single entity xanthine derivatives listed above are effective for the relief of acute bronchial asthma and for reversible bronchospasm associated with chronic bronchitis and emphysema.

2. The drugs lack substantial evidence of effectiveness for other labeled indications.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* Single entity xanthine derivative preparations are in tablet or liquid form suitable for oral administration, sterile aqueous solution form suitable for parenteral administration, or in suppository form or solution suitable for rectal administration, as indicated in the list of drugs above.

2. *Labeling conditions.* a. The labels bear the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drugs are labeled to comply with all requirements of the Act and regulations, and the labeling bears adequate information for safe and effective use of the drug(s). The indications ----- are as follows:

INDICATIONS

For relief of acute bronchial asthma and for reversible bronchospasm associated with chronic bronchitis and emphysema.

c. Aminophylline is presently included among the drugs listed in 21 CFR 3.515 which are exempt from the requirement for full disclosure labeling (21 CFR 1.106(b)(3)). This notice supersedes that exemption and an appropriate amendment of 21 CFR 3.515 will appear in a future issue of the FEDERAL REGISTER.

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled *Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study*, published in the FEDERAL REGISTER July 14, 1970 (35 FR 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling and an abbreviated supplement for updating information, as described in paragraphs (a)(1)(i) and (iii) of the notice of July 14, 1970. Adequate data to characterize the biologic availability of the drug in the formulation which is marketed will be required, but these requirements are waived temporarily until procedures for establishing bioequivalence are published in the FEDERAL REGISTER. The setting of such standards is awaiting resolution of methodologic and interpretive problems. Relevant bioavailability data for various formulations, dosage forms, and proposed therapeutic regimens are hereby solicited and will be

considered in the development of the standards which all such products will be required to meet.

b. For any person who does not hold an approved or effective new drug application, the submission of an abbreviated new drug application as described in paragraph (a)(3)(i) of that notice. Adequate data to assure the biologic availability of the drug in the formulation which is or is intended to be marketed will be required, but these requirements are waived temporarily until procedures for establishing bioequivalence are published in the FEDERAL REGISTER. The setting of such standards is awaiting resolution of methodologic and interpretive problems. Relevant bioavailability data for various formulations, dosage forms, and proposed therapeutic regimens are hereby solicited and will be considered in the development of the standards which all such products will be required to meet.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111 (a)(5), ----- demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A.2. of this notice.

Notice is given to the holder(s) of the new drug application(s), and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) (or, if indicated above, those parts of the application(s) providing for the drug product(s) listed above) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A.2. of this notice on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating

to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in § 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR 310.314), the applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If an applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before October 29, 1974, a written notice of appearance and request for hearing, and (2) on or before November 25, 1974, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 130.14 as published and discussed in detail in the FEDERAL REGISTER of March 13, 1974 (39 FR 9750), recodified as 21 CFR 314.200 on March 29, 1974 (39 FR 11690).

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A.2. of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk (address given below) during regular business hours, Monday through Friday.

Communications forwarded in response to this announcement should be identified with the reference number DESI 1626, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852:

Supplements (Identify with NDA number):
Office of Scientific Evaluation (HFD-100),
Bureau of Drugs.

Original abbreviated new drug applications (Identify as such): Generic Drug Staff (HFD-107), Office of Scientific Evaluation, Bureau of Drugs.

Submissions pursuant to the notice of opportunity for hearing (Identify with docket number): Hearing Clerk, Food and Drug Administration (HFC-20), Room 4-65, Parklawn Building.

Requests for the Academy's report: Drug Efficacy Information Activity (HFD-8), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Manager (HFD-101), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; (21 U.S.C. 352, 355)) and under the authority delegated to the Director, Bureau of Drugs (21 CFR 2.121).

Dated: September 19, 1974.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc. 74-22332 Filed 9-25-74; 8:45 am]

[NADA No. 36-762]

RALSTON PURINA CO.

Purina Pullet Chowder MP+; Withdrawal of Approval of New Animal Drug Application

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351 (21 U.S.C. 360b)) and under authority delegated to the Commissioner of Foods and Drugs (21 CFR 2.120), the following notice is issued:

On the grounds that the drug is no longer manufactured and marketed and at the request of Ralston Purina Co., Checkerboard Square, St. Louis, MO 63188, in accordance with § 135.28(d) (21 CFR 135.28(d)), notice is given that approval of NADA (new animal drug application) No. 36-762V for Purina Pullet Chowder MP+ containing amprolium and ethopabate is hereby withdrawn effective September 26, 1974.

Dated: September 5, 1974.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc. 74-22335 Filed 9-25-74; 8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety
Administration

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE AD HOC TASK FORCE ON ADJUDICATION

Notice of Public Meeting

On October 18-19, 1974, the National Highway Safety Advisory Committee's Ad Hoc Task Force on Adjudication will hold an open meeting at the Olympic Hotel, 416 Seneca, Seattle, Washington.

The National Highway Safety Advisory Committee is composed of 35 members appointed by the President in accordance with the Highway Safety Act of 1966 (23 U.S.C. 401 et seq.). The Committee consists of representatives of State and local governments, State legislatures, public and private interests contributing to, affected by, or concerned with highway safety, other public and private agencies, organizations, and groups demonstrating an active interest in highway safety, and research scientists and other experts in highway safety.

The Advisory Committee advises, consults with, and makes recommendations to the Secretary of Transportation on matters relating to the activities of the Department in the field of highway safety. The Committee is specifically authorized (1) to review research projects or programs, and (2) to review, prior to issuance, standards proposed to be issued by the Secretary under the national highway safety program.

The Ad Hoc Task Force on Adjudication will meet on October 18 from 1:30 p.m. to 4:30 p.m. at the Olympic Hotel in the Colonial Room with the following agenda:

Report on Status of Driver Improvement Programs

Report on Oregon Study of Driver License Suspension

On October 19 the Ad Hoc Task Force on Adjudication will meet from 9 a.m. to 12 noon at the Olympic Hotel in the Colonial Room with the following agenda:

Review of Mandatory Sanctions Report and Recommendations

Further information may be obtained from the Executive Secretariat, National

Highway Traffic Safety Administration, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590, telephone 202-426-2872.

This notice is given pursuant to section 10(a)(2) of Public Law 92-463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Issued: September 23, 1974.

WM. H. MARSH,
Executive Secretary.

[FR Doc. 74-22375 Filed 9-25-74; 8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON BEAVER VALLEY POWER STATION, UNIT 1

Notice of Meeting

SEPTEMBER 20, 1974.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Beaver Valley Power Station, Unit 1 will hold a meeting on October 16, 1974 in Courtroom No. 7, Beaver County Courthouse, Third Street, Beaver, Pennsylvania 15009. The purpose of this meeting will be to develop information for consideration by the ACRS in its review of the application of Duquesne Light Company for a license to operate this nuclear power plant. The facility is located in Shippingport Borough, Beaver County, Pennsylvania, on the south bank of the Ohio River, approximately 5 miles east-southeast of East Liverpool, Ohio.

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

WEDNESDAY, OCTOBER 16, 1974, 1:30 P.M. UNTIL THE CONCLUSION OF BUSINESS

The Subcommittee will hear presentations by representatives of the Regulatory Staff and Duquesne Light Company and will hold discussions with these groups pertinent to its review of the application of Duquesne Light Company for a permit to operate the Beaver Valley Power Station, Unit 1.

In connection with the above agenda item, the Subcommittee will hold Executive Sessions, not open to the public, at approximately 1 p.m. and at the end of the day to consider matters relating to the above application. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Subcommittee Members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Subcommittee may hold a closed session with representatives of the Regulatory Staff and Applicant for the purpose of discussing privileged information relating to plant physical security and other matters related to plant design, construction and operation, if necessary.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the above-noted Executive Sessions will

consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that a closed session may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Subcommittee operation, and to avoid public disclosure of proprietary information.

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

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incomplete open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than October 9, 1974, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon the Final Safety Analysis Report for this facility and related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 and at the Beaver Area Memorial Library, 100 College Avenue, Beaver, Pennsylvania 15009.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3:30 p.m. on October 16, 1974.

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

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to

present oral statements, and the time allotted, can be obtained by a prepaid telephone call on October 15, 1974 to the Office of the Executive Secretary of the Committee (telephone 301-973-5640) between 8:30 a.m. and 5:15 p.m., Eastern Daylight Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

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

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after October 17, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and within approximately nine days at the Beaver Area Memorial Library, 100 College Avenue, Beaver, Pennsylvania 15009. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE., Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(j) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 after January 16, 1975. Copies may be obtained upon payment of appropriate charges.

JOE B. LA GRONE,
Acting Advisory Committee
Management Officer.

[FR Doc. 74-22387 Filed 9-25-74; 8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON BEAVER VALLEY POWER STATION, UNIT 1

Notice of Meeting

SEPTEMBER 20, 1974.

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Beaver Valley Power Station, Unit 1 will hold a meeting on October 19, 1974 in Room 1046, 1717 H Street, NW., Washington, D.C. The purpose of this meeting will be to develop information for consideration by the ACRS in its review of the applica-

tion of Duquesne Light Company for a license to operate this nuclear power plant. The facility is located in Shippingport Borough, Beaver County, Pennsylvania, on the south bank of the Ohio River, approximately 5 miles east-southeast of East Liverpool, Ohio.

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

SATURDAY, OCTOBER 19, 1974—9 A.M. UNTIL THE CONCLUSION OF BUSINESS

The Subcommittee will hear presentations by representatives of the Regulatory Staff and Duquesne Light Company and will hold discussions with these groups pertinent to its review of the application of Duquesne Light Company for a license to operate the Beaver Valley Power Station, Unit 1.

In connection with the above agenda item, the Subcommittee will hold Executive Sessions, not open to the public, at 8:30 a.m. and at the end of the day to consider matters relating to the above application. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Subcommittee members and consultants and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Subcommittee may hold closed sessions with representatives of the Regulatory Staff and Applicant for the purpose of discussing privileged information concerning plant physical security and other matters related to plant design, construction and operation, if necessary.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that a closed session may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Subcommittee operation, and to avoid public disclosure of proprietary information.

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

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleting open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written

statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than October 12, 1974 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon the Final Safety Analysis Report for this facility and related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 and at Beaver Area Memorial Library, 100 College Avenue, Beaver, Pennsylvania 15009.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3:30 p.m. on October 19, 1974.

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

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on October 18, 1974, to the Office of the Executive Secretary of the Committee (telephone 301-973-5640) between 8:30 a.m. and 5:15 p.m., Eastern Daylight Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

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

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after October 21, 1974 at the Atomic Energy Commission's

Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and within approximately nine days at Beaver Area Memorial Library, 100 College Avenue, Beaver, Pennsylvania 15009. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE., Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(j) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 after January 20, 1975. Copies may be obtained upon payment of appropriate charges.

JOE B. LA GRONE,
Acting Advisory Committee
Management Officer.

[FR Doc. 74-22388 Filed 9-25-74; 8:45 am]

[AEC Docket Nos. 50-329A, 50-330A]

CONSUMERS POWER CO.

Designation of Board Chairman

In the matter of Consumers Power Company (Midland Plant, Units 1 and 2).

Hugh K. Clark, Esq., a previously designated member of the Board in this proceeding, and a member of the Atomic Safety and Licensing Board Panel qualified in the conduct of administrative proceedings, is designated as Chairman of the Board to succeed the late Jerome Garfinkel, Esq.

This action is taken on the basis of a recommendation by the Board that one of the two other members be so designated. The parties herein concur in this action.

The recommendation is within the authority of the Board, under § 2.718 of the regulations of the Commission, to take appropriate action to avoid delay, regulate the course of the hearing, and dispose of procedural requests or similar matters, and is in accordance with § 2.721 (a) and (d).

Dated at Bethesda, Maryland, this 20th day of September, 1974.

The Atomic Safety and Licensing Board Panel.

NATHANIEL H. GOODRICH,
Chairman.

[FR Doc. 74-22385 Filed 9-25-74; 8:45 am]

GENERAL ADVISORY COMMITTEE AD HOC ISOTOPES SUBCOMMITTEE

Notice of Meeting

SEPTEMBER 20, 1974.

In accordance with the purposes of Section 26 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2036), the Isotopes Subcommittee of the General Advisory Committee will hold a meeting beginning at 9 a.m. at the AEC offices at 1717 H Street, NW., in Washington, D.C. on October 14, 1974, for the purpose of

discussing the laser isotopes separation program.

The meeting will not be open to the public under the authority of section 10(d) of Pub. L. 92-463 (Federal Advisory Committee Act). I have determined that it is necessary to close the meeting to discuss certain information that is classified and falls within exemptions (1) and (3) of 5 U.S.C. 552(b); information that is commercially privileged and falls within exemption (4) of 5 U.S.C. 552(b); and to exchange opinions and formulate recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the meeting will be inextricably intertwined with exempt material, and no separation of this material is considered practical. It is essential to close the meeting to protect such classified or privileged information and to protect the free interchange of internal views and avoid undue interference with Commission and Committee operation.

JOE B. LAGRONE,
Acting Advisory Committee
Management Officer.

[FR Doc.74-22382 Filed 9-25-74;8:45 am]

HTGR FUELS REPROCESSING FACILITIES NATIONAL REACTOR TESTING STATION, IDAHO

Notice of Availability of Final Environmental Statement

Notice is hereby given that a Final Environmental Statement, "HTGR Fuels Reprocessing Facilities," National Reactor Testing Station, Idaho (WASH-1534), issued pursuant to the Atomic Energy Commission's implementation of section 102(2)(c) of the National Environmental Policy Act of 1969 is being placed in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and in the Commission's Albuquerque Operations Office, Albuquerque, New Mexico; Chicago Operations Office, 9500 South Cass Avenue, Argonne, Illinois; Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho; Oak Ridge Operations Office, Federal Building, Oak Ridge, Tennessee; Richland Operations Office, Federal Building, Richland, Washington; San Francisco Operations Office, 1333 Broadway, Oakland, California; and Savannah River Operations Office, Aiken, South Carolina.

The Statement was prepared in support of the Commission's legislative action related to the appropriation of funds for the project.

A limited number of copies are available, and copies will be furnished upon request addressed to the Office of the Assistant General Manager for Biomedical and Environmental Research and Safety Programs, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Germantown, Md., this 22nd day of August, 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-22384 Filed 9-25-74;8:45 am]

REGULATORY GUIDE

Notice of Issuance and Availability

The Atomic Energy Commission has issued a new guide in its Regulatory Guide Series. The Regulatory Guide Series has been developed to describe and to make available to the public methods acceptable to the AEC Regulatory staff for 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 information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 5.38, "Nondestructive Assay of High-Enrichment Uranium Fuel Plates by Gamma Ray Spectrometry," describes instrument features scanning methods, and error estimation procedures to determine the distribution and total uranium-235 content of fuel plates.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in any published guides are encouraged at any time. Public comments on Regulatory Guide 5.38 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 the issued guide (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 5 Regulatory Guides currently being developed include the following:

- Minimizing Nuclear Material Holdup in Dry Process Operations.
- Organization for Materials and Plant Protection.
- Management Review of Materials and Plant Protection Program and Activities.
- Standards for Physical Barrier Construction.
- Plant Security Force Duties.
- Personnel Selection and Screening.
- Perimeter Intrusion Alarms.
- Coordination of Response Plan with Law Enforcement Authority.

- Monitoring Transfers of Special Nuclear Material.
- Internal Transfers of Nuclear Material.
- Material Control in Unirradiated Scrap Recovery Facilities.
- Dynamic Inventory Techniques.
- Prior Measurement Verification.
- Resolution of Shipper-Receiver Differences.
- Measurement Control Program for Materials Accounting in Nuclear Material Processing Plants.
- Determination of Measurement Bias and Systematic Errors.
- Training and Qualifying Measurement Control Personnel.
- Methods for the Accountability of Plutonium Oxide Powder.
- Methods for the Accountability of High-Enriched UO_2 .
- Chemical, Nuclear, and Radiochemical Analysis of $UO_2(NO_3)_2$ Solutions.
- Guide for Mass and Scales Calibration.
- Guide for Mixing and Sampling Nuclear Materials.
- Preparation of $Pu(NO_3)_4$ Solution as a Working Standard.
- Preparation of $UO_2(NO_3)_2$ Solution as a Working Standard.
- Calibration and Error Estimation Methods for Nondestructive Assay.
- Nondestructive Assay of Plutonium-Bearing Fuel Rods.
- Nondestructive Assay of High-Enrichment Uranium Scrap by Active Neutron Interrogation.
- Control and Accountability of Plutonium in Waste Material.
- Radionuclide Analysis of Specially Prepared Plutonium Samples by Gamma-Ray Spectroscopy.
- Nondestructive Assay of Low Enrichment Uranium Fuel Rods.
- Protection of Nuclear Power Plants Against Industrial Sabotage.
- Verification of Prior Measurements by Nondestructive Assay.
- Radionuclide Analysis of Plutonium Process Materials by Nondestructive Gamma-Ray Spectroscopy.
- Shipping and Receiving Control of Nuclear Materials.
- Duties, Responsibilities, and Authority of Material Balance Area Custodians.
- Standard Format and Content for the Special Nuclear Material Control and Accounting Section of a License Application.
- Standard Format and Content for the Physical Protection Section of a License Application.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 18th day of September, 1974.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.74-22386 Filed 9-25-74;8:45 am]

[Docket Nos. 50-438, 50-439]

TENNESSEE VALLEY AUTHORITY

Order Relative to Health and Safety Hearing
In the matter of Tennessee Valley Authority (Bellefonte Nuclear Plant, Units 1 and 2).

Take notice, the evidentiary hearing on health and safety matters will commence at 9:30 a.m. (local time) on October 16, 1974, in the Apollo Room at the Holiday

Inn, 3810 University Drive, Huntsville, Alabama.

The public is invited to attend the hearing. Limited appearance statements will be accepted. An oral statement should be limited to five (5) minutes but written material without limitation on length may be submitted. If Daniel Payne Hale and/or Lyle A. Taylor, who petitioned to intervene but were not granted intervention, desire to make limited appearances they will be granted thirty (30) minutes each. William E. Garner, formerly an Intervenor, reserved time from his prior limited appearance, and will, therefore, be invited to complete his statement.

In response to an inquiry by letter of September 10, 1974, the Board informed the Jackson County Board of Health that it will be granted special consideration if it desires to make an oral presentation.

Issued at Bethesda, Maryland this 23rd day of September 1974.

It is so ordered.

For the Atomic Safety and Licensing Board.

ELIZABETH S. BOWERS,
Chairman.

[FR Doc.74-22383 Filed 9-25-74;8:45 am]

[Docket Nos. 50-500, 501]

TOLEDO EDISON CO. ET AL.

Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicants' Environmental Report: Time for Submission of Views on Antitrust Matters

The Toledo Edison Company, The Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company (the applicants), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, have filed an application for authorization to construct and operate two generating units utilizing two pressurized water nuclear reactors. The application was tendered on May 10, 1974. Following a preliminary review for completeness, the Environmental Report was found to be acceptable on July 19, 1974. The Preliminary Safety Analysis Report (PSAR) was rejected on June 12, 1974, because of deficiencies in the Quality Assurance Program description. The applicants submitted a revised Quality Assurance Program on July 24, 1974, and the application was docketed on August 9, 1974. Docket Nos. 50-500 and 50-501 have been assigned to the application and should be referenced in any correspondence relating to it.

The proposed nuclear facility, designated by the applicants as the Davis-Besse Nuclear Power Station, Units 2 and 3, is located on Lake Erie in Ottawa County, Ohio. Each unit is designed for initial operation at 2772 megawatts thermal, with a net electrical output of 906 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust 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 4, 1974. The request should be filed in connection with Docket Nos. 50-500-A and 50-501-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545, and at the Ida Rupp Public Library, Port Clinton, Ohio.

The Environmental Report was filed by the applicants pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51. This report, which discusses environmental considerations related to the construction and operation of the proposed facility, is being made available for public inspection at the aforementioned locations and at the Ohio State Clearinghouse, Office of the Governor, 62 East Broad Street, Columbus, Ohio 43215.

After the Environmental Report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 27th day of August 1974.

For the Atomic Energy Commission.

L. P. CROCKER,
Acting Chief, Light Water Reactors Branch 2-2, Directorate of Licensing.

[FR Doc.74-20606 Filed 9-4-74;8:45 am]

CIVIL AERONAUTICS BOARD

AEROAMERICA, INC. ET AL.

[Docket No. 26943]

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 21, 1974, at 10 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Hyman Goldberg.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before October 9, 1974, and the other parties on or before October 16, 1974. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., September 23, 1974.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.74-22414 Filed 9-25-74;8:45 am]

AMERICAN AIRLINES, INC., AND FRONTIER AIRLINES, INC.

[Docket 25397]

Route Exchange Agreement; Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on October 23, 1974, at 10 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue N.W., Washington, D.C.

Dated at Washington, D.C., September 23, 1974.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.74-22413 Filed 9-25-74;8:45 am]

[Docket No. 27010; Order 74-9-72]

DAN-AIR SERVICES LTD.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 6th day of September, 1974.

By tariff revisions¹ filed August 22, 1974 for effectiveness September 22, 1974, Dan-Air Services Limited (Dan-Air) proposes new charges for cancellation of passenger charter contracts prior to departure. The cancellation charges, proposed as fixed percentages of the total charter price, would be set at 10 percent for cancellations 90 days or more before departure; 25 percent for cancellations between 90 and 61 days before departure; and 50 percent for cancellations 60 days or less before departure.

In support of the proposed charges, Dan-Air states that they reflect its pre-estimate of the injury it would suffer in the event of a breach of contract by charterers, and reflect liquidated damage provisions already incorporated in Dan-Air's charter contracts. The carrier sub-

¹Original Page 15A, Dan-Air Services Limited Tariff C.A.B. No. 2.

mits further that, although the costs of a cancelled charter flight very enormously (depending on the date at which cancellation takes place and the expected location of the aircraft and crew), it is impossible to construct a tariff rule whereby cancellation charges would vary depending on the circumstances of each flight; that many of the factors involved in calculating actual damages are not a lawful basis for a tariff provision; that a variable formula would encourage frivolous charter agreements contrary to Board policy; and that the Board has previously permitted flat percentage provisions for cancellation charges to become effective.

Finally, Dan-Air contends that the proposed charges are just and reasonable in that they represent an accurate estimate of the average costs of cancellation, which include the administrative costs of setting up a charter; the profits lost due to cancellation; and the resulting operational costs, which vary depending on the necessity for a ferry flight to reposition the aircraft to meet its next scheduled appointment. Dan-Air alleges that, due to the advance filing requirements of the various advance booking charters, it is virtually impossible to fill the ferry flight if cancellation occurs within 60 days of departure. Dan-Air is particularly concerned with charter flights originating in the United Kingdom, where passengers generally book many months in advance and new passengers are not available to replace those which cancel.

Upon consideration of the tariff filing and all other relevant matters, the Board finds that the proposed charges may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board has also concluded to suspend the proposal pending investigation.

The Board has, as Dan-Air contends, permitted carriers to apply flat percentage charges for charter cancellations. However, we are not persuaded that the levels here proposed are just and reasonable. The generally applicable cancellation charge for North Atlantic charter operators is 10 percent which would appear sufficient to safeguard the carrier and an adequate deterrent against "frivolous" charter contracts. Dan-Air has provided no data which would indicate that the costs actually incurred in the event of cancellation by the charterer justify charges in the magnitude of 25 to 50 percent. As it points out, circumstances vary widely with each charter flight. However, each cancellation need not necessarily require the operation of ferry mileage, for example, and other possible costs may or may not be necessary. In the absence of more explicit information on the cost of cancellations to the carrier, the Board concludes that the charges here proposed represent an unwarranted penalty for the charterer.

The Board recognizes that U.K.-originating advance booking charters

(ABC's) are operated under rules different from those applicable to U.S.-originating travel group charters (TGC's) and, in fact, Dan-Air seems to be primarily concerned with the former. In these circumstances, we would not oppose imposition of cancellation charges on a directional basis to reflect the particular exigencies connected with ABC requirements. With respect to U.S.-originating charters, however, the proposed penalties for cancellation appear unjustified, and for this reason will be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 801 and 1002(j) thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the charges and provisions on Original Page 15A, Dan-Air Service Limited Tariff C.A.B. No. 2 and rules, regulations, and practices affecting such charges and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to take appropriate action to prevent the use of such charges and provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, the rates and provisions on the tariff pages specified in ordering paragraph 1 above are suspended and their use deferred to and including September 20, 1975 unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order of special permission of the Board;

3. This order shall be submitted to the President* and shall become effective September 20, 1974;

4. The investigation ordered herein be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

5. Copies of this order be served upon Dan-Air Services Limited, which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc. 74-22411 Filed 9-25-74; 8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1974

Notice of Proposed Addition

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the following Military Resale Commodities to

* This order was submitted to the President on September 9, 1974.

Procurement List 1974, November 29, 1973 (38 FR 33038).

DESCRIPTION AND ITEM NO.

Mophead, Wet, with/handle, 927.
Refill, Mophead, 935.

Comments and views regarding these proposed additions may be filed with the Committee not later than October 29, 1974. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc. 74-22376 Filed 9-25-74; 8:45 am]

PROCUREMENT LIST 1974

Notice of Proposed Addition

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the following service to Procurement List 1974, November 29, 1973 (38 FR 33038).

SERVICE

INDUSTRIAL CLASS 7699

Typewriter Platen Recovering, Washington, D.C.

Comments and views regarding this proposed addition may be filed with the Committee not later than October 29, 1974. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc. 74-22377 Filed 9-25-74; 8:45 am]

PROCUREMENT LIST 1974

Addition to Procurement List

Notice of proposed addition to Procurement List 1974, November 29, 1973 (38 FR 33038) was published in the FEDERAL REGISTER on March 11, 1974 (39 FR 9492).

Pursuant to the above notice the following service is added to Procurement List 1974.

INDUSTRIAL CLASS 7641	Price
Furniture Rehabilitation—	List of prices
Wood Items Only (RF):	available
Seattle, Washington plus	from GSA,
30 mile radius; Auburn,	FSS, Region
Washington plus 30 mile	10.
radius; Tacoma, Washington	
plus 30 mile radius	
(Including McChord Air	
Force Base and Fort	
Lewis).	

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc. 74-22378 Filed 9-25-74; 8:45 am]

PROCUREMENT LIST 1974**Notice of Proposed Addition**

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the following service to Procurement List 1974, November 29, 1973 (38 FR 33038).

SERVICE
INDUSTRIAL CLASS 0782

Grounds Maintenance, Secret Service Special Training, Building and Complex, Beltsville, Maryland.

Comments and views regarding this proposed addition may be filed with the Committee not later than October 29, 1974. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.74-22379 Filed 9-25-74; 8:45 am]

PROCUREMENT LIST 1974**Notice of Proposed Deletion**

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed deletion of the following commodities from Procurement List 1974, November 29, 1973 (38 FR 33038).

COMMODITIES
CLASS 5330

Packing, Preformed (Grommets): 5330-543-7172, 5330-543-7173, 5330-242-3676, 5330-543-7174, 5330-242-3679, 5330-543-7175, 5330-242-3675, 5330-543-7176, 5330-543-7177, 5330-543-7178, 5330-543-7179.

Comments and views regarding these proposed deletions may be filed with the Committee not later than October 29, 1974. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.74-22380 Filed 9-25-74; 8:45 am]

PROCUREMENT LIST 1974**Notice of Proposed Deletion**

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed deletion of the following commodities from Procurement List 1974, November 29, 1973 (38 FR 33038).

COMMODITIES
CLASS 6532

Cap, Operating, Surgical, Woman's Adjustable, Disposable, Green: 6532-250-5041, 6532-250-5042, 6532-122-0468.

Comments and views regarding these proposed deletions may be filed with the

Committee not later than October 29, 1974. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.74-22381 Filed 9-25-74; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 268-5]

NAVIGABLE WATERS OF THE STATE OF MARYLAND**Approval of Program for Control of Discharges of Pollutants**

Notice is given hereby that the U.S. Environmental Protection Agency has granted the State of Maryland's request for approval of its program for controlling discharges of pollutants to navigable waters in accordance with the National Pollutant Discharge Elimination System (NPDES), pursuant to section 402(b) of the Federal Water Pollution Control Act, as amended (Pub. L. 92-500, 86 Stat. 816 (33 U.S.C. 1251) the Act).

Section 402 of the Act establishes a permitting system, known as the National Pollutant Discharge Elimination System, under which the Administrator of the U.S. Environmental Protection Agency (EPA) may issue permits for the discharge of any pollutant, upon condition that the discharge meets the applicable requirements of the Act. Section 402(b) provides that any State desiring to administer its own permit program for discharges into navigable waters within its jurisdiction may submit such program to the Administrator. If the Administrator determines that the State has adequate authority to carry out the requirements of the Act, he shall approve the submitted program and suspend the issuance of permits as to those navigable waters subject to such program, except with respect to agencies and instrumentalities of the Federal Government. Guidelines specifying procedural and other elements for State NPDES programs appear at 40 CFR Part 124 (as amended by 38 FR 18000, July 5, 1973, and 38 FR 19894, July 24, 1973).

On June 6, 1974, Maryland submitted a program for carrying out the NPDES. On July 17, 1974, EPA conducted a public hearing on the proposed approval in Annapolis, Maryland. After a thorough review of the Maryland program, the accompanying legal certification, and all comments submitted by the public during and following the public hearing, the Administrator determined that the State's authority was adequate to carry out the requirements of the Act, and so informed Governor Marvin Mandel in a letter dated September 5, 1974.

As of September 5, 1974, the Maryland NPDES permit program is being administered by the Water Resources Admin-

istration of the Maryland Department of Natural Resources, Tawes State Office Building, Annapolis, Maryland 21401 (telephone (301) 267-5846). Mr. James B. Coulter is Secretary of the Department of Natural Resources and Mr. Herbert M. Sachs is Director of the Water Resources Administration. The Maryland program is being administered in accordance with Maryland statutes and regulations and a memorandum of understanding between Maryland and the EPA Region III office, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106 (telephone (215) 597-9815). All pertinent documents are available for inspection at the Maryland State agency and EPA Regional offices at the addresses given above and EPA Headquarters in Room 3201, Waterside Mall, 401 M Street SW., Washington, D.C. 20460.

ALAN G. KIRK II,
Assistant Administrator for
Enforcement and General Counsel.

[FR Doc.74-22310 Filed 9-25-74; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20099]

AMERICAN TELEPHONE AND TELEGRAPH CO., ET AL.**Memorandum Opinion and Order Regarding Restating Specific Issues**

In the matter of offer of facilities for use by other common carriers

1. By Memorandum opinion and order (hearing order) released July 5, 1974, 47 FCC 2d 660, we instituted the above-captioned investigation into all the Bell System tariffs offering facilities for use by other common carriers as well as the Bell/Western Union exchange of facilities contracts. On August 1, 1974, 19 Bell System Companies each filed a tariff to be effective August 2, 1974, setting forth the rates and regulations applicable to the furnishing of local distribution area (LDA) facilities and inter-LDA facilities within the same state. These 19 tariffs, which cover the offering of facilities to other common carriers within the 48 coterminous states, have a uniform format, include specific state-by-state rate schedules, and contain similar terms and conditions. These new facility tariffs replace Bell Operating Company Tariffs F.C.C. Nos. 1 and 2, Pacific Telephone and Telegraph Company Tariff F.C.C. No. 124, the 24 LDA tariffs which were on file with the Commission, and the supplements and cross-references associated therewith. In addition to these 19 tariffs, AT&T (Long Lines) filed, on August 1, 1974, revisions to its MTS, WATS and Private Line tariffs, to be effective on 30 days notice. The purpose of these AT&T revisions is to permit restricted connections of satellite facilities to the switched network.

2. As a result of these voluminous tariff filings, the Commission, on its own motion, will modify and clarify its July 5, 1974 Hearing Order. In addition, we will also act on The Western Union Telegraph

Company's (Western Union) "Motion in the Alternative for Enlargement or Clarification of Issues" filed July 29, 1974, and Western Union's "Motion for Extension of Time," filed August 9, 1974.

3. The August 1, 1974 tariff filings completely restructure the tariffs offering interconnection facilities to other common carriers. Nineteen Bell System Operating Companies have each filed a tariff which offers both LDA and inter-LDA facilities, where such facilities are provided between specified points within the same state and within the operating territory of the individual Bell company. Where the facilities are provided between points in different states, the offering is made, as before, by AT&T pursuant to the terms of its Tariff F.C.C. No. 266. Entrance facilities tariffs remain unchanged and continue to be provided pursuant to AT&T's Tariff F.C.C. No. 265 and Pacific Telephone and Telegraph's Tariff F.C.C. No. 123. Because of the restructuring, issues 2 and 3 of the July 5, 1974 Hearing Order relating to tariff construction will be modified as set forth below. In addition, issue 7 will be modified to refer to the August 1, 1974 tariff filings, rather than the May 3, 1974 filings.

4. In the new tariffs, there are no longer provisions providing that Bell may deny facilities upon objection "made by or on behalf of any governmental authority", or merely by reason of any indebtedness to Bell. Accordingly issues 15 and 27 of the Hearing Order which address these former restrictions, are moot and will be eliminated. All the remaining issues will be left as they are since they are equally applicable to the August 1, 1974 tariffs.

5. It has recently come to the Commission's attention that presently, certain facilities which AT&T furnishes to international record carriers (IRC's) between the IRC's' operating offices and their overseas facilities (earth stations and cable heads) and between and among their operating offices (e.g., New York and San Francisco gateways) are provided under contract rather than pursuant to tariffs. Similar facilities supplied to domestic satellite common carriers, however, are tariffed (see, e.g., AT&T Tariff F.C.C. Nos. 265 and 266, Pacific Telephone and Telegraph Co. Tariff F.C.C. No. 123). Further, interconnection facilities provided the IRC's within a single local distribution area are also subject to tariff (see Hearing Order, para. 10). In answer to a June 6, 1974 letter from the Chief, Common Carrier Bureau, AT&T declined to file tariffs covering the provision of such facilities on the grounds that (1) the Commission has never specifically required such a filing, (2) such a filing would be inconsistent with the Bell/Western Union contract ruling in the Commission's Decision in Bell System Tariff Offerings, Docket 19896, 46 F.C.C. 2d 413 (1974), and (3) the contracts have been mutually satisfactory to AT&T and each of the IRC's. It appears to us that there is no significant difference between the interconnection facilities provided to the IRC's and those

provided under tariff to the specialized common carriers including specialized satellite common carriers. Therefore, we shall include as an issue in this proceeding, whether entrance facilities (from both cable heads and earth stations) and intercity facilities furnished by Bell to the IRC's should be provided pursuant to tariffs or contracts.

6. On July 29, 1974, Western Union filed a "Motion in the Alternative for Enlargement or Clarification of Issues." Responsive pleadings were filed by Bell and the Common Carrier Bureau Trial Staff. In this motion, Western Union requests that the Commission include the following three issues in this proceeding:

(1) Whether, pursuant to section 214 of the Communications Act, the present or future public convenience or necessity would be adversely affected if the Bell-Western Union exchange or facilities contracts were to be abrogated in whole or in part by the Commission?

(2) Whether, if these contracts were to be held to constitute an unjust or unreasonable discrimination or undue preference under section 202 of the Act as compared with the Bell System's tariffs, would the public interest permit elimination of such disparity of treatment by making the contract terms available to all carriers?

(3) Whether the Bell System's local distribution tariffs should be modified to require Bell?

(a) To give reasonable notice (not less than 30 days) before substituting different facilities for the facilities provided under the tariffs;

(b) Upon reasonable request, to provide price quotations for the cost of constructing special facilities within a local distribution area; and

(c) Upon reasonable request, to terminate local distribution facilities at the terminal of other common carrier's customer?

7. Because Bell's tariffs differ from the Bell/Western Union contracts not only in the applicable rates, but also in the terms and conditions under which service is offered, Western Union requests inclusion of a Section 214 issue. Western Union's proposed Section 214 issue contemplates that if the Commission abrogates the contracts after a finding of unlawfulness, then the result may be a discontinuance of service within the meaning of Section 214. Western Union's fears of a possible discontinuance of service are premature. This proceeding is an investigation into the lawfulness of certain Bell tariffs and Bell/Western Union contracts. We intend to examine the reasonableness of the terms and conditions, as well as the rates and charges, in both the tariffs and the contracts. No action which the Commission may take herein will result in a discontinuance of any service to Western Union. Even if the Commission were to find the Bell/Western Union contracts unlawful in any respect, this would not constitute a finding that certain services received by Western Union under the contract should not continue to be provided by Bell to Western Union. On the contrary, to the extent that such contracts may be modified or abrogated by Commission action herein, we would expect Bell to provide comparable service pursuant to the terms of

tariffs filed with this Commission.¹ Thus consideration of the contract versus tariff question will in no way involve consideration of any discontinuance of service. We will therefore deny Western Union's request for a Section 214 issue.

8. Western Union states that the second issue requested is required by the holding in *FPC v. Sierra Pacific Power Co.*, 350 U.S. 348 (1956). Western Union argues that the Commission cannot abrogate the contracts solely through the exercise of its powers under Section 205, and that under *Sierra Pacific*, the Commission could abrogate the contracts only if it made the further determination that it would not be in the public interest to eliminate the alleged discrimination or preference by requiring Bell to extend to all carriers the same terms and conditions as those it has agreed upon with Western Union. As we stated in our Decision in *Bell System Tariff Offerings*, the Commission has the authority and indeed the obligation "to investigate the contractual rates and to modify or prohibit any rate which is discriminatory or otherwise unlawful under the terms of the relevant statute,"² which is section 205. *Sierra Pacific* does not require that any discrimination or preference be eliminated by making the contract terms available to all carriers. What it does require is that any rates prescribed be in the public interest and not merely in the private interests of the contracting parties. Section 205 requires that any rates prescribed be just and reasonable; and this "just and reasonable" standard includes an examination of the public interest. If it becomes necessary to prescribe any charges, classifications, regulations or practices, we will prescribe such charges, classifications, regulations or practices as will be just and reasonable within the meaning of Section 205. In any event, the prescriptive issue is sufficiently broad to include consideration of Western Union's suggested remedy or any other means which is in the public interest, of eliminating any undue discrimination or preference, which is found to exist. Since the *Sierra Pacific* standard is already included within the prescriptive issue as framed, Western Union's request for an explicit *Sierra Pacific* issue will be denied.

9. Western Union's request for inclusion of certain specific issues will also be denied. Issue 3(c) requested by Western Union is already included as issue 20 in the July 5 Hearing Order (now renumbered to issue 18). Furthermore, it appears that issues 3(a) and (b) requested by Western Union have been mooted by the August 1, 1974 tariff filings. However, we will take this opportunity to point out the language in para-

¹ We would expect tariff revisions to be filed to the extent that then effective tariffs do not cover the service provided under the contracts. Absent such voluntary tariff filings by Bell, a question would be raised, at that time, as to whether Bell's conduct might constitute a discontinuance of service within the meaning of section 214.

² 46 F.C.C. 2d 413, 435 (1974).

graph 13 of our July 5 Hearing Order which states that the "issues to be considered * * * shall include, but not be limited to" (emphasis added) the specified factual issues listed. Thus we will welcome comments on any contract or tariff provisions under investigation herein, which a party believes may be unjust or unreasonable.

10. On August 9, 1974, Western Union filed a "Motion for Extension of Time." RCA Global Communications, Inc. and MCI filed oppositions to this motion.² Western Union's motion was filed in response to a July 26, 1974 letter in which AT&T informed the Commission that the Bell System Respondents would be unable to furnish the § 61.38 data needed to support the various facilities tariffs filed on August 1, 1974, before the end of 1974. AT&T's letter went on to state that "while we are confident that a number of such studies will be completed by the end of the year, we cannot assure the Commission that all of the studies will be completed by then." On the basis of AT&T's inability to provide the § 61.38 data in a timely fashion, Western Union requests that the time to file comments herein be extended to a date no less than 60 days after the submission of complete § 61.38 data by Bell. Western Union believes that if the extension is not granted, the comments and responsive pleadings filed herein will necessarily be fragmented and this will add to the complexity of the proceeding. While we agree with Western Union that it would be best to have all the § 61.38 data filed in advance of the comment date, the public interest would be better served by moving ahead with the comments and responsive pleadings as presently scheduled rather than delaying the entire proceeding. The great majority of the specified issues concern matters which do not depend upon § 61.38 information. Our intention is to decide as many of the specified issues as possible, based on the three rounds of comments provided for, notwithstanding the absence of complete § 61.38 data. Furthermore, in adopting the shortened procedures provided for herein in place of an oral trial-type hearing, we expressed our desire to reach a determination on the issues in an expeditious manner.⁴ Two extensions of time have already been granted.⁵ Rather than delaying the proceedings further, we will deny Western Union's Motion for

Extension of Time and maintain the presently scheduled dates of October 3, 1974 for comments, November 4, 1974 for responses, and November 19, 1974 for replies. However, we wish to point out that our July 5 Hearing Order makes provision for the possibility of further proceedings. If any party believes that the absence of complete § 61.38 data or any other reason would warrant further proceedings to develop a sufficient record for the resolution of particular issues, appropriate requests for such further proceedings should be made in accordance with the procedures set out in paragraph 18 of the July 5 Order.

11. In order to make clear which issues are added, which are eliminated, and which are modified, we will restate herein the entire list of specific issues. Furthermore, we will attach a new appendix listing all the tariffs under investigation. The new list of specific issues and the new appendix will replace those in the July 5 Hearing Order.

12. Accordingly, it is ordered, That the specific issues listed in paragraph 13 of the July 5, 1974 Hearing Order are restated as follows:

TARIFF CONSTRUCTION AND APPLICATION

1. Whether there is any justification for filing two entrance facilities tariffs rather than one;
2. Whether there is any justification for filing twenty separate tariffs offering intercity and local distribution facilities (local distribution facilities are not offered by AT&T Long Lines) rather than one;
3. Whether the entrance, intercity and local distribution facilities tariffs should be combined into one tariff of general application offering communications facilities to other common carriers;
4. a. Whether Ohio Bell's Local Distribution tariff applies to the service Carpenter requests, and if not, whether Ohio Bell should be required to file revised tariffs with this Commission for the provision of such service;
- b. Whether United should be required to file tariffs with this Commission for provision of the service Carpenter requests;
5. Whether, in view of the terms of any contracts (oral or otherwise) which may be found to exist concerning the provision of entrance (from both cable heads and earth stations), intercity or local distribution facilities to the international record carriers by any Bell System Operating Company, the Commission should require that such facilities be furnished pursuant to such contracts rather than pursuant to filed tariffs;
6. Whether the tariffs and tariff revisions filed by Bell on August 1, 1974 comply with Part 61 of the Commission's Rules and with the terms and conditions of the Commission's Decisions and Orders in Bell System Tariff Offerings of Local Distribution Facilities (Docket No. 19896).⁶

RATES AND CHARGES

7. Whether there is any justification for different rate levels and pricing structures in different states;

⁶Inclusion of this issue is without prejudice to the Commission's right to reject, in whole or in part, any of the tariffs under investigation herein, prior to the issuance of the First Report and Order.

8. Whether there is any justification for any limitation of liability due to Bell's negligence;

9. Whether there is any justification for credits for interruption of service on entrance facilities being allowed only if the interruption lasts two hours or more;

10. Whether there is any justification for credits for interruption of local distribution service being allowed only if the interruption lasts at least 24 hours;

11. Whether there is any justification for placing either a dollar or percentage limit on the amount of facilities that can be cancelled in any one month;

12. Whether there is any justification for establishing a tariff rate different from that in the Western Union contracts, for like service;

13. Whether there is any justification for charging twice as much for an effective four-wire facility as for a two-wire facility;

RESTRICTIONS ON USE OF FACILITIES

14. Whether there is any justification for prohibiting the use of facilities for administrative purposes;

15. Whether there is any justification for not providing facilities into abutting and nearby exchange areas as a general proposition;

16. Whether there is any justification for requiring Bell's carrier customers to file tariff provisions setting forth Bell's minimum protective criteria;

17. Whether there is any justification for restricting to one the number of cities, or local distribution areas, which can be served by means of a single earth station;

18. Whether there is any justification for restricting the terminal locations which will be served;

19. Whether there is any justification for prohibiting the use of local distribution facilities for transiting a local distribution area;

20. Whether there is any justification for providing only voice-grade facilities;

21. Whether there is any justification for prohibiting transmission in the digital mode above 75 baud;

22. Whether there is any justification for the prohibition against using ground as a return path for a digital signal;

23. Whether there is any justification for providing intercity facilities to a domestic satellite common carrier only if that carrier maintains a "central office" in the city to be served;

24. Whether there is any justification for limiting the provision of entrance facilities to supergroup bandwidth and above; and

13. It is further ordered, That the Appendix to the July 5, 1974 Hearing Order is superseded and replaced by the Appendix to this Order.

14. It is further ordered, That Western Union's "Motion in the Alternative for Enlargement or Clarification of Issues" is granted to the extent indicated above and is denied in all other respects.

15. It is further ordered, That Western Union's "Motion for Extension of Time" is denied.

Adopted: September 17, 1974.

Released: September 19, 1974.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

²MCI's Opposition, which was opposed by Bell, proposed the use of written interrogatories in addition to the procedures already provided for. For the reasons stated below, we believe the presently established procedures will allow for development of the record herein in the most efficient and expeditious manner.

⁴Hearing Order, para. 11.

⁵Memorandum Opinion and Order, Mimeo No. 25972, released July 11, 1974. Memorandum Opinion and Order, Mimeo No. 27392, released August 15, 1974.

APPENDIX—Tariffs under investigation

Company	FCC Tariff No.	States
Entrance facilities:		
American Telephone & Telegraph Co.	265	Interstate.
Pacific Telephone & Telegraph Co., the	123	California.
Intercity and local distribution facilities:		
American Telephone & Telegraph Co.	266	Interstate.
Bell Telephone Co. of Pennsylvania, the (Diamond State Telephone Co., the)	37	Pennsylvania, Delaware.
Chesapeake & Potomac Telephone Co., the....	1	Washington, D.C., Maryland, Virginia, West Virginia.
Cincinnati Bell Inc.	33	Ohio, Kentucky.
Illinois Bell Telephone Co.	37	Illinois, Kentucky.
Indiana Bell Telephone Co., Inc.	32	Indiana.
Michigan Bell Telephone Co.	36	Michigan.
Mountain States Telephone & Telegraph Co., the (Malheur Home Telephone Co.)	58	Arizona, Colorado, Idaho, Montana, New Mexico, Texas, Utah, Wyoming, Oregon.
New England Telephone & Telegraph Co.	38	Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.
New Jersey Bell Telephone Co.	32	New Jersey.
New York Telephone Co.	38	New York, Connecticut.
Northwestern Bell Telephone Co.	44	Iowa, Minnesota, Nebraska, North Dakota, South Dakota.
Ohio Bell Telephone Co., The	36	Ohio.
Pacific Northwest Bell Telephone Co.	3	Oregon, Washington, Idaho.
Pacific Telephone & Telegraph Co., The (Bell Telephone Co. of Nevada)	125	California, Nevada.
South Central Bell Telephone Co.	2	Alabama, Kentucky, Louisiana, Mississippi, Tennessee.
Southern Bell Telephone & Telegraph Co.	54	Florida, Georgia, North Carolina, South Caro- lina.
Southern New England Telephone Co., The ..	32	Connecticut.
Southwestern Bell Telephone Co.	64	Arkansas, Illinois, Kansas, Missouri, Oklahoma, Texas.
Wisconsin Telephone Co.	34	Wisconsin.

[FR Doc.74-22250 Filed 9-25-74;8:45 am]

FEDERAL ENERGY ADMINISTRATION

ENVIRONMENTAL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Environmental Advisory Committee will meet Friday, October 18, 1974 at 9 a.m., 12th & Pennsylvania Avenue NW., Washington, D.C.

The Committee was established to provide advice and information to the Federal Energy Administration concerning environmental aspects of Federal Energy Administration policies and programs.

The agenda for the meeting is as follows:

1. Status Report on Project Independence Blueprint; Environmental Aspects of Project Independence Blueprint Options.
2. Options and Priorities for Energy Conservation.
3. Projections of Energy Demand.

The meeting is open to the public; however, space and facilities are limited.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the

Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Office (202) 961-7022 or 7023 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on September 20, 1974.

ROBERT E. MONTGOMERY, JR.,
General Counsel.

[FR Doc.74-22373 Filed 9-25-74;8:45 am]

PROJECT INDEPENDENCE ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Project Independence Advisory Committee will meet Friday, October 11, 1974, at 9:30 a.m., Room 3400, 12th & Pennsylvania Avenue NW., Washington, D.C.

The Committee was established to provide independent advice and review to the Federal Energy Administration with respect to strategies, goals, and analysis of Project Independence.

The agenda for the meeting is as follows:

9:30-10 Status of Project Independence Blueprint

10-1 Discussion Session

- Energy Policy Strategy Analysis
- Key Analyses
- *Supply
- *Conservation
- *Environment
- *Economic and Social Impacts
- *Resource Constraints
- *International
- *Research and Development

The meeting is open to the public; however, space and facilities are limited.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Office, (202) 961-7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on September 20, 1974.

ROBERT E. MONTGOMERY, JR.,
General Counsel.

[FR Doc.74-22374 Filed 9-25-74;8:45 am]

TRANS-ALASKA PIPELINE

Priorities Assistance for Construction

CROSS REFERENCE: For a document issued jointly by the General Services Administration and Federal Energy Administration, see FR Doc. 74-22477, p. — herein.

FEDERAL HOME LOAN BANK BOARD FEDERAL SAVINGS AND LOAN ADVISORY COUNCIL

Notice of Meeting

SEPTEMBER 19, 1974.

Pursuant to section 10(a) of Pub. L. 92-463, entitled the Federal Advisory

Committee Act, notice is hereby given of the meeting of the Federal Savings and Loan Advisory Council on Monday, October 21; Tuesday, October 22; and Wednesday, October 23, 1974. The meeting will commence at 9 a.m. on October 21, 22, 23, 1974 at the Madison Hotel, 15th and M Streets NW., Washington, D.C. in the Arlington Room.

MONDAY, OCTOBER 21

9-11 a.m.----- General Discussion
2:30 p.m.----- Mortgage-Backed Bonds
AMMINET
Variable Rate Mortgage
Proposal
Small Area Analysis
Independent Office Program
Neighborhood Housing
Service

TUESDAY, OCTOBER 22

Advertising of Rates on
Savings to Maturity
Tax Exemption on Savings
Documentation of Loans
to One Borrower Regu-
lations
Planning for the Impact
of Inflation on Savings
and Loan Industry (Part
3)
Mortgage-Backed Bonds
Restructuring of Reserve
Requirement
Continuation of Advisory
Council
Consideration of Savings
Rate
Exemption from State
Usury Laws for All Fed-
erally Insured Associa-
tions
Service Corporations
Hunt Commission Report

WEDNESDAY, OCTOBER 23

9-11 a.m.----- General Discussion

The meeting will be open to the public on October 21 from 9-5, on October 22 from 9-5, and on October 23 from 9-5.

THOMAS R. BOMAR,
Chairman,
Federal Home Loan Bank Board.

[FR Doc. 74-22365 Filed 9-25-74; 8:45 am]

FEDERAL MARITIME COMMISSION

AUSTRALIA/EASTERN USA SHIPPING CONFERENCE

Notice of Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, (46 U.S.C. 813a)).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126 or at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal

Maritime Commission, 1100 L Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed modification of the contract form and/or the approved contract system 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 petition, (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Stanley O. Sher, Esq.,
Billig, Sher & Jones, P.C.,
Suite 300,
1126 Seventeenth Street NW.,
Washington, D.C. 20036

Agreement No. 9450 DR-7, is an application on behalf of the member lines of the Australia/Eastern USA Shipping Conference, for permission under Section 14b to modify the approved dual rate system and form of contract of that conference by varying the presently approved terms and condition thereof in order to implement negotiated increases in rates and charges as set forth in the application.

By Order of the Federal Maritime Commission.

Dated: September 23, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 74-22416 Filed 9-25-74; 8:45 am]

[Docket No. 73-17, and 74-40]

SEA-LAND SERVICE, INC. ET AL.

Order Vacating Suspension

On September 13, 1974, this Commission issued its order of investigation and suspension instituting Docket No. 74-40—Puerto Rico Maritime Shipping Authority—Proposed ILA Rules on Containers, and consolidating that proceeding with Docket No. 73-17—Sea-Land Service, Inc. and Gulf Puerto Rico Lines, Inc.—Proposed Rules on Containers. In that Order, we suspended the subject Rules on Containers until and including January 15, 1975 and ordered that, during the period of suspension, PRMSA take no action, either directly or indirectly, to effectuate these Rules. Upon further consideration, the Commission has become convinced that suspension of these Rules would not be in the public interest and has decided to allow the subject tariff matter to become effective while conducting its investigation.

In view of this decision, the date established in that Order on which an initial

decision must be rendered to the Commission will be vacated. Instead, the presiding officer is hereby urged to expedite these proceedings within the limits of his discretion and due process.

Therefore, it is ordered, That pursuant to the discretion vested in this Commission by section 3 of the Intercoastal Shipping Act, 1933, the suspension of 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 is hereby vacated.

It is further ordered, That pursuant to the provisions of the Commission's Tariff Circular No. 3 (46 CFR 531.20(f)), PRMSA may file with the Commission the tariff matter necessary to vacate and set aside the suspension of said Rules on Containers, such tariff matter to become effective on not less than one day's notice.

It is further ordered, That the Order of Investigation and Suspension herein is hereby modified to the extent necessary to delete the requirement that an Initial Decision be rendered no later than November 15, 1974.

It is further ordered, That, except as amended by the foregoing paragraphs, the Order of Investigation and Suspension herein shall remain in effect pending the outcome of the investigation instituted thereby.

It is further ordered, That a copy of this Order shall be filed with PRMSA's tariff FMC-F No. 1, shall be served upon all parties to these proceedings and published in the FEDERAL REGISTER.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc. 74-22417 Filed 9-25-74; 8:45 am]

FEDERAL RESERVE SYSTEM

COMMONWEALTH BANCSHARES, INC.

Formation of Bank Holding Company

Commonwealth Bancshares, Inc., Dallas, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 per cent of the voting shares (less directors' qualifying shares) of Commonwealth National Bank of Dallas, Dallas, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than October 15, 1974.

Board of Governors of the Federal Reserve System, September 17, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 74-22319 Filed 9-25-74; 8:45 am]

NORTHBROOK BANCORP, INC.**Order Approving Formation of Bank Holding Company**

Northbrook Bancorp, Inc., Northbrook, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 99.2 percent of the voting shares of Northbrook Trust & Savings Bank, Northbrook, Illinois ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a recently organized corporation formed for the purpose of becoming a bank holding company through the acquisition of Bank. The purpose of the proposed transaction is to effect a transfer of ownership of Bank from an individual to a corporation owned by the same individual with no change in Bank's management or operations. Upon acquisition of Bank (\$42.67 million of deposits), Applicant would control 0.08 percent of the total commercial bank deposits in Illinois.¹ The principal shareholder of Applicant also controls Northwestco, Inc., Chicago, Illinois, a bank holding company, which owns all of the outstanding voting shares (less directors' qualifying shares) of the Northwest National Bank of Chicago, Chicago, Illinois ("Northwest Bank"). Northwest Bank holds deposits of \$272.52 million and thereby ranks as the 14th largest bank in Illinois. Although Northwest Bank and Bank are both located in the Chicago banking market,² the two are separated by approximately 16 road miles, and it appears that neither bank derives any significant business from the service area of the other. Moreover, Northwest Bank and Bank would hold aggregate deposits of less than one percent of the total deposits in the market. Accordingly, consummation of the proposal would not have an adverse effect on existing or potential competition, nor would it significantly increase the concentration of banking resources or have an adverse effect on other banks in the relevant market. Therefore, the Board concludes that the competitive considerations are consistent with approval of the application.

The financial and managerial resources of Bank are satisfactory and its future prospects appear favorable. The future prospects of Applicant are entirely dependent upon the financial re-

sources of Bank. In this regard, Applicant intends to service the \$2.6 million debt (50 percent of its investment in Bank) which it will incur as part of this proposal, over a 12 year period, with dividends from Bank varying from 14 to 32 percent of Bank's annual net income. In light of the past earnings of Bank and its anticipated growth, the projected earnings of Bank appear to provide Applicant with the necessary financial flexibility to meet its debt servicing requirements and to maintain an adequate capital position for Bank. Thus, the considerations relating to the banking factors are consistent with approval of the application.

Although consummation of the proposal would effect no immediate changes in the services offered by Bank, consummation of the proposal is expected to facilitate the introduction of additional services when needed. Thus, the considerations relating to the convenience and needs of the community to be served are consistent with approval. It is the Board's judgment that the proposed transaction is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago, pursuant to delegated authority.

By order of the Board of Governors,³ effective September 18, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 74-22351 Filed 9-25-74; 8:45 am]

PENTAGON BANKSHARES, INC.**Formation of Bank Holding Company**

Pentagon Bankshares, Minneapolis, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 87 percent of the voting shares of State Bank of St. Anthony Village, Minneapolis, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than October 15, 1974.

³ Voting for this Action: Vice Chairman Mitchell and Governors Sheehan, Holland and Wallich. Absent and not voting: Chairman Burns and Governor Bucher.

Board of Governors of the Federal Reserve System, September 17, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 74-22349 Filed 9-25-74; 8:45 am]

UNION TRUST BANCORP**Proposed Acquisition of Atlantic Management Corporation and Atlantic-Phoenix Life Insurance Company**

Union Trust Bancorp, Baltimore, Maryland, has applied, pursuant to Section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's regulation Y, for permission to acquire voting shares of (1) Atlantic Management Corporation, Silver Spring, Maryland (AMC) and (2) Atlantic-Phoenix Life Insurance Company, Phoenix, Arizona (A-P). Notices of the application to acquire AMC were published on various dates between June 16 and June 29, 1974 in newspapers circulated in the communities in which the five AMC offices are located. Such offices are operated by subsidiaries of AMC under the names of Suburban Finance Co., Inc., Landmark Finance Corporation (and variations thereof), Landmark Mortgage Corporation and Professional Adjustment; and are located in Maryland, West Virginia, Virginia, North Carolina, South Carolina, Tennessee, Georgia, Alabama and Florida. Applicant states that AMC would engage in the activities of (a) making installment loans to individuals for personal, family or household purposes; (b) purchasing sales finance contracts executed in connection with the sale of personal, family or household goods or services; (c) making second mortgage loans secured in whole or in part by mortgage or other lien on real estate; (d) acting as agent in the sale of credit life and credit accident and health insurance directly related to its extensions of credit; (e) acting as agent in the sale of insurance protecting collateral held against its extensions of credit; (f) acting as agent in the sale of single-premium payment accidental death insurance sold as a convenience to borrowers at the time credit is extended where premium income from such sales does not constitute a significant portion of the holding company system's total premium income; and (g) serving loans and other extensions of credit. Notices of the application to acquire A-P were published on June 19, 1974 and June 25, 1974 in *The Washington Post* and the *Arizona Weekly Gazette*, newspapers in Washington, D.C. and Phoenix, Arizona; respectively. Applicant states that the A-P would act as underwriter for credit life insurance and credit accident and health insurance directly related to extensions of credit by the bank holding company system. Such activities have been specified by the Board in § 225.4(a) of regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

¹ All banking data are as of December 31, 1973.

² The Chicago banking market is approximated by all of Cook and Du Page Counties and the southern portion of Lake County, Illinois.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearings should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 15, 1974.

Board of Governors of the Federal Reserve System, September 17, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 74-22318 Filed 9-25-74; 8:45 am]

WATER TOWER FINANCIAL GROUP, INC. Order Denying Formation of Bank Holding Company

Water Tower Financial Group, Inc., Chicago, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 50.625 percent or more of the voting shares of Water Tower Trust & Savings Bank, Chicago, Illinois ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a nonoperating corporation organized for the purpose of becoming a bank holding company through the acquisition of Bank, which opened for business on April 22, 1974. Bank is located in downtown Chicago in the Chicago banking market. The principals of Bank and Applicant are also associated with four other Chicago-area one-bank holding companies which control in the aggregate about \$544 million in deposits.¹ It appears that the addition of Bank to this group would not result in any significantly adverse effects on competition in the relevant area due pri-

marily to Bank's recently opened status, the presence of intervening banks, and the size of the group's holdings relative to the overall Chicago market. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The Board has indicated on previous occasions that it believes a holding company should provide a source of strength for its subsidiary banks, and that it will examine closely the condition of the Applicant in each case with this view in mind. Regarding the present proposal, the Board has concern about the financial and managerial resources of Applicant as reflected in the operation of the four other one-bank holding companies in which the principals of Applicant are involved. Management policy of these bank holding companies has been to employ acquisition debt liberally in relation to the earnings potential of their subsidiary banks. As a result, the overall condition of two of these banks has deteriorated. This consideration reflects unfavorably on the managerial resources of Applicant.

In view of the past record of performance of the principals of Applicant in managing these other one-bank holding companies, the Board is unable to conclude that it would be in the public interest to permit such individuals to form another one-bank holding company with an initial debt structure which could result in impairing the financial condition of Bank. This proposal entails a high level of acquisition debt which Applicant proposes to service over a 12 to possibly 15-year period through Bank dividends (beginning after the first four years of operation) averaging approximately 75 percent of Bank's projected net income. Bank has been in operation five months and has no proven record of earnings performance. Thus, it is by no means clear that Bank's projected earnings are reasonable or attainable and, even if realized, the projected earnings for Bank do not, in the Board's view, appear to be sufficient to amortize the acquisition debt and at the same time provide Applicant with the necessary financial flexibility to meet any unforeseen financial problems which might arise at Bank.

Furthermore, although Applicant's proposed shareholders have indicated a willingness to provide additional equity in the event the holding company debt cannot be repaid out of dividends from Bank, the Board does not regard the agreement, under the circumstances of this case, as providing adequate financial support for Bank and its operations.

The proposed formation represents merely a restructuring of the ownership of Bank with no significant changes in Bank's operations or the services offered to customers. Consequently, considerations relating to the convenience and needs of the community to be served lend no weight toward approval of the application. On the other hand, as noted above, the servicing requirements of the acquisition debt incurred by Applicant could impair Bank's ability to continue

to serve the community as a viable banking organization.

On the basis of all the circumstances concerning this application, the Board concludes that considerations relating to Applicant's management and the acquisition debt involved in this proposal present adverse circumstances bearing on the financial condition and prospects of Applicant and Bank. Such adverse factors are not outweighed by any pro-competitive effects or by benefits which would result in serving the convenience and needs of the community. Accordingly, it is the Board's judgment that approval of the application would not be in the public interest and that the application should be denied.

On the basis of the record, the application is denied for the reasons summarized above.

By order of the Board of Governors,² effective September 18, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 74-22350 Filed 9-25-74; 8:45 am]

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review 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 September 16, 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.

ATOMIC ENERGY COMMISSION

Request for clearance of a renewal without change of Form AEC-241-Report of Proposed Activities in Non-Agreement States which informs the Commission of the locations and dates of activities in order that compliance inspections may be made where deemed necessary; frequency is on occasion; potential respondents are AEC general licensees under 10 CFR 150.20; respondent burden is estimated at 15 minutes for each respondent per response.

Request for clearance of a renewal without change of Form AEC-313a—Application for Byproduct Material License—Medical (Supplement A—Human Use) which governs the licensing of byproduct material in humans; frequency

²Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Holland and Wallich. Absent and not voting: Chairman Burns and Governor Bucher.

¹All banking data are as of December 31, 1973.

is on occasion; potential respondents are applicants for specific license for human use of byproduct material (radioisotopes); respondent burden is estimated at 15 minutes for each respondent per response.

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION**

Request for clearance of a 1-year extension with no change to form EEO-1, Equal Employment Opportunity Employee Information Report; frequency is annual; potential respondents are approximately 37,000 business firms with 100 or more employees; reporting burden is estimated at 5 hours for each respondent per response.

NORMAN F. HEYL,
*Regulatory Reports
Review Officer.*

[FR Doc.74-22409 Filed 9-25-74;8:45 am]

**GENERAL SERVICES ADMINISTRATION
AND FEDERAL ENERGY
ADMINISTRATION**

TRANS-ALASKA PIPELINE

Priorities Assistance for Construction

By virtue of the authority vested in the President to provide for the national defense and national security under the Defense Production Act of 1950, as amended, and delegated pursuant to Executive Orders 10480 of August 14, 1953, as amended; 11725 of June 27, 1973; and 11790 of June 25, 1974, it is hereby ordered as follows:

1. It is necessary and appropriate to promote the national defense, and essential to the Nation's interest to achieve a measure of independence in domestic energy resource supplies, that the Trans-Alaska Pipeline be completed in an expeditious and timely manner. Therefore, it having been determined that undue delay incident to material shortages in the construction of the Pipeline System constitutes an unusual situation within the terms of Title I of the Defense Production Act, the construction program of the Alyeska Pipeline Service Company and its subcontractors and suppliers is authorized priorities and allocation support pursuant to Section 101(a) of the Act.

2. The priorities accorded and allocations made will be administered by the Department of Commerce under the existing Defense Materials System and Defense Priorities System (DMS Reg. 1 and DPS Reg. 1 as revised effective July 1, 1974) and such additional rules and criteria as may be established with the approval of the Office of Preparedness, General Services Administration. For purposes of this authorization, the sponsoring agency for the program is the Federal Energy Administration, and the claimant and defense supporting agency for the construction effort is the Department of the Interior.

3. This authorization shall apply to the procurement of those items and materials which Alyeska has shown to be necessary

and critical to the construction of the line, pump stations, and terminal. Those items which thus have been identified as of this date are as follows:

Temporary utilities.
Tanks, storage.
Silos for cement.
Electrical equipment, supports, enclosures and conduit.
Pump stations and terminal remote control valves and pipe fittings, machinery, equipment, instruments and controls.
Permanent dock facilities and barge hinges.
Buildings for pump stations and terminal.
Topping units and accessories.
Temporary housing.

4. This authorization does not include facilities used in connection with production of oil or gathering systems, nor does it include such things as urban administrative offices and similar facilities which are only indirectly involved. It does not include manpower, food or personnel supplies, transportation or other services.

5. At regular intervals in the future, items not included in section 3 above which are impeding, or threaten to impede, progress in the construction of the pipeline will be considered for continuing priorities but only when they meet essential national defense requirements within the terms of the Defense Production Act.

6. The Department of the Interior may authorize on a case-by-case basis, upon certification to the Department of Commerce, special priorities assistance for items not included in section 3 which are necessary and critical to the construction of the line, pump stations and terminal.

7. This authorization will terminate June 30, 1978, unless terminated earlier or extended.

Dated: September 23, 1974.

LESLIE W. BRAY, Jr.,
*Director, Office of Preparedness,
General Services Administration.*

JOHN C. SAWHILL,
*Administrator,
Federal Energy Administration.*

[FR Doc.74-22477 Filed 9-25-74;8:45 am]

**GENERAL SERVICES
ADMINISTRATION**

**PUBLIC ADVISORY PANEL ON ARCHITECTURAL
AND ENGINEERING SERVICES
FOR THE OFFICE OF OPERATING PROGRAMS**

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Public Advisory Panel on Architectural and Engineering Services for the Office of Operating Programs, October 11, 1974, from 10 a.m. to 12 p.m. and from 2 p.m. to 4 p.m., Suite 712, 1025 Connecticut Avenue NW., Washington, D.C. This meeting will be for the purpose of reviewing the Preliminary out-of-system design for the Social Security Expansion Program, Woodlawn, Maryland; and the

Metro West Building, Baltimore, Maryland.

Because the meeting will be concerned with evaluating and critiquing the design provided by an architect-engineer firm under contract with GSA, it has been determined that the meeting would fall within exemption (5) of 5 U.S.C. 552(b) and that it is essential to close the meeting to the public.

Dated: September 27, 1974.

LARRY F. ROUSH,
*Commissioner, Public
Buildings Service.*

[FR Doc.74-22487 Filed 9-25-74;8:45 am]

**NATIONAL FOUNDATION ON THE
ARTS AND THE HUMANITIES**

National Endowment for the Arts

MUSIC ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Composer, Librettist, Translator Panel on October 5, 1974 at 9:30 a.m. in the Shoreham Bldg., 1st floor conference room, 806 15th Street, Washington, D.C.

The purpose of this meeting is for policy discussion on the Composer/Librettist/Translator Guidelines.

The meeting will be open to the public on a space available basis. Accommodations are limited. Further information can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 382-5871.

EDWARD M. WOLFE,

*Administrative Officer, National
Endowment for the Arts,
National Foundation on the Arts
and the Humanities.*

[FR Doc.74-22347 Filed 9-25-74;8:45 am]

THEATRE ADVISORY PANEL

Notice of Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Theatre Advisory Panel to the National Endowment for the Arts will be held at 9:30 a.m. on October 12 & 13, 1974 at the New York Sheraton Hotel.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, this meeting, which involves matters exempt from the requirements of public dis-

closure under the provisions of the Freedom of Information Act (5 U.S.C. 552 (b) (4), (5)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 382-5871.

EDWARD M. WOLFE,
Administrative Officer, National
Endowment for the Arts, National
Foundation on the Arts
and the Humanities.

[FR Doc.74-22346 Filed 9-25-74;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[Docket No. SA-445]

EASTERN AIR LINES, INC.

Notice of Hearing

In the Matter of Investigation of Accident Involving Eastern Air Lines, Inc., Douglas DC-9-31 of United States Registry N8984E at Charlotte, North Carolina, September 11, 1974.

Notice is hereby given that an Accident Investigation Hearing on the above matter will be held commencing at 9:30 a.m. (local time), on November 12, 1974, in the ballroom of the Holiday Inn—Downtown, 900 North Tryon Street, Charlotte, North Carolina.

Dated this 19th day of September 1974.

[SEAL] WILLIAM R. HENDRICKS,
Acting Hearing Officer.

[FR Doc.74-22366 Filed 9-25-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 23, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF COMMERCE

National Bureau of Standards: Questionnaire for X-Ray Powder Diffraction Standard Reference Materials, Form NBS 798, Single time, Lowry (395-3772), Scientific and industrial organizations using X-ray diffraction equipment.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control:
Attitudinal and Motivational Factors Affecting Coal Miners' Utilization of Safety and Health Practices, Form CDC 0723, Single time, Ellett (395-6172), Hall (395-4697), Coal miners and wives.

Health Resources Administration:
Interview Guides for Pilot Study of the State Role in Planning, Coordinating and Financing Health Professions Education, Form HRABHRD 0827, Single time, HRD/(395-3532), Collins (395-3756), State officials responsible for health professions education.

Social Security Administration:
Recontact Interview Guide, Form SSA 8963A, Single time, Caywood (395-3443), Potential SSI applicants.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Planning and Development:
Community Development Funding Survey Form—, Single time, CVA (395-3532), Sunderhauf (395-4911), Ellett (395-6172), Local chief executives.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Departmental: Individual Report on Delinquent or Defaulting Mortgagor, Form OPAAE-X, Occasional, CVA (395-3532), Counseling agencies.

TENNESSEE VALLEY AUTHORITY

Soil Fertility Problems Survey: Form—, Single time, Lowry (395-3773), Business firms.

REVISIONS

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis:
Plant and Equipment Expenditures Survey Annual Supplement, Form BE 456A, Annual, Hulett (395-4730), Nonmanufacturing business firms.

Bureau of the Census:
Insulated Wire and Cable, Form MA 33L, Annual, Weiner (395-4890), Manufacturing establishments.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration:
ASTHO—Health Program Reporting System, Form ASH 0919, Single time, HRD/(395-3532), State health agencies.

EXTENSIONS

DEPARTMENT OF COMMERCE

Bureau of the Census:
Survey of Local Government Finances (School Systems), School District Letter, Form F-33-L5, Single time, Ellett (395-6172), Planchon (395-3898), School districts.

Bureau of East-West Trade:
U.S. Exporter's Report of Request Received for Information Certification, or Other Action Indicating a Restrictive Trade Practice or Boycott Against a Foreign Country, Form DIB 621, Quarterly, Evinger (395-3648), (x).

Service Supply License Procedure—Reporting Requirements, Form EAR 373.7, Occasional, Evinger (395-3648), (x).

EXTENSIONS

NATIONAL CREDIT UNION ADMINISTRATION

Financial and Statistical Report (Federally-Insured State-Chartered Credit Unions): Form NCUA 5304, Annual, Evinger (395-3648), State credit unions.
Financial and Statistical Report (Federal Credit Unions): Form NCUA 5300, Annual, Evinger (395-3648), Federal credit unions.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-22510 Filed 9-25-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

COCA-COLA CO., ET AL.

Applications for Unlisted Trading Privileges and of Opportunity for Hearing

SEPTEMBER 13, 1974.

In the matter of applications of the Cincinnati Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f) (1) (B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
The Coca-Cola Co.....	7-4660
El Paso Co.....	7-4661
National Airlines Inc.....	7-4662
Olin Corp.....	7-4663
Olinkraft, Inc.....	7-4664

Upon receipt of a request, on or before October 4, 1974 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-22393 Filed 9-25-74;8:45 am]

[File No. 500-1]

FRANKLIN NATIONAL BANK
Suspension of Trading

SEPTEMBER 20, 1974.

In the matter of trading in securities of Franklin National Bank, New York, N.Y.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the preferred stock and 4.75 percent debentures of Franklin National Bank 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 22, 1974 through October 1, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-22389 Filed 9-25-74;8:45 am]

[70-5268]

**LOUISIANA POWER & LIGHT CO. AND
 MIDDLE SOUTH UTILITIES, INC.**

Proposed Increase in Short-Term Notes

In the matter of Louisiana Power & Light Company, 142 Delaronde Street, New Orleans, Louisiana 70174 and Middle South Utilities, Inc., 280 Park Avenue, New York, New York 10017.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), a registered holding company, and its public-utility subsidiary, Louisiana Power & Light Co. ("Louisiana"), have filed with this Commission a post-effective amendment to the application-declaration in this proceeding pursuant to sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a) (5) promulgated thereunder regarding the following proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

By order dated December 15, 1972 (HCAR No. 17808), the Commission authorized Louisiana, among other things, to issue and sell short-term notes in an aggregate principal amount not exceeding \$50,000,000 outstanding at any one time to certain banks and a dealer in commercial paper through June 30, 1974, with maturities not later than December 31, 1974. By order dated December 7, 1973 (HCAR No. 18211), the Commission extended the borrowing period for the bank loans through December 31, 1974, and by order dated June 25, 1974 (HCAR No. 18471), the Commission extended the period during which the company is authorized to issue and sell short-term notes to the dealer in commercial paper through December 31, 1974.

Louisiana now proposes that the amount of short-term notes which it is authorized to issue and sell be increased

to an aggregate principal amount not exceeding \$70,000,000 at any one time outstanding. All of the other terms of the borrowing authority heretofore granted by the Commission will remain unchanged. Louisiana states (1) that its 1974 construction expenditures are now estimated to exceed the amount originally budgeted by approximately \$8,000,000; (2) that its proposed nuclear-fueled St. Rosalie Steam Electric Generating Station is expected to require expenditures of approximately \$8,600,000 in 1974 which had not been originally budgeted for 1974; and (3) that additional funds may be needed until it has effectuated the proposed sale of \$50,000,000 of first mortgage bonds scheduled for November 7, 1974.

No State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than October 11, 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 post-effective amendment to the application-declaration 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 applicants-declarants 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-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective 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.74-22394 Filed 9-25-74;8:45 am]

[File No. 500-1]

SAVOY INDUSTRIES, INC.

Suspension of Trading

SEPTEMBER 20, 1974.

In the matter of trading in securities of Savoy Industries, Inc.

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 23, 1974 through October 2, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-22392 Filed 9-25-74;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Suspension of Trading

SEPTEMBER 20, 1974.

In the matter of trading in securities of Continental Vending Machine Corp.

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 22, 1974 through October 1, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-22391 Filed 9-25-74;8:45 am]

[File No. 500-1]

FRANKLIN NEW YORK CORP.

Suspension of Trading

SEPTEMBER 20, 1974.

In the matter of trading in securities of Franklin New York Corp.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common and preferred stock and 7.30 percent notes of Franklin New York Corp. 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 22, 1974 through October 1, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-22390 Filed 9-25-74; 8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 09-09-0174]

AMERICAN-EURO INTERFUND CORP.

Application for a License as a Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (SBIC's) (13 CFR § 107.102 (1974)), under the name of American-Euro Interfund Corporation, 44 Montgomery Street, Suite 2870, San Francisco, California 94104, for a license to operate as an SBIC under the provisions of the Small Business Investment Act of 1958 (Act), as amended (15 U.S.C. 661 et seq.).

The proposed officers, directors and principal stockholders are:

Wallace R. Hawley, 44 Montgomery Street, Suite 2870, San Francisco, California 94104, President, Treasurer Director.
Scott Hedrick, 44 Montgomery Street, Suite 2870, San Francisco, California 94104, Vice President, Secretary Director.
P. Fentener Van Vlissingen, Rijnkade 1, Utrecht, The Netherlands, Director.
SHV North America Holding Corporation, 44 Montgomery Street, Suite 2870, San Francisco, California 94104, 100%.

The company will begin operations with an initial capitalization of \$1,500,000. No concentration in any particular industry is planned. The applicant intends to make investments in small business concerns, with growth potential, located primarily in the western United States.

The only beneficial owner of the capital stock of the applicant, SHV North America Holding Corporation, is wholly owned by SHV International AG, a Swiss financial holding company, which is in turn wholly owned by SHV Holdings nv, a Netherlands holding corporation. The corporation SHV Holdings nv is privately held by the van Vlissingen family. The foreign-based investor must be responsible in order to be acceptable to SBA and must meet the standard established by section 301(c) of the Act. SBA has the authority to license SBIC's formed by responsible foreign-based investors, if said SBIC is to be operated and managed by U.S. management. Other matters involved in SBA's consideration of the application also include the probability of successful operations of the new company by the management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any interested person may, on or before October 11, 1974, submit to SBA, in writing,

relevant comments on the proposed company. Any communication should be addressed to: Deputy Associate Administrator for Investment, Small Business Administration, 1444 "L" Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in San Francisco, California.

Dated: September 19, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator
for Investment.

[FR Doc.74-22354 Filed 9-25-74; 8:45 am]

[Proposed License No. 01/01-0276]

PRIME CAPITAL CORP.

Application for a License as a Small Business Investment Company

An application for a License to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (Act) (15 U.S.C. 661 et seq.), has been filed by Prime Capital Corp. (the applicant), with the Small Business Administration (SBA) pursuant to 13 CFR § 107.102 (1974).

The applicant with its principal place of business at 381 Congress Street, Boston, Massachusetts 02210, proposes to begin operations with \$303,000 of private capital consisting of 300 shares of Common Stock.

In order to implement its policy of providing broad based, creative financing packages for small business concerns, the applicant will make equity investments, long-term loans, and combinations thereof specifically designed for each qualified client.

The applicant will provide management consulting services with a particular view towards improving the financial strength and business capacities of its clients and others.

The proposed officers, directors, and stockholders of the applicant are as follows:

Name	Title	Stock ownership (percent)
Jason Shepard Rosenburg, 293 Fuller St., Newton, Mass. 02158.	President and director.	33.3
Amram (NMI) Rasel, 36 Gallison Ave., Marblehead, Mass. 01945.	Vice president and director.	33.3
Max (NMI) Felnerman, 163 Bellingham Rd., Brookline, Mass. 0146.	Treasurer and director.	33.3

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Act and the SBA regulations.

Any person may, on or before October 11, 1974, submit to SBA written comments on the proposed applicant. Any such communications should be ad-

ressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L. Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Boston, Massachusetts.

Dated: September 18, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator
for Investment.

[FR Doc.74-22370 Filed 9-25-74; 8:45 am]

[License No. 09/09-0175]

WALDEN CAPITAL CORP.

Application for a License as a Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (SBIC's) (13 CFR § 107.102 (1974)), under the name of Walden Capital Corporation, 680 Beach Street, San Francisco, California 94109, for a license to operate in the State of California as an SBIC under the provisions of the Small Business Investment Act of 1958 (Act), as amended (15 U.S.C. 661 et seq.).

The proposed officers, directors and principal stockholders are:

Name	Title	Stock ownership (percent)
Arthur S. Berliner, 7 Theresa Court, Ti- buron, Calif. 94920.	Chairman of board, presi- dent, director.	8.5
Laurence E. Myers, 2935 Lake St., San Fran- cisco, Calif. 94121.	Vice president, secretary, di- rector.	8.5
George S. Sarlo, 2729 Pacific Ave., San Fran- cisco, Calif. 94115.	Director.....	1.7
Dale E. Walter, 18 McNear Dr., San Rafael, Calif. 94901.	Director.....	None

The company will begin operations with an initial capitalization of \$604,000. No concentration in any particular industry is planned. The applicant intends to make investments in small business concerns, with growth potential, located primarily in the State of California.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and regulations.

Notice is further given that any interested person may, on or before October 11, 1974, submit to SBA, in writing, relevant to comments on the proposed company. Any communication should be addressed to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in San Francisco, California.

Dated: September 18, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator
for Investment.

[FR Doc.74-22369 Filed 9-25-74;8:45 am]

VETERANS ADMINISTRATION
STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Notice of Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on October 29, 1974 at 10 a.m., the Salt Lake Regional Office Station Committee on Educational Allowances shall at the Federal Building, 125 South State Street, Salt Lake City, Utah 84138, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in S.T.I.—Sales Training of Salt Lake, 2709 South State Street, Salt Lake City, Utah 84115, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: SEPTEMBER 19, 1974.

ELMER J. SMITH,
Director, VA Regional Office.

[FR Doc.74-22408 Filed 9-25-74;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

ADVISORY COUNCIL ON EMPLOYEE WELFARE AND PENSION BENEFIT PLANS

Recommendations for Appointment

Section 512 of the Employee Retirement Income Security Act of 1974 (88 Stat. 829, 29 U.S.C. 1001) provides for the establishment of an "Advisory Council on Employee Welfare and Pension Benefit Plans" which is to consist of 15 members to be appointed by the Secretary as follows: three shall be representatives of employee organizations (at least one of whom shall be representative of any organization whose members are participants in a multiemployer plan); three shall be representatives of employers (at least one of whom shall be representative of employers maintaining or contributing to multiemployer plans); one representative each from the fields of insurance, corporate trust, actuarial counseling, investment counseling, investment management, and the accounting field. Three additional representatives shall be appointed from the general public, one of whom shall be a person representing those receiving benefits from a pension plan. Not more than eight members of the Council shall be members of the same political party. The

prescribed duties of the Council are to advise the Secretary with respect to the carrying out of his functions under the Employee Retirement Income Security Act, and to submit to the Secretary recommendations with respect thereto. The Council will meet at least four times each year, and recommendations of the Council to the Secretary will be included in the Secretary's annual report to the Congress on the Employee Retirement Income Security Act.

Members shall be persons qualified to appraise the programs instituted under the Employee Retirement Income Security Act. They shall be appointed for terms of three years except that, with respect to those members appointed initially, five shall be appointed for terms of one year, five shall be appointed for terms of two years, and five shall be appointed for terms of three years. Appointments of members will be for terms beginning November 15, 1974.

Accordingly, notice is hereby given that any person or organization desiring to recommend one or more individuals for appointment to the "Advisory Council on Employee Welfare and Pension Benefit Plans" may submit recommendations to the Secretary of Labor, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20210 on or before October 24, 1974. The recommendation may be in the form of a letter, resolution, or petition, signed by the person or, in the case of a recommendation by an organization, by an authorized official of the organization. Each recommendation shall identify the candidate by name, occupation or position, and address. It shall specify the field or group which the candidate would represent for purposes of section 512 of the Act, and whether the candidate is available and would accept.

Signed at Washington, D.C., this 24th day of September 1974.

PAUL J. FASSER, Jr.,
Assistant Secretary for
Labor-Management Relations.

[FR Doc.74-22480 Filed 9-25-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 597]

ASSIGNMENT OF HEARINGS

SEPTEMBER 23, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-F-11995, H. P. Welch Co., and Malsin Transport Ltd.—Purchase (Portion)—The National Transportation Co., now assigned November 4, 1974, at Boston, Mass., will be held on the 5th Floor, 150 Causeway St., instead of Room 1112, JFK Federal Bldg., Government Center.

MC 110525 Sub 1024, Chemical Leaman Tank Lines, Inc., Extension Chattanooga, Tenn., MC 110459 Sub 42, Russ Transport, Inc., Extension-Chattanooga, Tenn., and MC 124078 Sub 503, Schwerman Trucking Co., Extension-Chattanooga, Tenn., now assigned October 9, 1974, at Atlanta, Ga., is cancelled.

MC 139122 Sub 1, Jack G. Roberts, Dba Jack's Trucking Co., now assigned October 1, 1974, at Jacksonville, Fla., is cancelled and the application dismissed.

MC 119843 Sub 8, Roesch Lines, Inc., now being assigned hearing December 4, 1974 (3 days), at Los Angeles, Calif., in a hearing room to be later designated.

MC 139038, Leon R. Goldsmith, dba Terminal Motor Express, now being assigned hearing December 9, 1974 (2 days), at Los Angeles, Calif., in a hearing room to be later designated.

MC 134068 Sub 16, Kodiak Refrigerated Lines, Inc., now being assigned hearing December 11, 1974 (3 days), at Los Angeles, Calif., in a hearing room to be later designated.

MC 43685 Sub 14, Mercer Trucking Co., Inc., Extension-Spokane, Wash., now being assigned hearing December 16, 1974 (1 week), at Spokane, Washington, in a hearing room to be later designated.

MC 3647 Sub 451, Transport of New Jersey, now being assigned hearing January 13, 1975 (1 week), at Newark, N.J., in a hearing room to be later designated.

MC 139508, Air Brook Limousine, Inc., now being assigned hearing January 28, 1975 (3 days), at Newark, N.J., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-22423 Filed 9-25-74;8:45 am]

[Rev. S.O. 1173; Exception 24]

GREEN BAY AND WESTERN RAILROAD CO.

Authorization to Accept Freight

SEPTEMBER 16, 1974.

Pursuant to the authority vested in me by paragraph (4), section (a) of Revised Service Order No. 1173, the Green Bay and Western Railroad Company is hereby authorized to accept from shipper at Greenbay, Wisconsin, for transport to destination, BNFE 700107, routed GBW, BN, SOU regardless of the provisions of Revised Service Order No. 1173.

Effective, September 9, 1974.

Expires September 12, 1974.

Issued at Washington, D.C., September 16, 1974.

[SEAL] LEWIS R. TEEPLE,
Assistant Director.

[FR Doc.74-22424 Filed 9-25-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

SEPTEMBER 23, 1974.

The following letter-notices of proposals to eliminate gateways for the pur-

pose 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 within 10 days from the date of this publication. 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 1931 (Sub-No. E2), filed June 2, 1974. Applicant: VON DER AHE VAN LINES, INC., 600 Rudder Ave., Fenton, Mo. 63026. Applicant's representative: Russell L. Van Der Ahe (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Maine, on the one hand, and, on the other, points in New Mexico, North Dakota, South Dakota (Boston, Mass., and points in Illinois)*, Louisiana (Boston, Mass., and points in Florida)*, Wisconsin, Michigan, Indiana, Kentucky (Boston, Mass.)*, Tennessee (Boston, Mass., and points in the District of Columbia)*, Ohio, Georgia, Pennsylvania, West Virginia, Virginia, North Carolina, South Carolina, Florida, Massachusetts, Connecticut, New Jersey, Delaware, Maryland, the District of Columbia (Boston, Mass.)*, Montana, Wyoming, Utah, Idaho, Washington, Oregon, California, and Nevada (points in Colorado)*. The purpose of this filing is to eliminate the gateways designated by the asterisks above.

No. MC 1931 (Sub-No. E3), filed June 2, 1974. Applicant: VON DER AHE VAN LINES, INC., 600 Rudder Avenue, Fenton, Mo. 63026. Applicant's representative: Russell L. Van Der Ahe (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Florida, on the one hand, and, on the other, points in Washington, Oregon, California, Idaho, Nevada, Montana, Utah, Wyoming (points in Colorado)*, North Dakota, South Dakota, Minnesota, Iowa, Wisconsin (points in Illinois)*, and Maine (Boston, Mass.)*. The purpose of this filing is to eliminate the gateways designated by asterisks above.

No. MC 1931 (Sub-No. E4), filed June 2, 1974. Applicant: VON DER AHE VAN LINES, INC., 600 Rudder Avenue, Fenton, Mo. 63026. Applicant's representa-

tive: Russell L. Van Der Ahe (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in South Carolina, on the one hand, and, on the other, points in Washington, Oregon, California, Idaho, Nevada, Montana, Utah, Wyoming (points in Colorado)*, Colorado, Nebraska, Kansas, (points in Tennessee)*, Oklahoma, Texas (points in Georgia)*, Minnesota, Iowa (points in Tennessee and Illinois)*, Missouri (points in Tennessee)*, Arkansas (points in Georgia)*, Louisiana (points in Florida)*, Wisconsin (points in Tennessee and Illinois)*, Illinois (points in Tennessee)*, Michigan (points in Tennessee and Illinois)*, Maine, New Hampshire, Vermont, Rhode Island (Boston, Mass., and points in the District of Columbia)*, Massachusetts, Connecticut and Maryland (points in the District of Columbia)*. The purpose of this filing is to eliminate the gateways designated by the asterisks above.

No. MC 5470 (Sub-No. E3), filed May 20, 1974. Applicant: TAJON, INC., R.D. 5, P.O. Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligot, 918 Sixteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such bulk commodities* as are susceptible of being unloaded by dumping, in dump trucks, between Canton, Ohio, and Pittsburgh, Pa. The purpose of this filing is to eliminate the gateway of Youngstown, Ohio.

No. MC 5470 (Sub-No. E6), filed May 20, 1974. Applicant: TAJON, INC., R.D. 5, P.O. Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligot, 918 Sixteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys*, in dump vehicles, between Monaca, Pa., and Philo, Ohio. The purpose of this filing is to eliminate the gateway of North Lima, Ohio.

No. MC 5470 (Sub-No. E14), filed May 20, 1974. Applicant: TAJON, INC., R.D. 5, P.O. Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligot, 918 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such bulk commodities*, as are susceptible of being unloaded by dumping, in dump trucks, between Canton, Ohio, and Alloy, W. Va. The purpose of this filing is to eliminate the gateway of Youngstown, Ohio.

No. MC 5470 (Sub-No. E24), filed May 29, 1974. Applicant: TAJON, INC., R.D. 5, P.O. Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligot, 918 Sixteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Clay, petroleum coke, coal tar pitch, and pitch prell*, in dump vehicles, from Detroit, Mich., and Niagara Falls, N.Y. The purpose of this filing is to eliminate the gateways of Erie, Pa., and Conneaut, Ohio.

No. MC 5470 (Sub-No. E43), filed May 29, 1974. Applicant: TAJON, INC., R.D. 5, P.O. Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligot, 918 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, pig iron, and silicon metals*, in dump vehicles, from New Kensington, Pa., to points in New York on and east of U.S. Highway 15, and points in New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties). The purpose of this filing is to eliminate the gateway of Monaca, Pa.

No. MC 5470 (Sub-No. E47), filed May 29, 1974. Applicant: TAJON, INC., R.D. 5, Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligot, 918 Sixteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro-alloys*, in bulk, in dump vehicles, from Johnstown, Pa., to points in Indiana, Illinois, and Michigan. The purpose of this filing is to eliminate the gateway of a railhead at North Lima, Ohio, and Vancoram, Ohio.

No. MC 5470 (Sub-No. E51), filed May 29, 1974. Applicant: TAJON, INC., R.D. 5, Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligot, 918 Sixteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in dump vehicles, from Painesville, Ohio, to points in Maryland and Virginia. The purpose of this filing is to eliminate the gateways of a railhead at Warren, Ohio, and New Kensington, Pa.

No. MC 5470 (Sub-No. E52), filed May 29, 1974. Applicant: TAJON, INC., R.D. 5, Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligot, 918 Sixteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in dump vehicles, from Erie, Pa. to points in Maryland and Virginia. The purpose of this filing is to eliminate the gateway of points in Ashtabula County, Ohio and New Kensington, Ohio.

No. MC 5470 (Sub-No. E54), filed May 29, 1974. Applicant: TAJON, INC., R.D. 5, Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligot, 918 Sixteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in dump vehicles, from Cleveland, Ohio, to points in Maryland and Virginia. The purpose of this filing is to

eliminate the gateway of points in Trumbull County, Ohio and New Kensington, Ohio.

No. MC 5470 (Sub-No. E71), filed May 29, 1974. Applicant: TAJON, INC., R.D. 5, P.O. Box 146, Mercer, Pa. 16137. Applicants representative: Patrick McEligot, 918 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys and metals*, in dump vehicles, from Baltimore, Md., to Elyria and Lorain, Ohio. The purpose of this filing is to eliminate the gateway of Sandusky Ohio.

No. MC 7920 (Sub-No. E1), filed May 10, 1974. Applicant: HERRIOTT TRUCKING COMPANY, INC., East Palestine, Ohio 44413. Applicant's representative: Charles A. Tell, Suite 1800, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Hamburg, N.Y., on the one hand, and, on the other, points in Pennsylvania on and south of a line beginning at the Pennsylvania-Ohio State line and extending along Interstate Highway 76 to junction Pennsylvania Highway 56, thence along Pennsylvania Highway 56 to Vandergrift, thence along Pennsylvania Highway 66 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Pennsylvania Highway 981, thence along Pennsylvania Highway 981 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of Darlington, Pa.

No. MC 15897 (Sub-No. E50), filed May 31, 1974. Applicant: O.K. TRANSFER AND STORAGE CO., 207 South Union, Shawnee, Okla. 74801. Applicant's representative: Wilburn L. Williamson, 3535 NW. 58th Suite 280, National Foundation Life Center, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Arkansas on, south, and west of a line beginning at the Oklahoma-Arkansas State line, thence along U.S. Highway 71 to junction Arkansas Highway 10, thence along Arkansas Highway 10 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to the Arkansas-Louisiana State line, on the one hand, and, on the other, points in that part of Kansas on and east of U.S. Highway 59 (except points in Cherokee, Crawford, Bourbon, Linn, and Miami Counties). The purpose of this filing is to eliminate the gateway of points in Creek County, Okla.

No. MC 15897 (Sub-No. E51), filed May 31, 1974. Applicant: O.K. TRANS-

FER AND STORAGE CO., 207 South Union, Shawnee, Okla. 74801. Applicant's representative: Wilburn L. Williamson, 3535 NW. 58th Suite 280, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Sevier, Little River, Hempstead, Texarkana, Miller, Lafayette, Columbia, and Union Counties, Ark., on the one hand, and, on the other, points in that part of Missouri on and west of a line beginning at the Missouri-Arkansas State line, thence along U.S. Highway 71 to junction Missouri Highway 291, thence along Missouri Highway 291 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Missouri-Iowa State line. The purpose of this filing is to eliminate the gateway of points in Creek County, Okla.

No. MC 15897 (Sub-No. E52), filed May 31, 1974. Applicant: O.K. TRANSFER AND STORAGE CO., 207 South Union, Shawnee, Okla. 74801. Applicant's representative: Wilburn L. Williamson, 3535 NW. 59th Suite 280, National Foundation Life Center, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Arkansas on and south of U.S. Highway 64, on the one hand, and, on the other, points in that part of Kansas on and west of a line beginning at the Oklahoma-Kansas State line, thence along U.S. Highway 59 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Kansas-Nebraska State line. The purpose of this filing is to eliminate the gateway of points in Creek County, Okla.

No. MC 15897 (Sub-No. E53), filed May 31, 1974. Applicant: O.K. TRANSFER AND STORAGE CO., 207 South Union, Shawnee, Okla. 74801. Applicant's representative: William L. Williamson, Suite 280, National Foundation Life, Center 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Arkansas north of U.S. Highway 64, on the one hand, and, on the other, points in that part of Kansas on and west of U.S. Highway 77. The purpose of this filing is to eliminate the gateway of points in Creek County, Okla.

No. MC 15897 (Sub-No. E54), filed May 31, 1974. Applicant: O.K. TRANSFER AND STORAGE CO., 207 South Union, Shawnee, Okla. 74801. Applicant's representative: William L. Williamson, Suite 280, National Foundation Life, Center 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arkansas, on the one hand, and, on the other,

points in New Mexico (except Lea and Eddy Counties). The purpose of this filing is to eliminate the gateway of points in Creek County, Okla.

No. MC 15897 (Sub-No. E55), filed May 31, 1974. Applicant: O.K. TRANSFER AND STORAGE CO., 1207 South Union, Shawnee, Okla. 74801. Applicant's representative: Wilburn L. Williamson, Suite 280, National Foundation Life Center, 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Benton, Carroll, Boone, Washington, Madison, and Newton County, Ark., on the one hand, and, on the other, points in that part of Texas on and west of U.S. Highway 75 and east of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 281 to junction U.S. Highway 181, thence along U.S. Highway 181 to Corpus Christi. The purpose of this filing is to eliminate the gateway of points in Creek County, Okla.

No. MC 35890 (Sub-No. E8), filed May 3, 1974. Applicant: BLODGETT FURNITURE SERVICE, INC., 3801 Thirty-Sixth St. SE., Grand Rapids, Mich. 49508. Applicant's representative: John F. Freel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, cartoned or uncrated, (a) from points in that part of Illinois on and north of a line beginning at the Missouri-Illinois State line and extending along U.S. Highway 24 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 125, thence along Illinois Highway 125 to junction Illinois Highway 97, thence along Illinois Highway 97 to Springfield, thence along U.S. Highway 66 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line, to those points in that part of New Jersey on and north of a line beginning at the New Jersey-Pennsylvania State line and extending along Interstate Highway 76 to junction of the Atlantic City Expressway, thence along the Atlantic City Expressway to the Atlantic Ocean; (b) from points in that part of Illinois on and north of a line beginning at the Missouri-Illinois State line and extending along U.S. Highway 24 to the junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 17, thence along Illinois Highway 17 to the junction Illinois Highway 114, thence along Illinois Highway 114 to the Illinois-Indiana State line to points in New York; (c) from points in that part of Illinois on and north of Interstate Highway 80 to points in Maryland.

(d) Between Chicago, Ill., and those points in Illinois on and north of a line beginning at the Illinois-Iowa State line and extending along Interstate Highway 80 to Joliet, thence along Illinois Highway 171 to junction Illinois Highway 83, thence along Illinois Highway 83 to junction U.S. Highway 12/20/45, thence along U.S. Highway 12/20/45 to junc-

tion U.S. Highway 12/20, thence along U.S. Highway 12/20 to Calumet Harbor at Lake Michigan, on the one hand, and on the other, those points in Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line and extending along Pennsylvania Highway 69 to junction Pennsylvania Highway 27, thence along Pennsylvania Highway 27 to junction U.S. Highway 6, thence along U.S. Highway 6 to U.S. Highway 62, thence along U.S. Highway 62 to Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Pennsylvania Highway 68, thence along Pennsylvania Highway 68 to Butler, thence along Pennsylvania Highway 8 to Pittsburgh, thence along Interstate Highway 376 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Interstate Highway 70/76, thence along Interstate Highway 70/76 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Pennsylvania-Maryland State line.

(2) *New furniture*, cartoned or uncrated, (a) between points in Maryland, on the one hand, and, on the other, points in Minnesota and Wisconsin; (b) between points in New York, on the one hand, and, on the other, points in Minnesota and Wisconsin; (c) between points in Pennsylvania, on the one hand, and, on the other, points in Minnesota and Wisconsin; (d) between Salamanca, N.Y., and points in that part of New York on east of a line beginning at the United States-Canada International Boundary line and extending along Interstate Highway 190 to junction New York Highway 5, thence along New York Highway 5 to junction New York Highway 75, thence along New York Highway 75 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line, on the one hand, and on the other, those points in Missouri on and north of a line beginning at the Mississippi River and extending along U.S. Highway 66 to junction Interstate Highway 44, thence along Interstate Highway 44 to the Missouri-Oklahoma State line.

(3) *New furniture*, uncrated, (a) from points in that part of Indiana on, north, and east of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 40 to Richmond, thence along U.S. Highway 27 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 35, thence along U.S. Highway 35 to Muncie, thence along Indiana Highway 3 to junction Indiana Highway 22, thence along Indiana Highway 22 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Indiana-Illinois State line, to points in Arizona; (b) from 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 24 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Interstate Highway 65, thence along Interstate Highway 65 to Indianapolis, thence along U.S. Highway 40 to the Indiana-Ohio State line, to those points in California; (c) from 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 24/52 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Interstate Highway 65, thence along Interstate Highway 65 to Indianapolis, thence along Interstate Highway 74 to the Indiana-Ohio State line, to points in Nevada.

(4) *New furniture*, uncrated, (a) from points in that part of Ohio on, north, and east of a line beginning at the Indiana-Ohio State line and extending along Ohio Highway 571 to junction Ohio Highway 49, thence along Ohio Highway 49 to Dayton, thence along U.S. Highway 35 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction of the Ohio-Kentucky State line, to points in Arizona; (b) from points in Ohio to points in California and Nevada; (c) from points in that part of Ohio on and north of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 and U.S. Highway 30N to Mansfield, thence along U.S. Highway 30 to the Ohio-West Virginia State line, to points in New Mexico; (d) from points in Ohio to points in Utah.

(5) *New furniture*, uncrated, (a) from points in Maryland to points in Arizona, California, Colorado, Nevada, and New Mexico; (b) from points in that part of Maryland on and east of U.S. Highway 220 to points in Iowa; (c) from points in that part of Maryland on, east, and north of a line beginning at the Pennsylvania-Maryland State line and extending along Interstate Highway 81 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Interstate Highway 70N, thence along Interstate Highway 70N to Baltimore and the Chesapeake Bay to those points in Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 75 to junction of the Indian Nation Turnpike, thence along the Indian Nation Turnpike to junction of U.S. Highway 271, thence along U.S. Highway 271 to the Oklahoma-Texas State line; (c) from points in that part of Maryland on, east, and north of a line beginning at the Pennsylvania-Maryland State line and extending along Interstate Highway 81 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Interstate Highway 70N, thence along Interstate Highway 70N to Baltimore and the Chesapeake Bay, to those points in Texas on and west of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 75 to Dallas, thence along Interstate Highway 35E to junction Interstate Highway 35, thence along Interstate Highway 35 to San Antonio, thence along U.S. Highway 281 to junction Texas Highway 9, thence along Texas Highway 9 to junction Interstate Highway 37, thence along Interstate Highway 37 to Corpus Christi and the Gulf of Mexico.

9 to junction Interstate Highway 37, thence along Interstate Highway 37 to Corpus Christi to the Gulf of Mexico; (e) from points in Maryland to points in Utah.

(6) *New furniture*, uncrated, (a) from points in Pennsylvania to points in Arizona, California, Colorado, Nevada, New Mexico, and Utah; (b) from points in that part of Pennsylvania on, north, and east of a line beginning at the Pennsylvania-Ohio State line and extending along Interstate Highway 80 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 11/15, thence along U.S. Highway 11/15 to Harrisburg, thence along U.S. Highway 15 and U.S. Highway B.R. 15 to the Pennsylvania-Maryland State line, to points in Kansas; (c) from points in that part of Pennsylvania on, east, and north of a line beginning at Lake Erie, and extending along Interstate Highway 79 to junction U.S. Highway 19, thence along U.S. Highway 19 to Pittsburgh, thence along Interstate Highway 376 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Interstate Highway 70/76, thence along Interstate Highway 70 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Pennsylvania-Maryland State line, to points in Iowa; (d) from points in that part of Pennsylvania on, north, and east of a line beginning at the Pennsylvania-Ohio State line and extending along Interstate Highway 80 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 11/15, thence along U.S. Highway 11/15 to Harrisburg, thence along U.S. Highway 15 and U.S. Highway B.R. 15 to the Pennsylvania-Maryland State line, to points in Oklahoma on, north, and west of a line beginning at the Arkansas-Oklahoma State line and extending along U.S. Highway 271 to junction of the Indian Nation Turnpike, thence along the Indian Nation Turnpike to junction U.S. Highway 271, thence along U.S. Highway 271 to the Oklahoma-Texas State line.

(e) From points in that part of Pennsylvania on, north, and east of a line beginning at the Pennsylvania-Ohio State line and extending along Interstate Highway 80 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 11/15, thence along U.S. Highway 11/15 to Harrisburg, thence along U.S. Highway 15 and U.S. Highway B.R. 15 to the Pennsylvania-Maryland State line, to points in Texas on and west of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 75 to Dallas, thence along Interstate Highway 35E to junction Interstate Highway 35, thence along Interstate Highway 35 to San Antonio, thence along U.S. Highway 281 to junction Texas Highway 9, thence along Texas Highway 9 to junction Interstate Highway 37, thence along Interstate Highway 37 to Corpus Christi and the Gulf of Mexico.

(7) *New furniture*, uncrated, (a) from points in that part of North Carolina on, north, and east of a line beginning at

the Virginia-North Carolina State line and extending along U.S. Highway 52 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 421, thence along U.S. Highway 421 to Sanford, thence along North Carolina Highway 24 to Fayetteville, thence along North Carolina Highway 87 to junction Interstate Highway 74/76, thence along Interstate Highway 74/76 to Wilmington and the Onslow Bay, to those points in Arizona on, north, and west of a line beginning at the Arizona-New Mexico State line and extending along U.S. Highway 160 to junction U.S. Highway 89, thence along U.S. Highway 89 to Flagstaff, thence along Interstate Highway 17 to Phoenix, thence along U.S. Highway 80 to the Arizona-California State line; (b) from points in that part of North Carolina on, north, and east of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 52 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 421, thence along U.S. Highway 421 to Stanford, thence along North Carolina Highway 24 to Fayetteville, thence along North Carolina Highway 87 to junction Interstate Highway 74/76, thence along Interstate Highway 74/76 to Wilmington and the Onslow Bay, to points in California; (c) from points in that part of North Carolina on and east of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 52 to junction U.S. Highway 601, thence along U.S. Highway 601 to junction North Carolina Highway 268, thence along North Carolina Highway 268 to junction U.S. Highway 21, thence along U.S. Highway 21 to the North Carolina-South Carolina State line, to points in Nevada; (d) from points in that part of North Carolina on, north, and east of a line beginning at the junction of the Virginia-North Carolina State line and extending along U.S. Highway 52 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 421, thence along U.S. Highway 421 to Sanford, thence along North Carolina Highway 24 to Fayetteville, thence along North Carolina Highway 87 to junction Interstate Highway 74/76, thence along Interstate Highway 74/76 to Wilmington and the Onslow Bay, to points in Utah.

(8) *New furniture*, uncrated, from points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 202 to Lambertville, thence along U.S. Highway 202 to Somerville, thence along Interstate Highway 287 to Perth Amboy, to those points in Texas on, north, and west of a line beginning at the Arkansas-Texas State line and extending along U.S. Highway 59 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 59, thence along U.S. Highway 59 to Houston, thence along U.S. Highway 59 to Victoria, thence along U.S. Highway 77 to junction Interstate Highway 37, thence along Interstate Highway 37 to Corpus Christi and the Gulf of Mexico. The purpose of this

filing is to eliminate the gateway of Grand Rapids, Mich.

No. MC 52938 (Sub-No. E1) filed May 13, 1974. Applicant: MASHKIN FREIGHT LINES, INC., 410 Asylum Street, Hartford, Conn. 06103. Applicant's representative: Hugh M. Joseloff (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such businesses (except commodities in bulk, and those requiring special equipment), limited to movements from, to, or between plants, warehouses, or other facilities of such businesses between points in Massachusetts south and east of Interstate Highway 95, on the one hand, and, on the other, (a) points in Massachusetts bounded by a line beginning at the Connecticut-Massachusetts State line near Canaan and extending along U.S. Highway 44 to the Connecticut-New York State line, thence along said State line to a point west of N. Wilton, thence along a line extending through N. Wilton, Wilton, and Westport, to Long Island Sound, thence along Long Island Sound to New London, thence along a line extending through Groton to Leicester, Mass., including the points named; (b) points in Putnam, Westchester, Suffolk, Nassau, Rockland, Orange, New York, Bronx, Queens, Kings, and Richmond Counties, N.Y.; and (c) points in New Jersey.

(2) *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such businesses (except bakery supplies, and jellies, jams, preserves, and preserved fruit, in containers, commodities in bulk, and those requiring special equipment), limited to movements from, to, or between plants, warehouses, or other facilities of such businesses, between points in Massachusetts, New Hampshire, and Vermont bounded by a line beginning at Northfield, Vt., and extending south through Randolph, Bethel, West Bridgewater, Ludlow, and North Windham, Vt., thence in a southwest direction to Pittsfield, Mass., thence south through Lenox, Lee, Stockbridge, Great Barrington, and Sheffield, Mass., to the Connecticut-New York State line, thence along the Connecticut-New York State line through North Wilton, Conn., to Wilton, Conn., thence in a southeast direction through Westport, Conn., to Long Island Sound, thence in a northeast direction along the shore of Long Island Sound to New London, Conn., thence north through Groton, Conn., to Leicester, Mass., thence in a northwest direction to Athol, Mass., thence north through Troy, Marlboro, and Sunapee, N.H., to Canaan, N.H., thence in a northwest direction through Orford, N.H., to Fairlee, Vt., thence north along the west bank of the Connecticut River to Newbury, Vt., and thence in a northwest direction to point of beginning

at Northfield, Vt., including the points named, on the one hand, and, on the other, (a) points in Suffolk, Putnam, Nassau, New York, Bronx, Queens, Kings, and Richmond Counties, N.Y., and (b) points in New Jersey on and south of a line beginning at the New Jersey-New York State line and extending along the Garden State Parkway to junction New Jersey Highway 502.

Thence over New Jersey Highway 502 to junction U.S. Highway 202, thence over U.S. Highway 202 to junction New Jersey Highway 23, thence along New Jersey Highway 23 to junction New Jersey Highway 94, thence over New Jersey Highway 94 to the New Jersey-Pennsylvania State line; and (3) *Such merchandise* (except commodities in bulk, in tank vehicles), as is dealt in by wholesale, retail, and chain grocery and food business houses, when moving from, to, or between warehouses, retail outlets, or other facilities of such business, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such businesses, between Providence, R.I., and points in Massachusetts on and east of Interstate Highway 91 and west of a line beginning at Groton, Conn., and extending to Leicester, Mass., thence in a northwest direction to Athol, Mass., thence north to Troy, N.H., including Leicester, on the one hand, and, on the other, (a) points in Dutchess, Putnam, Westchester, Suffolk, Nassau, Rockland, Orange, Ulster, New York, Bronx, Queens, Kings, and Richmond Counties, N.Y., and (b) points in New Jersey. The purpose of this filing is to eliminate the gateways of Providence, R.I., in 1(a); Providence, R.I., and Bridgeport, Conn., in 1(b); Providence, R.I., Bridgeport, Conn., and Port Chester, N.Y., in 1(c); Bridgeport, Conn., in 2(a); Bridgeport, Conn., and Port Chester, N.Y., in 2(b); East Hartford, Conn., in 3(a); and East Hartford, Conn., and Port Chester, N.Y., in 3(b).

No. MC 64808 (Sub-No. E13), (Correction), filed May 30, 1974, published in the FEDERAL REGISTER August 27, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: * * * (E) *Malt beverages*, in containers, from Louisville, Ky., to points in Maryland, to points in Forest, Clarion, Jefferson, Butler, Armstrong, Indiana, Allegheny, Westmoreland, Washington, Greene, and Fayette Counties, Pa., points in that part of Elk, Clearfield, Cambria, and Somerset Counties, Pa., on and west of Pennsylvania Highway 219, and points in that part of McKean County, Pa., on and west of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 219 to junction U.S. Highway 6, thence over U.S. Highway 6 to Kane, Pa., and thence over Pennsylvania Highway 321 to junction U.S. Highway 219. The purpose of this filing is to eliminate the gateways of (1) Marion County, W. Va., from (A), (D), and (E) above; (2) Morgantown,

W. Va., and Fairmont, W. Va., from (B) above; and (3) Morgantown, W. Va., from (C) above. The purpose of this correction is to include Maryland as a destination State.

No. MC 65781 (Sub-No. E5), filed June 4, 1974. Applicant: DAWN MOVING & STORAGE, INC., 6009 Wayzala Blvd., Minneapolis, Minn. 55416. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Wisconsin, on and west of a line beginning at the Wisconsin-Michigan State line and extending along U.S. Highway 45 to Eagle River, thence along Wisconsin Highway 17 to Rhinelander, thence along U.S. Highway 8 to junction U.S. Highway 51, thence along U.S. Highway 51 to Portage, thence along Wisconsin Highway 33 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 151, thence along U.S. Highway 151 to Madison, thence along U.S. Highway 14 to Evansville, thence along Wisconsin Highway 213 to the Illinois-Wisconsin State line, on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateway of points in Minnesota.

No. MC 65781 (Sub-No. E6), filed June 4, 1974. Applicant: DAWN MOVING & STORAGE, INC., 6009 Wayzala Blvd., Minneapolis, Minn. 55416. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Wisconsin, on and west of a line beginning at the Wisconsin-Michigan State line and extending along U.S. Highway 45 to Eagle River, thence along Wisconsin Highway 17 to Rhinelander, thence along U.S. Highway 8 to junction U.S. Highway 51, thence along U.S. Highway 51 to Portage, thence along Wisconsin Highway 33 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 151, thence along U.S. Highway 151 to Madison, thence along U.S. Highway 14 to Evansville, thence along Wisconsin Highway 213 to the Illinois-Wisconsin State line, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateway of points in Minnesota.

No. MC 65781 (Sub-No. E7), filed June 4, 1974. Applicant: DAWN MOVING & STORAGE, INC., 6009 Wayzala Blvd., Minneapolis, Minn. 55416. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points

in Wisconsin, on the one hand, and, on the other, points in Connecticut. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 65781 (Sub-No. E8), filed June 4, 1974. Applicant: DAWN MOVING & STORAGE, INC., 6009 Wayzala Blvd., Minneapolis, Minn. 55416. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Wisconsin, on the one hand, and, on the other, points in Maryland. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 65781 (Sub-No. E9), filed June 4, 1974. Applicant: DAWN MOVING & STORAGE, INC., 6009 Wayzala Blvd., Minneapolis, Minn. 55416. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Wisconsin, on the one hand, and, on the other, points in Massachusetts. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 65781 (Sub-No. E10), filed June 4, 1974. Applicant: DAWN MOVING & STORAGE, INC., 6009 Wayzala Blvd., Minneapolis, Minn. 55416. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Wisconsin, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 65781 (Sub-No. E11), filed June 4, 1974. Applicant: DAWN MOVING & STORAGE, INC., 6009 Wayzala Blvd., Minneapolis, Minn. 55416. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Wisconsin, on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 65781 (Sub-No. E12), filed June 4, 1974. Applicant: DAWN MOVING & STORAGE, INC., 6009 Wayzala Blvd., Minneapolis, Minn. 55416. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Wisconsin, on the one hand, and on the other,

points in Florida. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 65781 (Sub-No. E13), filed June 4, 1974. Applicant: DAWN MOVING & STORAGE, INC., 6009 Wayzala Blvd., Minneapolis, Minn. 55416. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Wisconsin, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 65781 (Sub-No. E14), filed June 4, 1974. Applicant: DAWN MOVING & STORAGE, INC., 6009 Wayzala Blvd., Minneapolis, Minn. 55416. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Wisconsin, on the one hand, and, on the other, points in New Jersey. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 65781 (Sub-No. E15), filed June 4, 1974. Applicant: DAWN MOVING & STORAGE, INC., 6009 Wayzala Blvd., Minneapolis, Minn. 55416. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Wisconsin, on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 65781 (Sub-No. E16), filed June 4, 1974. Applicant: DAWN MOVING & STORAGE, INC., 6009 Wayzala Blvd., Minneapolis, Minn. 55416. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Wisconsin, on the one hand, and, on the other, the District of Columbia. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 65781 (Sub-No. E17), filed June 4, 1974. Applicant: DAWN MOVING & STORAGE, INC., 6009 Wayzala Blvd., Minneapolis, Minn. 55416. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Illinois, on the one hand, and, on the other, points in North Dakota. The purpose of this

filing is to eliminate the gateway of points in Wisconsin and Minnesota.

No. MC 65781 (Sub-No. E18), filed June 4, 1974. Applicant: DAWN MOVING & STORAGE, INC., 6009 Wayzala Blvd., Minneapolis, Minn. 55416. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (a) between points in Wisconsin, on the one hand, and, on the other, points in North Dakota, (b) between points in Iowa on and north of a line beginning at Burlington and extending along U.S. Highway 34 to Ottumwa, thence along U.S. Highway 63 to Oskaloosa, thence along Iowa Highway 163 to Des Moines, thence along Interstate Highway 80 to the Iowa-Nebraska State line, on the one hand, and, on the other, points in Michigan south of St. Ignace. The purpose of this filing is to eliminate the gateways of points in Minnesota in (a) above, and points in Wisconsin in (b) above.

No. MC 65781 (Sub-No. E19), filed June 4, 1974. Applicant: DAWN MOVING & STORAGE, INC., 6009 Wayzala Blvd., Minneapolis, Minn. 55416. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Illinois on and north of Interstate Highway 80, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of points in Wisconsin.

No. MC 65781 (Sub-No. E20), filed June 4, 1974. Applicant: DAWN MOVING & STORAGE, INC., 6009 Wayzala Blvd., Minneapolis, Minn. 55416. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Iowa on and north of Interstate Highway 80, on the one hand, and, on the other, points in Illinois on, east, and north of a line beginning at Chicago and extending along Interstate Highway 80 to junction with Illinois Highway 88, thence along Illinois Highway 88 to Savanna. The purpose of this filing is to eliminate the gateway of points in Wisconsin.

No. MC 66886 (Sub-No. E6), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (other than machinery, equipment, materials, and supplies used in, or in connection with, the dis-

covery, 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), the transportation of which, because of size or weight require the use of special equipment, between points in Texas (except points east of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 259 to junction U.S. Highway 69, thence along U.S. Highway 69 to Port Arthur and the Gulf of Mexico), to points in that part of Illinois on and north of Interstate Highway 70. The purpose of this filing is to eliminate the gateway of any point in Kansas.

No. MC 66886 (Sub-No. E7), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (other than 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), the transportation of which, because of size or weight, require the use of special equipment, between points in Nebraska, on the one hand, and, on the other, points in Texas. The purpose of this filing is to eliminate the gateway of any point in Kansas.

No. MC 66886 (Sub-No. E8), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (other than 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), the transportation of which, because of size or weight, require the use of special equipment, between points in that part of Colorado on and north of U.S. Highway 50 on the one hand, and, on the other, points in that part of Texas

on and east of U.S. Highway 83. The purpose of this filing is to eliminate the gateway of any point in Kansas.

No. MC-66886 (Sub-No. E11), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse treatment equipment*, which because of size or weight requires the use of special equipment from points in that part of Texas on and north of Interstate Highway 40 to points in that part of Georgia on, east, and north of a line beginning at the Tennessee-Georgia State line and extending along Interstate Highway 71 to junction U.S. Highway 411, thence along U.S. Highway 411 to junction U.S. Highway 41 to Atlanta, thence along Interstate Highway 20 to the Georgia-Alabama State line. The purpose of this filing is to eliminate the gateways of any point in Kansas and Springfield, Mo.

No. MC 66886 (Sub-No. E13), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (other than 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) the transportation of which, because of size or weight, require the use of special equipment, between points in that part of Texas on and west of U.S. Highway 69, on the one hand, and, on the other, points in that part of Missouri on and west of U.S. Highway 67. The purpose of this filing is to eliminate the gateway of any point in Kansas.

No. MC 66886 (Sub-No. E14), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (other than 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, op-

eration, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof) the transportation of which, because of size or weight, require the use of special equipment, between points in Kansas, on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate the gateway of any point in Texas.

No. MC 66886 (Sub-No. E15), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (other than 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 the transportation of which, because of size or weight, require the use of special equipment, between points in Missouri, on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate the gateways of any point in Kansas and any point in Texas.

No. MC 66886 (Sub-No. E17), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse treatment equipment*, which because of size or weight requires the use of special equipment, from points in that part of Nebraska on and south of Nebraska Highway 2 to points in that part of New York on and south of New York Highway F. The purpose of this filing is to eliminate the gateways of any point in Kansas and Springfield, Mo.

No. MC 66886 (Sub-No. E19), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse treatment equipment*, which because of size or weight requires the use of special equipment, from points in that part of Colorado on, south, and west of a line beginning at the Colorado-Kansas State line and extending along Interstate Highway 70 to Denver, thence along Interstate Highway 25 to the Colorado-Wyoming State line to points in that part of Michigan on and east of U.S.

Highway 27. The purpose of this filing is to eliminate the gateways of any point in Kansas and Springfield, Mo.

No. MC 66886 (Sub-No. E23), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse treatment equipment*, 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 Oklahoma-Texas State line and extending along Interstate Highway 35 to junction Interstate Highway 35E, thence along Interstate Highway 35E to junction Interstate Highway 35, thence along Interstate Highway 35 to the United States-Mexico International Boundary line to points in that part of North Carolina on and north of U.S. Highway 70. The purpose of this filing is to eliminate the gateways of any point in Kansas and Springfield, Mo.

No. MC 66886 (Sub-No. E25), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse treatment equipment*, which because of size or weight requires the use of special equipment, from points in Texas to points in Michigan. The purpose of this filing is to eliminate the gateways of any point in Kansas and Springfield, Mo.

No. MC 66886 (Sub-No. E26), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse treatment equipment*, which because of size or weight requires the use of special equipment, from points in Oklahoma and Michigan. The purpose of this filing is to eliminate the gateways of any point in Kansas and Springfield, Mo.

No. MC 66886 (Sub-No. E28), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse treatment equipment*, which because of size or weight requires the use of special equipment from points in Nebraska, Colorado, and Oklahoma to points in North Carolina, Virginia, and Kentucky. The purpose of this filing is to eliminate the gateways of any point in Kansas and Springfield, Mo.

No. MC 88368 (Sub-No. E21) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER September 4, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (3) from points in Michigan on and west of U.S. Highway 41 to points in Indiana within 100 miles of Danville, Ill. (Bloomington, Ill., and points within 25 miles thereof)*. The purpose of this filing is to eliminate the gateway indicated by asterisks above. The purpose of this partial correction is to reflect Danville, Ill. The remainder of the letter-notice remains as previously published.

No. MC 95540 (Sub-No. E601) (Correction), filed May 28, 1974, published in the FEDERAL REGISTER September 9, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in New Jersey on and south of U.S. Highway 30, to points in Colorado on and south of U.S. Highway 160. The purpose of this filing is to eliminate the gateway of Pike and Spaulding Counties, Ga. The purpose of this correction is to reflect the correct gateway which was previously published as Pilsen County instead of Pike County.

No. MC 95876 (Sub-No. E1), filed June 3, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue N., St. Cloud, Minn. 56301. Applicant's representative: Arthur A. Budde (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Heavy machinery* (except tractors and agricultural machinery), between New London, Wis., on the one hand, and, on the other, points in Iowa on and west of a line beginning at Marquette and extending along Iowa Highway 13 to junction with Iowa Highway 1, thence south along Iowa Highway 1 to Iowa City, thence along U.S. Highway 218 to Keokuk; (B) *Boards and slabs*, composed of cement combined with wood fibers, when moving as contractors' and construction materials and supplies or as items requiring specialized handling or rigging because of size and weight, from points in Minnesota located south of U.S. Highway 12 and west of U.S. Highway 60 to points in Connecticut, Delaware, points in Indiana on and east of U.S. Highway 30 beginning at the Illinois-Indiana State line, then east on U.S. Highway 30 to junction with Interstate Highway 65, then south on Interstate Highway 65 to the junction with Interstate Highway 74, thence south on Interstate Highway 74 to the Indiana-Ohio State line, Maine, Maryland, Massachusetts, Michigan, New Hampshire,

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New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and West Virginia. The purpose of this filing is to eliminate the gateway of LaCrescent, Minn., in (A) above and Cornell, Wis., in (B) above.

No. MC 95876 (Sub-No. E2), filed May 16, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue N., St. Cloud, Minn. 56301. Applicant's representative: Arthur A. Budde (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, when moving as contractors' and construction materials and supplies, or as items requiring specialized handling or rigging because of size or weight, from points in Porter and Lake Counties, Ind., and Cook and DuPage Counties, Ill., to points in Wisconsin on and west of a line beginning at LaCrosse and extending along U.S. Highway 53 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to Hayward, thence along U.S. Highway 63 to Ashland. The purpose of this filing is to eliminate the gateway of LaCrescent, Minn.

No. MC 95876 (Sub-No. E3), filed May 16, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Arthur A. Budde (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe and fittings and accessories*, when moving as contractors' and construction materials and supplies (except oil field pipe and articles described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459, and except commodities which because of size or weight require the use of special equipment, from points in Anoka, Dakota, Hennepin, Ramsey, and Scott Counties and Duluth, Minn., to points in South Dakota on and south of U.S. Highway 212. The purpose of this filing is to eliminate the gateway of Savage, Minn.

No. MC 95876 (Sub-No. E4), filed May 16, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Arthur A. Budde (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe and fittings and accessories* (except oil field pipe and articles described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459, and except commodities which because of size or weight require the use of special equipment), from Pittsburgh, Pa., and Dover, Ohio, to points in North Dakota and South Dakota. The purpose of this filing is to eliminate the gateway of Savage, Minn.

No. MC 95876 (Sub-No. E5), filed May 16, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301.

Applicant's representative: Arthur A. Budde (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe and fittings and accessories*, when moving as contractors' and construction materials and supplies (except oil field pipe and articles described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459, and except commodities which because of size or weight require the use of special equipment), from points in Minnesota on and south of U.S. Highway 12 and points in Iowa on and west of U.S. Highway 69 to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Savage, Minn.

No. MC 106644 (Sub-No. E31), filed June 3, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical controllers and instruments*, which because of size or weight require the use of special equipment from points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, and Tennessee and points in South Carolina west of a line from Myrtle Beach along U.S. Highway 801 to the junction of U.S. Highway 501, thence along U.S. Highway 501 to the South Carolina-North Carolina State line, and points in North Carolina west of U.S. Highway 501, to points in Connecticut, Delaware, Maine, New Hampshire, Vermont, and the District of Columbia. The purpose of this filing is to eliminate the gateways of points in Tennessee, North Carolina, and Roanoke County, Va.

No. MC 106644 (Sub-No. E32), filed June 3, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical controllers and instruments*, which because of size or weight require the use of special equipment, (1) from points in South Carolina north and east of Interstate Highway 26 and points in North Carolina north and east of a line from the North Carolina-South Carolina State line along Interstate Highway 26 to the junction of U.S. Highway 70, thence along U.S. Highway 70 to the North Carolina-Tennessee State line to points in South Dakota and Wyoming, (2) from points in South Carolina north and east of Interstate Highway 26 and points in North Carolina north and east of a line from the North Carolina-South Carolina State line along Interstate Highway 26 to the junction of U.S. Highway 231, thence along U.S. Highway 231 to the North Carolina-Tennessee State line, to points in Colorado, Minnesota, and New Mexico. The purpose of this fil-

ing is to eliminate the gateway of points in North Carolina and Roanoke County, Va.

No. MC 106644 (Sub-No. E33), filed June 3, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment between Clarksburg, W. Va., on the one hand, and on the other, points in Georgia on and south of a line from Savannah along U.S. Highway 80 to the junction of Georgia Highway 15, thence along Georgia Highway 15 to the junction of Interstate Highway 20 to Atlanta, thence along U.S. Highway 78 to the Georgia-Alabama State line, points on and south of a line from the Alabama-Georgia State line along U.S. Highway 78 to the junction of U.S. Highway 11, thence along U.S. Highway 11 to the Alabama-Mississippi State line, points in Mississippi on and south of a line from the Alabama-Mississippi State line along U.S. Highway 11 to the junction of Interstate Highway 80, thence along Interstate Highway 80 to the Mississippi-Louisiana State line, points in Louisiana on and south of Interstate Highway 80, and points in Texas on and south of Interstate Highway 80. The purpose of this filing is to eliminate the gateway of Marietta, Ga.

No. MC 106644 (Sub-No. E35), filed June 3, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe* from Hot Springs, Fla., to points in Arkansas, Indiana, Oklahoma, Texas, and West Virginia. The purpose of this filing is to eliminate the gateway of the plant site and warehouse facilities of the Clow Corporation located near Lincoln, Talladega County, Ala.

No. MC 106644 (Sub-No. E36), filed June 3, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe*, from Hot Springs, Fla., to points in Kansas, Nebraska, Iowa, Michigan, Wisconsin, Minnesota, North Dakota, and South Dakota. The purpose of this filing is to eliminate the gateway of the plant site and warehouse facilities of the Clow Corporation located near Lincoln, Talladega County, Ala.

No. MC 106644 (Sub-No. E38), filed June 3, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770

Peyton Road NW., Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron and brass valves and cast iron fire hydrants* from Birmingham, Ala., to points in Nevada on and south of U.S. Highway 60 and points in California south and west of a line from the California-Arizona State line along U.S. Highway 95 to Needles, thence along U.S. Highway 66 to Barstow, thence along California Highway 58, thence along California Highway 58 to the junction of U.S. Highway 101, thence along U.S. Highway 101 to the junction of California Highway 41, thence along California Highway 41 to the Pacific Ocean. The purpose of this filing is to eliminate the gateway of Beaumont, Tex.

No. MC 106644 (Sub-No. E40) filed June 3, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Aluminum ingots, pigs, billets, blooms, and plates*, requiring special equipment from points in Alabama, Florida, Georgia, Kentucky, North Carolina, and Texas to points in California, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Scottsboro, Ala.

No. MC 107403 (Sub-No. E474), 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: *Synthetic resins*, in bulk, in tank vehicles, from Newark, Ohio, to points in Iowa, Minnesota, and Nebraska. The purpose of this filing is to eliminate the gateway of the plant site of Baird Chemicals Industries, Inc., located at or near Mapleton, Ill.

No. MC 107403 (Sub-No. E476), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, 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: *Urea*, in bulk, in tank vehicles, from the facilities of E. J. DuPont de Nemours and Company at Lima, Ohio, to points in Illinois and Wisconsin. The purpose of this filing is to eliminate the gateway of the plantsite of the B. F. Goodrich Company, in Milan Township (Allen County), Ind.

No. MC 107403 (Sub-No. E477), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, 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 Methanol*, in bulk, in tank vehicles, from Huron, Ohio, to points in Iowa, Missouri, and Nebraska. The purpose of this filing is to eliminate the gateways of the plantsites of Baird Chemicals Industries, Inc., located at or near Mapleton, Ill.

No. MC 107403 (Sub-No. E479), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, 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 oxo-alcohols, and liquid olefins*, in bulk, in tank vehicles, from the plantsite of Oxo-Chemical Company at Haverhill, Ohio, to points in Iowa and Nebraska. The purpose of this filing is to eliminate the gateways of the plantsites of Baird Industries, Inc., located at or near Mapleton, Ill.

No. MC 107403 (Sub-No. E483), 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 Dover, Ohio, to points in Iowa, Minnesota, Missouri, and Nebraska. The purpose of this filing is to eliminate the gateways of the plant sites of Baird Chemicals Industries, Inc., located at or near Mapleton, Ill.

No. MC 107403 (Sub-No. E485), 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 such oils and greases as may be included in the term "chemicals"), in bulk, in tank vehicles, from points in Delaware County, Ohio, to points in Iowa, Minnesota, and Nebraska. The purpose of this filing is to eliminate the gateways of the plant sites of Baird Industries, Inc., located at or near Mapleton, Ill., and the plant site of the B.F. Goodrich Company, in Milan Township (Allen County), Ind.

No. MC 107403 (Sub-No. E486), 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 such oils and greases as may be included in the term "chemicals"), in bulk, in tank vehicles, from points in Delaware County, Ohio, to points in Illinois and Wisconsin. The purpose of this filing is to eliminate the gateway of the plant site of the B. F. Goodrich Company, in Milan Township (Allen County), Ind.

No. MC 107403 (Sub-No. E489), 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: *Nonflammable vegetable oils and vegetable oil products*, in bulk, in tank vehicles, from Columbus, Ohio, to points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Wheeling, W. Va., Pittsburgh, Pa., and Newark, N.J.

No. MC 107403 (Sub-No. E511), 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*, as described in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677 (except those derived from petroleum or sold for use as fertilizers), in bulk, in tank vehicles, specially designed for the transportation of dry bulk commodities, from the plant site of Union Carbide Corporation and the plant site of Hooker Chemical Corporation at or near Taft, St. Charles Parish, La., to points in New York (except points on Long Island). The purpose of this filing is to eliminate the gateway of Indianapolis, Ind., and Painesville, Ohio.

No. MC 107403 (Sub-No. E512), 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 those sold for use as fertilizers), in bulk, in tank vehicles specially designed for the transportation of dry bulk commodities, from the plant site of Union Carbide Corporation at or near Taft, St. Charles Parish, La., to points in Pennsylvania. The purpose of this filing is to eliminate the gateways of the plant site of the B. F. Goodrich Company, in Milan Township (Allen County), Ind., and points in Muskingum County, Ohio.

No. MC 107403 (Sub-No. E513), 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 those sold for use as fertilizers), in bulk, in tank vehicles, specially designed for the transportation of dry bulk commodities, from the plant site of Union Carbide Corporation and the plant site of Hooker Chemical Corporation, at or near Taft, St. Charles Parish, La., to points in New Jersey. The purpose of this filing is to eliminate the gateways of Evansville, Ind., Lewistown, Pa., and points in Muskingum County, Ohio.

No. MC 107403 (Sub-No. E520), 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*, in bulk, in

tank vehicles, from Lake Charles, La., to points in New Jersey and New York. The purpose of this filing is to eliminate the gateways of points in the State of Kentucky, in Muskingum County, Ohio, and Lewistown, Pa.

No. MC 107403 (Sub-No. E526), 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 natural gas odorants*, in bulk, in tank vehicles, from Oak Point, La., to points in Iowa. The purpose of this filing is to eliminate the gateways of the plant sites of Baird Chemicals, Inc., located at or near Mapleton, Ill.

No. MC 107403 (Sub-No. E527), 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: *Phosphatic fertilizer solution* (except liquefied petroleum gases), in bulk, in tank vehicles, from the plant sites of National Phosphatic Corporation located approximately four (4) miles north of Hahnville, La., to points in Colorado, Missouri, Oklahoma, Tennessee (except Kingsport), Texas, Utah, Wisconsin, and Wyoming. The purpose of this filing is to eliminate the gateway of Baton Rouge, La.

No. MC 107403 (Sub-No. E529), 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: *Phosphatic fertilizer solution*, in bulk, in tank vehicles, from the plant sites of National Phosphatic Corporation located approximately four (4) miles north of Hahnville, La., to points in Connecticut and Rhode Island. The purpose of this filing is to eliminate the gateways of the plant site of American Cyanamid Company at Avondale, La., Greensboro, N.C., and Newark, N.J.

No. MC 107403 (Sub-No. E533), 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: *Phosphatic fertilizer solutions*, in bulk, in tank vehicles, from the plant sites of National Phosphatic Corporation located approximately four (4) miles north of Hahnville, La., to points in Iowa and Minnesota. The purpose of this filing is to eliminate the gateways of the plant site of American Cyanamid Company at Avondale, La., and the plant sites of Baird Industries, Inc., at or near Mapleton, Ill.

No. MC 107403 (Sub-No. E536), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lans-

downe, 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 fertilizer compounds* (manufactured), in bulk, in tank or hopper vehicles specially designed for the transportation of dry bulk commodities, from the plantsites of National Phosphate Corporation located approximately four (4) miles north of Hahnville, La., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateways of points in the state of Kentucky, Painesville, Ohio, and Solway, N.Y.

No. MC 107403 (Sub-No. E537), 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 fertilizer compounds* (manufactured), in bulk, from the plant site of National Phosphate Corporation located approximately 4 miles north of Hahnville, La., to points in Florida and Georgia. The purpose of this filing is to eliminate the gateway of Baton Rouge, La.

No. MC 107403 (Sub-No. E538), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, 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 fertilizer compounds* (manufactured, except those derived from petroleum), in bulk, in tank vehicles, from the plant sites of National Phosphate Corporation located approximately 4 miles north of Hahnville, La., to points in New York (except points on Long Island). The purpose of this filing is to eliminate the gateways of points in the State of Virginia and Painesville, Ohio.

No. MC 107403 (Sub-No. E539), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, 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 fertilizer compounds* (manufactured, except those derived from petroleum), in bulk, in tank vehicles, specially designed for the transportation of dry bulk commodities, from the plantsite of National Phosphate Corporation located approximately 4 miles north of Hahnville, La., to points in Pennsylvania. The purpose of this filing is to eliminate the gateways of points in the State of Kentucky and Painesville, Ohio.

No. MC 107403 (Sub-No. E540), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irreg-

ular routes, transporting: *Dry fertilizer compounds* (manufactured), in bulk, in tank vehicles specially designed for the transportation of dry bulk commodities, from the plantsites of National Phosphate Corporation located approximately four (4) miles north of Hahnville, La., to points in New Jersey. The purpose of this filing is to eliminate the gateways of Lewistown, Pa., points in Muskingum County, Ohio, and points in the state of Kentucky.

No. MC 107403 (Sub-No. E541), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, 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 fertilizer compounds* (manufactured), in bulk, in tank or hopper vehicles, from the plantsites of National Phosphate Corporation located approximately four (4) miles north of Hahnville, La., to points in North Carolina, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of points in West Baton Rouge Parish, La.

No. MC 107403 (Sub-No. E542), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, 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: *Creosote oil*, in bulk, in tank vehicles, from the facilities of Witco Chemical Company, Inc., at or near Jasper, Tex., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, North Carolina, South Carolina, Tennessee, Wisconsin, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Baton Rouge, La.

No. MC 107403 (Sub-No. E544), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, 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: *Creosote oil*, in bulk, in tank vehicles, from the storage facility of Witco Chemical Company, Inc., at or near Jasper, Tex., to points in Maine, Massachusetts, New Hampshire, and Vermont, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of Baton Rouge, La., Greensboro, N.C., and Newark, N.J.

No. MC 107403 (Sub-No. E546), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, 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: *Phosphatic fertilizer solution*, in bulk, in tank vehicles, from the plantsite of National Phosphate

Corporation, located approximately four (4) miles north of Hahnville, La., to points in Florida, Georgia, Illinois, Indiana, North Carolina, and South Carolina, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plantsite of American Cyanamid Company at Avondale, La.

No. MC 107403 (Sub-No. E547), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, 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: *Cement*, from the plantsite of National Cement Company, at Ragland (St. Clair County), Ala., to points in Louisiana, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plantsite of Universal-Atlas Cement Division, United States Steel Corporation, at Leeds (Jefferson County), Ala.

No. MC 107403 (Sub-No. E549), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, 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: *Cement*, in bulk, and in bags, from Decatur, Ala., to points in North Carolina and South Carolina, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 107403 (Sub-No. E551), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, 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: *Cement*, from the plantsite of Southern Cement Company, division of Martin-Marietta Corporation (Magnolia), Atlanta, Ga., to points in Louisiana and Mississippi, with no transportation for compensation on return, except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plantsite of Universal-Atlas Cement Division, United States Steel Corporation, at Leeds (Jefferson County), Ala.

No. MC 107496 (Sub-No. E287) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER August 23, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Quincy, Ill., to points in

Illinois (except points in Adams, Hancock, Schuyler, Brown, Pike, Cass, Scott, and Calhoun County). The purpose of this filing is to eliminate the gateway of Palmyra, Mo., and points within 10 miles thereof. The purpose of this correction is to reflect the origin points.

No. MC 111545 (Sub-No. E252) (Correction), filed May 19, 1974, published in the FEDERAL REGISTER August 29, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, from points in Connecticut to points in that part of Colorado on, west, and south of a line beginning at the Colorado-New Mexico State line, thence along U.S. Highway 85 to Denver, thence along U.S. Highway 6 to the Colorado-Utah State line. The purpose of this filing is to eliminate the gateways of Ringgold, Ga., and Miami, Okla. The purpose of this correction is to reflect from origin points to destination points. Previously published as between.

No. MC 111545 (Sub-No. E312) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER August 4, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Oklahoma on and east of a line beginning at the Oklahoma-Arkansas State line, thence along U.S. Highway 62 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 271, thence along U.S. Highway 271 to the Oklahoma-Texas State line, to points in that part of Nebraska on and north of a line beginning at the Nebraska-Missouri State line, thence along Nebraska Highway 2 to Merna, thence along Nebraska Highway 2 to junction Nebraska Highway 61, thence along Nebraska Highway 61 to Ogallala, thence along U.S. Highway 30 to the Nebraska-Wyoming State line. The purpose of this filing is to eliminate the gateways of points in Arkansas and Payne, Iowa. The purpose of this correction is to correct the Nebraska Highway description.

No. MC 111545 (Sub-No. E335) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER August 12, 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: *Incinerators and refuse-treatment equipment*,

and parts, attachments, and accessories, for incinerators and refuse-treatment equipment, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Tennessee within 175 miles of Chattanooga, Tenn., and on and east of U.S. Highway 127, to points in New Mexico. The purpose of this filing is to eliminate the gateways of Ringgold, Ga., and Springfield, Mo. The purpose of this correction is to reflect the entire letter-notice. A portion was left out of the previous publication.

No. MC 111545 (Sub-No. E430) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER August 7, 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: *Incinerators and refuse-treatment equipment, and parts, attachments, and accessories*, for incinerators and refuse-treatment equipment, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Alabama within 175 miles of Chattanooga, Tenn., to points in California, Montana, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateways of Cedartown, Ga., and Springfield, Mo. The purpose of this correction is to include California as a destination state.

No. MC 111545 (Sub-No. E452) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER August 16, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked-down, or in sections, the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Louisiana on and east of a line beginning at the Louisiana-Mississippi State line, thence along U.S. Highway 61 to Scotlandville, thence along U.S. Highway 190 to Opelousas, thence along U.S. Highway 167 to Abbeville, thence along Louisiana Highway 82 to junction Vermillion-Cameron Parish line to the Gulf of Mexico, on the one hand, and, on the other, points in Indiana and Wisconsin. The purpose of this filing is to eliminate the gateway of Piedmont, Ala. The purpose of this correction is to include Indiana and Wisconsin as destination States.

No. MC 111545 (Sub-No. E487) (Correction), filed May 30, 1974, published in the FEDERAL REGISTER August 7, 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: *Buildings*, in sections, from points in Alabama to points in Iowa, Kansas, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, that part of Illinois on and north of a line beginning at the Illinois-Missouri State line, thence along U.S. Highway 66 to Springfield, thence along Illinois Highway 54 to Onarga, thence along U.S. Highway 45 to Gillman, thence along U.S. Highway 24 to the Illinois-Indiana State line, and that part of Oklahoma on and north of U.S. Highway 60. The purpose of this filing is to eliminate the gateway of the plant site of Continental Homes, Inc., located at or near Malden, Mo. The purpose of this correction is to reflect Alabama as the only origin State and the remainder as destination points.

No. MC 111548 (Sub-No. E10), filed June 4, 1974. Applicant: SHARPE MOTOR LINES, INC., P.O. Box 517, Hildebran, N.C. 28637. Applicant's representative: Edward G. Villalon, Suite 1032, Pennsylvania Bldg., Pennsylvania Ave. and 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Rhode Island, Massachusetts, and New Hampshire, to points in that part of West Virginia on and south of U.S. Highway 52, points in that part of Kentucky on and south of a line beginning at the Kentucky-West Virginia State line, thence along Kentucky Highway 40 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Kentucky Highway 30, thence along Kentucky Highway 30 to junction Kentucky Highway 52, thence along Kentucky Highway 52 to junction Kentucky Highway 86, thence along Kentucky Highway 86 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Kentucky-Indiana State line, points in that part of Indiana on and south of a line beginning at the Kentucky-Indiana State line, thence along Indiana Highway 66 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Indiana-Illinois State line, and points in that part of Illinois on and south of a line beginning at the Illinois-Indiana State line, thence along U.S. Highway 460 to junction Illinois Highway 14, thence along Illinois Highway 14 to junction Illinois Highway 152, thence along Illinois Highway 152 to junction Illinois Highway 150, thence along Illinois Highway 150 to the Illinois-Missouri State line. The purpose of this filing is to eliminate the gateway of New York, N.Y., and points within 25 miles of Hickory.

No. MC 111548 (Sub-No. E14), filed June 4, 1974. Applicant: SHARPE MOTOR LINES, INC., P.O. Box 517, Hildebran, N.C. 28637. Applicant's representative: Edward G. Villalon, Suite 1032, Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over

irregular routes, transporting: *Laboratory and technical furniture, fixtures, equipment, material, and supplies*, uncrated, from points in that part of New Jersey west of U.S. Highway 1, points in that part of Pennsylvania west of U.S. Highway 1, and Niagara Falls and Buffalo, N.Y., points on U.S. Highway 62 between Buffalo and junction U.S. Highway 20, points on U.S. Highway 20 between junction U.S. Highways 62 and 20 and Fredonia, N.Y., and points on New York Highway 60 between Fredonia and Frewsburg, N.Y., and points on U.S. Highway 62 between Frewsburg and the New York-Pennsylvania State line, to points in South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana. The purpose of this filing is to eliminate the gateway of Warren, Pa., and Statesville, N.C.

No. MC 111548 (Sub-No. E15), filed June 4, 1974. Applicant: SHARPE MOTOR LINES, INC., P.O. Box 517, Hildebran, N.C. 28637. Applicant's representative: Edward G. Villalon, Suite 1032, Pennsylvania Bldg. NW., Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New furniture*, from Beacon, N.Y., to points in Georgia, Tennessee, and points in that part of South Carolina on, south, and west of a line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 1 to junction U.S. Highway 601, thence along U.S. Highway 601 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction U.S. Highway 126, thence along U.S. Highway 126 to Charleston. The purpose of this filing is to eliminate the gateway of Marion, N.C.

No. MC 113843 (Sub-No. E436), filed May 14, 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: *Canned foodstuffs*, from Havre de Grace, Md., to points in that part of Vermont on and north of a line beginning at the Vermont-New York State line and extending along Vermont Highway 15 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Vermont-New Hampshire State line. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

No. MC 113843 (Sub-No. E647), filed May 16, 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 Middlesex County, N.J., on the one hand, and, on the other, points in that part of Ohio on, north, and west of a line beginning at the Ohio-Pennsylvania State line and extending along Ohio Highway 304 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 Urbana, thence along U.S. Highway 68 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E667), filed May 14, 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, west, and north of a line beginning at Lake Michigan and extending along U.S. Highway 10 to Baldwin, thence along Michigan Highway 37 to junction Michigan Highway 55, thence along Michigan Highway 55 to Lake Huron to points in that part of Maryland on and north of a line beginning at the Chesapeake Bay and extending along Maryland Highway 349 to Salisbury, thence along U.S. Highway 50 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 115669 (Sub-No. E43), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER September 12, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (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 those in bulk, in liquid form, and except salt, soybean meal, and urea), from Kansas City, Mo., to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Olathe, Kans. The purpose of this correction is to reflect the correct E number previously published as E42.

No. MC 119443 (Sub-No. E11), filed May 20, 1974. Applicant: P. E. KRAMME, INC., Main Street, Monroeville, N.J. 08343. Applicant's representative: Gerald A. Kramme (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chocolate, liquid chocolate coating, liquid chocolate liquor, and liquid cocoa butter*, in bulk, in tank vehicles, from Philadelphia, Pa., to Birmingham, Ala., points in Illinois, Indiana, Iowa, Louisiana, Michigan, Minnesota, Wisconsin, points in that part of Virginia on, west, and south of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 15 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction Virginia Highway 55, thence along Virginia Highway 55 to the Virginia-West Virginia State line, points in that part of West Virginia on and south of a line beginning at the West Virginia-Virginia State line, thence along West Virginia Highway 55 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction West Virginia

Highway 42, thence along West Virginia Highway 42 to junction U.S. Highway 50, thence along U.S. Highway 50 to the West Virginia-Maryland State line, thence along the West Virginia-Maryland State line to junction with U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 250, thence along U.S. Highway 220 to junction West Virginia Highway 7, thence along West Virginia Highway 7 to the West Virginia-Ohio State line, points in that part of Maryland on and south of U.S. Highway 50, points in that part of Ohio on and west of a line beginning at the West Virginia-Ohio State line.

Thence along Ohio Highway 536 to junction Ohio Highway 78, thence along Ohio Highway 78 to junction Ohio Highway 800, thence along Ohio Highway 800 to junction Ohio Highway 147, thence along Ohio Highway 147 to junction Ohio Highway 265, thence along Ohio Highway 265 to junction Ohio Highway 513, thence along Ohio Highway 513 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Ohio Highway 800, thence along Ohio Highway 800 to junction U.S. Highway 250, thence along Ohio Highway 259 to junction Ohio Highway 416, thence along Ohio Highway 416 to junction Ohio Highway 800, thence along Ohio Highway 800 to junction Ohio Highway 183, thence along Ohio Highway 183 to junction Ohio Highway 44, thence along Ohio Highway 44 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Ohio Highway 183, thence along Ohio Highway 183 to junction Ohio Highway 14, thence along Ohio Highway 14 to junction Ohio Highway 88, thence along Ohio Highway 88 to junction Ohio Highway 303, thence along Ohio Highway 303 to junction Ohio Highway 534, thence along Ohio Highway 534 to junction Ohio Highway 305, thence along Ohio Highway 305 to junction Ohio Highway 45, thence along Ohio Highway 45 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Ohio Highway 46, thence along Ohio Highway 46 to Lake Erie, and points in that part of Maine on and north of a line beginning at the United States-Canada International Boundary line, thence along U.S. Highway 2 to junction Maine Highway 212, thence along Maine Highway 212 to junction Maine Highway 11, thence along Maine Highway 11 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateways of Dover, Del., and Elizabethtown, Pa., for points in Minnesota and Wisconsin above, and Dover, Del., for all other named points above.

No. MC 119443 (Sub-No. E12), filed May 23, 1974. Applicant: P. E. KRAMME, INC., Maine Street, Monroeville, N.J. 08343. Applicant's representative: Gerald A. Kramme (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chocolate products, liquid confectioners*

coatings, and liquid cocoa butter, in bulk, in tank vehicles, from Mansfield, Mass., to points in Alabama, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, points in that part of New Jersey on and south of a line beginning at the New Jersey-Pennsylvania State line at Trenton, thence along U.S. Highway 206 to junction New Jersey Highway 68 to junction New Jersey Highway 68, thence along New Jersey Highway 68 to junction New Jersey County Highway 537, thence along New Jersey County Highway 537 to junction New Jersey County Highway 545, thence along New Jersey County Highway 545 to junction New Jersey County Highway 530, thence along New Jersey County Highway 530 to junction New Jersey Highway 70, thence along New Jersey Highway 70 to junction New Jersey Highway 72, thence along New Jersey Highway 72 to junction New Jersey County Highway 534, thence along New Jersey County Highway 534 to the Atlantic Ocean, and points in that part of Ohio on, south, and west of U.S. Highway 422. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa., and Dover, Del., and Lititz and Elizabethtown, Pa.

No. MC 119631 (Sub-No. E3), filed May 29, 1974. Applicant: DEIOMA TRUCKING CO., P.O. Box 915, Alliance, Ohio 44601. Applicant's representative: James E. Wilson, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and clay products* from points in Ohio within 40 miles of Canton to points in Virginia and Washington, D.C. The purpose of this filing is to eliminate the gateway of points in Pennsylvania within the East Liverpool, Ohio, commercial zone.

No. MC 123407 (Sub-No. E116), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk, lumber, chemicals, and commodities the transportation of which because of size or weight require the use of special equipment or special handling) from Freeport, Ill., to points in North Carolina, Virginia, West Virginia, that part of Kentucky in and east of Hardin, Hart, Barren, Warren, and Simpson Counties, and that part of Tennessee in and east of Summer, Davidson, Williamson, Maury, and Giles Counties. The purpose of this filing is to eliminate the gateway of Brookville, Ind.

No. MC 123407 (Sub-No. E117), filed June 4, 1974. Applicant: SAWYER

TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* from Dubuque, Iowa, to that part of Minnesota in and north of Pipestone, Lyon, Yellow Medicine, Chippewa, Swift, Pope, Todd, Morrison, Crow Wing, Carlton, and Aitkin Counties, and that part of Nebraska in and west of Cedar, Pierce, Madison, Colfax, Butler, Seward, Saline, and Jefferson Counties. The purpose of this filing is to eliminate the gateway of Warren, Ill.

No. MC 123407 (Sub-No. E118), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board* from L'Anse, Mich., to points in Kansas, Oklahoma, Arkansas, Louisiana, Tennessee, Mississippi, and Alabama. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 123407 (Sub-No. E120), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk) from Port Clinton, Ohio, to points in McKenzie, Williams, Mountrail, Divide, Burke, Renville, Bottineau, and Rolette Counties, N. Dak. The purpose of this filing is to eliminate the gateway of Warren, Ill., and L'Anse, Mich.

No. MC 123407 (Sub-No. E121), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from Chicago Heights, Ill., to points in Nebraska, Kansas, and Gogebic and Ontonagon Counties, Mich. The purpose of this filing is to eliminate the gateway of Warren, Ill.

No. MC 123407 (Sub-No. E122), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt roofing, asbestos shingles, asbestos siding, vermiculite, and mineral wool insulation*, from Chicago Heights, Ill., to points in Polk, Burnett, and Douglas Counties, Wis. The purpose of this filing is to eliminate the gateway of Warren, Ill., and St. Paul, Minn.

No. MC 123407 (Sub-No. E123), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass and glass glazing units*, from Lincoln, Ill., to points in that part of South Carolina, in and east of Chesterfield, Kershaw, Richland, Lexington, Orangeburg, Bamberg, Hampton, and Jasper Counties, Effingham, Bryan, and Chatham Counties, Ga.; and Palm Beach, Broward, and Dade Counties, Fla., restricted to the transportation of shipments which originate at the sites of the plants and warehouses of PPG Industries, Inc., at the above named origin. The purpose of this filing is to eliminate the gateway of Laurinburg, N.C.

No. MC 123407 (Sub-No. E129), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk, lumber, chemicals, and commodities the transportation of which because of size or weight require the use of special equipment), from De Kalb, Ill., to points in that part of North Carolina in and south of Iredell, Meckenburg, Davie, Davidson, Montgomery, Moore, Hoke, Robeson, Balden, Sampson, Dupum, Lenoir, Greene, Edgecombe, Martin, Washington, Tyrell, and Dare. The purpose of this filing is to eliminate the gateway of Warren, Ill., and Brookville, Ind.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-22421 Filed 9-25-74;8:45 am]

[Notice 76]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

SEPTEMBER 20, 1974.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247¹ of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the ap-

¹ Copies of Special Rule 247 (as amended) can be obtained by writing the Secretary, Interstate Commerce Commission, Washington, D.C. 20428.

plication is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 1641 (Sub-No. 102), filed September 3, 1974. Applicant: PEAKE TRANSPORT SERVICE, INC., Box 366, Chester, Nebr. 68327. Applicant's representative: R. B. Parker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and feed ingredients*, from Blair, Nebr., to points in Iowa, Illinois, Missouri, Kansas, Wisconsin, Minnesota, North Dakota, South Dakota, Colorado, Wyoming, and Oklahoma.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 20783 (Sub-No. 105), filed August 27, 1974. Applicant: TOMPKINS MOTOR LINES, INC., P.O. Box 1830 Gadsden, Ala. 35902. Applicant's representative: John P. Carlton, 903 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products*, from the plant-site and storage facilities of Peter Paul, Inc., located at or near Frankfort, Ind., to points in Florida, Louisiana, Mississippi, North Carolina, and South Carolina.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 20992 (Sub-No. 32), filed August 30, 1974. Applicant: DOTSETH TRUCK LINE, INC., Knapp, Wis. 54749. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Trailers*, designed for the transportation of agricultural, industrial, and construction equipment; and (b) *agricultural implements and parts, and attachments and accessories*, for agricultural implements, from Madison, Wis., to points in the United States (except points in Alaska and Hawaii); and (2) *equipment, materials, and supplies*, used in the manufacturing and distribution of the commodities named in (1) (a) and (b) above, from points in the United States (except Alaska and Hawaii), to Madison, Wis., restricted against the transportation of commodities in bulk, in tank vehicles, and further restricted to traffic originating at or destined to the plantsite of Richard Industry Corp., at Madison, Wis.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 22278 (Sub-No. 46), filed August 26, 1974. Applicant: TAKIN BROS. FREIGHT LINE, INC., 2125 Commercial Street, Waterloo, Iowa 50702. Applicant's representative: Paul Rhodes (same address as applicant). 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 Lake Mills, Iowa, as an off-route point in connection with carrier's regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Des Moines, Iowa.

No. MC 26396 (Sub-No. 122), filed August 19, 1974. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, a corporation, Box 990,

Livingston, Mont. 59047. Applicant's representative: Jacob P. Billig, 1126 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beehive lumber and beekeeping equipment*, from Polson, Mont., to ports of entry on the International Boundary Line between the United States and Canada, in Montana and North Dakota.

NOTE.—Applicant holds contract carrier authority in MC 136777 (Sub-No. 3), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Missoula, Mont.

No. MC 30518 (Sub-No. 4) (Correction), filed July 30, 1974, published in the FEDERAL REGISTER issue, September 12, 1974, and republished as corrected, this issue. Applicant: CARLOS J. STILWELL, doing business as STILWELL TRUCK SERVICE, Detroit, Ill. 62332. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Whey by-products, lactose, prepared animal or poultry feed, animal or poultry feed ingredients*, from Boscobel, Wis., to points in Illinois and Missouri, under contract or contracts with Milk Specialties Co. of Dundee, Ill.

NOTE.—The purpose of this republication is to add Missouri as a destination point. If a hearing is deemed necessary, applicant requests it be held at Springfield or Chicago, Ill.

No. MC 30844 (Sub-No. 515) filed August 26, 1974. Applicant: KROBLIN REFRIGERATED EXPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50702. Applicant's representative: Truman A. Stockton, The 1650 Grant Street Bldg., Denver, Colo. 80210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Filter paper*, from Riegelsville, N.J., to Lake Mills, Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Des Moines, Iowa.

No. MC 30844 (Sub-No. 516), filed August 26, 1974. Applicant: KROBLIN REFRIGERATED EXPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50702. Applicant's representative: Truman A. Stockton, The 1650 Grant Street Bldg., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such materials, supplies, and ingredients as are used in the food processing industry (except commodities in bulk, bananas, frozen and canned citrus products, and glass containers)*, from points in Colorado, Connecticut, Delaware, Illinois (except points in the Chicago, Ill., Commercial Zone as defined by the Commission), Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin, to Deerfield and

Chicago, Ill., restricted to shipments destined to warehouses and facilities utilized by Kitchens of Sara Lee at the above name destinations.

NOTE.—Common control was approved in MC-F-8722 and MC-F-9750. If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., or Chicago, Ill.

No. MC 31389 (Sub-No. 185) filed August 23, 1974. Applicant: McLEAN TRUCKING COMPANY, a Corporation, 617 Woughtown Street, P.O. Box 213, Winston-Salem, N.C. 27107. Applicant's representative: David F. Eshelman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)*, serving the plantsite of Georgia-Pacific Corporation, at or near Port Hudson, La., as an off-route point in connection with applicant's regular route operations to and from Baton Rouge, La.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 37070 (Sub-No. 4), filed August 27, 1974. Applicant: STEVEN CVETAN AND JOSEPH CVETAN, doing business as CVETAN BROS., R.F.D. #1, Ringoes, N.J. 08551. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, (1) from the facilities of Kerr-McGee Chemical Corp. in Baltimore, Md., to points in Connecticut and New Jersey, and Orange, Rockland, Nassau, and Suffolk Counties, N.Y., and (2) from the facilities of Kerr-McGee Chemical Corp. in Philadelphia, Pa., to points in Connecticut, and Orange, Rockland, Nassau, and Suffolk Counties, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 41406 (Sub-No. 42), filed June 21, 1974. Applicant: ARTIM TRANSPORTATION SYSTEM INC., 7105 Kennedy Avenue, P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between Kingsbury, Ind., on the one hand, and, on the other, points in Illinois, Iowa, Kentucky, Michigan, Missouri, Ohio, New York, Pennsylvania, West Virginia, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., Chicago, Ill., or Washington, D.C.

No. MC 41406 (Sub-No. 46), filed August 30, 1974. Applicant: ARTIM

TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lead oxides, litharge, and red lead*, dry, in bulk, in tank vehicles, from Hammond, Ind., to points in Illinois, Kentucky, Ohio, Wisconsin, and the lower peninsula of Michigan.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Indianapolis, Ind., or Washington, D.C.

No. MC 41432 (Sub-No. 145), filed August 19, 1974. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, P.O. Box 10125, Dallas, Tex. 75207. Applicant's representative: W. P. Furrh (same address as applicant). 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 commodities requiring special equipment)*, between Lubbock and Levelland, Tex.: From Lubbock over Texas Highway 116 to Levelland, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's authorized regular route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 43421 (Sub-No. 52), filed August 19, 1974. Applicant: DOHRN TRANSFER COMPANY, a Corporation, 4019 Ninth Street, P.O. Box 1237, Rock Island, Ill. 61201. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities (except articles of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment)*. Between Quincy, Ill., and St. Louis, Mo.: From Quincy over Illinois Highway 57 to Junction Illinois Highway 96, thence over Illinois Highway 96 to Junction U.S. Highway 54, thence over U.S. Highway 54 to Junction Missouri Highway 79, thence over Missouri Highway 79 to Junction Illinois Highway 96, thence over Interstate Highway 70 to St. Louis, Mo., and return over the same route, as an alternate route for operating convenience only, in connection with carrier's regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 45021 (Sub-No. 6), filed August 22, 1974. Applicant: SPEEDY TRUCKING CO., INC., Taft Road, Totowa, N.J. 07512. Applicant's repre-

representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale and retail grocery houses (except in bulk)*, between Totowa Borough (Passaic County), N.J., on the one hand, and, on the other, points in Maryland, Virginia, and the District of Columbia, under continuing contracts with Filigree Foods, Inc.; J. Ossola Company Inc.; Chait Foods Dairy, Inc.; A & A Food Products Corp. and Cresca Co., Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 51146 (Sub-No. 393), filed August 30, 1974. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54306. Applicant's representative: Neil A. Du Jardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Containers*; (2) *container ends*; and (3) *equipment, materials and supplies and accessories used in the manufacture and distribution of containers and container ends when moving with containers and container ends, from Danbury, Conn., to points in Kentucky and Tennessee.*

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 59488 (Sub-No. 41), filed August 26, 1974. Applicant: SOUTHWESTERN TRANSPORTATION COMPANY, a Corporation, 7600 South Central Expressway, Dallas, Tex. 75216. Applicant's representative: Lloyd M. Roach, 1517 West Front Street, Tyler, Tex. 75701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading)*, Serving Swan Lake, Ark., as an off-route point in connection with Applicant's present regular route authority, to and from Pine Bluff, Ark., via Arkansas State Highways 88, 11, and 276.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 59728 (Sub-No. 27), filed September 4, 1974. Applicant: MORRISON MOTOR FREIGHT, INC., 1100 E. Jenkins Blvd., Akron, Ohio 44306. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. 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, agricultural commodities, commodities which because of their size or weight require*

special handling or special equipment), serving the facilities of Western Electric Company located at New York State Highway 422 and Maple Street, Elma Township, Erie County, New York, as an off-route point in connection with applicant's presently authorized regular route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 61592 (Sub-No. 322), filed August 13, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, R.R. 3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural, industrial, and construction machinery and equipment, agricultural, industrial, and construction material and supplies*, (2) *lawn, garden, and home maintenance equipment, and recreational vehicles and equipment*, (3) *trailers designed for the transportation of the commodities described in (1) and (2) above, and (4) materials, equipment, and supplies used in the manufacture, repair, operation, and distribution of the commodities described in (1), (2), and (3) above (except commodities in bulk)*, between points in the United States including Alaska, but excluding Hawaii.

NOTE.—Applicant has held out a substantial portion of these operations via gateways by tacking various subs. One of the purposes of this application is to continue to hold out service to areas exceeding 20% circuitry via a gateway. On a substantial number of the commodities involved, applicant can serve a substantial portion of this territory direct. Applicant holds out interline service to the areas not served direct or via gateways. Applicant does not seek duplicating authority. Common control was approved in No. MC-F-10387 and No. MC-F-10697. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 64932 (Sub-No. 536), filed August 30, 1974. Applicant: ROGERS CARTAGE CO., a Corporation, 10735 South Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alumina, hydrated, in bulk, from the plantsite of American Cyanamid, at Michigan City, Ind., to the plantsite of American Cyanamid, at Azusa, Calif.*; (2) *alumina oxide platinum catalyst, in bulk, from the plantsite of American Cyanamid, at Azusa, Calif., to the plantsite of General Motors, Inc., at Oak Creek, Wis.*; and (3) *alumina hydrate, in bulk, from the plantsite of American Cyanamid, at Michigan City, Ind., to the plantsite of W. R. Grace & Co., at Curtis Bay, Md.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 71452 (Sub-No. 10), filed July 9, 1974. Applicant: INDIANA TRANSIT SERVICE, INC., 4300 West Morris Street, Indianapolis, Ind. 46241.

Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities (except commodities in bulk, Classes A and B explosives, household goods as defined by the Commission, and those requiring special equipment)*, between points in Orange, Jefferson, Ripley, Scott, and Dubois Counties, Ind., on the one hand, and, on the other, Weir-Cooke Airport at or near Indianapolis, Ind., restricted to the transportation of shipments having a prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 72997 (Sub-No. 25), filed August 30, 1974. Applicant: LIBERTY TRUCKING COMPANY, a Corporation, 1401 West Fulton Street, Chicago, Ill. 60607. Applicant's representative: Michael J. Wyngaard, 329 West Wilson Street, Madison, Wis. 53703. 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, and commodities requiring special equipment)*: Serving Lake Mills, Wis., as an off-route point in connection with applicant's regular route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Madison or Lake Mills, Wis.

No. MC 78118 (Sub-No. 25), filed August 30, 1974. Applicant: W. H. JOHNS, INC., 35 Wimer Road, Lancaster, Pa. 17602. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, iron or steel K.D., and materials, equipment, and supplies used in the manufacture, sale, and distribution of said buildings, between plant site and warehouses of Star Manufacturing Company located in Brushvalley Township, Indiana County, Pa., on the one hand, and, on the other, points in West Virginia, Virginia, Maryland, Delaware, New Jersey, North Carolina, and the District of Columbia.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 82063 (Sub-No. 52), filed August 23, 1974. Applicant: KLIPSCH HAULING CO., a corporation, 119 E. Loughborough, St. Louis, Mo. 63111. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals (except anhydrous ammonia, aqua ammonia, and liquid fertilizer)*, in bulk, from the plantsite of Monsanto Company, at or near Muscatine, Iowa, to points in the United States (except

Alaska, Hawaii, and points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 83539 (Sub-No. 396), filed September 3, 1974. Applicant: C & H TRANSPORTATION CO., INC., 1936-2010 West Commerce Street, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, complete, knocked down, or in sections, building sections and building panels, metal pre-fabricated structural components, and panels and parts and accessories* used in the installation thereof, from Portland, Tenn., to points in the United States including Alaska but excluding Hawaii and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn., or Dallas, Tex.

No. MC 86247 (Sub-No. 6), filed August 19, 1974. Applicant: I.C.L. INTERNATIONAL CARRIERS LIMITED, 1333 College Avenue, Windsor, Ontario, Canada. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, Classes A and B explosives, and household goods as defined by the Commission), between the ports of entry on the International Boundary line between the United States and Canada located at Queenston, Niagara Falls, Fort Erie, Ontario, Canada, and Lewiston, Niagara Falls, and Buffalo, N.Y., restricted to shipments moving to or from points in Canada.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Washington, D.C.

No. MC 87928 (Sub-No. 46), filed August 26, 1974. Applicant: AUTOMOBILE TRANSPORT, INC., 36555 Michigan Avenue, Wayne, Mich. 48184. Applicant's representative: Eugene C. Ewald, 100 West Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes*, in secondary movements, in truckaway service, between points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, South Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—Common control was approved in MC-F-9991. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 95876 (Sub-No. 157), filed September 4, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., P.O. Box 1377, St. Cloud, Minn. 56301. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic and fiberglass siding, sheets, and panels and accessories and materials*, used in the installation thereof, from Berlin, Wis., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 97310 (Sub-No. 14), filed August 27, 1974. Applicant: SHARRON MOTOR LINES, INC., 1600 "B" Street, P.O. Box 5636, Meridian, Miss. 39301. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Bldg., P.O. Box 22628, Jackson, Miss. 39205. 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), (1) Between Birmingham, Ala., and Montgomery, Ala.: From Birmingham over Interstate Highway 65 to Montgomery, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's regular route operations; and (2) Between Birmingham, Ala., and Selma, Ala.: From Birmingham over Interstate Highway 65 to its junction with Alabama Highway 31 near Clanton, Ala.; thence over Alabama Highway 22 to Selma, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's regular route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Birmingham, Ala.

No. MC 100449 (Sub-No. 52), filed August 27, 1974. Applicant: MALLINGER TRUCK LINE, INC., Rural Route 4, Fort Dodge, Iowa 50501. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Wilson & Co., Inc. at Cedar Rapids, Iowa, to points in Missouri and Nebraska, restricted to the transportation of traffic originating at the above named origins and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 100449 (Sub-No. 53), filed August 23, 1974. Applicant: MALLINGER TRUCK LINE, INC., Rural Route No. 4, Fort Dodge, Iowa 50501. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies* used in the manufacture and distribution of recreational vehicles, trucks, trailers, and palletizers, from points in Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, to the plant of Dodgen Industries, Inc. at Humboldt, Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 103051 (Sub-No. 323), filed September 3, 1974. Applicant: FLEET TRANSPORT COMPANY, INC., P.O. Box 90408, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup*, in bulk, in tank vehicles, from Nashville, Tenn., to points in Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC 105566 (Sub-No. 106), filed August 30, 1974. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, Mo. 63701. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware*, from Columbus, Ohio, to points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 106398 (Sub-No. 713), filed August 19, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from the plantsite and storage facilities of Evans Products Company, at or near Chesapeake, Va., to points in Alabama, Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chesapeake, Va.

No. MC 106451 (Sub-No. 10), filed August 12, 1974. Applicant: COOK MOTOR LINES, INC., P.O. Box 370, Akron, Ohio 44305. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. 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 Bluefield, Va., as an off-route point in connection with applicant's otherwise authorized regular route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 106644 (Sub-No. 189), filed August 29, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road, NW., P.O. Box 916, Atlanta, Ga. 30318. Applicant's representative: W. Randall Tye, 1500 Candler Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, particle board, and wood products* (except in bulk), from Bon Wier, Cleveland, and Silsbee, Tex., to points in the United States (except Alaska, Hawaii and Texas).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 106644 (Sub-No. 190), filed August 29, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., P.O. Box 916, Atlanta, Ga. 30318. Applicant's representative: Hubert Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Therapy pools and parts, materials, equipment, and supplies* used in the installation thereof, from Sun Valley, Calif., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 106920 (Sub-No. 56), filed August 22, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, West Monroe St., New Bremen, Ohio 45869. Applicant's representative: Carroll V. Lewis, P.O. Box 717, Sidney, Ohio 45365. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food-stuffs*, in mechanically refrigerated equipment, except in bulk, from points in St. Louis, Mo., and East St. Louis, Ill., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 107012 (Sub-No. 206), filed September 4, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway and Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *School furniture*, from the plantsite of Southeastern Metals located at or near Birmingham, Ala., to points in the United States, including Alaska, but excluding Alabama and Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Atlanta, Ga.

No. MC 108393 (Sub-No. 82), filed August 26, 1974. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 East Ogden Avenue, Hinsdale, Ill. 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical and gas appliances, parts of electrical and gas appliances, and equipment, materials and supplies* used in the manufacture, distribution and repair of electrical and gas appliances, between Rochester, Mich., on the one hand, and, on the other, Evansville, Ind., under a continuing contract with Whirlpool Corporation.

NOTE.—Dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109612 (Sub-No. 39), filed August 30, 1974. Applicant: LEE MOTOR LINES, INC., 4319 S. Madison, Muncie, Ind. 47305. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and caps and closures therefor, and corrugated boxes*, knocked down flat, from the plantsite of Universal Glass Products, Star City Glass Division of National Bottle Corp. at Joliet, Ill., to Bardstown, Clairmont, Owensboro, Frankfort, Lexington and Stanley, Ky., and *rejected shipments* on return.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 110012 (Sub-No. 30), filed August 23, 1974. Applicant: G. B. C. INC., 707 North Liberty Hill Road, Morristown, Tenn. 37814. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, crated or uncrated, from points in Grainger County, Tenn., to points in the United States (except Alaska and Hawaii); and (2) *materials, supplies, and equipment* used in the manufacture of furniture, from points in the United States (except Alaska and

Hawaii), to points in Grainger County, Tenn., on return.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Knoxville, Tenn. or Washington, D.C.

No. MC 110563 (Sub-No. 144), filed August 27, 1974. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747 (Ohio Bldg.), Sidney, Ohio 45365. Applicant's representative: John L. Maurer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods*, from the plantsite and warehouse facilities utilized by Arnold Bakers, Inc., located at or near Greenwich, Conn., to points in Michigan, Ohio and Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn. or New York, N.Y.

No. MC 111397 (Sub-No. 106) (amendment), filed May 6, 1974, published in the FEDERAL REGISTER issue of June 13, 1974, and republished as amended this issue. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, Ky. 42001. Applicant's representative: H. S. Melton, Jr., P.O. Box 1407, Paducah, Ky. 42001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radioactive waste materials*, in shipper owned containers, (1) between Peach Bottom Atomic Power Station at or near Delta, Pa., Vermont Yankee Nuclear Power Station, at or near Vernon, Vt., Calvert Cliffs Nuclear Power Station at or near Lusby, Md., Oconee Power Station at or near Oconee, S.C.; and Barnwell County, S.C., in non-radial movements; and (2) between Oyster Creek Nuclear Power Station, Ocean County, N.J., Maxey Flats, Ky. and Barnwell County, S.C., in non-radial movements.

NOTE.—The purpose of this republication is to substitute Maxey Flats, Ky. for Rowan County, Ky. in Part (2) above. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky. or Washington, D.C.

No. MC 111729 (Sub-No. 462), filed August 26, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prescription drugs and items* related thereto, between points in Florida, restricted to traffic having an immediately prior or subsequent movement by air; (2) *business papers, records, and audit and accounting media* of all kinds, between Harrisburg, Pa., on the one hand, and, on the other, points in Queen Annes, Frederick, Kent, Garrett, Cecil, Wilcomico, and Carroll Counties, Md.; Burlington, Hunterdon, Warren, Camden, Salem, Somerset, Cumberland, Sussex, Passaic, Morris, Monmouth, and Ocean Counties, N.J.; and Kent, Sussex, and New Castle Counties, Del.; (3) *business papers, records, audit and accounting media* of all kinds, and

engineering drawings and specifications, between Indianapolis, Ind., on the one hand, and, on the other, Central City, Ky; and Keensburgh, Macomb, Marion and Sparta, Ill.; (4) emergency replacement parts, between Indianapolis, Ind., on the one hand, and, on the other, Central City, Ky.; and Keensburgh, Macomb, Marion, and Sparta, Ill., restricted to the transportation of packages or articles weighing in the aggregate no more than 100 pounds from one consignor to one consignee on any one day; and (5) laboratory specimens and reports, business papers, and records, between Evansville and Jeffersonville, Ind., on the one hand, and, on the other, points in Illinois and Kentucky.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in No. MC 112750 and subs thereunder, therefore dual operations may also be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Indianapolis, Ind.

No. MC 111812 (Sub-No. 509), filed August 26, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., 900 West Delaware, P.O. Box 1233, Sioux Falls, S. Dak. 57104. Applicant's representative: Ralph H. Jinks (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs (except commodities in bulk), from Clearfield, Utah, to points in California, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Ohio, Pennsylvania, Maryland, New Jersey, New York, Virginia, West Virginia, and Massachusetts, restricted to traffic originating at the named origin and destined to the named destination.

NOTE.—Common control was approved in MC-F-11285. If a hearing is deemed necessary, applicant requests it be held at either Salt Lake City, Utah or Boise, Idaho.

No. MC 112304 (Sub-No. 85), filed August 30, 1974. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: John D. Herbert (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) (1) Lift trucks, attachments, parts, and accessories, (2) earth boring and concrete pumping equipment, attachments, parts, and accessories, between Port Washington, Wis., on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii; (B) machinery, from Port Washington, Wis., to points in the United States including Alaska, but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. or Chicago, Ill.

No. MC 112801 (Sub-No. 161), filed August 26, 1974. Applicant: TRANSPORT SERVICE CO., a corporation, 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Carl L. Steiner,

39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Chemicals (except anhydrous ammonia, aqua ammonia, and liquid fertilizer), in bulk, from the plantsite of Monsanto Company located at or near Muscatine, Iowa, to points in the United States (except Alaska, Hawaii, and points in the St. Louis, Mo.—East St. Louis, Ill., commercial zone).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 112801 (Sub-No. 162), filed August 26, 1974. Applicant: TRANSPORT SERVICE CO., a Corporation, 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Spent petroleum oils, in bulk, in tank vehicles, from points in Alabama, Georgia, Illinois, Iowa, Kentucky, Michigan, Minnesota, Mississippi, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin, to points in Indianapolis, Ind.; (2) petroleum oils, in bulk, in tank vehicles, from Indianapolis, Ind., to points in Alabama, Georgia, Illinois, Iowa, Kentucky, Michigan, Minnesota, Mississippi, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 114123 (Sub-No. 41), filed August 26, 1974. Applicant: HERMAN R. EWELL, INC., East Earl, Pa. 17519. Applicant's representative: John M. Muselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Corn products and syrup blends, molasses, honey, sugar, and sugar substitutes, in bulk, from the plantsite or storage facilities of J. Stromeyer Company located at East Whiteland Township (Chester County, Pa.), to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in MC-118661 Subs 4 and 5, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 114457 (Sub-No. 205), filed August 19, 1974. Applicant: DART TRANSPORT COMPANY, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Snowthrowers and lawnmowers and accessories, attachments, and parts for lawnmowers and snowthrowers, from Lake Mills, Wis., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis-St. Paul, Minn., or Chicago, Ill.

No. MC 115496 (Sub-No. 31), filed August 30, 1974. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, Ga. 31014. Applicant's representative: Virgil H. Smith, 1587 Phoenix Boulevard, Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lumber, from the plantsites and warehouse facilities of Conwall, Inc., in Richmond and Wilkes Counties, Ga., to points in Alabama, Kentucky, Louisiana, Maryland, Ohio, South Carolina, North Carolina, and Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115826 (Sub-No. 260), filed August 30, 1974. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, Colo. 80217. Applicant's representative: Ezekiel Gomez (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products, meat by-products, and articles distributed by meat packinghouses (except commodities in bulk), from the plantsite and storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Alabama, Arkansas, Arizona, California, Colorado, Florida, Georgia, Idaho, Louisiana, Mississippi, Montana, Nevada, New Mexico, North Carolina, Oregon, South Carolina, Tennessee, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Amarillo or Dallas, Tex., Omaha, Nebr., or Chicago, Ill.

No. MC 117344 (Sub-No. 238), filed August 28, 1974. Applicant: THE MAXWELL CO., a Corporation, 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: James R. Stiver, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Sulfuric acid, in bulk, in tank vehicles, from Hamilton, Ohio, to Indianapolis, Ind.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Columbus, Ohio.

No. MC 117574 (Sub-No. 252), filed August 21, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Material handling systems, pallet storage racks, stacker cranes, parts of the systems, racks, and cranes, and materials, accessories, and supplies used in the construction, installation or maintenance of such systems, racks, and cranes (except commodities in bulk), from Bonaparte, Iowa, West Willow, Willow Street, and Perkasia, Pa.,

to points in the United States (except Alaska and Hawaii), restricted to shipments originating at the above named origins.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 117574 (Sub-No. 253), filed August 30, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: James M. Hagar, 100 Pine Street, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooling towers, fluid coolers, air, gas, and liquid cleaning, heating, cooling, and moving equipment and parts, and materials, accessories, and supplies* used in the construction, transportation or assembly of the foregoing items (except commodities in bulk), between the plantsites, warehouses, and storage facilities of Baltimore Air Coil, Inc., at Dorsey, Md., and Paxton, Ill., on the one hand, and, on the other, points in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, restricted to traffic originating at or destined to the above-named facilities.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117574 (Sub-No. 254), filed August 30, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: James W. Hagar, 100 Pine Street, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material handling systems, pallet storage racks, stacker cranes*, parts of the systems, racks and cranes, and *materials, accessories, and supplies* used in the construction, installation, and maintenance of such systems, racks, and cranes (except commodities in bulk), from Rock Island and Quincy, Ill., to points in and east of North Dakota, South Dakota, Kansas, Nebraska, Oklahoma, and Texas, restricted to traffic originating at and destined to points in the above-named states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 118535 (Sub-No. 62) (Amendment), filed March 26, 1974, published in the Federal Register issue of May 2, 1974, and republished as amended this issue. Applicant: TIONA TRUCK LINE, INC., 111 S. Prospect, Butler, Mo. 64730. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry organic fertilizer, soil conditioners, organic fertilizer materials, and organic fertilizer ingredients*, from Bryant, Tex., to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin.

NOTE.—The purpose of this republication is to indicate the new origin at Bryant, Tex., in lieu of Caldwell, Tex. as previously published. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 118610 (Sub-No. 23), filed August 19, 1974. Applicant: L & B EXPRESS, INC., P.O. Box 137, Madisonville, Ky. 42431. Applicant's representative: Fred F. Bradley, P.O. Box 773, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor graders, road making, construction and earth moving machinery and equipment and components and parts* for such commodities; (2) *material, equipment, and supplies* used in the manufacture of the commodities in (1) above, from Owensboro, Ky., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at Owensboro, Ky., to serve points in Illinois and Indiana. If a hearing is deemed necessary, applicant requests it be held at (1) Frankfort, Ky.; (2) Louisville, Ky.; (3) Owensboro, Ky.; or (4) Nashville, Tenn.

No. MC 119689 (Sub-No. 14) filed August 27, 1974. Applicant: PEERLESS TRANSPORT CORP., 2700 Smallman Street, Pittsburgh, Pa. 15222. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Personnel safety devices*, when moving in conjunction with chemicals, from Bound Brook, N.J. and Woodbury (Long Island), N.Y., to Chicago, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 119700 (Sub-No. 22), filed September 3, 1974. Applicant: STEEL HAULERS, INC., 306 Ewing Avenue, Kansas City, Mo. 64125. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flattened car bodies and solid waste*, from points in Arkansas, Iowa, Kansas, Missouri, Nebraska, Oklahoma, Tennessee, and Texas, to Alton, Chicago, East St. Louis, and Rockford, Ill.; Indianapolis, Ind.; and Beloit and Madison, Wis.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 119789 (Sub-No. 217), filed August 30, 1974. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials, plastic products, and moulding compounds*, from Dallas, Tex., to points in North Carolina, South Carolina, Kentucky,

California, Illinois, Rhode Island, New York, Massachusetts, Connecticut, and New Jersey.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 119974 (Sub-No. 44), filed August 26, 1974. Applicant: L. C. L. TRANSIT COMPANY, a Corporation, 949 Advance Street, Green Bay, Wis. 54304. Applicant's representative: L. F. Abel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products* (except commodities in bulk), from points in Portage County, Wis., to points in Illinois, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, and South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 120257 (Sub-No. 21), filed August 30, 1974. Applicant: K. L. BREEDEN & SONS, INC., 401 Alamo Street, Terrell, Tex. 75160. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cast iron and brass valves, cast iron pressure pipe, fire hydrants and fire hydrant sections*; and (2) *components, parts, attachments, accessories and supplies* used in connection with commodities described in (1) above, (1) from the plantsite and storage facilities of Mueller Co., located at or near Albertsville, Ala., to points in the United States (except Alaska and Hawaii); and (2) from the plantsite and storage facilities of Mueller Co., located at Chattanooga, Tenn., to points in Texas, restricted to shipments originating at named origins, and destined to points in described destination territory.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chattanooga, Tenn. or Birmingham, Ala.

No. MC 120800 (Sub-No. 57), filed August 19, 1974. Applicant: CAPITOL TRUCK LINE, INC., 2500 North Alameda, Compton, Calif. 90222. Applicant's representative: David P. Christianson, 825 City National Bank Bldg., 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulfur hexafluoride*, from points in Massac County, Ill., to points in Los Angeles County, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 120978 (Sub-No. 10), filed August 23, 1974. Applicant: REINHART MAYER, doing business as, MAYER TRUCK LINE, 1203 South Riverside Drive, Jamestown, N. Dak. 58401. Applicant's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak.

58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals, crushed vehicles and parts thereof, and materials for recycling*, from points in North Dakota, to points in Minnesota, Iowa and Illinois.

NOTE.—Applicant holds contract carrier authority in MC 128217 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak., or Minneapolis or St. Paul., Minn.

No. MC 123048 (Sub-No. 314), filed August 28, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Racine, Wis. 53406. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, implements, equipment, and accessories and parts*, from the facilities of Vermeer Manufacturing Company at or near Pella, Iowa, to ports of entry on the International Boundary line between the United States and Canada located in North Dakota and Minnesota, restricted to traffic having an immediately subsequent movement in foreign commerce.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 123407 (Sub-No. 197), filed August 2, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feldspar and foundry materials and supplies*, between points in Colorado, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control was approved in MC FC-71814. If a hearing is deemed necessary, applicant requests it be held at either Denver, Colo. or Washington, D.C.

No. MC 123407 (Sub-No. 199), filed August 27, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid and solid waste recycling systems*; (2) *spraying equipment*; (3) *sugar beet lifter-loader, harvesters, defoliators and topper-windrowers*; (4) *potato bulk bores, diggers, planters, and harvesters*; and (5) *sprinkling and irrigation systems*, from Gering and Sidney, Nebr., to points in Michigan, Ohio, Indiana, and Pennsylvania; and *materials and supplies and equipment used in the manufacturing of the above described commodities*, from points in Michigan, Ohio, Indiana, Illinois, and Pennsylvania, to Gering and Sidney, Nebr.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 123407 (Sub-No. 200), filed August 27, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from Lewiston, Mont., to points in Texas, Oklahoma, Louisiana, Missouri, Kansas, Ohio, Minnesota, Wyoming, Colorado, North Dakota, Nebraska, Pennsylvania, and Illinois.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont. or Minneapolis, Minn.

No. MC 124027 (Sub-No. 9), filed September 3, 1974. Applicant: MIDWEST BULK, INCORPORATED, 901 Lyndale Avenue, Neenah, Wis. 54956. Applicant's representative: Frank M. Coyne, 25 West Main Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, lime, silica, silica flour, foundry facings, cereal binder, bentonite, sea coal, sand and clay mix, stone and stone products, foundry sand additives and ingredients, processed clay and foundation water impede board*, from Appleton, and Neenah, Wis., and points within 10 miles of each, to points in Wisconsin and the Upper Peninsula of Michigan, restricted to shipments having a prior movement by rail, and further restricted to shipments originating at plantsites, stock piles, or privately owned or leased rail transfer facilities of Rail-to-Truck Transfer, Inc. or A. E. Schultz Corporation located at or within 10 miles of Neenah and Appleton, Wis.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 124078 (Sub-No. 612), filed August 26, 1974. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Lake Bluff, Ill., to points in Indiana, Michigan, Minnesota, Ohio, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC 113832 Sub 68, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 124078 (Sub-No. 613), filed September 3, 1974. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Chemicals* (except anhydrous ammonia, aqua ammonia and liquid fertilizer), in bulk, from the plant-site of Monsanto Company located at or near Muscatine, Iowa, to points in the United States (except Alaska, Hawaii, and points in the St. Louis, Mo.-East St. Louis, Ill. Commercial Zone).

NOTE.—Applicant holds contract carrier authority in MC 113832 Sub 68, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo. or Chicago, Ill.

No. MC 124383 (Sub-No. 15), filed August 26, 1974. Applicant: STAR LINE TRUCKING CORPORATION, 18460 W. Lincoln Ave., Berlin, Wis. 53151. Applicant's representative: S. F. Schreiter (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk, in dump vehicles, from points in Wisconsin to points in Illinois.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 124656 (Sub-No. 8), filed September 3, 1974. Applicant: JOHN LONG TRUCKING, INC., 1030 Denton Street, Sapulpa, Okla. 74066. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glassware*, from Sapulpa, Okla., to points in Colorado, Idaho, Montana, Nevada, New Mexico, Texas, and Wyoming, under a continuing contract with Bartlett-Collins Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla. or Tulsa, Okla.

No. MC 124692 (Sub-No. 140), filed August 26, 1974. Applicant: SAMMONS TRUCKING, a Corporation, P.O. Box 4347, Missoula, Mont. 59801. Applicant's representative: Gene P. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite*, from points in Yellowstone County, Mont., to points in California, Idaho, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wisconsin, restricted to traffic originating at the facilities of Wyo-Ben Products, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant does not specify location.

No. MC 124821 (Sub-No. 14), filed September 3, 1974. Applicant: WILLIAM GILCHRIST, 509 Susquehanna Avenue, Old Forge, Pa. 18518. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, premiums and related advertising mat-*

ter, from Duryea, Pa., to points in Missouri, Illinois, Indiana, Michigan, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125506 (Sub-No. 23), filed August 27, 1974. Applicant: JOSEPH ELETTO TRANSFER, INC., 31 West St. Marks Place, Valley Stream, N.Y. 11580. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail specialty shops dealing primarily in wearing apparel and accessories (except appliances and furniture), and store fixtures and supplies not for resale, between New York, N.Y., on the one hand, and, on the other, Warwick, R.I.; Bridgeport, Conn.; Boston, Worcester, Natick, Peabody, and Braintree, Mass.; and Newark, Wayne, Paramus, and Menlo Park, N.J., under a continuing contract or contracts with Wal-lachs, New York, N.Y.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 126276 (Sub-No. 103), filed September 3, 1974. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: James C. Hardman, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends, and container accessories, and materials and supplies used in the manufacture of the above commodities (except commodities in bulk or those which because of size or weight require the use of special equipment), from West Chicago and Itasca, Ill., to points in Indiana, Ohio, Michigan, Wisconsin, Kentucky, New York, New Jersey, Pennsylvania, West Virginia, Virginia, North Carolina, Delaware, Maryland, Massachusetts, Connecticut, Rhode Island, Georgia, Minnesota, Kansas, Missouri, and Tennessee.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127042 (Sub-No. 148), filed August 6, 1974. Applicant: HAGEN, INC., 3232 Highway 75 North, P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Fred Hagen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Cleaning, polishing, waxing, and buffing compounds, toilet preparations, drugs, shampoo, and articles dealt in by manufacturers or distributors of personal care or household products (except commodities in bulk), between Danville, Ill., and Madrid, Iowa, serving the intermediate point of Ft. Madison, Iowa, and the off-route point of Eldora, Iowa: (a) From Danville, Ill., over Interstate Highway 74 to junction of U.S. Highway 24, thence over U.S. Highway 24 to junction Illinois High-*

way 9, thence over Illinois Highway 9 to the Illinois-Iowa State Boundary line at Ft. Madison, Iowa, thence over city streets to Iowa Highway 2, thence over Iowa Highway 2 to junction U.S. Highway 218, thence over U.S. Highway 218 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 35, thence over Interstate Highway 35 to junction with Iowa Highway 210, thence over Iowa Highway 210, to Madrid, Iowa; and (b) From Danville, Ill., over Interstate Highway 74 to junction U.S. Highway 136, thence over U.S. Highway 136 to junction U.S. Highway 61, thence over U.S. Highway 61 to Ft. Madison, Iowa, thence over city streets to Iowa Highway 2, thence over Iowa Highway 2 to junction U.S. Highway 218, thence over U.S. Highway 218 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 35, thence over Interstate Highway 35 to junction Iowa Highway 210, thence over Iowa Highway 210 to Madrid, Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Omaha, Nebr., or Des Moines, Iowa.

No. MC 127495 (Sub-No. 5), filed August 23, 1974. Applicant: AIRLINE FREIGHT, INC., 731 Chester Pike, Prospect Park, Pa. 19076. Applicant's representative: Albert F. Beitel, 730 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Edison, N.J., on the one hand, and, on the other, the Philadelphia International Airport, located at Philadelphia, Pa., restricted to traffic having a prior or subsequent movement by air.*

NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 128217 (Sub-No. 14), filed August 28, 1974. Applicant: REINHART MAYER, doing business as MAYER TRUCK LINE, 1203 South Riverside Drive, Jamestown, N. Dak. 58401. Applicant's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cargo bodies and adaptor parts and accessories for cargo bodies, from West Fargo and Wahpeton, N. Dak., to points in North Dakota, South Dakota, Montana, Idaho, Washington, Wyoming, Utah, Colorado, Texas, Oklahoma, Nebraska, Kansas, Minnesota, Wisconsin, Michigan, Iowa, Missouri, Illinois, Indiana, and Ohio; (2) materials used in the manufacture of cargo bodies, from points in Utah, Colorado, Texas, Kansas, Minnesota, Wisconsin, Michigan, Missouri, Illinois, Indiana, Ohio, Pennsylvania, and West Virginia, to Wahpeton and West Fargo and Minot, N. Dak.; (3) dump truck hoists, from Sioux City, Iowa, and Gallon, Ohio, to West Fargo,*

Wahpeton, and Minot, N. Dak.; (4) truck bodies, from Gallon, Ohio, and Omaha, Nebr., to Wahpeton, West Fargo, and Minot, N. Dak.; (5) truck suspensions, from Orange City, Iowa, to Fargo, Wahpeton, and Minot, N. Dak., and (6) truck axles, from Montgomery, Ala., to West Fargo, Wahpeton, and Minot, N. Dak., restricted in part (2) against the transportation of iron and steel articles from Youngstown, Lorain, and Warren, Ohio, to Minot, West Fargo, and Wahpeton, N. Dak., under contract with Frontier, Inc., of West Fargo, N. Dak.

NOTE.—Applicant holds common carrier authority in No. MC 120978 Sub 1 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak., or Minneapolis or St. Paul, Minn.

No. MC 128294 (Sub-No. 8), filed August 30, 1974. Applicant: NITEHAWK EXPRESS, INC., 2334 University Avenue, Saint Paul, Minn. 55114. Applicant's representative: Joseph J. Dudley, W-1260 First National Bank Building, Saint Paul, Minn. 55101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs, and materials, supplies, and equipment, used by canning factories and frozen foods plants, between Albert Lea, Blue Earth, Cokato, Glencoe, Mankato, Minneapolis, LeSueur, Montgomery, Savage, Winsted, and St. James, Minn., on the one hand, and, on the other, points in Waukesha, Dodge, Winnebago, Green Lake, Waushara, Columbia, Racine, Jefferson, Fond du Lac, Marquette, and Milwaukee Counties, Wis., and points in Winnebago and Boone Counties, Ill., under a continuing contract with Green Giant Company, at LeSueur, Minn.; and (2) foodstuffs, between points in Minnesota, restricted: (1) to traffic having a prior or subsequent movement by rail or water carrier; (2) to traffic from or to plantsites or storage facilities of Green Giant Company, in Minnesota; and (3) to transportation performed under a continuing contract or contracts with Green Giant Company.*

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 128294 (Sub-No. 9), filed August 29, 1974. Applicant: NITEHAWK EXPRESS, INC., 2334 University Avenue, St. Paul, Minn. 55114. Applicant's representative: Joseph J. Dudley, W-1260 First National Bank Bldg., St. Paul, Minn. 55101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Seed garden or vegetable seed kits, fertilizer (except in bulk), and materials and supplies incidental to or used in feed and seed business houses, between Minneapolis and Mankato, Minn., on the one hand, and, on the other, points in Nebraska, Wisconsin, Illinois, Michigan, Indiana, Missouri, Ohio, and Iowa, under a continuing contract or contracts with Northrup King & Co.*

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul or Minneapolis, Minn.

No. MC 128988 (Sub-No. 50) filed August 30, 1974. Applicant: JO/KEL, INC., 159 South Seventh Avenue, P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those which by reason of size or weight require the use of special equipment), from the facilities of Westinghouse Electric Corporation at or near Edison, N.J., to points in Arizona, California, Nevada, Oregon, and Washington, under a continuing contract or contracts with Westinghouse Electric Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Los Angeles, Calif.

No. MC 128988 (Sub-No. 51), filed August 30, 1974. Applicant: JO/KEL, INC., 159 South Seventh Avenue, P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical transformers and parts thereof* (except commodities in bulk and those which by reason of size or weight require the use of special equipment), from the facilities of Westinghouse Electric Corporation at or near Jefferson City, Mo., to points in Arizona, California, Nevada, Oregon, and Washington, under a continuing contract or contracts with Westinghouse Electric Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Los Angeles, Calif.

No. MC 129219 (Sub-No. 8), filed September 3, 1974. Applicant: CMD TRANSPORTATION, INC., 12340 SE. Dumolt Rd. Clackamas, Ore. 97105. Applicant's representative: Philip G. Skofstad, 3065 E. Burnside, Portland, Ore. 97214. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Waste paper products*, for recycling or reuse in furtherance of recognized pollution control programs, from points in California, Idaho, Montana, Nevada, Oregon, Utah, and Washington; Albany, and Portland, Ore.; Los Angeles and Paso Robles, Calif.; and Seattle and Vancouver, Wash., under a continuing contract with Western Fibre Resources.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Ore.

No. MC 134477 (Sub-No. 74), filed August 29, 1974. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn.

55118. Applicant's representative: Thomas D. Fischbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from points in Minneapolis and St. James, Minn., to points in St. Louis, Mo., and Worthington, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134477 (Sub-No. 75), filed August 29, 1974. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Thomas D. Fischbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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), which are at the time moving on bills of lading of freight forwarders under Part IV of the Interstate Commerce Act, from the facilities of National Carloading Corporation and its division, ABC-Trans National Transport located at Philadelphia, Pa., to points in St. Paul, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or Minneapolis, Minn.

No. MC 134477 (Sub-No. 76), filed August 29, 1974. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Thomas D. Fischbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cloth, fabric, or binding*, made of cotton or synthetic fibers, from Murray Hill, N.J., and Grand Rapids, Mich., to points in St. Cloud, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134591 (Sub-No. 3), filed May 21, 1974. Applicant: R. C. FILKINS, INC., 222 Housatonic Street, Dalton, Mass. 01226. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, Conn. 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry animal and poultry feed*, and (2) *dry animal and poultry ingredients*, in bulk and bags, when transported in the same vehicle and at the same time as the commodities in (1) above, (a) between Guilderland and Salem, N.Y., on the one hand, and, on the other, North Franklin, Conn.; Brattleboro, Middlebury, and St. Albans, Vt.; Bridgewater, Mass.; Manchester, N.H., and Detroit, Maine; (b) from Salem and

Guilderland, N.Y., to points in Berkshire, Franklin, Hampshire, and Hampden Counties, Mass.; points in Litchfield, Fairfield, and New Haven Counties, Conn.; and points in Vermont; (c) from Brattleboro, Vt., to points in New Hampshire; and (d) between Brattleboro, Vt., on the one hand, and, on the other, points in Berkshire, Hampden, Franklin, and Worcester Counties, Mass.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y., or Hartford, Conn.

No. MC 134922 (Sub-No. 102), filed August 23, 1974. Applicant: B. J. MC-ADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don Garrison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textiles and textile products*, from Bowling Green, Campbellville, and Frankfort, Ky., and Sherman, Miss., to points in New Mexico, Colorado, Wyoming, Montana, Washington, Idaho, Oregon, California, Nevada, Utah, and Arizona.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Louisville, Ky., or Little Rock, Ark.

No. MC 134922 (Sub-No. 103), filed August 23, 1974. Applicant: B. J. MC-ADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don Garrison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Compressors, compressor parts, and compounds*, from Bowling Green, Ky., to points in Arizona, New Mexico, California, Oregon, Washington, Idaho, and Utah, restricted against the transportation of commodities which because of size or weight require the use of special equipment.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Little Rock, Ark.

No. MC 135364 (Sub-No. 19), filed August 30, 1974. Applicant: MORWALL TRUCKING, INC., R.D. #3, Box 78-C, Moscow, Pa. 18444. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Enameled, glazed and surface coated paper*, from Moosic and Laffin (Luzerne County), Pa., to points in Wisconsin, Minnesota, Montana, Wyoming, and Florida; and (2) *materials and supplies* used in the manufacture of the above commodities (except commodities in bulk), from points in the United States (except Alaska, Hawaii, New Jersey, New York, Ohio, Michigan, Massachusetts, West Virginia, Delaware, Virginia, Vermont, Maine, California, and New Hampshire), to Moosic and Laffin (Luzerne County), Pa., under a continuing contract or contracts with Fitchburg Paper Products, Inc. and Fitchburg Paper Company.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135797 (Sub-No. 28), filed August 19, 1974. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, Ark. 72745. Applicant's representative: Virgil H. Smith, 1587 Phoenix Boulevard, Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anti-freeze or engine coolant preparations* (except in bulk, in tank vehicles) from Texas City, Tex., to points in Arkansas, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark. or Memphis, Tenn.

No. MC 136343 (Sub-No. 32), filed August 30, 1974. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt, and salt products*, from New Kensington, Pa., to points in Maryland, New Jersey, New York, and Pennsylvania and the District of Columbia.

NOTE.—Applicant holds common carrier authority in MC 96098, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 136553 (Sub-No. 26), filed August 19, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, (1) from Prairie Du Chien, Wis., to points in Illinois, Iowa, and Minnesota; and (2) from Dubuque, Iowa, to points in Nebraska.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 138036 (Sub-No. 6), filed August 28, 1974. Applicant: J & S, Inc., 127 Larchfield Drive, McKeesport, Pa. 15135. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail drug and variety stores, and *equipment, materials and supplies* used in the conduct of such business (except commodities in bulk): (1) between the facilities of Thrift Drug Division of J. C. Penney Company, Inc. in O'Hara Township (Allegheny County), Pa., on the one hand, and, on the other, points in Georgia, New York, North Carolina, South Carolina, and Washington, D.C.; and (2) between the facilities of Thrift Drug Division of J. C. Penney Company, Inc. in Falls Township (Bucks County), Pa., on the one hand, and, on the other, points in Connecticut, Georgia, Kentucky, Massachusetts, North Carolina, South Carolina, and Tennessee, under a

continuing contract or contracts with Thrift Drug Division of J. C. Penney Company, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa. or Washington, D.C.

No. MC 138104 (Sub-No. 16), filed September 3, 1974. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove Street, Fort Worth, Tex. 76106. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poly vinyl chloride resin waste*, in bulk, in dump vehicles, from Oklahoma City, Okla., and Aberdeen, Miss., to Plano, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Fort Worth, or Dallas, Tex.

No. MC 138256 (Sub-No. 3), filed August 12, 1974. Applicant: INTERIOR TRANSPORT, INC., 2124 Waterworks Way, Spokane, Wash. 99220. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal building materials*, (a) from Los Angeles, Calif., to points in Arizona, Nevada, Utah, Idaho, Montana, Washington, Oregon, Wyoming, Colorado, North Dakota, South Dakota, Minnesota, Iowa, Illinois, Kansas, Nebraska, Oklahoma, Texas, and New Mexico, under contract with ASC Pacific, Inc. and (b) from Denver, Colo., to points in Arizona, Nevada, Utah, Idaho, Montana, Washington, Oregon, Wyoming, Colorado, North Dakota, South Dakota, Minnesota, Iowa, Illinois, Kansas, Nebraska, Oklahoma, Texas, and New Mexico, under contract with ASC Industries, Inc. and (2) *steel coil*, (a) from points in Washington and Utah, to Los Angeles, Calif., under contract with ASC Pacific, Inc. and (b) from points in Washington, Utah, and California, to Denver, Colo., under contract with ASC Industries, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Ore.

No. MC 138313 (Sub-No. 14) (Correction), filed July 25, 1974, published in the FEDERAL REGISTER issue of August 29, 1974, and republished as corrected, this issue. Applicant: BUILDERS TRANSPORT, INC., 409 14th Street SW., Great Falls, Mont. 59404. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed automobile bodies* in straight shipments or mixed shipments with *scrap automobile engine blocks and transmission*, from points in Montana, to Spokane, Seattle, Tacoma, Kent, and Renton, Wash.; Portland, Ore.; Salt Lake City and Provo, Utah; and San Francisco, Oakland, and Los Angeles, Calif.

NOTE.—The purpose of this republication is to correct the commodity description previously published in error. Applicant holds contract carrier authority in MC 126780 Sub-No. 1 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Great Falls or Billings, Mont.

No. MC 138632 (Sub-No. 2), filed August 21, 1974. Applicant: JOSEPH F. HALE, doing business as JOE HALE TRUCKING CO., P.O. Box 715, Dublin, Va. 24804. Applicant's representative: John R. Bagileo, Suite 700, 718 16th St. NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corrugated metal pipe, fibre pipe, pipe end sections, and pipe connecting bands, bolts, fittings and related articles*, from Dublin, Va., to points in Georgia, Kentucky, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and West Virginia; and returned or rejected shipments on return; and (2) *steel sheets, bolts, rivets, lugs and pipe end sections, corrugated metal pipe, and cardboard containers*, from Monroe, Ga.; Baltimore and Sparrows Point, Md.; Maryville, Mo.; Dunellen, N.J.; Ballant Spa, Bath, and Lackawanna, N.Y.; and Bedford, Bethlehem, King of Prussia, and Pulaski, Pa., to Dublin, Va., under a continuing contract or contracts with Lane Metal Products Company, Inc., at Dublin, Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Roanoke, Va.

No. MC 138741 (Sub-No. 11), filed August 30, 1974. Applicant: E. K. MOTOR SERVICE, INC., 2005 North Broadway, Joliet, Ill. 60435. Applicant's representative: Tom B. Kretsinger, 910 Fairfax Building, 101 West Eleventh Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles and building and construction materials*: (a) from Kokomo, Fort Wayne, and Mt. Vernon, Ind., to points in Colorado east of the Continental Divide, Iowa, Illinois, Indiana, Kansas, Kentucky, the Lower Peninsula of Michigan, Missouri, Ohio, Tennessee, Wisconsin, and those points in Pennsylvania on and west of U.S. Highway 219; (b) from Centerville, Iowa, to points in Colorado east of the Continental Divide, Illinois, Iowa, Indiana, Kansas, Kentucky, the Lower Peninsula of Michigan, Missouri, Ohio, Tennessee, Wisconsin, and those points in Pennsylvania on and west of U.S. Highway 219; (c) from Columbus and Toledo, Ohio, to points in Colorado east of the Continental Divide, Iowa, Illinois, Indiana, Kansas, Kentucky, the Lower Peninsula of Michigan, Missouri, Ohio, Tennessee, Wisconsin, and those points in Pennsylvania on and west of U.S. Highway 219.

(d) From Detroit, Grand Rapids, and Lansing, Mich., to points in Colorado east of the Continental Divide, Iowa, Illinois, Indiana, Kansas, Kentucky, the Lower Peninsula of Michigan, Missouri, Ohio, Tennessee, Wisconsin, and those

points in Pennsylvania on and west of U.S. Highway 219; (e) from Joliet and Blue Island, Ill., to points in Colorado east of the Continental Divide, Iowa, Illinois, Indiana, Kansas, Kentucky, the Lower Peninsula of Michigan, Missouri, Ohio, Tennessee, Wisconsin, and those points in Pennsylvania on and west of U.S. Highway 219; (f) between Kokomo, Fort Wayne, and Mt. Vernon, Ind.; Centerville, Iowa; Columbus and Toledo, Ohio; Detroit, Grand Rapids, and Lansing, Mich.; and Joliet and Blue Island, Ill.; and (2) *materials, equipment and supplies* used in the manufacture and distribution of iron and steel articles and building and construction materials, from points in Colorado east of the Continental Divide, Iowa, Illinois, Indiana, Kansas, Kentucky, the Lower Peninsula of Michigan, Missouri, Ohio, Tennessee, Wisconsin, and those points in Pennsylvania on and west of U.S. Highway 219, to Kokomo, Fort Wayne, and Mt. Vernon, Ind.; Centerville, Iowa; Columbus and Toledo, Ohio; Detroit, Grand Rapids, and Lansing, Mich.; and Joliet and Blue Island, Ill., restricted in (1) and (2) above to shipments either originating at or destined to the Continental Steel Corporation and/or its wholly owned subsidiaries: Phoenix Manufacturing Co.; Enterprise Wire Co.; Hansman Corporation; and Iowa Steel and Wire Co.

NOTE.—Common control may be involved. Applicant holds motor contract carrier authority in No. MC 107129 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 139317 (Sub-No. 1) (Amendment), filed July 18, 1974, published in the FEDERAL REGISTER issue of August 29, 1974, and republished as amended this issue. Applicant: CHARIOT TRUCKING, INC., 1127 Belle Passi Rd., P.O. Box 361, Woodburn, Ore. 97071. Applicant's representative: Phillip G. Skofatad, 3076 E. Burnside, Portland, Ore. 97214. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vinyl-asbestos, and asphalt floor tile, pre-finished wall board, adhesives, tackless carpet strip, carpet metals and carpet cushion*, between Los Angeles, Calif., on the one hand, and, on the other, points in Oregon, and points in Benton, Franklin, Wahkiakum, Lewis, Cowlitz, Skamania, and Clark Counties, Wash., under contract with Pacific Yard Service, a Division of Palmer G. Lewis Co., Inc.

NOTE.—The purpose of this amendment is to clarify the correct spelling of the applicant's title, from "Charoit," to Chariot. If a hearing is deemed necessary, the applicant requests it be held at Portland, Ore.

No. MC 139420 (Sub-No. 8), filed August 27, 1974. Applicant: ART GREENBERG, doing business as GLACIER TRANSPORT, P.O. Box 428, Grand Forks, N. Dak. 58201. Applicant's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: *Irrigation systems and parts and accessories* for irrigation systems, from points in Nebraska, to points in North Dakota and Minnesota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak., or St. Paul, Minn., or Minneapolis, Minn.

No. MC 139531 (Sub-No. 2), filed August 19, 1974. Applicant: PELOW TRANSPORT LIMITED, 18 Royal Road, Guelph, Ontario, Canada. Applicant's representative: Robert D. Gunderman, 710 Statler Hilton, Buffalo, New York 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture or production of exothermic products, in bulk, in dump vehicles, from Toledo and Cleveland, Ohio; Chicago, Ill.; Wabash, Ind.; Pittsburgh, Pa.; Asbury, N.J.; Willsboro, N.Y.; and Boston, Mass., to the ports of entry on the International Boundary line between the United States and Canada located at the Niagara, Detroit, and St. Clair Rivers, restricted to traffic moving in foreign commerce, originating at or destined to the plantsites or storage facilities of FOSECO Canada Limited.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 139580 (Sub-No. 2), filed August 21, 1974. Applicant: BLUESTONE TRANSPORT, INC., Bluefield-Tazewell Road, Bluefield, Va. 24605. Applicant's representative: John M. Friedman, 2930 Putman Avenue, Hurricane, W. Va. 25526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured sand, and crushed stone*, in bulk, in dump vehicles, (1) from points in Tazewell County, Va., to points in Tazewell, Bland, Wythe, and Giles Counties, Va.; and McDowell, Mercer, Summers, Monroe, Fayette, Raleigh, Wyoming, Boone, Logan, and Mingo Counties, W. Va.; (2) from points in Bland County, Va., to points in Tazewell and Giles Counties, Va.; and McDowell, Mercer, Summers, Monroe, Fayette, Raleigh, Wyoming, Boone, Logan, and Mingo Counties, W. Va.; and (3) from Mercer County, W. Va., to points in Mercer, McDowell, Summers, and Monroe Counties, W. Va., and Tazewell, Bland, Wythe, and Giles Counties, Va., under contract with Pounding Mill Quarry Corporation.

NOTE.—If a hearing is deemed necessary, applicant request it be held at Charleston, W. Va., or Roanoke, Va.

No. MC 139784 (Sub-No. 1), filed July 11, 1974. Applicant: CATTLE AND GRAIN TRANSPORTS, INC., Box 726, Professional Bldg., Scott City, Kans. 67871. Applicant's representative: Keen Brantley, 325 Main Street, Scott City, Kans. 67871. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, and parts and building materials*, from Pueblo, Colo. and New Hampton, Iowa, to Scott City, Tribune, Sharon Springs, Oakley, Wa-

keeny, Ness City, Dodge City, Garden City, Syracuse, Goodland, Colby, Hill City, Hays, Great Bend, Pratt, Liberal, Hugoton, Ulysses, Oberlin, Norton, Phillipsburg, Russell, Meade, Stafford, Greensburg, Kinsley, Sublette, Lakin, Leoti, Cimarron, Dighton, Grainfield, Quinter, Larnard, Ashland, Lacross, Bird City, Atwood, Stockton, Smith Center, Osborn, Haxie, Medicine Lodge, Coldwater, Elkhart, Montezuma, and Johnson, Kans.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at a location in Kansas or Denver, Colo.

No. MC 139804 (Sub-No. 2), filed August 19, 1974. Applicant: ESKELSON TRUCKING, INC., Enderlin, N. Dak. 58027. Applicant's representative: Charles E. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste treatment systems and parts and accessories* for waste treatment systems, from Enderlin, N. Dak., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Fargo, N. Dak., or Minneapolis, Minn.

No. MC 139816 (Sub-No. 2), filed August 26, 1974. Applicant: SOUTHERN FARM SERVICES, INC., P.O. Box 103, Opp, Ala. 36467. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer*, in bulk, from Cottondale, Fla., to points in Alabama on and south of U.S. Highway 80, and Mississippi; and (2) *fertilizer*: (a) from Opp, Ala., to points in Florida and Mississippi; and (b) from points in Mississippi, to Opp, Ala.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Mobile or Montgomery, Ala.

No. MC 139868 (Sub-No. 2), filed August 19, 1974. Applicant: WESTERN SALES TRANSPORTATION, INC., 1931 North 11th Street, Omaha, Nebr. 68110. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Empty steel, tin, plastic, and fiber containers*, from Omaha, Nebr., to points in Kansas, Colorado, Missouri, Iowa, Minnesota, Illinois, Wyoming, Arkansas, Indiana, and Kentucky; (2) *commodities* named in (1) above and *materials, equipment, and supplies* utilized in the manufacture, production, and distribution of the commodities named in (1) above, from points in Kansas, Colorado, Missouri, Iowa, Minnesota, Illinois, Wyoming, Arkansas, Indiana, and Kentucky, to Omaha, Nebr.; and (3) *vacuum cleaners and lawn spreaders*, from Atlantic, Iowa, to Omaha, Nebr., under a continuing contract or contracts with Western Sales and Service, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 139992 (Sub-No. 1), filed July 15, 1974. Applicant: A. & M. CARTAGE, INC., 6515 South Austin Blvd., Chicago, Ill. 60638. Applicant's representative: Jay Zabel, 35 East Wacker Drive, Chicago, Ill. 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crated and uncrated furniture, household furnishings, and related parts and supplies*, (1) from the Chicago, Illinois, Commercial Zone to Burlington, Wis.; (2) from Burlington, Wis., to Racine, Wis.; and (3) from Racine, Wis., to the Milwaukee, Wisconsin, Commercial Zone, under contract with Heady and Connor, Inc., A & R Sales, Service Furniture Distributors, Inc., M & R Corp., and J. Steinberg & Associates.

NOTE.—Applicant intends to tack the requested authority at (a) Burlington, Wis., to provide service from Chicago, Ill., to Racine, and (b) tack at Racine to provide a through service from the Chicago, Ill., Commercial Zone and Burlington to Milwaukee, Wis. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 140047 (correction), filed July 10, 1974, published in FEDERAL REGISTER issue of August 29, 1974, and republished as corrected this issue. Applicant: WAYNE C. WILSON, SR., doing business as WILSON'S TOWING SERVICE, R.D. 1, Mansfield, Pa. 16933. Applicant's representative: James W. Hagar, 100 Pine Street, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, or repossessed vehicles, replacement vehicles for wrecked or disabled vehicles, and well drilling rigs*, in tow-away service, between points in Pennsylvania on and north of Interstate Highway 80 and points in that part of New York on and west of a line beginning at the intersection of Interstate Highway 81 and the New York-Pennsylvania State Boundary line and extending northerly along Interstate Highway 81 to its intersection with New York Highway 12, thence along New York Highway 12 to its intersection with New York Highway 69 thence along New York Highway 69 to its intersection with New York Highway 104, thence along New York Highway 104 to Lake Ontario at Oswego, N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—The purpose of this republication is to indicate the correct territory sought in this proceeding. If a hearing is deemed necessary, applicant requests it be held at either Elmira, Binghamton, Rochester, or Syracuse, N.Y.

No. MC 140071 (Sub-No. 1), filed August 19, 1974. Applicant: MID-AMERICA CARTAGE, INC., 814 Busse Highway, Park Ridge, Ill. 60068. Applicant's repre-

sentative: Carl Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting, padding and related floor covering materials*, between points in Lake County, Ind., on the one hand, and, on the other, points in Illinois.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 140107 (Sub-No. 1), filed August 27, 1974. Applicant: HAL S. LEWIS, P.O. Box 841, Folkston, Ga. 31537. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals*, in bulk, from points in Duval, Baker, Clay, Columbia, Bradford, and Nassau Counties, Fla., to points in Camden County, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 140132, filed August 12, 1974. Applicant: GREEN LINE TRUCKING INC., Grenora, N. Dak. 58845. Applicant's representative: Fred E. Whisenand, 113 East Broadway, Williston, N. Dak. 58801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and equipment*, light and heavy, including tractors and other power operated farm equipment and *parts and supplies* incidental thereto, between the plant-sites of John Deere Co., and other manufacturers or distributors of farm machinery and equipment, located at points in Illinois, Iowa, Minnesota, Wisconsin, Idaho, Washington, Colorado, Nebraska, South Dakota, North Dakota, Montana, Wyoming, and points on the International Boundary Line between the United States and Canada, located in North Dakota and Montana, on the one hand, and, on the other, points in Sheridan and Hill Counties, Mont., and in Divide and William Counties, N. Dak., under a continuing contract or contracts with Petersen's Havre Implement Co., Havre, Mont., Plentywood Power & Equipment Co., Grenora, N. Dak., Grenora Implement Company, Grenora, N. Dak., and Crosby Implement Company, Grenora, N. Dak.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Williston, N. Dak., Glasgow or Havre, Mont.

No. MC 140134, filed August 19, 1974. Applicant: CALDARULO TRADING CO., a Corporation, 2840 South Ashland, Chicago, Ill. 60608. Applicant's representative: Richard A. Kerwin, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by wholesale or retail paint, hardware, and department stores, and, in connection therewith, equipment, materials, and supplies* used in the conduct of such business, from Chicago and Wheeling, Ill., to points in California,

Washington, and Oregon, under continuing contract with Enterprise Paint Manufacturing Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 140135, filed August 26, 1974. Applicant: MADILL MANUFACTURING CO., INC., Madill, Okla. 73446. Applicant's representative: Ralph W. Pulley, Jr., 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Men's pants; materials, supplies, and equipment* used in the manufacture thereof, between Marietta, Madill, Elk City, and Ringling, Okla.; Crowley, Jennings, and Rayne, La., and Dallas, Tex., under a continuing contract with Glen Oaks Industries, Inc., and its subsidiary corporations, in a non-radial movement.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 140139, filed August 12, 1974. Applicant: THEODORE L. PERUSSE, doing business as BAUDETTE TRANSFER, Baudette, Minn. 56623. Applicant's representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, N. Dak. 58102. 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), (1) between the Minneapolis-St. Paul, Minn., Commercial Zone, as defined by the Commission, and Baudette, Minn.: (a) From Minneapolis-St. Paul, Minn., over Minnesota Highway 65 to Swan River, Minn., thence over U.S. Highway 2 to junction Minnesota Highway 46, thence over Minnesota Highway 46 to junction U.S. Highway 71, thence over U.S. Highway 71 to junction Minnesota Highway 1, thence over Minnesota Highway 1 to junction Minnesota Highway 72, thence over Minnesota Highway 72 to junction Minnesota Highway 11, thence over Minnesota Highway 11 to Baudette, Minn., and return over the same route, serving all intermediate points on Minnesota Highway 72 between the junction of Minnesota Highways 72 and 1 and Baudette, Minn., (b) From Minneapolis-St. Paul, Minn. over U.S. Highway 10 to Little Falls, Minn., thence over Minnesota Highway 371 to Cass Lake, Minn., thence over U.S. Highway 2 to Bemidji, Minn., thence over U.S. Highway 71 to junction Minnesota Highway 72, thence over Minnesota Highway 72 to junction Minnesota Highway 11, thence over Minnesota Highway 11 to Baudette, Minn., and return over the same route, and (c) From Minneapolis-St. Paul, Minn. over Interstate Highway 94 to junction Minnesota Highway 24, thence over Minnesota Highway 24 to junction U.S. Highway 10, thence over U.S. Highway 10 to Little Falls, Minn., thence over Minnesota Highway 371 to Cass Lake, Minn.,

thence over U.S. Highway 2 to Bemidji, Minn., thence over U.S. Highway 71 to junction Minnesota Highway 72, thence over Minnesota Highway 72 to Junction Minnesota Highway 11, thence over Minnesota Highway 11 to Baudette, Minn., and return over the same route, in 1(b) and 1(c) above as an alternate route for operating convenience only, in connection with carrier's requested regular route operations in 1(a) above, serving no intermediate points. (2) between Baudette, Minn., and Loman, Minn.: From Baudette, Minn., over Minnesota Highway 11 to Loman, Minn., and return over the same route, serving all intermediate points, and (3) between Baudette, Minn., and Roosevelt, Minn.: From Baudette, Minn., over Minnesota Highway 11 to Roosevelt, Minn., and return over the same route, serving all intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Baudette or Minneapolis, Minn.

No. MC 140140, filed August 23, 1974. Applicant: UNION SEED COMPANY, a corporation, 4 9th Avenue South, Nampa, Idaho 83651. Applicant's representative: Raymond D. Givens, 500 W. Washington Street, Boise, Idaho 83702. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk supplements in bags, automatic calf and lamb feeders, and components and instruction material therefor*, from Rogers, Minn., to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, under continuing contract with K and K Manufacturing, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boise, Idaho.

No. MC 140146 filed August 16, 1974. Applicant: JEFFREY P. JENKS, doing business as JENKS CARTAGE COMPANY, 9644 Old Johnnycake Ridge Road, Mentor, Ohio 44060. Applicant's representative: Jeffrey P. Jenks (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cast concrete building materials*, including raw materials and finished products, such as steel reinforcing rod and cable, plywood for molds, sand for mixing, stone for mixing, pre-cast concrete, cement, waterproofing material, and machinery or equipment needed in operation, between the plantsite and warehouse facilities of Olds Cast Stone Products, Inc., at or near Thompson, Ohio, on the one hand, and, on the other, points in Anniston, Birmingham, Decatur, Dothan, Florence, Gadsden, Huntsville, Mobile, Selma, Tuscaloosa, and Montgomery, Ala.; Tallahassee, Orlando, Daytona Beach, Tampa, St. Petersburg, West Palm Beach, Miami, Pensacola, Jacksonville, Gainesville, Sarasota, Ft. Myers, Ft. Lauderdale, Ft. Pierce, Ocala, Lark Park, and Naples, Fla.; South Bend, Fort Wayne, Indianapolis, Gary, Elkhart, Lafayette, Anderson, Muncie, Peru, Terre Haute, Richmond, Evansville, Bloomington,

Columbus, New Albany, Kokomo, and Marion, Ind.; Bridgeport, Danbury, Hartford, New Haven, New London, Stamford, and Waterbury, Conn.; Atlanta, Savannah, Macon, Augusta, Valdosta, Athens, Marietta, Columbus, and Albany, Ga.; Wilmington, Del.; Chicago, Joliet, Peoria, Moline, Champaign, Springfield, Rockford, Aurora, De Kalb, Bloomington, Decatur, Waukegan, Galesburg, Danville, East St. Louis, and Quincy, Ill.; Louisville, Frankfort, Lexington, Corbin, Bowling Green, Owensboro, and Paducah, Ky.; Baton Rouge, New Orleans, and Shreveport, La.; New Bedford, Boston, Springfield, Worcester, Cambridge, and Attleboro, Mass.; Vicksburg, Jackson, Meridian, Hattiesburg, McComb, Biloxi, Greenville, and Natchez, Miss.; Jersey City, Trenton, Newark, Elizabeth, Paterson, Bloomfield, and Atlantic City, N.J.

Augusta, Portland, Caribou, and Bangor, Maine; Benton Harbor, Lansing, Saginaw, Bay City, Traverse City, Detroit, Flint, Ann Arbor, Kalamazoo, Grand Rapids, Midland, Ypsilanti, Muskegon, Makinaw City, and Cadillac, Mich.; Omaha, and Lincoln, Nebr.; New York, Albany, Syracuse, Rochester, Buffalo, Niagara Falls, Irondequoit, White Plains, Watertown, Elmira, Ithaca, Rome, Utica, Schenectady, Troy, Poughkeepsie, Binghamton, and Jamestown, N.Y.; Baltimore, Hagerstown, and Annapolis, Md.; Minneapolis, Minn.; Concord, Berlin, Laconia, Rochester, Portsmouth, Manchester, and Claremont, N.H.; Greensboro, Charlotte, Winston-Salem, Durham, Raleigh, Greenville, Kinston, Fayetteville, Wilmington, and Asheville, N.C.; Providence, and Cranston, R.I.; Sherman, Dallas, and Houston, Tex.; Tulsa, Muskogee, and Oklahoma City, Okla.; Columbia, Charleston, Greenville, and Anderson, S.C.; Montpelier, Burlington, Rutland, and Brattleboro, Vt.; Charleston, and Huntington, W. Va.; Scranton, Pittsburgh, Harrisburg, Philadelphia, Allentown, Erie, Johnstown, and Williamsport, Pa.; Nashville, Knoxville, Kingsport, Jackson, Chattanooga, Memphis, Clarksville, Murfreesboro, Oak Ridge, and West Memphis, Tenn.; Richmond, Norfolk, Petersburg, and Roanoke, Va.; Eau Claire, La Crosse, Madison, Milwaukee, Green Bay, Wausau, and Kenosha, Wis.; and points in the District of Columbia, under a continuing contract or contracts with Olds Cast Stone Products, Inc., of Thompson, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Lake Geauga, or Ashtabula County, Ohio.

No. MC 140173, filed August 23, 1974. Applicant: JOSEPH MULDERIG, R.D. #1, Olyphant, Pa. 18447. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stainless steel tubing and pipe, strip and scrap steel, springs, wire, electrodes, items used in the manufacture of the foregoing carbines, tools, machines, solid rounds and shaped car-*

bon and alloy steel, paper products, business forms, and envelopes, chemicals and acids, between Archbald, South Abington Township, and Mountaintop, Pa., on the one hand, and, on the other, points in New Jersey, north of New Jersey State Highway 33, beginning at Trenton, and extending to Ocean Grove, N.J.; (2) *springs, carbon, and stainless steel*, from Archbald and points in South Abington Township, Pa., to Westerlo and Utica, N.Y.; (3) *stainless steel tubing and pipe*, from Archbald and points in South Abington Township, Pa., to Waterford, Conn.; (4) *strip steel*, from Wallingford, Conn., to Archbald and points in South Abington Township, Pa.; and (5) *springs, carbon and stainless steel*, from Archbald and points in South Abington Township, Pa., to Chicago, Ill., and Springfield, Ohio, under contract with Sanvik Steel, Inc., restricted against the transportation of commodities in bulk, in tank vehicles.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 140175 filed August 21, 1974. Applicant: J. W. BURROWS COMPANY, a Corporation, 1513 Rayford Road, Henderson, Tex. 75652. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metals, and metal products and materials, equipment, and supplies* used in the manufacture thereof, between the plantsite and storage facilities of Techalloy Company, Inc., and its subsidiaries, at or near Rahns, Pa., on the one hand, and, on the other, points in Texas, Oklahoma, New Mexico, Arizona, Utah, California, and Nevada, restricted against the transportation of commodities, which by reason of size or weight, require the use of special equipment, under a continuing contract with Techalloy Company, Inc., and its subsidiaries.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 140176 (Sub-No. 1), filed September 3, 1974. Applicant: RILEY WAYNE POWELL, doing business as POWELL TRUCKING COMPANY, Route 3, Sunrall, Miss. 39482. Applicant's representative: Fred W. Johnson, Jr., 717 Deposit Guaranty Bank Bldg., P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Poles and piling*, treated and untreated, from the plantsite of Davis Lumber Company at Hattiesburg, Miss., to points in Michigan, Kentucky, Tennessee, Alabama, Georgia, Indiana, Louisiana, Arkansas, Missouri, Texas, Kansas, South Carolina, Ohio, Nebraska, New York, Virginia, North Carolina, Illinois, Oklahoma, Florida, and West Virginia, under a continuing contract or contracts with Davis Lumber Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jackson or Hattiesburg, Miss.

No. MC 140205 (Correction) filed August 19, 1974, and published in the FEDERAL REGISTER issue of September 19, 1974, as MC 138621 (Sub-No. 4), and republished as corrected this issue. Applicant: MOUW TRANSPORTATION, INC., 307 Maple Drive, Sibley, Iowa 51249. Applicant's Representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Soybean meal, soybean mill run, and soybean hulls*, dry, in bags or bulk, from the plantsite of Farmland Industries, Inc., at or near Sergeant Bluff, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

NOTE.—Applicant holds motor contract carrier authority in No. MC 138621 (Sub-No. 2), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr. The purpose of this correction is to correct the docket number assigned to this application.

PASSENGER APPLICATION

No. MC 33446 (Sub-No. 3), filed July 1, 1974. Applicant: THE REDIFER BUS COMPANY, a Corporation, 977 Winona Drive, Youngstown, Ohio, 44511. Applicant's representative: Martin E. Cusick, First Federal Building, One East State Street, Sharon, Pa. 16146. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, from points in Ohio (except points south of U.S. Highway 224 in Ashland, Medina, Summit, Portage, Wayne, Stark, Columbiana, Holmes, Tuscarawas, and Carroll Counties, Ohio), to points in the United States including Alaska and the

ports of entry along the International Boundary line between the United States and Canada, but excluding Hawaii, and return.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Youngstown, Ohio, Pittsburgh, Pa., or Cleveland, Ohio.

FREIGHT FORWARDER APPLICATION(S)

No. FF 95 (Sub-No. 8), filed August 30, 1974. Applicant: LIFSCHULTZ FAST FREIGHT, INC., 28 North Franklin Street, Chicago, Ill. 60606. Applicant's representative: David Axelrod, 39 S. LaSalle Street, Chicago, Ill. 60603. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by railroad, water, and motor vehicles, transporting: *General commodities*, between points in Milwaukee, Waukesha, Jefferson, Dane, Iowa, Grant, Lafayette, Green, Rock, Walworth, Racine, and Kenosha Counties, Wis.; Lake County, Ind.; those points in Illinois in and north of Adams, Brown, Cass, Menard, Logan, DeWitt, Piatt, Champaign, and Vermillion Counties; and points in Iowa along the west bank of the Mississippi River extending from Dubuque to Keokuk, inclusive, on the one hand, and, on the other, points in Oregon and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. FF 457, filed August 29, 1974. Applicant: CIRCLE AIRFREIGHT CORP., 545 Sansome Street, San Francisco, Calif. 94111. Applicant's representative: W. O. Locke, 132 Park Place, Millbrae, Calif. 94030. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers, by motor vehicle, transporting: *General commodities* (except Classes A and B ex-

plosives, household goods as defined by the Commission, commodities in bulk, commodities which because of size or weight require special equipment, and motor vehicles), between points in the United States (including Alaska and Hawaii), restricted to the transportation of shipments having an immediately prior or subsequent movement by air in the air forwarder service of Circle Airfreight Corp.

NOTE.—Applicant states that this authority is subject to the final interpretation made in *Emery Air Freight Corp. Freight Forwarder Applic. 339 I.C.C. 17 (1971)*. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif. or Washington, D.C.

BROKERAGE APPLICATION

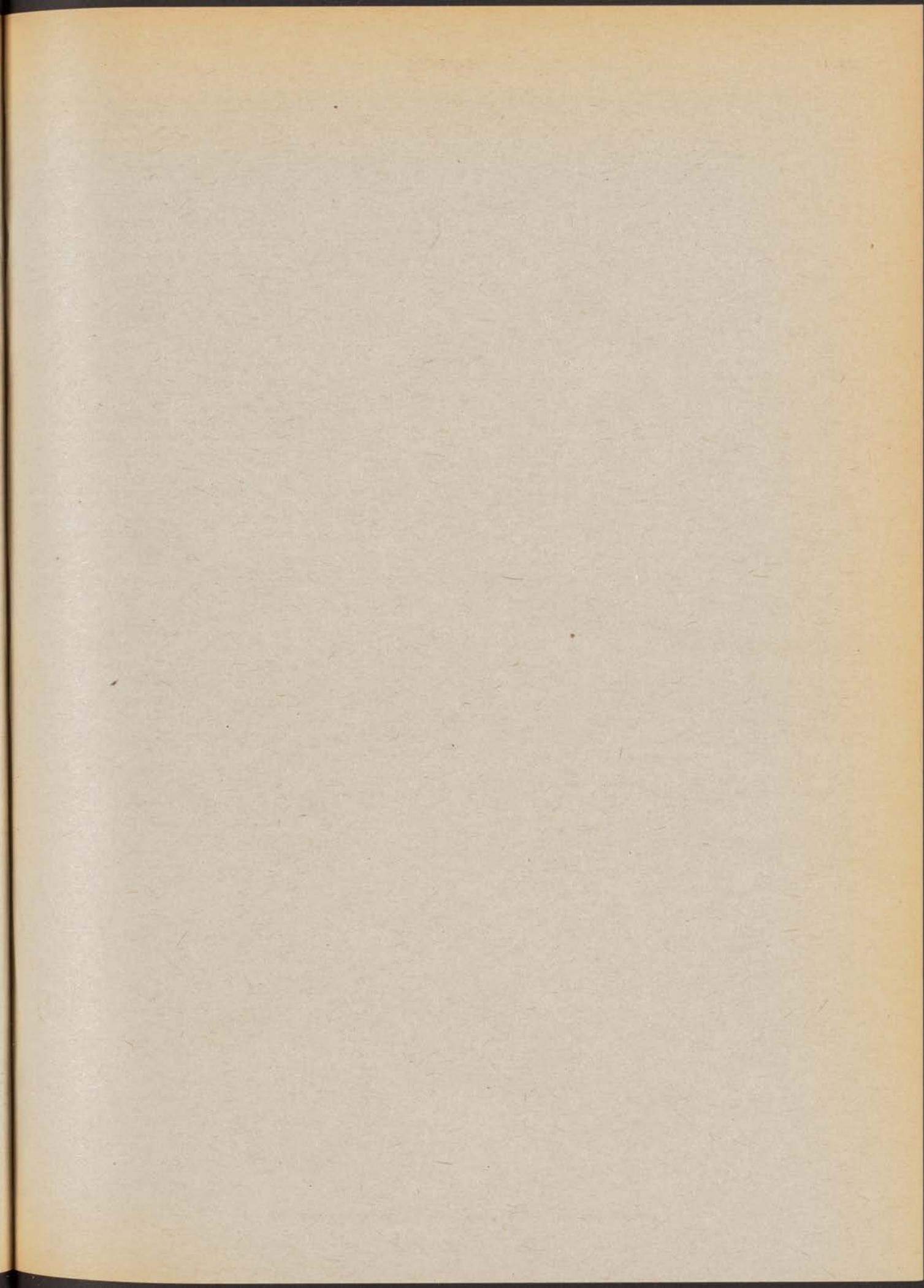
No. MC 130263 filed August 22, 1974. Applicant: TRAVEL TOURS, INC., 611 S. Pickwick, Springfield, Mo. 65802. Applicant's representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street NW., Washington, D.C. 20005. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Springfield, Mo., to sell or offer to sell the transportation of *passengers, individually and in groups, and their baggage*, in the same vehicle with passengers, in charter or special operations, between points in Taney, Stone, Christian, Greene, Dallas, and Polk Counties, Mo., on the one hand, and, on the other, points in the United States, including Alaska and Hawaii.

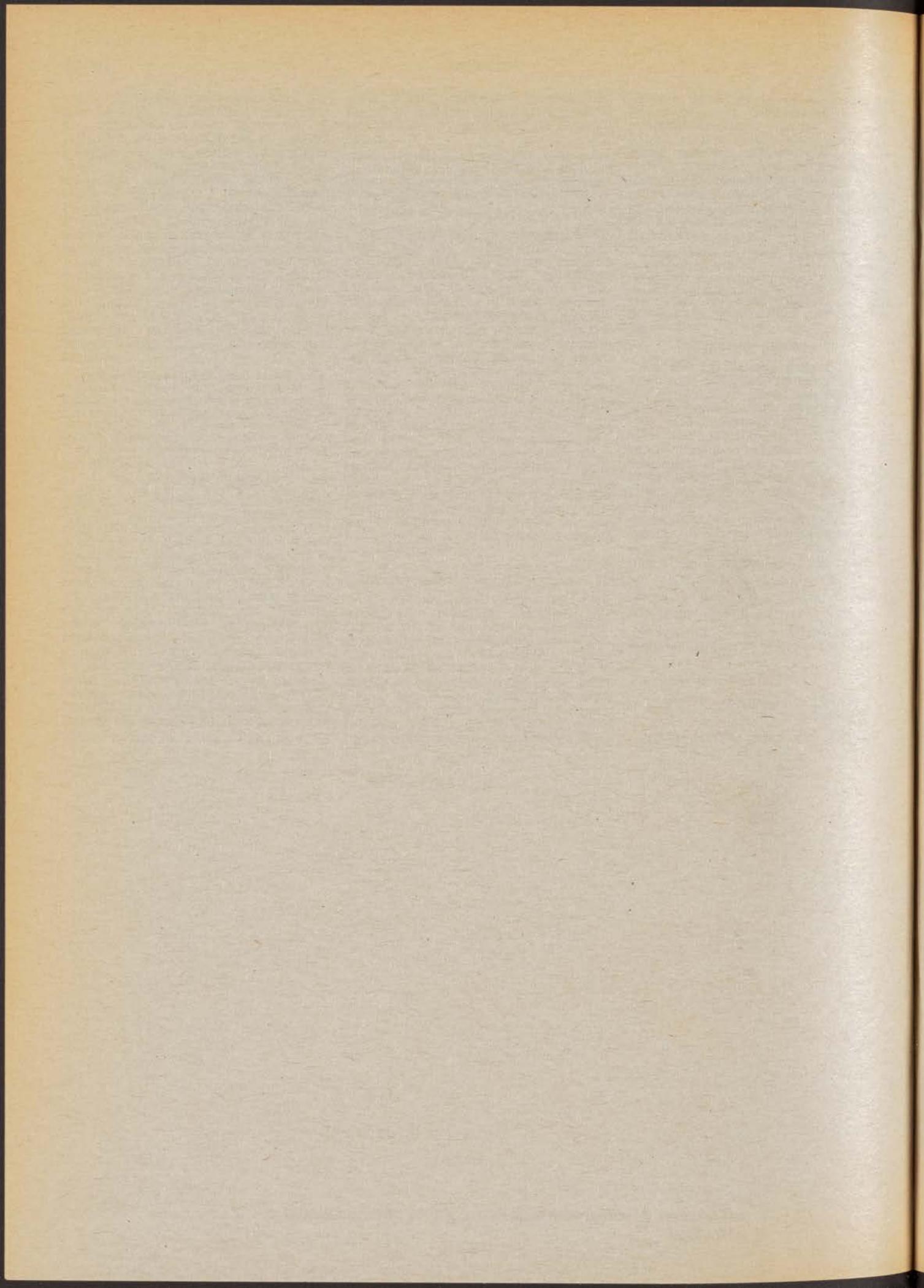
NOTE.—If a hearing is deemed necessary, applicant requests it be held at Springfield, Mo.

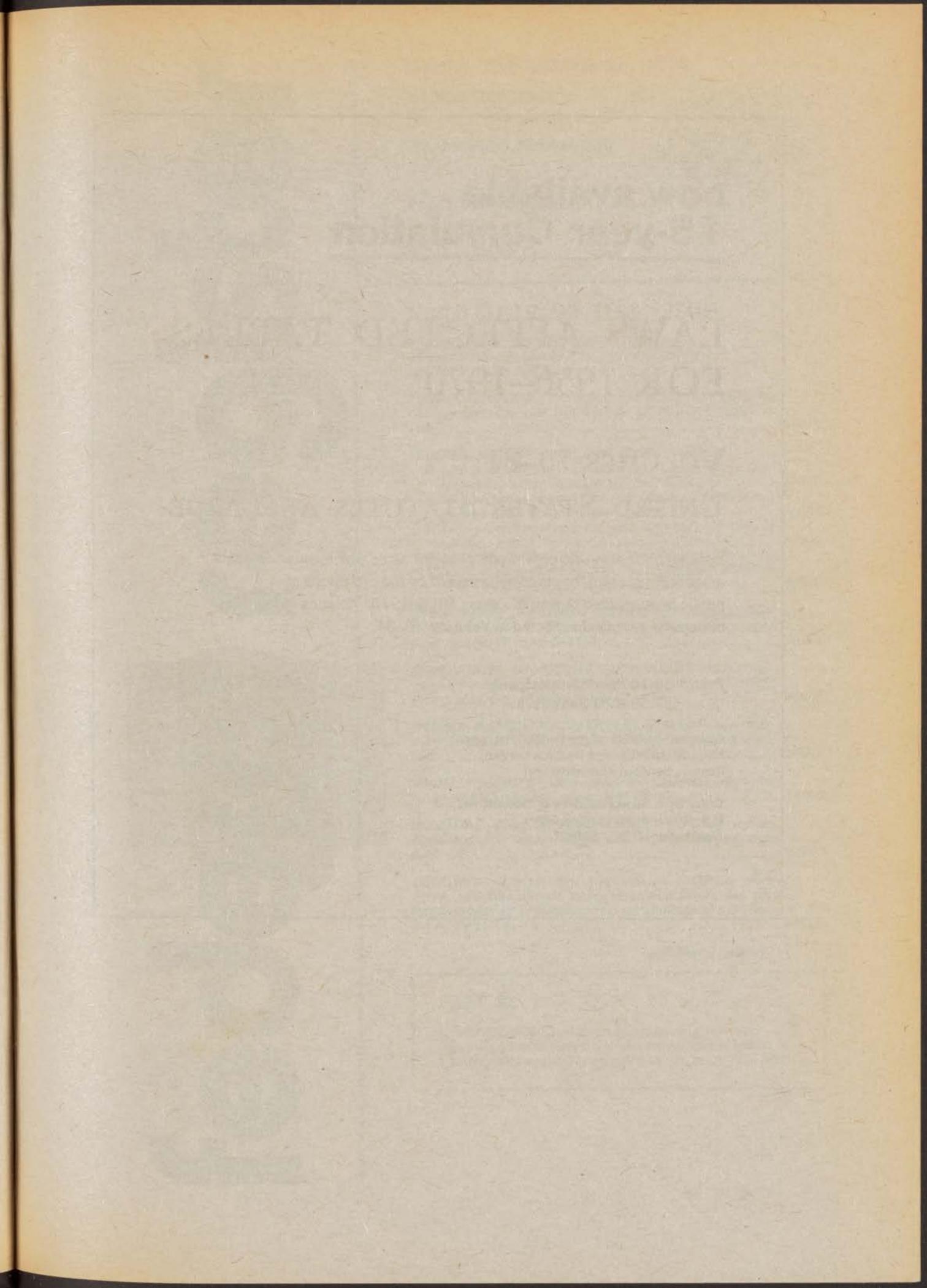
By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-22284 Filed 9-25-74; 8:45 am]







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