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PART I



HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

- MEDICARE**—HEW/SSA issues provisions on time limitations for filing payment requests; effective 11-11-74... 36469
- AIR QUALITY CONTROL**—EPA approves compliance schedules for Pennsylvania; effective 11-11-74... 36481
- PENSION FUND INSURANCE**—FHLBB proposed change in coverage; comments by 11-11-74... 36494
- MOBILE HOME LOANS**—HUD permits financing of central air conditioning; effective 10-10-74... 36478
- ANTIBIOTIC DRUGS**—HEW/FDA provides certification requirements for neomycin sulfate-polymyxin B sulfate ophthalmic solution; effective 11-11-74... 36472
- HIGHWAY BEAUTIFICATION**—DOT/FHA proposal on control of outdoor advertising; comments by 11-20-74... 36490
- HIGHWAY PLANNING**—DOT/FHA regulations on programming of funds; effective 10-1-74... 36472
- MEETINGS**—
- State: Advisory Committee on "Foreign Relations of the United States," 11-8-74... 36496
 - Secretary of State's Advisory Committee on Private International Law: Study Group on Hotelkeepers' Liability, 11-8-74... 36496
 - Study Group on Matrimonial Matters, 11-7-74... 36496
 - DOD: Department of Defense Wage Committee, 11-5, 11-12, 11-19, and 11-26-74... 36497
 - Electronics Panel of the Defense Materiel Specifications and Standards Board, 10-23-74... 36497
 - Defense Science Board Task Force on Identification Friend, Foe or Neutral, 11-6-74... 36497
 - Defense Systems Management School, Board of Visitors, 11-12-74... 36497

(Continued inside)

PART II:

ENVIRONMENTAL REVIEW PROCEDURES—HUD proposes guidelines for use by community development project applicants; comments by 11-11-74... 36553

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

This list includes only rules that were published in the FEDERAL REGISTER after October 1, 1972.

	page no. and date
DOT/FAA—Alteration of control zone, Victorville, California	28976; 8-13-74
—Alteration of Federal Airway, Dothan, Ala.—Tyrone, Ga.....	28419; 8-7-74
—Alteration of transition areas (5 documents).....	27467; 7-29-74, 28419; 8-7-74, 28977; 8-13-74, 30345; 8-22-74.
—Designation and revocation of reporting points, San Juan, Puerto Rico.	28419; 8-7-74
—Revocation of area navigation routes, Atlanta, Ga.—Chicago, Ill.....	28428; 8-7-74
EPA—Control of air pollution from new motor vehicles and new motor vehicle engines; low emission vehicles	32612; 9-10-74

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REMINDERS—Continued

<p>Interior/BLM: Billings District Advisory Board, 12-3 and 12-20-74..... 36499</p> <p>Richfield District Advisory Board 11-22 and 12-19-74..... 36500</p> <p>Mines: Advisory Committee on Coal Mine Safety Research, 10-22 and 10-23-74..... 36500</p> <p>Commerce/NOAA: Sea Grant Advisory Panel, 10-23 and 10-24-74..... 36501</p> <p>National Science Foundation: Advisory Committee for Research, 10-31 and 11-1-74..... 36514</p> <p>Advisory Panel for Anthropology, 10-31 and 11-1-74..... 36515</p>	<p>Advisory Panel for Environmental Biology, 10-31 and 11-1-74..... 36515</p> <p>NASA: Committee on Aeronautical Propulsion, 10-30 and 10-31-74..... 36513</p> <p>Committee on Aeronautical Propulsion, Ad Hoc Panel on Jet Engine Hydrocarbon Fuels, 11-1-74..... 36514</p> <p>Subcommittee on Review of Proposals for Participation in the Definition of One-meter Class Ultraviolet/Optical Facility Telescope for Spacelab Astronomy Missions, 10-24 and 10-25-74..... 36514</p> <p>SBA: Honolulu District Advisory Council, 10-11-74..... 36516</p> <p>National Endowment for the Arts: Federal Graphics Evaluation Advisory Panel, 10-10-74..... 36515</p>
--	--

contents

AGRICULTURAL MARKETING SERVICE

Rules
Limitation of handling:
Oranges (Valencia) grown in Ariz. and Calif..... 36466

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Proposed Rules
Peanuts; proposed proclamation of 1975 national marketing quota..... 36489

AGRICULTURE DEPARTMENT

See also Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Animal and Plant Health Inspection Service; Soil Conservation Service.

Rules
Authority delegations:
Judicial Officers..... 36465

ALCOHOL, TOBACCO, AND FIREARMS BUREAU

Notices
Authority delegation:
Director, et al..... 36496

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Rules
Oriental fruit fly; emergency eradication regulations..... 36465

ATOMIC ENERGY COMMISSION

Notices
Applications, etc.:
Nebraska Public Power District..... 36502
Northern Indiana Public Service Co..... 36502
Northern States Power Co..... 36503

CIVIL AERONAUTICS BOARD

Notices
Hearings, etc.:
Hughes Airwest..... 36503

CIVIL RIGHTS COMMISSION

Notices
Sex discrimination; hearing..... 36504

COMMERCE DEPARTMENT

See Domestic and International Business Administration; National Bureau of Standards; National Oceanic and Atmospheric Administration.

DEFENSE DEPARTMENT

Notices
Meetings:
Defense Science Board Task Force on Identification Friend, Foe or Neutral..... 36497
Defense Systems Management School, Board of Visitors..... 36497
Department of Defense Wage Committee..... 36497
Electronics Panel of the Defense Material Specifications and Standards Board..... 36497

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Rules
Defense material and priorities systems; changes in schedules I and II relative to the Federal Energy Administration (2 documents)..... 36480

ENVIRONMENTAL PROTECTION AGENCY

Rules
Air quality implementation plans:
Pennsylvania..... 36481

FEDERAL AVIATION ADMINISTRATION

Rules
Airworthiness directives:
Boeing..... 36466
Hughes..... 36467
Standard instrument approach procedures..... 36467
Proposed Rules
Transition area..... 36490

FEDERAL COMMUNICATIONS COMMISSION

Rules
Cable television relay service; channel designations..... 36487

Proposed Rules

FM broadcast stations; table of assignments:
Indiana..... 36494
Low power communication devices; extension of comment time..... 36493
Notices
Canadian broadcast stations; changes in notification list..... 36504
Re-run material in prime time, use and identification; inquiry..... 36504

FEDERAL HIGHWAY ADMINISTRATION

Rules
Engineering and traffic operations:
Bridges on Federal Dams..... 36473
Insurance protection; railroad and highway..... 36474
Plans, specifications and estimates; preconstruction procedures..... 36473
Highway planning:
Research and development; programming of funds..... 36472
Right-of-way and environment:
Landscaping and scenic enhancement; acquisition procedures; correction..... 36478

Proposed Rules

Right-of-way and environment:
Highway beautification; control of outdoor advertising..... 36490

FEDERAL HOME LOAN BANK BOARD

Proposed Rules
Federal Savings and Loan Insurance Corporation:
Insurance of pension funds..... 36494

FEDERAL POWER COMMISSION

Notices
Hearings, etc.:
Rate changes..... 36507

CONTENTS

FEDERAL RESERVE SYSTEM

Notices
Applications, etc.:
 Archer - Daniels - Midland Co. and Independent Bancorporation 36507
 Farmers State Corp 36508
 First Commerce Corp 36508
 First New Mexico Bankshare Corp 36509
 First Steuben Bancorp, Inc. 36509
 International Bank 36509
 National Detroit Corp 36510
 Peoples Bancorporation 36511
 Tampa State Bankshares, Inc. 36511
 United Virginia Bankshares, Inc. 36511
 Valley Bancorporation 36513
 Western Agency Inc 36512
 W. J. Young & Co 36512

FISH AND WILDLIFE SERVICE

Rules
Hunting:
 Benton Lake National Wildlife Refuge; Mont. 36485
 Brigantine National Wildlife Refuge; N.J. 36486
 Eastern Neck National Wildlife Refuge; Md. 36486
 Sherburne National Wildlife Refuge; Minn.; correction 36487
 Wheeler National Wildlife Refuge; Ala. 36483
Public use:
 Kenai National Moose Range; Alaska 36482

FOOD AND DRUG ADMINISTRATION

Rules
Antibiotics:
 Neomycin Sulfate—Polymyxin B Sulfate Ophthalmic solution 36472
Human drugs:
 Medroxyprogesterone acetate, injectible contraceptive, patient labeling of; correction 36472
Notices
 Food labeling requirements, uniform effective date; response to requests for temporary extensions 36501

GENERAL ACCOUNTING OFFICE

Notices
 Regulatory reports review; receipt of proposals 36513

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration; Social Security Administration.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Rules
 Property improvement and mobile home loans; financing 36478
Proposed Rules
 Environmental review procedures 36553

INDIAN AFFAIRS BUREAU

Notices
 Alaska native claims settlement; eligibility decisions (5 documents) 36498, 36499

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau; Mines Bureau.

INTERSTATE COMMERCE COMMISSION

Notices
 Fourth section applications for relief 36521
 Freight rates and charges; nationwide increase of ten percent 36545
 Hearing assignments (2 documents) 36545, 36552
 Motor carrier, broker, water carrier and freight forwarder applications 36533
Motor carriers:
 Alternate route deviation notices 36546
 Board transfer proceedings (2 documents) 36550, 36551
 Applications and certain other proceedings 36547
 Intrastate applications 36551
 Irregular-route property carriers; gateway elimination 36521
 Transfer proceedings 36552
 Scari's Delivery Service, Inc.; individual determination of air terminal exempt zone, Philadelphia International Airport 36552

JUSTICE DEPARTMENT

Notices
Hearings, etc.:
 Swift & Co. et al 36497

LABOR DEPARTMENT

See also Occupational Safety and Health Administration.
Notices
 Adjustment assistance, eligibility of workers:
 John Swenson Granite Co., Inc. 36520
 Williams Manufacturing Co. 36520

LAND MANAGEMENT BUREAU

Notices
Meetings:
 Billings District Advisory Board 36499
 Richfield District Advisory Board 36500

MANAGEMENT AND BUDGET OFFICE

Notices
 Clearance of reports; list of request 36516
Committee extensions:
 American Statistical Association Advisory Committee on Statistical Policy 36515
 Labor Advisory Committee on Statistics 36516

MINES BUREAU

Notices
Meetings:
 Advisory Committee on Coal Mine Safety Research 36500

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Rules
 Release of information and other records; inspection 36468
Notices
Meetings:
 NASA Research and Technology Advisory Council (2 documents) 36513, 36514
 Subcommittee on Review of Proposals for Participation in the Definition of a One-meter Class Ultraviolet/Optical Facility Telescope for Spacelab Astronomy Missions 36514

NATIONAL BUREAU OF STANDARDS

Notices
 Automotive lifts; withdrawal of voluntary product standard 36500

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Notices
Meetings:
 Federal Graphics Evaluation Advisory Panel 36515

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Proposed Rules
 Shrimp resources; limitation of vessels permitted to fish in area of agreement 36489

Notices
Meetings:
 Sea Grant Advisory Panel 36501

NATIONAL SCIENCE FOUNDATION

Notices
Meetings:
 Advisory Committee for Research 36514
 Advisory Panel for Anthropology 36515
 Advisory Panel for Environmental Biology 36515

NATIONAL SAFETY AND HEALTH ADMINISTRATION

Rules
 State plans for enforcement of standards:
 Utah 36479

Notices
Applications, etc.:
 Courtesy Chevrolet Center, Inc. 36519
 Nu-Pro Manufacturing Co., Inc. 36520

SELECTIVE SERVICE SYSTEM

Notices
 Reconciliation service program; temporary instructions (2 documents) 36516, 36517

CONTENTS

SMALL BUSINESS ADMINISTRATION

Notices

Meetings:

Honolulu District Advisory Council 36516

SOCIAL SECURITY ADMINISTRATION

Rules

Health insurance for the aged; certification and recertification for payments..... 36469

SOIL CONSERVATION SERVICE

Notices

Cherokee Sandy Watershed; exemption from filing environmental impact statement..... 36500

SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS OFFICE

Notices

Hearing:

Trade Information Committee. 36518

STATE DEPARTMENT

Notices

Meetings:

Advisory Committee on "Foreign Relations of the United States" 36496

Secretary of State's Advisory Committee on Private International Law (2 documents) . 36496

TARIFF COMMISSION

Notices

Liquid propane heaters; complaint 36519

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration; Federal Highway Administration.

TREASURY DEPARTMENT

See Alcohol, Tobacco and Firearms Bureau.

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

7 CFR	20 CFR	29 CFR
2..... 36465	405..... 36469	1952..... 36479
331..... 36465	21 CFR	32A CFR
908..... 36466	310..... 36472	Ch. VI (2 documents)..... 36480
PROPOSED RULES:	444..... 36472	40 CFR
729..... 36489	23 CFR	52..... 36481
12 CFR	420..... 36472	47 CFR
PROPOSED RULES:	630 (2 documents)..... 36473	78..... 36487
564..... 36494	645..... 36474	PROPOSED RULES:
14 CFR	646..... 36474	15..... 36493
39 (2 documents)..... 36466, 36467	753..... 36478	73..... 36494
97..... 36467	PROPOSED RULES:	50 CFR
1206..... 36468	750..... 36490	28..... 36482
PROPOSED RULES:	24 CFR	32 (5 documents)..... 36483, 36485-36487
71..... 36490	201..... 36478	PROPOSED RULES:
	PROPOSED RULES:	245..... 36489
	58..... 36554	

CUMULATIVE LIST OF PARTS AFFECTED—OCTOBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during October.

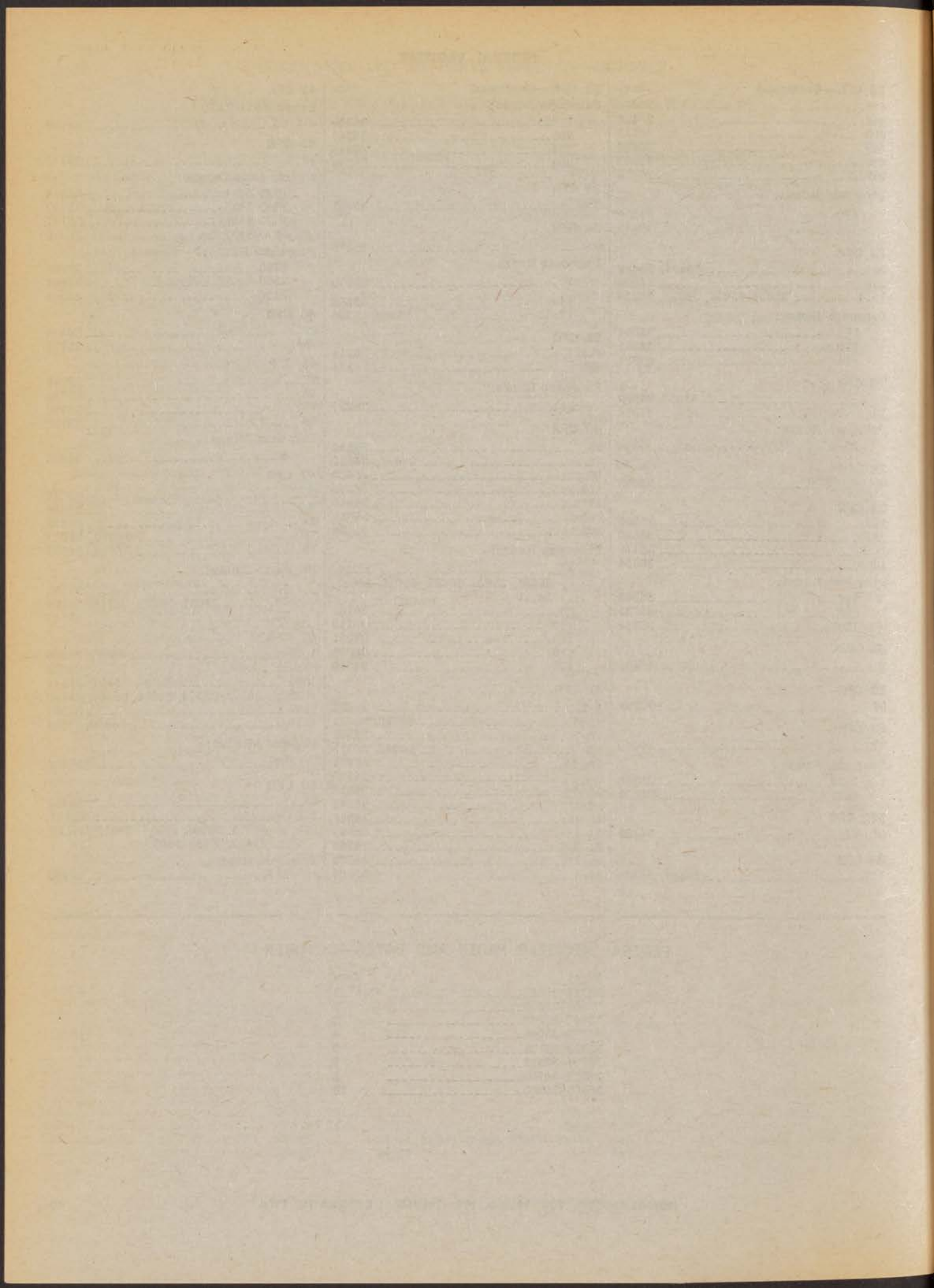
3 CFR	Page	7 CFR—Continued	Page	14 CFR—Continued	Page
EXECUTIVE ORDERS:					
Oct. 27, 1926 (revoked in part by PLO 5435)	35797	915	36319	71	35569, 36323
11202 (revoked by EO 11813)	36317	931	35784		35570, 35648, 35785, 36111, 36323
11269 (amended by EO 11808)	35563	966	35569	73	36323
11413 (superseded by EO 11811)	36302	984	35327, 35999	75	36111
11414 (superseded by EO 11812)	36307	1421	35999	97	35786, 36467
11474 (superseded by EO 11811)	36302	1822	36110, 36111	221	35570
11475 (superseded by EO 11812)	36307	PROPOSED RULES:		288	35333
11524 (superseded by EO 11811)	36302	52	35670	384	35786
11525 (superseded by EO 11812)	36307	250	35380	1206	36468
11576 (superseded by EO 11811)	36302	272	35381	PROPOSED RULES:	
11577 (superseded by EO 11812)	36307	711	35807	71	35385, 35386, 35675, 36490
11612 (superseded by EO 11807)	35559	729	36494	121	36017
11637 (superseded by EO 11811)	36302	Chapter IX	35801	231	35676, 35677
11638 (superseded by EO 11812)	36307	981	35576	15 CFR	
11691 (superseded by EO 11811)	36302	984	35577	30	35648
11692 (superseded by EO 11812)	36307	1030	36116	377	36111
11739 (superseded by EO 11811)	36302	1231	35373, 35801	16 CFR	
11740 (superseded by EO 11812)	36307	1464	35808	13	35570, 36000, 36001, 36324-36327
11789 (amended by EO 11808)	35563	1701	36017	17 CFR	
11807	35559	9 CFR		240	35343, 35570
11808	35563	73	36319	270	36002
11809	35565	301	36000	274	36002
11810	35567	309	36000	PROPOSED RULES:	
11811	36302	312	36000	231	36354
11812	36307	314	36000	271	36354
11813	36317	316	36000	18 CFR	
PROCLAMATIONS:		317	35784	157	35787
4318	35315	329	36000	PROPOSED RULES:	
4319	35317	381	35784, 36000	157	36032
4320	35799	PROPOSED RULES:		19 CFR	
4321	35781	445	36440	PROPOSED RULES:	
4322	36107	447	36440	142	36347
4323	36313	10 CFR		20 CFR	
4324	36315	2	35332	405	35774, 36469
4 CFR		51	35647	416	36003
PROPOSED RULES:		202	35472	PROPOSED RULES:	
10	35820	203	35475	405	35774, 35814
409	35678	204	35489	21 CFR	
5 CFR		205	35489	121	36113
213	35367, 35799, 36109, 36319	210	35509	135c	36113
7 CFR		211	35511, 36320	310	36472
2	36465	212	36320	431	35346
240	35783	215	35558	444	36472
245	35569	PROPOSED RULES:		452	35648
331	36465	20	35820	1020	36008
354	35999	217	36117	PROPOSED RULES:	
401	36110	12 CFR		32	35809
908	35647	PROPOSED RULES:		310	35675
910	35783	545	36351	328	36348
		564		610	35814
		700	36352	700	35675
		13 CFR		940	35438
		113	36322	22 CFR	
		120	36354	42	35573, 36113
		14 CFR		23 CFR	
		1	35452	1	36327
		21	35452	170	36327
		23	35452	420	36472
		25	35452	620	36328
		27	35454	630	36320, 36473
		33	35454	637	35649
		39	35332, 35647, 35784, 35785, 36322, 36466, 36467		

FEDERAL REGISTER

23 CFR—Continued	Page	33 CFR—Continued	Page	42 CFR	
645.....	36474	PROPOSED RULES:		PROPOSED RULES:	
646.....	36474	117.....	36349	72.....	35438
650.....	36331	204.....	36347	43 CFR	
655.....	35650	207.....	36348	18.....	36114
660.....	36332	209.....	35369	PUBLIC LAND ORDERS:	
753.....	36478	34 CFR		PLO 5434.....	36346
PROPOSED RULES:		256.....	35787	PLO 5435.....	35797
470.....	36350	36 CFR		PLO 5436.....	35797
750.....	36490	601.....	35573	PLO 5437.....	36346
24 CFR		PROPOSED RULES:		PROPOSED RULES:	
201.....	35334, 36478	7.....	35670	1780.....	35800
236.....	36009	14.....	35656	2800.....	35801
1914.....	35654-35656, 36333, 36334	17.....	35356, 35796	3100.....	36348
PROPOSED RULES:		39 CFR		45 CFR	
58.....	36554	310.....	36114	201.....	36114
275.....	36351	601.....	35574	250.....	35778
510.....	36351	PROPOSED RULES:		46 CFR	
26 CFR		111.....	35387	73.....	35798
1.....	35353, 36009	40 CFR		75.....	35798
20.....	35354	35.....	35334	77.....	35798
PROPOSED RULES:		52.....	35335, 36481	78.....	35798
25.....	35354	80.....	35653	PROPOSED RULES:	
28 CFR		122.....	36176	42.....	35820
0.....	36009	171.....	36446	47 CFR	
29 CFR		210.....	36010	0.....	36346
1601.....	35356	423.....	36186	2.....	35658
1910.....	35890	PROPOSED RULES:		21.....	35658
1952.....	36479	52.....	35386,	73.....	36012, 36013
1960.....	36454	35681, 35685-35687, 36018, 36031,	36119	78.....	36014, 36487
PROPOSED RULES:		60.....	36101	PROPOSED RULES:	
516.....	35382	409.....	36119	15.....	36493
552.....	35382	180.....	36031	73.....	35687, 36032, 36116, 36494
1907.....	35381	418.....	36093	76.....	36117
31 CFR		423.....	36210	49 CFR	
341.....	36113	41 CFR		1.....	35367, 35666
30 CFR		1-1.....	35657	571.....	36016
57.....	35999	5A-1.....	35796, 36011	1003.....	35366, 35367, 36114
32 CFR		5A-3.....	35797	1033.....	35573, 35574, 35666, 35667, 35798
872.....	36010	5A-7.....	36012, 36335	1047.....	35367
PROPOSED RULES:		5A-14.....	35797	1115.....	35366, 35367
1459.....	36352	5A-53.....	36335	PROPOSED RULES:	
1470.....	36352	5A-74.....	36012	571.....	35676
32A CFR		15-3.....	36343	50 CFR	
Ch. VI.....	36480	15-16.....	36343	28.....	36482
33 CFR		51-1.....	35365	32.....	35365,
117.....	36334, 36335	51-2.....	35365	35574, 35798, 36014, 36015, 36114,	
		51-3.....	35365	36483, 36485-36487	
		51-5.....	35365	PROPOSED RULES:	
				245.....	36489

FEDERAL REGISTER PAGES AND DATES—OCTOBER

<i>Pages</i>	<i>Date</i>
35315-35558.....	Oct. 1
35559-35646.....	2
35647-35778.....	3
35779-35998.....	4
35999-36105.....	7
36107-36312.....	8
36313-36463.....	9
36465-36560.....	10



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 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Delegations of Authority to Other General Officers and Agency Heads

Section 2.35, Subpart D, Part 2, Subtitle A, Title 7, Code of Federal Regulations, is amended by adding a new paragraph (d) delegating authority to the Judicial Officer to provide administrative supervision of the Board of Contract Appeals; the new paragraph (d) reads as follows:

§ 2.35 Delegations of authority to the Judicial Officer.

(d) Provide administrative supervision, and exercise general responsibility for budget and finance aspects, of the Board of Contract Appeals. No review by the Judicial Officer of the merits of appeals or of decisions of the Board is authorized and the Board shall be the representative of the Secretary in such matters.

Effective date: October 10, 1974.

Done at Washington, D.C., on October 4, 1974.

J. PHIL CAMPBELL,
Acting Secretary.

[FR Doc. 74-23657 Filed 10-9-74; 8:45 am]

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 331—PLANT PEST REGULATIONS GOVERNING INTERSTATE MOVEMENT OF CERTAIN PRODUCTS AND ARTICLES

Subpart—Oriental Fruit Fly

The purpose of this document is to give notice of existence of a hazardous situation because of the discovery of the oriental fruit fly in San Diego County, California, and to establish emergency regulations under the Federal Plant Pest Act (7 U.S.C. 150aa-150jj) in order to control the movement of certain products and articles which present a risk of spreading the infestation to other fruit and vegetable growing areas of the United States.

Statement of Considerations. The oriental fruit fly, *Dacus dorsalis* H., is one of the world's most destructive pests of fruits and vegetables. It is a native of south Asia and attacks over 150 kinds of crops, including apricots, avocados, citrus, figs, mangoes, papayas, peaches,

pears, peppers, and tomatoes, as well as ornamental plantings, and can cause serious economic losses to these industries. Its short life cycle permits the rapid development of serious outbreaks. The oriental fruit fly has been detected in California numerous times in the last 13 years and was detected in Florida in 1969. Eradication has always been possible in the past by male annihilation techniques which so far had prevented the pest from becoming established on the United States mainland. The present infestation in California was discovered in September 1974. The Plant Protection and Quarantine Programs of the Animal and Plant Health Inspection Service has begun an intensive oriental fruit fly eradication program. In order to prevent the possibility of artificially spreading the fly with host and other material, it is necessary to impose restrictions on the movement of such materials from the regulated area into noninfested areas.

Therefore, pursuant to the provisions of the Federal Plant Pest Act (7 U.S.C. 150aa-150jj), Chapter III, Title 7 of the Code of Federal Regulations, is hereby amended by adding to Part 331 a new § 331.4 and a subpart heading preceding said section as follows:

Subpart—Oriental Fruit Fly

§ 331.4 Notice of existence of emergency and regulations related thereto.

(a) Infestations of the oriental fruit fly, *Dacus dorsalis* H., a dangerous plant pest not widely prevalent or distributed within and throughout the United States, have been found in a portion of San Diego County, California, and it has been determined that it is necessary to adopt, as an emergency measure, a rule imposing restrictions, as provided for in this section, upon the interstate movement of certain products and articles, from the regulated portion of said county as hereinafter described, in order to prevent the interstate dissemination of said plant pest. Accordingly, the products and articles listed in paragraph (b) of this section shall not be moved interstate from that portion of San Diego County, California, bounded by a line beginning at a point about $\frac{3}{8}$ mile north of the Scripps Institution of Oceanography where the boundary line of the University of California at San Diego meets the Pacific Ocean; and proceeding thence easterly along said boundary line to the intersection of La Jolla Village Drive and N. Torrey Pines Road; thence north and northeasterly along N. Torrey Pines Road to its intersection with Genesee Avenue; thence easterly and southeasterly along said avenue to its inter-

section with Miramar Road; thence northeasterly along said road to its intersection with Interstate Highway 805; thence southeasterly along said highway to its junction with the south boundary line of the Miramar Naval Air Station; thence easterly along said boundary line to its junction with U.S. Highway 395 (State 163); thence southwesterly along said highway to its intersection with Interstate Highway 805; thence southwesterly along said highway to the point where it crosses the channel of the San Diego River; thence westerly along said channel to the Pacific Ocean; thence northerly along the Pacific Ocean coastline to the point of beginning; unless:

(1) Such products and articles have been treated to destroy oriental fruit fly infestations in accordance with procedures prescribed by the Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture,¹ under the direction of an inspector authorized by the Deputy Administrator, and the products and articles are accompanied by a certificate issued by such an inspector signifying that they are eligible for interstate movement; or

(2) Such products and articles originate in an area in the said regulated portion of San Diego County, which has been inspected by such an inspector, and he has found that the interstate movement of the products and articles from such area will not involve a risk of disseminating said infestations, and the products and articles are accompanied by a certificate issued by such an inspector signifying that they are eligible for interstate movement; or

(3) Such products and articles are moved under permit issued by such an inspector to an approved destination for consumption, processing, or other handling in accordance with procedures prescribed by said inspector, when upon evaluation of the circumstances involved in each specific case he determines that such movement will not result in the spread of the oriental fruit fly and requirements of other applicable Federal domestic plant quarantines have been met.

(b) The following products and articles are subject to the emergency measures imposed under this section:

¹ Instructions are available upon request from the Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, MD 20782, or from an inspector.

(1) Apricots, avocados, citrus, figs, mangoes, papayas, peaches, pears, peppers, tomatoes, and all other fruits and vegetables, provided, however, that said products are not subject to this regulation of quick frozen or canned:

(2) Soil, separately or with other things;

(3) Any other products, articles, or means of conveyance, of any character whatsoever, not covered by subparagraphs (1) and (2) of this paragraph, when it is determined by an inspector that they present a hazard of spread of the oriental fruit fly and the person in possession thereof has been so notified.

(Sec. 105, 71 Stat. 32, sec. 106, 71 Stat. 33, sec. 107, 71 Stat. 34; 7 U.S.C. 150aa-150jj; 37 FR 28464, 28477, as amended)

Under this regulation, specific products and articles may be moved interstate from the described portion of San Diego County, California, only if they have been treated or originate in certain areas of said county, or are moved to an approved destination for consumption, processing or other approved handling. Such measures are necessary because an emergency exists as a result of recently discovered infestations of the oriental fruit fly, a dangerous plant pest which is not widely prevalent in the United States.

Inasmuch as such infestation must be controlled immediately to prevent the spread of the oriental fruit fly, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure regarding this regulation are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making said regulation effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing regulation shall become effective on October 10, 1974.

Done at Washington, D.C., this 7th day of October 1974.

LEO G. K. IVERSON,
Deputy Administrator, Animal
and Plant Health Inspection
Service.

[FR Doc. 74-23768 Filed 10-9-74; 8:45 am]

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

[Valencia Orange Reg. 486]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period Oct. 11-17, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after considera-

tion of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.786 Valencia Orange Regulation 486.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues to be firm. Prices f.o.b. averaged \$4.01 per carton on a reported sales volume of 609 cartons last week, compared with an average f.o.b. price of \$3.96 per carton and sales of 601 cartons a week earlier. Track and rolling supplies at 330 cars were down 50 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof

effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 8, 1974.

(b) Order. (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period October 11, 1974, through October 17, 1974, are hereby fixed as follows:

- (i) District 1: 345,000 cartons;
- (ii) District 2: 305,000 cartons;
- (iii) District 3: Unlimited movement.

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-9, 48 Stat. 31, as amended (7 U.S.C. 601-674))

Dated: October 9, 1974.

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

[FR Doc. 74-23898 Filed 10-9-74; 11:29 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73-NW-12-AD; Amdt. 39-1986]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Models 707, 720, 727, 737, 747

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring a thorough inspection of all electrical apertures physically located within lavatory waste container areas for proper condition and accomplishment of lavatory rework, as necessary, in accordance with prescribed Boeing Service Bulletin instructions on all 707, 720, 727, 737, 747 airplanes was published in FR Doc. 74-8184.

Interested persons have been afforded an opportunity to participate in the making of the amendment. In addition

to receiving written responses, the FAA held a joint agency/industry consultative conference on August 16, 1974, which was attended by representatives of the majority of U.S. 707, 720, 727, 737, 747 operators, the Air Transport Association of America (ATA), The Boeing Company, as well as the Agency. Due consideration has been given to all comments received in response to the above notice.

The ATA and the affected airlines recommended extending the proposed compliance time for lavatory rework in consideration of the fact that a lead time of approximately six months is anticipated in receiving service kits, and an additional period of 12 months is required to service all of the aircraft involved.

Comments were also received in reference to the recent publication of AD 74-08-09, which is a collateral but companion agency action to this action. That directive, issued subsequently to the NPRM in this docket, requires the installation of certain placards and an ashtray in the lavatory, the adoption of a flight announcement procedure and certain inspections of the lavatory which will provide additional safety measures toward fire prevention and containerization.

Under all the circumstances and after considering the additional information developed since issuance of the Notice, the FAA has determined that partial relief, consistent with safety, may be provided the operators by extending the compliance time to accomplish lavatory rework; however, the threshold inspection time will remain as proposed.

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

BOEING: Applies to all Boeing models 707, 720, 727, 737, 747 series airplanes, certificated in all categories. Compliance required as indicated unless already accomplished. To reduce potential fire hazard, existing in lavatory waste containers accomplish the following:

A. Within 300 hours time in service from the effective date of this AD, unless already accomplished within the last 1,000 hours, visually inspect all electrical appurtenances, including wiring, terminal boxes, switches, and hot water heaters, physically located within lavatory waste container areas, for wear, abrasion and corrosion. Remove and replace as necessary.

B. By December 31, 1975, unless already completed, accomplish lavatory rework in accordance with the following Boeing Service Bulletins, as applicable, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region:

Model:	Service bulletin No.
707 and 720	1270, 1363, 1365, 3146.
727	727-25-211.
737	737-25-1096 or 737-25-1108.
747	747-25-2245.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part

hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents may obtain copies upon request to The Boeing Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective November 15, 1974.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Washington on October 2, 1974.

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

NOTE: The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

[F] Doc.74-23620 Filed 10-9-74; 8:45 am]

[Airworthiness Docket No. 74-WE-39-AD;
Amdt. 39-1987]

PART 39—AIRWORTHINESS DIRECTIVES
Hughes 269 Series Helicopters

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted September 20, 1974, to all known United States operators of Hughes 269A, 269A-1, 269B, and 269C helicopters including military TH-55A equipped with canopy slat P/N 269A2297 or 269A2297-7, and made effective immediately by airmail letter dated September 23, 1974. The airworthiness directive requires a close visual check by the pilot in command, or inspection by a certificated mechanic, of the canopy slat surfaces for cracks, and slat attachment hardware and areas for condition and security on any day the helicopter is operated. Removal and replacement, if necessary is required.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately to all known operators or owners of Hughes 269A, 269A-1, 269B, 269C helicopters certificated in all categories including military TH-55A equipped with canopy slat P/N 269A2297 or 269A2297-7. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

HUGHES HELICOPTERS. Applies to Hughes 269A, 269A-1, 269B, 269C Helicopters certificated in all categories including military TH-55A equipped with canopy slat P/N 269A2297 or 269A2297-7. Compliance required as indicated. Perform a close visual check by the pilot in command, or inspection by a certificated mechanic, of the canopy slat surfaces over

entire length for cracks, slat attachment hardware and canopy attachment areas for condition and security on any day the helicopter is operated. If cracks are found on canopy slat remove and replace with a serviceable part, prior to further flight. Note: The person who performs the check or inspection shall record it in the appropriate aircraft records per FAR 91.173.

This amendment is effective October 16, 1974, for all persons except those to whom it was made effective immediately by airmail letter dated September 23, 1974.

This amendment is made under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, California on October 2, 1974.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[FR Doc.74-23621 Filed 10-9-74; 8:45 am]

[Docket No. 14049; Amdt. No. 937]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue, SW, Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of \$150 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for \$30 each.

Since a situation exists that requires immediate adoption of this amendment,

I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective November 21, 1974:

- Asheboro, N.C.—Asheboro Municipal Arpt., VOR Rwy 20, Amdt. 1.
Bowling Green, Ky.—Bowling Green-Warren County Arpt., VOR Rwy 3, Amdt. 9.
Crystal Lake, Ill.—Crystal Lake Arpt., VOR Rwy 26, Amdt. 2.
Ironwood, Mich.—Gogebic County Arpt., VOR Rwy 9, Amdt. 6.
Ironwood, Mich.—Gogebic County Arpt., VOR/DME Rwy 27, Amdt. 2.
Rochester, Minn.—Rochester Municipal Arpt., VOR Rwy 2, Amdt. 9.
Rochester, Minn.—Rochester Municipal Arpt., VOR/DME Rwy 20, Amdt. 8.
St. Petersburg-Clearwater, Fla.—St. Petersburg-Clearwater Int'l. Arpt., VOR Rwy 17, Amdt. 6.
West Point, Va.—West Point Municipal Arpt., VOR Rwy 33, Amdt. 4.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective November 21, 1974:

- Brownsville, Tex.—Brownsville Int'l. Arpt., LOC (BC) Rwy 31L, Amdt. 1.
Martinsburg, W. Va.—Martinsburg Municipal Arpt., LOC (BC) Rwy 26, Amdt. 2.
Rochester, Minn.—Rochester Municipal Arpt., LOC (BC) Rwy 13, Amdt. 7.
St. Petersburg-Clearwater, Fla.—St. Petersburg-Clearwater Int'l. Arpt., LOC (BC) Rwy 35, Amdt. 11.

*** effective November 7, 1974:

- Ithaca, N.Y.—Tompkins County Arpt., LOC Rwy 32, Orig., canceled.

*** effective September 27, 1974:

- Little Rock, Ark.—Adams Field, LOC (BC) Rwy 22, Amdt. 6.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective November 21, 1974:

- Chillicothe, Mo.—Chillicothe Municipal Arpt., NDB Rwy 14, Amdt. 1.
Norman, Okla.—Max Westheimer Field, NDB Rwy 3, Amdt. 1.
Rochester, Minn.—Rochester Municipal Arpt., NDB Rwy 31, Amdt. 11.
St. Petersburg-Clearwater, Fla.—St. Petersburg-Clearwater Int'l. Arpt., NDB Rwy 17, Amdt. 15.

*** effective October 1, 1974:

- Columbia-Mt. Pleasant, Tenn.—Maury County Arpt., NDB Rwy 23, Amdt. 3.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective November 21, 1974:

- Indianapolis, Ind.—Indianapolis/Weir-Cook Municipal Arpt., ILS Rwy 31, Amdt. 8.
Rochester, Minn.—Rochester Municipal Arpt., ILS Rwy 31, Amdt. 9.
St. Petersburg-Clearwater, Fla.—St. Petersburg-Clearwater Int'l. Arpt., ILS Rwy 17, Amdt. 13.

Yuma, Ariz.—Yuma MCAS/Yuma Int'l. Arpt., ILS Rwy 21R, Amdt. 1.

*** effective November 7, 1974:

Ithaca, N.Y.—Tompkins County Arpt., ILS Rwy 32, Orig.

*** effective October 17, 1974:

Knoxville, Tenn.—McGhee Tyson Arpt., ILS Rwy 22R, Orig.

*** effective September 27, 1974:

Little Rock, Ark.—Adams Field, ILS Rwy 4, Amdt. 15.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective November 21, 1974:

Rochester, Minn.—Rochester Municipal Arpt., RADAR-1, Amdt. 1.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective November 21, 1974:

Yuma, Ariz.—Yuma MCAS/Yuma Int'l. Arpt., RNAV Rwy 21R, Amdt. 1.

Correction

In Docket No. 14031, Amendment 936, to Part 97 of the Federal Aviation Regulations published in the FEDERAL REGISTER under corrections effective November 7, 1974—Change effective date of Ponape Island, Caroline Islands—Ponape Int'l. Arpt., NDB-A, Orig., to October 24, 1974.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; 49 U.S.C. 1438, 1354, 1421, 1510, sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1)).

Issued in Washington, D.C., on October 3, 1974.

JAMES M. VINES,
Chief,

Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969 (35 FR 5610).

[FR Doc. 74-23622 Filed 10-9-74; 8:45 am]

CHAPTER V—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

PART 1206—RELEASE OF INFORMATION AND OTHER AGENCY RECORDS TO MEMBERS OF THE PUBLIC

Inspection of Information and Other Records

The purpose of this amendment to Part 1206 of the National Aeronautics and Space Administration Regulations is to (1) revise subpart 4 in its entirety to update the list of NASA Information Centers, (2) delete § 1206.605 "Payment of Fee" of subpart 6 in its entirety since information concerning the payment of fees is contained in subpart 7 of these regulations, and (3) revise subpart 7 in its entirety to update the schedule of fees to be charged for services rendered in response to requests for Agency records.

1. Subpart 4 revised in its entirety as follows:

Subpart 4—Locations for Inspection of Information and Other Records

§ 1206.401 Location of Information Centers.

(a) NASA will maintain a Headquarters Information Center at the following location:

National Aeronautics and Space Administration, Headquarters Administration Office (Code LA), Washington, DC 20546.

(b) NASA will also maintain a Field Information Center at each of the following locations:

- (1) NASA Ames Research Center, Moffett Field, CA 94035.
- (2) NASA Flight Research Center, Post Office Box 273, Edwards, CA 93523.
- (3) Goddard Institute for Space Studies, 2880 Broadway, New York, NY 10025.
- (4) NASA Goodard Space Flight Center, Greenbelt, MD 20771.
- (5) NASA John F. Kennedy Space Center, Kennedy Space Center, FL 32899.
- (6) NASA Langley Research Center, Langley Station, Hampton, VA 23365.
- (7) NASA Lewis Research Center, 21000 Brookpark Road, Cleveland, OH 44135.
- (8) NASA Lyndon B. Johnson Space Center, Houston, TX 77058.
- (9) NASA George C. Marshall Space Flight Center, Huntsville, AL 35812.
- (10) NASA Michoud Assembly Facility, Post Office Box 29300, New Orleans, LA 70126.
- (11) NASA National Space Technology Laboratories, Bay St. Louis, MS 39520.
- (12) NASA Pasadena Office (JPL), 4800 Oak Grove Drive, Pasadena, CA 91103.
- (13) NASA Wallops Flight Center, Wallops Island, VA 23337.

(c) Information which is under the cognizance of a NASA Installation for which a NASA Field Information Center is not in existence may be requested from the nearest NASA Field Information Center or the NASA Headquarters Information Center.

§ 1206.605 [Deleted]

2. Section 1206.605 deleted in its entirety.

3. Subpart 7 is revised in its entirety as follows:

Subpart 7—Schedule of Fees

§ 1206.700 Schedule of fees.

User fees pursuant to 31 U.S.C. 483a (1970), shall be charged, according to the schedule contained in paragraph (a) of this section for services rendered in responding to requests for Agency records under this subpart unless the responding official of NASA determines, in conformity with the provisions of 31 U.S.C. 483a, that such charges or a portion thereof are not in the public interest. Such a determination not to charge shall ordinarily not be made unless the service to be performed will be of benefit primarily to the public as opposed to the requester, or unless the requester is an indigent individual. Except for paragraphs (a) (1) and (a) (4) of this section, fees shall not be charged in connection with a request for services or a series of related requests for services where they would require in the aggregate, 15 minutes or less. Fees shall be charged for the first

15 minutes for services where they would require 15 minutes or more to perform.

(a) *Services charged for, and amount charged.* For the services listed below expended in locating or making available records or copies thereof, the following charges shall be assessed:

(1) *Copies.* For copies of documents, such as letters, memoranda, statements, reports, contracts, etc. (maximum of 10 copies will be supplied) \$.10 per copy of each page. For copies of documents pertaining to construction and engineering information, such as aerial photographic maps, specifications, permits, charts, blueprints, etc., \$.15 for each reproduced copy per square foot. The above charges include the time spent in producing the copies.

(2) *Clerical searches.* For each one quarter hour spent by clerical personnel in searching for and producing a requested record, \$1.25.

(3) *Monitoring inspection.* In those instances where special monitoring is required, a charge of \$1.25 for each one quarter hour spent in monitoring the requester's inspection of records will be made.

(4) *Certification.* For certification of true copies, each, \$1.

(5) *Nonroutine, nonclerical searches.* Where a search cannot be performed by clerical personnel—for example, where the task of determining which records fall within a request and collecting them requires the time of professional or managerial personnel, and where the amount of time that must be expended in the search and collection of the requested records by such higher level personnel is substantial, charges for the search may be made at a rate in excess of the clerical rate, namely for each one quarter hour spent by such higher level personnel in searching for a requested record, \$3.75.

(6) *Examination and related tasks in screening records.* No charge shall be made for time spent in resolving legal or policy issues affecting access to records of known contents. In addition, no charge shall ordinarily be made for the time involved in examining records in connection with determining whether they are exempt from mandatory disclosure and should be withheld as a matter of sound policy. However, where a broad request requires NASA personnel to devote a substantial amount of time to examining records for the purpose of selecting out certain records or portions thereof in accordance with determinations that material of such a nature is exempt and should be withheld as a matter of sound policy, a fee may be assessed for the time consumed in such an examination. Where such examination can be performed by clerical personnel, time will be charged for at the rate of \$1.25 per quarter hour, and where higher level personnel are required, time will be charged for at the rate of \$3.75 per quarter hour.

(7) *Computerized Records.* Fees for services in processing requests maintained in whole or part in computerized form shall be in accordance with

this section so far as practicable. Services of personnel in the nature of a search shall be charged for at rates prescribed in paragraph (a) (5) of this section unless the level of personnel involved permits rates in accordance with paragraph (a) (2) of this section. A charge shall be made for the computer time involved, based upon the prevailing level of costs to governmental organizations and upon the particular types of computer and associated equipments and the amounts of time on such equipments that are utilized. A charge shall also be made for any substantial amounts of special supplies or materials used to contain, present, or make available the output of computers, based upon prevailing levels of costs to governmental organizations and upon the type and amount of such supplies or materials that are used. Nothing in this paragraph shall be construed to entitle any person, as of right, to any services in connection with computerized records, other than services to which such person may be entitled under 5 U.S.C. 552 and under the provisions, not including this paragraph (a), of this subpart.

(b) *Notice of anticipated fees in excess of \$25.* Where it is anticipated that the fees chargeable under this section will amount to more than \$25, and the requester has not indicated in advance his willingness to pay fees as high as are anticipated, the requester shall be promptly notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In appropriate cases an advance deposit may be required. The notice or request for advance deposit shall extend an offer to the requester to confer with knowledgeable NASA personnel in an attempt to reformulate the request in a manner which will reduce the fees and meet the needs of the requester. Dispatch of such a notice or request shall stay the running of the period for response by NASA until a reply is received from the requester.

(c) *Form of Payment.* Payment should be made by check or money order payable to the Treasurer of the United States.

Effective date: The provisions of this subpart 4, § 1206.605 and subpart 7 are effective on October 10, 1974.

JAMES C. FLETCHER,
Administrator.

[FR Doc.74-23617 Filed 10-9-74;8:45 am]

Title 20—Employees' Benefits
CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regulations No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED
Certification and Recertification; Requests for Payment

On January 9, 1974, there was published in the FEDERAL REGISTER (39 FR 1450) a notice of proposed rule making with proposed amendments to subpart

P of Regulations No. 5 (20 CFR Part 405). The proposed amendments to the regulations implement sections 281(e) and (f) of the Social Security Amendments of 1972 (Pub. L. 92-603) which provide a time limit on requests for Medicare payment for services reimbursable on a reasonable cost basis; section 258 of such amendments to the Act, which provides for an extension of the time limit on claims for payment for Part B services reimbursable on a reasonable charge basis where late filing is due to administrative error or misrepresentation of the Department of Health, Education, and Welfare or its agents; and sections 1814 and 1835 of the Social Security Act, as amended, under which the Secretary retains authority to prescribe a time limit for services reimbursable on a reasonable cost basis where the services were furnished before October 1, 1970, and for emergency hospital services and services outside the United States. Interested parties were given the opportunity to submit within 30 days data, views, or arguments with regard to the proposed amendments.

Section 405.1692(c) is being revised by substituting "an officer, employee, fiscal intermediary, carrier, or agent of the Department of Health, Education, and Welfare" for "the Social Security Administration or its agents" to more nearly conform it to section 1842(b) (3) of the Social Security Act. Section 1667(b) (1) is being revised to conform it to this change in § 405.1692(c).

The following recommendations were made by the Federation of American Hospitals.

A recommendation was made but not adopted that definitive criteria be established for determining what constitutes an error or misrepresentation of the Social Security Administration or its agents for purposes of the extension of the time limitation on filing claims. We believe that the use of general criteria will permit needed flexibility in administering this new provision. However, as operating experience becomes available, additional consideration will be given to this comment.

A recommendation was made but not adopted that, as in the case of error or misrepresentation of the Social Security Administration or its agents, error or misrepresentation of any party other than the provider itself should permit an extension of the time limitation. It would not be administratively feasible for the intermediary to take into account error or misrepresentation by other than the Social Security Administration or its agents.

A recommendation was made but not adopted that the time limitations specified in §§ 405.1667(b) and (c) and 405.1692(b) be modified by making them effective with respect to claims submitted for patients discharged after December 31, 1974, rather than simply claims submitted after December 31, 1974. This comment was based on the erroneous assumption that the proposed time limit

would not apply to services furnished before the effective date.

The following changes have been made based on comments from within the Social Security Administration.

A recommendation has been received and adopted that, as in the case of home health services, a request for payment not be required for the second or subsequent claim submitted on behalf of an individual by the same provider with respect to outpatient physical therapy services or speech pathology services under the same plan of care. As a result, a new paragraph (d) has been added to § 405.1663 for this purpose.

A recommendation has been received and adopted that, as in the case of an admission notice with respect to inpatient hospital services or post-hospital extended care services, a start of care notice with respect to home health services would establish a filing date for the request and claim by the provider for payment for such services if such request and claim are filed within 60 days after the intermediary or Social Security Administration, as appropriate, replies to the start of care notice. As a result, § 405.1667(b) (3) has been modified to reflect this change.

(Secs. 1102, 1814, 1835, 1842, and 1871, 49 Stat. 647, as amended, 79 Stat. 294, 303, and 309, as amended, 79 Stat. 331; 42 U.S.C. 1302, 1395f, 1395n, 1395u, and 1395hh.)

Effective date: These amendments shall be effective November 11, 1974, except as otherwise noted in §§ 405.1667(c) and 405.1692(b) with respect to time limits for filing claims for payment.

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance; No. 13.801, Health Insurance for the Aged—Supplementary Medical Insurance.)

Dated: September 7, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: October 3, 1974.

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

Subpart P of Regulations No. 5 is amended as set forth below.

1. Paragraphs (a) and (c) of § 405.1660 are revised to read as follows:

§ 405.1660 Payment on behalf of the individual; general.

(a) *Hospital insurance benefits.* Where an individual is entitled to hospital insurance benefits, payment based on reasonable cost is made on his behalf to a participating provider of services (or in some cases to a nonparticipating hospital for emergency services or, effective with respect to certain services furnished on admissions after December 31, 1972, to certain hospitals outside the United States) for covered inpatient hospital services (see §§ 405.116, 405.152, and 405.153), post-hospital extended care services (see § 405.125), post-hospital home health services (see § 405.131),

and outpatient hospital diagnostic services furnished before April 1968 (see §§ 405.145 and 405.152). Effective with respect to services furnished on or after April 1, 1968, coverage of outpatient hospital diagnostic services is included as "medical and other health services" under the supplementary medical insurance benefits plan.

(c) *Claim for payment.* A claim for payment for services described in paragraph (a) or (b) of this section must be submitted by the participating provider or the hospital which has elected to claim payment for emergency services or services outside the United States, and the individual or an authorized person acting on his behalf must request, in writing, that such payment be made (see §§ 405.1663 and 405.1667).

2. Section 405.1662 is revised to read as follows:

§ 405.1662 Form used for claiming payment.

A claim for payment under the hospital insurance benefits program or the supplementary medical insurance plan shall be submitted by a participating provider of services or a hospital which has elected to claim payment for emergency services or certain services outside the United States on a form designated by the Social Security Administration and executed in accordance with such instructions as are prescribed by the Administration (see § 422.510 of Part 422 of this chapter).

3. Section 405.1663 is revised to read as follows:

§ 405.1663 Individual's request for payment.

Except as provided in paragraph (a), (b), (c), or (d) of this section or in § 405.1664, before payment may be made on behalf of an individual, a written request for payment must be executed by the individual or an authorized person acting on his behalf. The individual or the authorized person may do this by signing the request for payment statement on the form designated by the Social Security Administration (see § 405.1662) or any statement which evidences an intent to claim payment for authorized services. A participating provider of services, or the hospital which has elected to claim payment for emergency services or services outside the United States, shall have the individual or an authorized person sign the request for payment before the claim is submitted for payment (see § 405.1667).

(a) In the case of inpatient hospital services (see §§ 405.116 and 405.152) a request for payment is not required for the second or subsequent claim submitted on behalf of such individual by the same hospital with respect to the same continuous period of inpatient hospital services.

(b) In the case of home health services (see §§ 405.131 and 405.236), a re-

quest for payment is not required for the second or subsequent claim submitted on behalf of such individual by the same participating provider of services under the same home care plan (see §§ 405.131 and 405.236).

(c) In the case of post-hospital extended care services (see § 405.125), a request for payment is not required for the second or subsequent claim submitted on behalf of such individual by the same participating provider of services with respect to the same continuous period of extended care services.

(d) In the case of outpatient physical therapy services (including outpatient speech pathology services), as defined in section 1861(p) of the Social Security Act, a request for payment is not required for the second or subsequent claim submitted on behalf of such individual by the same participating provider of services under the same plan of care.

4. The material preceding paragraph (a) of § 405.1664, and paragraph (d) of such section are revised to read as follows:

§ 405.1664 Persons authorized to request payment.

The Social Security Administration determines who is a proper party to execute a request for payment, as described in § 405.1663, for services furnished to an individual by a participating provider of services, or a hospital which has elected to claim payment for emergency services or services outside the United States, under the following rules:

(d) Where the participating provider of services, or the hospital which has elected to claim payment for emergency services or services outside the United States is unable to have a request for payment executed in accordance with paragraph (a), (b), or (c) of this section, an official of the provider or hospital (e.g., a hospital administrator) may execute a request for payment at the time the claim is forwarded for payment (see § 405.1667). The provider or hospital should not, except as provided in paragraph (e) of this section, routinely sign the request for payment on behalf of any individual. (See § 405.1665 for information regarding explanatory statement required.)

5. The material preceding paragraph (a) of § 405.1665 is revised to read as follows:

§ 405.1665 Evidence of authority to execute a request for payment.

Where a person other than the individual (see § 405.1664) executes a written statement requesting payment to be made to a participating provider of services or to a hospital claiming payment for emergency services or services outside the United States on behalf of the individual, such person shall submit a brief statement (to be forwarded by the provider or hospital with the claim for pay-

ment except where the individual's request is retained in accordance with the provisions of § 405.1667(b) that:

6. Section 405.1666 is revised to read as follows:

§ 405.1666 Signature of representative of the participating provider or hospital.

A claim form (see § 405.1662) submitted by a participating provider of services or a hospital which has elected to claim payment for emergency services or services outside the United States, for the purpose of claiming payment under the hospital insurance benefits program or the supplementary medical insurance benefits plan for covered items and services furnished to an individual, must be signed by an authorized representative of such provider or hospital.

7. Section 405.1667 is revised to read as follows:

§ 405.1667 Claim for payment by a provider of services or a hospital which has elected to claim payment for emergency services or services outside the United States.

(a) *Submitting a claim.* A participating provider of services, or a hospital which has elected to claim payment for emergency services or services outside the United States, shall submit claims for payment under the hospital insurance plan and the supplementary medical insurance plan to its designated intermediary or carrier or to the Social Security Administration, as appropriate. Such provider or hospital shall file an individual's request for payment (see § 405.1663) with its intermediary or carrier or with the Social Security Administration, as appropriate, with or prior to the submittal of the claim for payment for services furnished to the individual, except as follows: a provider or hospital which has entered into an arrangement to do so with its intermediary or carrier or with the Social Security Administration may retain an individual's request for payment as part of its files and such request shall be deemed to have been filed in the appropriate manner when it is executed or when the claim is filed, whichever is later.

(b) *Time limitation on submitting the request and claim for payment.*

(1) The request and claim for payment must be submitted on or before the close of the calendar year after the year in which the services were furnished, except as follows: where error or misrepresentation of an officer, employee, fiscal intermediary, carrier, or agent of the Department of Health, Education, and Welfare performing functions under title XVIII of the Act and acting within the scope of his or its authority is responsible for the failure of the provider of services or the hospital to submit the request and claim for payment within such time limitation, the time limitation for filing will be extended through the last day of the sixth calendar month following the month in which such error

or misrepresentation is rectified, but not beyond December 31 of the third calendar year after the year in which the services were furnished.

(2) For purposes of paragraph (b) (1) of this section, services furnished in the last 3 months of a calendar year shall be deemed to have been furnished in the following year.

(3) For purposes of paragraph (b) (1) of this section, a provider of services or hospital shall be deemed to have filed a request and claim for payment with respect to inpatient hospital services, post-hospital extended care services, or home health services, on the date it submits an admission notice or a start of care notice with respect to such services if such request and claim are submitted as provided in paragraph (a) of this section within 60 days after the intermediary or Social Security Administration, as appropriate, replies to the admission or start of care notice.

(c) *Effective date.* The time limitation in paragraph (b) of this section shall be effective with respect to claims for payment filed after December 31, 1974.

8. Paragraphs (a) and (b) of section 405.1672 are revised to read as follows:

§ 405.1672 Individual's request for direct payment—General.

(a) *Hospital insurance benefits.* Payment under the hospital insurance benefits program, on the basis of an itemized bill, may be made to the entitled individual in accordance with section 142 of the Social Security Amendments of 1967 (Pub. L. 90-248) and § 405.156 (in amounts determined in accordance with § 405.158) for a nonparticipating hospital's reasonable charges for covered inpatient hospital services which are furnished by, or under arrangements made by, such nonparticipating hospital. This provision applies only with respect to admissions before 1968 where the nonparticipating hospital is not entitled to receive payment for such services under the hospital insurance benefits program and where a claim for payment is made before January 1969. Payment under the hospital insurance benefits program on the basis of an itemized bill may also be made to the entitled individual in accordance with section 1814(d) of the Act, as amended by section 143 of the Social Security Amendments of 1967, and in accordance with § 405.157 (in amounts determined in accordance with § 405.158) for a nonparticipating hospital's reasonable charges for covered emergency inpatient hospital services furnished with respect to admissions after 1967 and for covered emergency outpatient hospital diagnostic services furnished after 1967 and before April 1, 1968, by or under arrangements made by, such nonparticipating hospital where the hospital has not elected to receive payment for such services under the hospital insurance benefits program. Effective with respect to services furnished on or after April 1, 1968, outpatient hospital diagnostic services are included as "medical and other health services" under the supplementary medi-

cal insurance benefits plan (see section 1861(s)(2)(C) of the Act) and not included as covered services under the hospital insurance benefits program. Payment under the hospital insurance benefits program on the basis of an itemized bill may also be made to an entitled individual in accordance with section 1814(f) of the Act, as amended by section 211 of the Social Security Amendments of 1972, for a nonparticipating hospital's reasonable charges for covered inpatient hospital services furnished outside the United States with respect to admissions after December 31, 1972, where the hospital has not elected to receive payment for such services under the hospital insurance program.

(b) *Supplementary medical insurance.* Payment under the supplementary medical insurance benefits plan (excluding payment for services furnished by, or under arrangements made by, a participating provider of services or a hospital which has elected to claim payment for emergency services—see § 405.1660), on the basis of reasonable charges, may be made to the entitled individual for covered "medical and other health services" discussed in § 405.231, and for services which would constitute emergency outpatient services, if payment cannot be made under the provisions of § 405.249 solely because the nonparticipating hospital furnishing such services has not elected to claim such payment. Payment under the supplementary medical insurance program may also be made to an entitled individual for covered physicians' services and ambulance services furnished outside the United States to such individual in conjunction with inpatient hospital services covered under section 1814(f) of the Act, as amended by section 211 of the Social Security Amendments of 1972.

9. Section 405.1692 is revised to read as follows:

§ 405.1692 Time limitation for claiming benefits payable on a reasonable charge basis.

The time limits for claiming benefits payable on a reasonable charge basis are as follows:

(a) *Claim for payment for services other than emergency hospital services or services outside the United States.* Effective with respect to claims submitted after April 1, 1968, a claim (other than a claim for benefits for emergency hospital services or services outside the United States (see paragraph (b) of this section)) submitted by, or on behalf of, any person(s) for the purpose of claiming supplementary medical insurance payment on a reasonable charge basis for covered services, must be filed with the Social Security Administration, a carrier, or an intermediary on or before December 31 of the calendar year following the year in which such services were furnished. However, services furnished in the last 3 months of a calendar year shall be deemed furnished in the succeeding calendar year.

Example. An individual received surgery in August 1972. He (or the individual performing the surgery, if the right to claim payment has been assigned), must file a claim for payment for such services on or before December 31, 1973. If the surgery had been performed in November 1972, the claim must be filed on or before December 31, 1974.

(b) *Claim for payment for emergency hospital services or services outside the United States.* Effective with respect to claims submitted after December 31, 1974, an individual's claim for payment under the hospital insurance or medical insurance plan for emergency hospital services received from a nonparticipating hospital or for services outside the United States must be filed with the Social Security Administration, a carrier or an intermediary on or before December 31 of the calendar year following the year in which the services were furnished. Services furnished in the last 3 months of a calendar year shall be deemed furnished in the following year.

(c) *Extension of the time limit in cases of administrative error.* Where error or misrepresentation of an officer, employee, fiscal intermediary, carrier, or agent of the Department of Health, Education, and Welfare performing functions under title XVIII of the Act and acting within the scope of his or its authority is responsible for the failure of the individual or his assignee to file a claim within the time limitation in paragraph (a) or (b) of this section, such time limitation will be extended through the last day of the sixth month following the month in which such error or misrepresentation is rectified.

10. Section 405.1693 is revised to read as follows:

§ 405.1693 Definition of claim for purposes of time limitation.

For purposes of § 405.1692, a claim is any writing submitted by, or on behalf of, any person(s) which indicates the person's intent to claim payment under the hospital or medical insurance benefits plan in connection with specified covered services furnished to an identified individual. It is not necessary that such writing be on a form prescribed by the Social Security Administration, that the services be itemized, or that the information be complete (e.g., a claim could be filed by a note from the individual's spouse, a physician's bill, or an incomplete prescribed claim form). If a claim, as defined herein, is mailed or delivered to the Administration, a carrier, or an intermediary within the applicable time limitation, the claim is filed timely even though the prescribed form or additional required information is supplied or obtained after such limitation: *Provided*, That the form prescribed by the Social Security Administration, executed in accordance with such instructions as may be prescribed by the Administration (see § 422.510 of Part 422 of this chapter) or any additional information that may be required is filed with the Administration, carrier or intermediary within six months after the month in which the

claimant is advised to file such form or additional information, or within the time limit, whichever is later.

11. Section 405.1694 is revised to read as follows:

§ 405.1694 Extension of time limitation.

Notwithstanding the provisions of § 405.1667 and § 405.1692, where the last day of the time limitation falls on a non-workday (Saturday, Sunday, legal holiday, or a day all or part of which is declared to be a nonworkday for Federal employees by statute or Executive order) a claim for payment will be considered filed timely if deposited in the U.S. postal system or received by the Social Security Administration, a carrier, or an intermediary on the first workday thereafter.

[FR Doc.74-23646 Filed 10-9-74;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER D—DRUGS FOR HUMAN USE

PART 310—NEW DRUGS

Patient Labeling of Medroxyprogesterone Acetate Injectable Contraceptive

Correction

In FR Doc. 74-21053 appearing at page 32907 in the issue for Thursday, September 12, 1974, make the following changes on page 32909:

1. The third column, third line of number 4, now reading "which would alter the Commission's" should read "which would alter the Commissioner's".
2. In the third column, under number 4., third paragraph, fifteenth line, the word "medroxyprogesterone" should read "medroxyprogesterone".

PART 444—OLIGOSACCHARIDE ANTIBIOTIC DRUGS

Neomycin Sulfate-Polymyxin B Sulfate Ophthalmic Solution

The Commissioner of Food and Drugs has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act, as amended, with respect to providing for the certification of an ophthalmic solution containing the equivalent of 3.5 milligrams neomycin and 5,000 units polymyxin B per milliliter.

The Commissioner has concluded that the data supplied by the manufacturer concerning the subject antibiotic drug is adequate to establish its safety and efficacy when used as directed in the labeling and that the regulation published in the FEDERAL REGISTER of May 6, 1974 (39 FR 15753), and subsequently recodified in the FEDERAL REGISTER of May 30, 1974 (39 FR 19046), should be amended to provide for the certification of this drug.

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 dele-

gated to the Commissioner (21 CFR 2.120), Part 444 (which includes the former Part 148i) is amended in § 444.342i (formerly 148i.52) by revising the first sentence in paragraph (a)(1) to read as follows:

§ 444.342i Neomycin sulfate-polymyxin B sulfate ophthalmic solution.

(a) *Requirements for certification—*
(1) *Standards of identity, strength, quality, and purity.* Neomycin sulfate-polymyxin B sulfate ophthalmic solution is neomycin sulfate and polymyxin B sulfate in a suitable and harmless aqueous vehicle. Each milliliter contains: (i) Neomycin sulfate equivalent to 3.5 milligrams of neomycin and polymyxin B sulfate equivalent to 5,000 units of polymyxin B; or (ii) Neomycin sulfate equivalent to 3.5 milligrams of neomycin and polymyxin B sulfate equivalent to 16,250 units of polymyxin B.

Since the conditions prerequisite to providing for certification of subject antibiotic drug have been complied with and since the matter is noncontroversial in nature, notice and public procedures are not prerequisites to this promulgation.

Effective date: This order shall be effective November 11, 1974.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.)

Dated: October 3, 1974.

MARY A. McENTRY,
Assistant to the Director for
Regulatory Affairs, Bureau of
Drugs.

[FR Doc.74-23664 Filed 10-9-74;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER E—PLANNING

PART 420—PROGRAM MANAGEMENT AND COORDINATION

Highway Planning and Research and Development—Programing of Funds

The Federal Highway Administrator is amending Chapter I of Title 23, Code of Federal Regulations, by adding a new Part 420 entitled Program Management and Coordination, Subpart A—Highway Planning and Research and Development—Programing of Funds. Subpart A of Part 420 codified procedures formerly contained in Federal Highway Administration Policy and Procedures Memorandum 50-1.1.

General notice of proposed rulemaking is not required inasmuch as the material published relates to benefits, grants, or contracts pursuant to 5 U.S.C. 553(a)(2).

The regulations will take effect on October 1, 1974.

Issued on October 1, 1974.

L. P. LAMM,
Acting Executive Director,
Federal Highway Administrator.

Subpart A—Highway Planning and Research and Development—Programing of Funds

- Sec.
- 420.101 Purpose.
- 420.102 Definitions.
- 420.103 Policy.
- 420.104 Fiscal procedures.
- 420.105 Programing procedures.
- 420.106 Authorization procedures.

AUTHORITY: 23 U.S.C. 104, 307, and 315; and 49 CFR 1.48(b).

Subpart A—Highway Planning and Research and Development—Programing of Funds

§ 420.101 Purpose.

The purpose of this subpart is to prescribe Federal Highway Administration (FHWA) policies and procedures related to programing and authorization of highway planning and research and development projects undertaken with Federal-aid funds in accordance with 23 U.S.C. 104(f) and 307(c), as amended. Procedures for allocating and matching of Metropolitan planning funds authorized under 23 U.S.C. 104(f)(1) (PL funds) and information regarding programing procedures for these funds that are available specifically to designated Metropolitan Planning Organizations (MPO) are also discussed in the Federal-Aid Highway Program Manual.¹

§ 420.102 Definitions.

(a) **Class of Fund**—Refers to each of the several Federal-aid funds in 23 U.S.C. 104(b) which provide the source of the 1½ percent funds authorized under 23 U.S.C. 307(c)(2) (HPR funds) and the optional one-half percent funds authorized under 23 U.S.C. 307(c)(3) (PR funds).

(b) **Type of Fund**—Refers to HPR, PR and PL funds.

(c) **Annual HP&R Work Program**—Refers to the total highway planning and research and development effort described in an annual statement of proposed work and estimated cost.

§ 420.103 Policy.

(a) HPR and PL funds shall each be administered as a single fund.

(b) Under authority of 23 U.S.C. 104(f)(3) and pursuant to the Secretary's delegation of authority in 49 CFR 1.48(b)(3), the Federal Highway Administrator has determined that a matching ratio other than that set forth in 23 U.S.C. 120 be established; and accordingly the Federal share payable on account of work performed using PL funds shall not be less than 80 percent.

(c) The State highway agency (SHA) shall have primary responsibility for administering PL funds.

§ 420.104 Fiscal procedures.

(a) Upon receipt of notice of apportionment of Federal-aid funds for each fiscal year, the SHA shall give notice to the MPO of the amount of Federal funds

to be made available to that organization according to the approved distribution formula (Volume 4, Chapter 4, section 7, paragraph 3) for that State.

(b) The SHA shall be responsible for identifying programed amounts, expenditures, and unprogramed balances of PL funds for each designated MPO.

§ 420.105 Programing procedures.

PL funds and HPR funds are each administered as a single fund with separate programing documents required for each.

§ 420.106 Authorization procedures.

(a) The approval of the HP&R work program and subsequent authorization to the SHA to proceed with either the Part I or Part II portion of a work program in Stage 2 will establish the obligation of Federal funds.

(b) The project agreement (PR-2) may be executed when the SHA has been authorized to proceed with the work program in whole or in part. However, in the event the project agreement is executed for only part of the work program, the project agreement shall be amended at such time as the SHA is authorized to proceed with the remaining part and when it has been advanced to Stage 2.

[FR Doc.74-23644 Filed 10-9-74; 8:45 am]

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

PART 630—PRECONSTRUCTION PROCEDURES

Plans, Specifications, and Estimates

Subchapter G of Chapter I of Title 23 Code of Federal Regulations is amended by adding to Part 630—Preconstruction Procedures a new Subpart B—Plans, Specifications, and Estimates. Subpart B codifies policies and procedures formerly contained in Federal Highway Administration Policy and Procedures Memorandum 21-5.

General notice of proposed rulemaking is not required inasmuch as the material published relates to grants, benefits or contracts pursuant to 5 U.S.C. 553(a)(2).

This regulation will be effective on October 1, 1974.

Subpart A—[Reserved]

Subpart B—Plans, Specifications, and Estimates

- Sec.
- 630.201 Purpose.
- 630.202 Applicability.
- 630.203 Submission and approval.
- 630.204 Policies and guidance for preparation.

AUTHORITY: 23 U.S.C. 315; 49 CFR 1.48(b).

Subpart A—[Reserved]

Subpart B—Plans, Specifications, and Estimates

§ 630.201 Purpose.

The purpose of this part is to prescribe policies and procedures to implement 23 U.S.C. 106(a) relating to the preparation, submission and approval of plans, specifications and estimates and supporting

documents for Federal-aid projects, commonly referred to as PS&E.

§ 630.202 Applicability.

The provisions of this part apply to all highway construction projects financed in whole or in part with Federal-aid highway funds and to be undertaken by a State or political subdivision thereof pursuant to agreements between the State highway department and the Federal Highway Administration (FHWA), except for projects carried out pursuant to 23 U.S.C. 117 relative to certification acceptance or a secondary road plan as appropriate.

§ 630.203 Submission and approval.

(a) PS&E assemblies for Federal-aid highway projects shall be submitted to the FHWA for approval.

(b) The contents and number of copies of the PS&E assembly shall be determined by the FHWA.

(c) The State highway department shall be advised of approval of the PS&E by the FHWA.

(d) No project or part thereof for actual construction shall be advertised for contract nor work commenced by force account until PS&E have been approved by the FHWA and the State highway department has been so notified.

§ 630.204 Policy and guidance for preparation.

Plans and specifications shall describe the location and design features and the construction requirements in sufficient detail to facilitate the construction, the contract control and the estimation of construction costs of the project. The estimate shall reflect the anticipated cost of the project in sufficient detail to provide an initial prediction of the financial obligations to be incurred by the State and FHWA and to permit an effective review and comparison of the bids received.

Issued on: October 1, 1974.

L. P. LAMM,
*Acting Executive Director,
Federal Highway Administrator.*

[FR Doc.74-23642 Filed 10-9-74; 8:45 am]

PART 630—PRECONSTRUCTION PROCEDURES

Bridges on Federal Dams

Part 630—Preconstruction Procedures of Subchapter G—Engineering and Traffic Operations is amended by adding a new Subpart H—Bridges on Federal Dams.

Policy and Procedure Memorandum 28-1 concerning the financing and construction of bridges on Federal dams has been incorporated into the Federal Highway Administration Program Manual as Volume 6, chapter 3, section 2, subsection 6. Regulatory portions of this directive are hereby published.

General notice of proposed rulemaking is not required since the material published relates to grants, benefits or contracts pursuant to 5 U.S.C. section 553

¹ The Federal-Aid Highway Program Manual is available for inspection and copying as prescribed in 49 CFR, Part 7, Appendix D.

(a) (2). The regulations become effective on October 1, 1974.

Issued on October 1, 1974.

L. P. LAMM,
Acting Executive Director,
Federal Highway Administrator.

Subpart H—Bridges on Federal Dams

Sec.
630.801 Purpose.
630.802 Applicability.
630.803 Procedures.

Subpart H—Bridges on Federal Dams

AUTHORITY: 23 U.S.C. secs. 315 and 320; 49 CFR 1.48; 23 CFR 1.32.

§ 630.801 Purpose.

The purpose of this subpart is to prescribe procedures for the construction and financing, by an agency of the Federal Government, of public highway bridges over dams constructed and owned by or for the United States.

§ 630.802 Applicability.

A proposed bridge over a dam, together with the approach roads to connect the bridge with existing public highways, must be eligible for inclusion in the Federal-aid highway system, if not already a part thereof.

§ 630.803 Procedures.

A State's application to qualify a project under this subpart will include:

(a) A certification that the bridge is economically desirable and needed as a link in the Federal-aid highway system.

(b) A statement showing the source and availability of funds to be used in construction of the roadway approaches.

(c) A statement of any obligation on the part of the agency constructing the dam to provide such bridge or approach roads to satisfy a legal liability incurred independently of this subpart.

[FR Doc. 74-23641 Filed 10-9-74; 8:45 am]

PART 645—UTILITIES

PART 646—RAILROADS

Railroad-Highway Insurance Protection

The Federal Highway Administration is amending Part 645, Subchapter G, Chapter I of Title 23, Code of Federal Regulations, by retitling Part 645 to read "Utilities" and adding a new Part 646 to read "Railroads."

A Federal-aid to highways directive of longstanding (PPM 20-12) sets forth policies and procedures relating to railroad-highway insurance protection required of Federal-aid highway contractors. The directive has been revised for inclusion in the Federal-Aid Highway Program Manual. Inasmuch as portions of the Manual addition impose obligations on States which must be complied with to obtain Federal assistance, these portions are hereby published.

This regulation converts Policy and Procedures Memorandum 20-12 to Part 646, Subpart A of Chapter I of Title 23 of the Code of Federal Regulations.

Since the matters affected relate to grants, benefits or contracts within the purview of 5 U.S.C. 553(a) (2), general

notice of proposed rulemaking is not required.

This regulation will be effective on October 1, 1974.

Issued on October 1, 1974.

L. P. LAMM,
Acting Executive Director,
Federal Highway Administrator.

1. The title of Part 645 is revised to read:

Part 645—Utilities.

2. Part 646 is added to read as follows:

Subpart A—Railroad-Highway Insurance Protection

Sec.
646.101 Purpose.
646.103 Application.
646.105 Contractor's public liability and property damage insurance.
646.107 Railroad protective insurance.
646.109 Types of coverage.
646.111 Amount of coverage.
646.113 Scope of coverage.
646.115 Negligence of the railroad.
646.117 Real property.
646.119 Exclusion of liabilities under certain laws.
646.121 Exclusion of liability assumed by the railroad under special contracts.
646.123 Termination of liability.
646.125 Duplication of coverage.
646.127 Form of insurance policy.
Appendix A Standard provisions for general liability policies.

Subpart A—Railroad-Highway Insurance Protection

AUTHORITY: 23 U.S.C. 315; 49 CFR 1.48(b).

§ 646.101 Purpose.

The purpose of this part is to prescribe provisions under which Federal funds may be applied to the costs of public liability and property damage insurance obtained by contractors (a) for their own operations, and (b) on behalf of railroads on or about whose right-of-way the contractors are required to work in the construction of highway projects financed in whole or in part with Federal funds.

§ 646.103 Application.

(a) This part applies:

(1) To a contractor's legal liability for bodily injury to, or death of, persons and for injury to, or destruction of, property.

(2) To the liability which may attach to railroads for bodily injury to, or death of, persons and for injury to, or destruction of, property.

(3) To damage to property owned by or in the care, custody or control of the railroads, both as such liability or damage may arise out of the contractor's operations, or may result from work performed by railroads at or about railroad rights-of-way in connection with projects financed in whole or in part with Federal funds.

(b) Where the highway construction is under the direct supervision of the Federal Highway Administration (FHWA), all references herein to the State shall be considered as references to the FHWA.

§ 646.105 Contractor's public liability and property damage insurance.

(a) Contractors may be subject to liability with respect to bodily injury to

or death of persons, and injury to, or destruction of property, which may be suffered by persons other than their own employees as a result of their operations in connection with construction of highway projects located in whole or in part within railroad right-of-way and financed in whole or in part with Federal funds. Protection to cover such liability of contractors shall be furnished under regular contractors' public liability and property damage insurance policies issued in the names of the contractors. Such policies shall be so written as to furnish protection to contractors respecting their operations in performing work covered by their contract.

(b) Where a contractor sublets a part of the work on any project to a subcontractor, the contractor shall be required to secure insurance protection in his own behalf under contractor's public liability and property damage insurance policies to cover any liability imposed on him by law for damages because of bodily injury to, or death of, persons and injury to, or destruction of, property as a result of work undertaken by such subcontractors. In addition, the contractor shall provide for and on behalf of any such subcontractors protection to cover like liability imposed upon the latter as a result of their operations by means of separate and individual contractor's public liability and property damage policies; or, in the alternative, each subcontractor shall provide satisfactory insurance on his own behalf to cover his individual operations.

(c) The contractor shall furnish to the State highway department evidence satisfactory to such department and to the FHWA that the insurance coverages required herein have been provided. The contractor shall also furnish a copy of such evidence to the railroad or railroads involved. The insurance specified shall be kept in force until all work required to be performed shall have been satisfactorily completed and accepted in accordance with the contract under which the construction work is undertaken.

§ 646.107 Railroad protective insurance.

In connection with highway projects for the elimination of hazards of railroad-highway crossings and other highway construction projects located in whole or in part within railroad right-of-way, railroad protective liability insurance shall be purchased on behalf of the railroad by the contractor. The standards for railroad protective insurance established by §§ 646.109 through 646.127 shall be adhered to insofar as the insurance laws of the State will permit.

§ 646.109 Types of coverage.

(a) Coverage shall be limited to damage suffered by the railroad on account of occurrences arising out of the work of the contractor on or about the railroad right-of-way, independent of the railroad's general supervision or control, except as noted in § 646.109(b) (4).

(b) Coverage shall include:

(1) Death of or bodily injury to passengers of the railroad and employees of

the railroad not covered by State workmen's compensation laws;

(2) Personal property owned by or in the care, custody or control of the railroads;

(3) The contractor, or any of his agents or employees who suffer bodily injury or death as the result of acts of the railroad or its agents, regardless of the negligence of the railroad;

(4) Negligence of only the following classes of railroad employees:

(i) Any supervisory employee of the railroad at the job site;

(ii) Any employee of the railroad while operating, attached to, or engaged on, work trains or other railroad equipment at the job site which are assigned exclusively to the contractor; or

(iii) Any employee of the railroad not within (i) or (ii) who is specifically loaned or assigned to the work of the contractor for prevention of accidents or protection of property, the cost of whose services is borne specifically by the contractor or governmental authority.

§ 646.111 Amount of coverage.

(a) Dollar amounts of coverage to be reimbursed from Federal funds shall be limited generally to maximum amounts of \$500,000 for each individual and \$1 million for each occurrence with respect to bodily injury or death; and \$500,000 for each occurrence with an aggregate of \$1 million for the term of the policy with respect to property damage.

(b) In cases involving real and demonstrable danger of appreciably higher risks, higher dollar amounts of coverage for which premiums will be reimbursable from Federal funds shall be allowed. These larger amounts will depend on circumstances and shall be written for the individual project in accordance with standard underwriting practices upon approval of the FHWA.

§ 646.113 Scope of coverage.

(a) Since railroad protective insurance differs somewhat from ordinary casualty insurance, the policies shall be written on an "occurrence" rather than on an "accident" basis. Furthermore, the railroads should be covered for such items as disease and other types of consequential damages not necessarily caused by accidents and damages resulting from intentional acts of the contractor or his employees.

(b) Policies should not be so written as to cover risks remotely or only indirectly connected with the actual project. The extent of coverage should be confined to occurrences arising out of acts or omissions on the part of the contractor, his agents or employees and the designated employees of the railroad noted in § 646.109(b)(4) related to the work in progress.

§ 646.115 Negligence of the railroad.

An exclusion should be made with respect to liability for damage resulting from the sole proximate cause of the railroad.

§ 646.117 Real property.

Insurance policies written in conformity with this part shall not cover dam-

age to real property owned by railroads caused by acts or omissions of contractors.

§ 646.119 Exclusion of liabilities under certain laws.

(a) Obligations under the insurance policies discussed herein shall exclude liability under State workmen's compensation laws, State unemployment compensation laws, disability benefit laws and other similar State laws.

(b) The Federal Employers' Liability Act should be specifically excepted so that damages awarded under the Act will be compensable from the insurance written in compliance with this part.

§ 646.121 Exclusion of liability assumed by the railroad under special contracts.

When a railroad assumes liability under contracts or agreements, other than as a common carrier or as a bailee, lessee or operator of property including rolling stock or equipment, such liability shall be excluded from policies written in accordance with these standards. The liability under the policy shall be limited to contracts made as a common carrier.

§ 646.123 Termination of liability.

Liability under these policies shall terminate following notification to the railroad of the acceptance of the work by the State highway department. Excepted from this provision are damages resulting from bodily injury, property damage or loss resulting from the existence or removal of tools, uninstalled equipment and abandoned or unused materials.

§ 646.125 Duplication of coverage.

The policy shall contain a clause providing that the insurance afforded by it shall be primary insurance.

§ 646.127 Form of insurance policy.

The standards established by this part are incorporated in a form of insurance policy which is set forth in Appendix A to this part. Use of this form is required for all projects subject to this part.

APPENDIX A—STANDARD PROVISIONS FOR GENERAL LIABILITY POLICIES

RAILROAD PROTECTIVE LIABILITY FORM FOR USE ON STATE OR FEDERAL HIGHWAY PROJECTS (INCLUDING INSTRUCTIONS FOR PREPARATION OF POLICIES BY COMPANIES)

General Instructions

1. *Standard language.* This form is expressed in standard language which may not be amended and no part of which may be omitted except (a) as indicated by these instructions, or (b) as indicated in reference notes shown below referring to specific portions of the form, or (c) by an endorsement which states an amendment or exclusion of some provision of the form in accordance with the provisions of a manual rule, the form of which endorsement has been approved, if required, by the supervising authority of the State in which the policy is issued.

2. *Optional sequence and arrangement.* The several parts of the form, viz. "Insuring Agreements," "Exclusions," "Conditions" and "Declarations" may appear in the policy in such sequence as the company may elect and the sequence and arrangement of the

several provisions of those parts are also optional with the company.

3. *Descriptive headings—identifying or indexing designations.* The descriptive headings of the parts of the form (as quoted above) and of the major insuring agreements ("Bodily Injury Liability," "Property Damage Liability," etc.) are standard expressions which may not be amended or omitted, but all other identifying or indexing designations (such as "Coverage A," "Defense, Settlement, Supplementary Payments," "Cancellation," etc.), including literal or numerical designations or paragraphs or phrases, may be amended or omitted at the company's option. When such identifying or indexing designations, used for the purpose of reference in the text of the form or any endorsement form applicable thereto, are amended or omitted, descriptive designations shall be substituted therefor.

4. *Additional coverages or companies, explanatory or connective language.* When policies are issued to provide insurance in this form together with insurance covering other risks, the addition of necessary explanatory or connective language which does not amend the expression of this form is permissible and the introductory language of the "Insuring Agreements" which provides for the issuance of a policy by two companies may be used and, if necessary, paraphrased to permit such policies to be issued by more than two companies.

5. *Declarations—including other risks.* A common set of declarations may be used in those cases where policies in this form are issued with policies covering other risks.

6. *Installment premium payment.* Policies written to provide for payment of premium in installments may provide for lapse or suspension of the policy upon default of payment when due.

7. *Addition of coverage by endorsement.* When insuring agreements and other provisions relating to any particular class of insurance are added to this policy by endorsement, such additional insurance must be expressed in approved standard language relating to the particular class and must be subject to all standard provisions applicable to that class by the expressions of the endorsement or of the policy or of both taken together.

8. *Definition of "standard" and "approved".* "Standard language" or "approved standard language" when used in these instructions means the form and endorsements either prescribed or approved by the insurance supervising authority of the State in which policy forms and endorsements are approved or prescribed. In those States where supervising authorities do not have the authority to approve or prescribe policies, forms and endorsements, the terms mean the forms and endorsements adopted by the companies for use in such States.

9. *Premium statement.* The statement with respect to payment of premium may be amended by an endorsement to make necessary provision with respect to payment of premium, payment of additional premium and return of premium and dividends under the policy.

10. *Special conditions for mutuals, reciprocals, and participating stock companies.* When the policy is issued by a mutual company, a reciprocal association or a participating stock company having special provisions applicable to its membership or policyholders, such provisions, when approved by the supervising authority of the State in which

the policy is issued if such approval is required, may be inserted in the policy.

BLANK INDEMNITY COMPANY
BLANK INSURANCE COMPANY

[Railroad Protective Liability
Policy No. _____
(State or Federal Highway
Projects)]¹

¹Matter in brackets may be included, omitted or amended at the option of the company.

DECLARATIONS

Item 1. Named Insured _____

Address _____

(No. Street Town [or City] County State

Item 2. Policy Period: _____

From _____ to _____
12:01 A.M., standard time at the designated
job site as stated herein.

Item 3. The insurance afforded is only with respect to such of the following coverages as are indicated [in Item 6] by specific premium charge or charges. The limit of the company's liability against such coverage or coverages shall be as stated herein, subject

Item 6. Designation
of the job site and
description of work

Premium bases

Rates—Coverage A,
Coverages B and C

Advance premiums—
Coverage A,
Coverages B and C

Contract cost _____ Per \$100 of cost _____
Rental cost _____ Per \$100 of rental cost _____

[If policy Period more than 1 year:]
[Premium is payable: On effective date of
Policy \$____ 1st Anniversary \$____ 2nd An-
niversary]

[Date and Place of Issue _____]
Countersigned [_____ 19____, at _____]
By _____

[A. Renewal of policy number.]
[B. The named insured is a corporation.]
[C. Endorsement serial numbers.]
[D. Rating plan or premium discount.]

(For policy issued by one company):

[(Name and Location of
Indemnity Company)]

[A (type of company) insurance company, herein called the company,] agrees with the insured, named in the declarations made a part hereof, in consideration of the payment of the premium and in reliance upon the statements in the declarations made by the named insured and subject to all of the terms of this policy:

(For policy issued by two companies):

[(Name and Location of
Indemnity Company)]

[and]

[(Name and Location of
Insurance Company)]

[Each a (type of company) insurance company, herein called the company,] severally agree with the insured, named in the declarations made a part hereof, in consideration of the payment of the premium and in reliance upon the statements in the declarations made by the named insured and subject to all of the terms of this policy, provided the Blank Indemnity Company shall be the insurer with respect to coverage _____ and no other and the Blank Insurance Company shall be the insurer with respect to coverage _____ and no other.

Insuring Agreements

I. Coverage A—bodily injury liability. To pay on behalf of the insured all sums which the insured shall become legally obligated to pay as damages because of bodily injury,

to all the terms of this policy having reference thereto. (A statement may be added that a definite notation may be made in the premium column to show that a particular coverage is not afforded.)

Limits of Liability

Coverages

[Blank Indemnity Company]:

A—Bodily injury liability _____

\$_____ each person.

\$_____ each occurrence.

[Blank Insurance Company]:

B—Property damage liability; C—Physical damage to property.

\$_____ each occurrence.

\$_____ aggregate.

Item 4. Name and Address of Contractor _____

Item 5. Name and Address of Governmental Authority for whom the work by the Contractor is being performed _____

sickness, or disease, including death at any time resulting therefrom, hereinafter called "bodily injury," either (1) sustained by any person arising out of acts or omissions at the designated job site which are related to or are in connection with the work described in Item 6 of the Declarations, or (2) sustained at the designated job site by the contractor or any employee of the contractor, or by any employee of the governmental authority specified in Item 5 of the Declarations, or by any designated employee of the insured, whether or not arising out of such acts or omissions.

Coverage B—property damage liability. To pay on behalf of the insured all sums which the insured shall become legally obligated to pay as damages because of physical injury to or destruction of property, including loss of use of any property due to such injury or destruction, hereinafter called "property damage" arising out of acts or omissions at the designated job site which are related to or are in connection with the work described in Item 6 of the declarations.

Coverage C—physical damage to property. To pay for direct and accidental loss of or damage to rolling stock and their contents, mechanical construction equipment, or motive power equipment, hereinafter called loss, arising out of acts or omissions at the designated job site which are related to or are in connection with the work described in Item 6 of the declarations; provided such property is owned by the named insured or is leased or entrusted to the named insured under a lease or trust agreement.

II. Definitions. (a) Insured. The unqualified word "insured" includes the named insured and also includes any executive officer, director or stockholder thereof while acting within the scope of his duties as such.

(b) Contractor. The word "contractor" means the contractor designated in Item 4 of the declarations and includes all subcontractors of said contractor but shall not include the named insured.

(c) Designated employee of the insured. The words "designated employee of the insured" mean:

(1) Any supervisory employee of the insured at the job site,

(2) Any employee of the insured while operating, attached to or engaged on work trains or other railroad equipment at the job site which are assigned exclusively to the contractor, or

(3) Any employee of the insured not within (1) or (2) who is specifically loaned or assigned to the work of the contractor for prevention of accidents or protection of property, the cost of whose services is borne specifically by the contractor or by governmental authority.

(d) Contract. The word "contract" means any contract or agreement to carry a person or property for a consideration or any lease, trust or interchange contract or agreement respecting motive power, rolling stock or mechanical construction equipment.

III. Defense, settlement, supplementary payments. With respect to such insurance as is afforded by this policy under coverages A and B, the company shall:

(a) Defend any suit against the insured alleging such bodily injury or property damage and seeking damages which are payable under the terms of this policy, even if any of the allegations of the suit are groundless, false or fraudulent, but the company may make such investigation and settlement of any claim or suit as it deems expedient;

(b) Pay, in addition to the applicable limits of liability:

(1) All expenses incurred by the company, all costs taxed against the insured in any such suit and all interest on the entire amount of any judgment therein which accrues after entry of the judgment and before the company has paid or tendered or deposited in court that part of the judgment which does not exceed the limit of the company's liability thereon;

(2) Premiums on appeal bonds required in any such suit, premiums on bonds to release attachments for an amount not in excess of the applicable limit of liability of this policy, but without obligation to apply for or furnish any such bonds;

(3) Expenses incurred by the insured for such immediate medical and surgical relief to others as shall be imperative at the time of the occurrence;

(4) All reasonable expenses, other than loss of earnings, incurred by the insured at the company's request.

IV. Policy period, territory. This policy applies only to occurrences and losses during the policy period and within the United States of America, its territories or possessions, or Canada.

Exclusions

This policy does not apply:

(a) To liability assumed by the insured under any contract or agreement except a contract as defined herein;

(b) To bodily injury or property damage caused intentionally by or at the direction of the insured;

(c) To bodily injury, property damage or loss which occurs after notification to the named insured of the acceptance of the work by the governmental authority, other than bodily injury, property damage or loss resulting from the existence or removal of tools, uninstalled equipment and abandoned or unused materials;

(d) Under Coverages A(1), B and C to bodily injury, property damage or loss, the sole proximate cause of which is an act or omission of any insured other than acts or omissions of any designated employee of any insured;

(e) Under Coverage A, to any obligation for which the insured or any carrier as his insurer may be held liable under any workmen's compensation, unemployment compensation or disability benefits law, or under any similar law; provided that the Federal

Employers' Liability Act, U.S. Code (1946) Title 45, sections 51-60, as amended, shall for the purposes of this insurance be deemed not to be any similar law;

(f) Under Coverage B, to injury to or destruction of property (i) owned by the named insured or (ii) leased or entrusted to the named insured under a lease or trust agreement.

(g) 1. Under any Liability Coverage, to injury, sickness, disease, death or destruction:

(a) With respect to which an insured under the policy is also an insured under a nuclear energy liability policy issued by Nuclear Energy Liability Insurance Association, Mutual Atomic Energy Liability Underwriters or Nuclear Insurance Association of Canada, or would be an insured under any such policy but for its termination upon exhaustion of its limit of liability; or

(b) Resulting from the hazardous properties of nuclear material and with respect to which (1) any person or organization is required to maintain financial protection pursuant to the Atomic Energy Act of 1954, or any law amendatory thereof, or (2) the insured is, or had this policy not been issued would be, entitled to indemnity from the United States of America, or any agency thereof, under any agreement entered into by the United States of America, of any agency thereof, with any person or organization.

2. Under any Medical Payments Coverage, or under any Supplementary-Payments provision relating to immediate medical or surgical relief, to expenses incurred with respect to bodily injury, sickness, disease or death resulting from the hazardous properties of nuclear material and arising out of the operation of a nuclear facility by any person or organization.

3. Under any Liability Coverage, to injury, sickness, disease, death or destruction resulting from the hazardous properties of nuclear material, if

(a) The nuclear material (1) is at any nuclear facility owned by, or operated by or on behalf of, an insured or (2) has been discharged or dispersed therefrom;

(b) The nuclear material is contained in spent fuel or waste at any time possessed, handled, used, processed, stored, transported or disposed of by or on behalf of an insured; or

(c) The injury, sickness, disease, death or destruction arises out of the furnishing by an insured of services, materials, parts or equipment in connection with the planning, construction, maintenance, operation or use of any nuclear facility, but if such facility is located within the United States of America, its territories or possession or Canada, this exclusion (c) applies only to injury to or destruction of property at such nuclear facility.

4. As used in this exclusion:

"Hazardous properties" include radioactive, toxic or explosive properties;

"Nuclear material" means source material, special nuclear material or byproduct material;

"Source material," "special nuclear material," and "byproduct material" have the meanings given them in the Atomic Energy Act of 1954 or in any law amendatory thereof;

"Spent fuel" means any fuel element or fuel component, solid or liquid, which has been used or exposed to radiation in a nuclear reactor;

"Waste" means any waste material (1) containing byproduct material and (2) resulting from the operation by any person or organization of any nuclear facility included within the definition of nuclear facility under paragraph (a) or (b) below;

"Nuclear facility" means:

(a) Any nuclear reactor;

(b) Any equipment or device designed or used for (1) separating the isotopes of uranium or plutonium, (2) processing or utilizing spent fuel, or (3) handling, processing or packaging waste,

(c) Any equipment or device used for the processing, fabricating or alloying of special nuclear material if at any time the total amount of such material in the custody of the insured at the premises where such equipment or device is located consists of or contains more than 25 grams of plutonium or uranium 233 or any combination thereof, or more than 250 grams of uranium 235,

(d) Any structure, basin, excavation, premises or place prepared or used for the storage or disposal of waste, and includes the site on which any of the foregoing is located, all operations conducted on such site and all premises used for such operations;

"Nuclear reactor" means any apparatus designed or used to sustain nuclear fission in a self-supporting chain reaction or to contain a critical mass of fissionable material; with respect to injury to or destruction of property, the word "injury" or "destruction" includes all forms of radioactive contamination of property.

(h) Under Coverage C, to loss due to nuclear reaction, nuclear radiation or radioactive contamination, or to any act or condition incident to any of the foregoing.

Conditions

[The conditions, except conditions 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, apply to all coverages. Conditions 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 apply only to the coverage noted thereunder.]

1. **Premium.** The premium bases and rates for the hazards described in the declarations are stated therein. Premium bases and rates for hazards not so described are those applicable in accordance with the manuals in use by the company.

The term "contract cost" means the total cost of all work described in Item 6 of the declarations.

The term "rental cost" means the total cost to the contractor for rental of work trailers or other railroad equipment, including the remuneration of all employees of the insured while operating, attached to or engaged thereon.

The advance premium stated in the declarations is an estimated premium only. Upon termination of this policy the earned premium shall be computed in accordance with the company's rules, rates, rating plans, premiums and minimum premiums applicable to this insurance. If the earned premium thus computed exceeds the estimated advance premium paid, the company shall look to the contractor specified in the declarations for any such excess; if less, the company shall return to the said contractor the unearned portion paid.

In no event shall payment of premium be an obligation of the named insured.

2. **Inspection.** The named insured shall make available to the company records of information relating to the subject matter of this insurance.

The company shall be permitted to inspect all operations in connection with the work described in Item 6 of the declarations.

3. **Limits of liability—coverage A.** The limit of bodily injury liability stated in the declarations as applicable to "each person" is the limit of the company's liability for all damages, including damages for care and loss of services, arising out of bodily injury sustained by one person as the result of any one occurrence; the limit of such liability stated in the declarations as applicable to

"each occurrence" is, subject to the above provision respecting each person, the total limit of the company's liability for all such damage arising out of bodily injury sustained by two or more persons as the result of any one occurrence.

4. **Limits of liability—coverages B and C.** The limit of liability under coverages B and C stated in the declarations as applicable to "each occurrence" is the total limit of the company's liability for all damages and all loss under coverages B and C combined arising out of physical injury to, destruction or loss of all property of one or more persons or organizations, including the loss of use of any property due to such injury or destruction under coverage B, as the result of any one occurrence.

Subject to the above provision respecting "each occurrence," the limit of liability under coverages B and C stated in the declaration as "aggregate" is the total limit of the company's liability for all damages and all loss under coverages B and C combined arising out of physical injury to, destruction or loss of property, including the loss of use of any property due to such injury or destruction under coverage B.

Under coverage C, the limit of the company's liability for loss shall not exceed the actual cash value of the property, or if the loss is of a part thereof the actual cash value of such part, at time of loss, not what it would then cost to repair or replace the property or such part thereof with other of like kind and quality.

5. **Severability of interests—coverages A and B.** The term "the insured" is used severally and not collectively, but the inclusion herein of more than one insured shall not operate to increase the limits of the company's liability.

6. **Notice.** In the event of an occurrence or loss, written notice containing particulars sufficient to identify the insured and also reasonably obtainable information with respect to the time, place and circumstances thereof, and the names and addresses of the injured and of available witnesses, shall be given by or for the insured to the company or any of its authorized agents as soon as practicable. If claim is made or suit is brought against the insured, he shall immediately forward to the company every demand, notice, summons or other process received by him or his representative.

7. **Assistance and cooperation of the insured—coverages A and B.** The insured shall cooperate with the company and, upon the company's request, attend hearings and trials and assist in making settlements, securing and giving evidence, obtaining the attendance of witnesses and in the conduct of suits. The insured shall not, except at his own cost, voluntarily make any payment, assume any obligation or incur any expense other than for such immediate medical and surgical relief to others as shall be imperative at the time of accident.

8. **Action against company—coverages A and B.** No action shall lie against the company unless, as a condition precedent thereto, the insured shall have fully complied with all the terms of this policy, nor until the amount of the insured's obligation to pay shall have been finally determined either by judgment against the insured after actual trial or by written agreement of the insured, the claimant and the company.

Any person or organization or the legal representative thereof who has secured such judgment or written agreement shall thereafter be entitled to recover under this policy to the extent of the insurance afforded by this policy. No person or organization shall have any right under this policy to join the company as a party to any action against the insured to determine the insured's liability.

Bankruptcy or insolvency of the insured or of the insured's estate shall not relieve the company of any of its obligations hereunder.

9. Action against company—coverage C. No action shall lie against the company unless, as a condition precedent thereto, there shall have been full compliance with all the terms on this policy nor until 30 days after proof of loss is filed and the amount of loss is determined as provided in this policy.

10. Insured's duties in event of loss—coverage C. In the event of loss the insured shall:

(a) Protect the property, whether or not the loss is covered by this policy, and any further loss due to the insured's failure to protect shall not be recoverable under this policy; reasonable expenses incurred in affording such protection shall be deemed incurred at the company's request;

(b) File with the company, as soon as practicable after loss, his sworn proof of loss in such form and including such information as the company may reasonably require and shall, upon the company's request, exhibit the damaged property.

11. Appraisal—coverage C. If the insured and the company fail to agree as to the amount of loss, either may, within 60 days after the proof of loss is filed, demand an appraisal of the loss. In such event the insured and the company shall each select a competent appraiser, and competent and disinterested umpire. The appraisers shall state separately the actual cash value and the amount of loss and failing to agree shall submit their differences to the umpire. An award in writing of any two shall determine the amount of loss. The insured and the company shall each pay his chosen appraiser and shall bear equally the other expenses of the appraisal and umpire.

The company shall not be held to have waived any of its rights by any act relating to appraisal.

12. Payment of loss—coverage C. The company may pay for the loss in money but there shall be no abandonment of the damaged property to the company.

13. No benefit to bailee—coverage C. The insurance afforded by this policy shall not enure directly or indirectly to the benefit of any carrier or bailee, other than the named insured, liable for loss to the property.

14. Subrogation. In the event of any payment under this policy, the company shall be subrogated to all the insured's rights of recovery therefor against any person or organization and the insured shall execute and deliver instruments and papers and do whatever else is necessary to secure such rights. The insured shall do nothing after loss to prejudice such rights.

15. Application of insurance. The insurance afforded by this policy is primary insurance.

16. Three year policy. A policy period of 3 years is comprised of 3 consecutive annual periods. Computation and adjustment of earned premium shall be made at the end of each annual period. Aggregate limits of liability as stated in this policy shall apply separately to each annual period.

17. Changes. Notice to any agent or knowledge possessed by any agent or by any other person shall not effect a waiver or a change in any part of this policy or estop the company from asserting any right under the terms of this policy; nor shall the terms of this policy be waived or changed, except by endorsement issued to form a part of this policy [signed by _____ (here insert titles of authorized company officials or representatives); provided, however, changes may be made in the written portion of the declaration by _____ (here insert titles of authorized company representatives)

when initialed by such _____ (here insert titles of authorized company representatives) or by endorsement issued to form a part of this policy signed by such _____ (here insert titles of authorized company representatives)].

18. Assignment. Assignment of interest under this policy shall not bind the company until its consent is endorsed hereon.

19. Cancellation. This policy may be canceled by the named insured by mailing to the company written notice stating when thereafter the cancellation shall be effective. This policy may be cancelled by the company by mailing to the named insured, contractor and governmental authority at the respective addresses shown in this policy written notice stating when not less than 30 days thereafter such cancellation shall be effective. The mailing of notice as aforesaid shall be sufficient proof of notice. The effective date and hour of cancellation stated in the notice shall become the end of the policy period. Delivery of such written notice either by the named insured or by the company shall be equivalent to mailing.

If the named insured cancels, earned premium shall be computed in accordance with the customary short rate table and procedure. If the company cancels, earned premium shall be computed pro rata. Premium adjustment may be made either at the time cancellation is effected or as soon as practicable after cancellation becomes effective, but payment or tender of unearned premium is not a condition of cancellation.

20. Declarations. By acceptance of this policy the named insured agrees that such statement in the declarations as are made by him are his agreements and representations, that this policy is issued in reliance upon the truth of such representations and that this policy embodies all agreements existing between himself and the company or any of its agents relating to this insurance.

(For policy issued by one company):

[In witness whereof, the Blank Indemnity Company has caused this policy to be signed by its president and a secretary at _____ and countersigned on the declarations page by a duly authorized agent of the company.]

[(Facsimile of signature),
President.]

[(Facsimile of signature),
Secretary.]

(For policy issued by two companies):

[In witness whereof, the Blank Indemnity Company has caused this policy with respect to coverages _____ and such other parts of the policy as are applicable thereto, to be signed by its president and a secretary at _____, and countersigned on the declarations page by a duly authorized agent of the company.]

[(Facsimile of signature),
President.]

[(Facsimile of signature),
Secretary.]

[In witness whereof, the Blank Insurance Company has caused this policy, with respect to coverages _____ and such other parts of the policy as are applicable thereto, to be signed by its president and a secretary at _____, and countersigned on the declarations page by a duly authorized agent of the company.]

[(Facsimile of signature),
President.]

[(Facsimile of signature),
Secretary.]

[FR Doc.74-23640 Filed 10-9-74;8:45 am]

SUBCHAPTER H—RIGHT-OF-WAY AND ENVIRONMENT

PART 753—ACQUISITION PROCEDURES FOR LANDSCAPING AND SCENIC ENHANCEMENT

Correction

The document published at 39 FR 32033 on Wednesday, September 4, 1974 is corrected by renumbering § 753.104 to § 753.4.

Effective date: August 22, 1974.

(23 U.S.C. 315, 23 U.S.C. 319, 23 CFR 1.32 and 49 CFR 1.48)

Issued on: October 1, 1974.

L. P. LAMM,
Acting Executive Director,
Federal Highway Administrator.

[FR Doc.74-23643 Filed 10-9-74;8:45 am]

Title 24—Housing and Urban Development

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

[Docket No. R-74-296]

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Financing of Air Conditioning

The Department of Housing and Urban Development is amending Part 201 of Title 24 of the Code of Federal Regulations, Subpart B, "Mobile Home Loans," to permit mobile home loans to include the cost of skirting and central air conditioning units sold by mobile home dealers to the mobile home purchaser.

The Secretary has determined that it is impracticable to provide for public comment prior to the adoption of this amendment and that this change should become effective upon publication. However, interested persons are invited to submit data, views, and suggestions with respect to the rule, to the Rules Docket Clerk, Office of General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. All relevant material received will be considered for any future modification of the section.

The rule is issued pursuant to Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535 (d).

Accordingly, § 201.530 is amended by adding paragraphs (b) (6) and (7) to read as follows:

§ 201.530 Maximum loan amount.

* * * * *

(b) * * * * *
(6) Cost of skirting not to exceed actual cost or \$100.00, whichever amount is the lesser.

(7) Cost of central air conditioning, if not installed by the mobile home manufacturer, not to exceed:

(i) 100 percent of the actual cost or the below amounts, whichever is the lesser.

(ii) \$450 for a 2-ton unit, \$500 for a 2½-ton unit, \$650 for a 3-ton unit, \$750 for a 3½-ton unit, or \$850 for a 4-ton unit.

Effective date: This amendment is effective on October 10, 1974.

SHELDON B. LUBAR,
Assistant Secretary-Commissioner.

[FF; Doc.74-23701 Filed 10-9-74; 8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Utah Plan; Level of Federal Enforcement

1. *Background.* Part 1954 of Title 29, Code of Federal Regulations sets out procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) for the evaluation and monitoring of State plans which have been approved under section 18(c) of the Act and 29 CFR Part 1902. Under § 1954.3 of this chapter, guidelines and procedures are provided for the exercise of discretionary concurrent Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667(e)) with regard to Federal standards in issues covered under an approved State plan. In accordance with § 1954.3 of this chapter, Federal discretionary enforcement authority will not be exercised as to occupational safety and health issues where a State is operational. A State is determined to be operational under § 1954.3 of this chapter when it meets the following requirements: enabling legislation, approved State standards, a sufficient number of qualified enforcement personnel, and provisions for review of enforcement actions. In making determinations as to whether and to what extent a State plan meets the operational guidelines, the results of evaluations conducted under 29 CFR Part 1954 are taken into consideration. Under § 1954.3(f) of this chapter, notice of the determination as to operational status of a State plan as described in an agreement setting forth the Federal-State responsibilities will be published in the FEDERAL REGISTER.

2. *Notice of Utah Operational Agreement.* (a) In accordance with the provisions of § 1954.3(f) of this chapter, notice is hereby given that a determination has been made that Utah has met the following conditions for operational status:

(1) Enactment of the Utah Occupational Safety and Health Act of 1973 (House Bill No. 103, Title 25, Chapter 1 of Utah State Code, effective July 1, 1973) which was approved as completion of a developmental step August 2, 1974 (39 CFR 28154);

(2) Promulgation effective January 2, 1974, of State general industry and con-

struction standards comparable to the Federal standards contained in 29 CFR Part 1910 and 29 CFR Part 1926, found in the professional judgment of the Assistant Regional Director for Occupational Safety and Health to be substantially similar to the Federal standards in 29 CFR Part 1910 and 29 CFR Part 1926 and to provide overall protection equal to the comparable Federal standards in such issues;

(3) A sufficient number of qualified safety and health personnel employed under an approved merit system: namely eight (8) safety inspectors and four (4) health inspectors as of January 1, 1974, and 13 and four (4) as of August 28, 1974;

(4) Operation since January 2, 1974, under rules and regulations promulgated effective that date, of a review and appeals system providing the avenue for employers and employees to contest enforcement actions and/or abatement periods;

(5) State enforcement since January 2, 1974, of the State standards described in (2) above, monitored under Subpart C of 29 CFR Part 1954, including an onsite evaluation conducted July 23-26, 1974.

(b) In addition, the State has provided under its plan for:

(1) Notification to employers and employees since February 28, 1974, of rights and responsibilities under the Utah Occupational Safety and Health Act by requiring display in workplaces covered by the plan of a State poster recommended for approval by the Assistant Regional Director;

(2) Occupational accident and illness recordkeeping and reporting by employers covered under the plan;

(3) Responding to complaints filed with the Utah Industrial Commission for violation of the prohibition against employer discrimination against employees for exercising their rights under the Utah Occupational Safety and Health Act. (Section 11(2) (a) and (b));

(4) Assurance of the rights of employers and employees and their representatives consistent with the provisions of the Occupational Safety and Health Act and OSHA regulations.

Pursuant to this finding, an agreement effective September 4, 1974, and incorporated as part of the Utah plan has been entered into between Carlyle F. Gronning, Chairman Utah Industrial Commission, and Curtis A. Foster, Assistant Regional Director for Occupational Safety and Health of the U.S. Department of Labor, providing that Federal enforcement authority under section 18(e) of the Act will not be initiated with regard to Federal occupational safety and health standards in the issues covered under 29 CFR Part 1910 and 29 CFR Part 1926, wherever Utah occupational safety and health standards are in effect and operational.

Under the agreement, Federal responsibility under the Act will continue to be exercised, among other things, with regard to: Complaints about violations of

the discrimination provisions of section 11(c) of the Act (29 U.S.C. 660(c)); enforcement of standards promulgated under the Act subsequent to the agreement where necessary to protect employees as in the case of standards promulgated under section 6(c) of the Act (29 U.S.C. 655(c)), until such time as the State shall have adopted equivalent standards in accordance with Subpart C of 29 CFR Part 1953; and Investigation and inspection for the purpose of evaluation of the State plan under sections 18 (e) and (f) of the Act (29 U.S.C. 667 (e) and (f)).

The agreement is subject to revision or termination by the Assistant Secretary of Labor for Occupational Safety and Health upon substantial failure by the State to comply with any of its provisions, or when the results of evaluation under 29 CFR Part 1954 reveal that State operations covered by the agreement fail in a substantial manner to be at least as effective as the Federal program.

In accordance with this agreement and effective as of September 4, 1974, Subpart E of 29 CFR Part 1952 is hereby amended, as set forth below:

Section 1952.112 is amended to read as follows:

§ 1952.112 Level of Federal enforcement.

Pursuant to § 1902.20(b) (1)(iii) and § 1954.3 of this chapter under which an agreement has been entered into with Utah effective September 4, 1974, and based on a determination that Utah is operational in the issues covered by the Utah occupational safety and health plan, Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667(e)) will not be initiated with regard to Federal occupational safety and health standards in the issues covered under 29 CFR Part 1910 and 29 CFR Part 1926. The U.S. Department of Labor will continue to exercise authority, among other things, with regard to: Complaints about violations of the discrimination provisions of section 11(c) of the Act (29 U.S.C. 660(c)); Federal standards promulgated subsequent to the agreement where necessary to protect employees as in the case of standards promulgated under section 6(c) of the Act (29 U.S.C. 655(c)), in issues covered under 29 CFR Part 1910 and 29 CFR Part 1926, until such time as Utah shall have adopted equivalent standards in accordance with 29 CFR Part 1953, Subpart C; and Investigation and inspection for the purpose of evaluation of the Utah plan under sections 18 (e) and (f) of the Act (29 U.S.C. 667 (e) and (f)). The Assistant Regional Director for Occupational Safety and Health will make a prompt recommendation for resumption of the appropriate level of exercise of Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667 (e)) whenever, and to the degree, necessary to assure occupational safety and health protection to employees in the State of Utah.

(Secs. 8(g), 18, Pub. L. 91-596, 84 Stat. 1600, 1608; 29 U.S.C. 657(g), 667)

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

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-23651 Filed 10-9-74; 8:45 am]

Title 32A—National Defense

CHAPTER VI—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

[DMS REG. 1, Amdt. 1]

DMS REG. 1—BASIC RULES OF THE DEFENSE MATERIALS SYSTEM

Change in Schedule II, Authorized Program Identifications and Claimant and Sub-Claimant Agencies

OCTOBER 3, 1974.

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended, (50 U.S.C. App. 2154). In the formulation of this amendment, consultation with industry has been rendered impracticable because this amendment applies to numerous trades and industries.

This amendment affects DMS Regulation 1, as revised July 1, 1974, by inserting in Schedule II to DMS Reg. 1 the program identification F-1 which has been authorized for certain items sponsored by the Federal Energy Administration for and related to construction of the Trans-Alaska Pipeline pursuant to the joint order, dated September 23, 1974, issued by the Director, Office of Preparedness, General Services Administration and the Administrator, Federal Energy Administration, 39 FR 34608.

Schedule II to DMS Reg. 1 is hereby amended to read as follows:

SCHEDULE II TO DMS REG. 1

AUTHORIZED PROGRAM IDENTIFICATIONS AND CLAIMANT AND SUB-CLAIMANT AGENCIES

(See sections 2(e), 2(f), 4(a), 5(a), and 14(b))

The program identifications listed in this schedule have equal preferential status and are the only ones authorized under the Defense Materials System and the Defense Priorities System and must be used in accordance with this regulation, DPS Reg. 1 and other applicable regulations and orders of BDC.

The identifications are not listed in alphabetical or numerical sequence but are grouped by Claimant Agencies and Sub-Claimant Agencies. Within each group, the Claimant and Sub-Claimant Agencies listed in Column 3 are authorized to employ the program identifications listed in Column 1 in support of the programs listed in Column 2.

The full names of the Claimant Agencies and Sub-Claimant Agencies shown by initials in Column 3 are:

AEC—Atomic Energy Commission.
BDC—Bureau of Domestic Commerce.
CIA—Central Intelligence Agency.
FAA—Federal Aviation Administration.
NASA—National Aeronautics and Space Administration.

Column 1—Program Identification	Column 2—Program	Column 3	
		Claimant agency Subclaimant agency	
For Department of Defense and associated programs:			
-1	Aircraft	Department of Defense.	
A-2	Missiles		
A-3	Ships		
A-4	Tank—automotive		
A-5	Weapons		
A-6	Ammunition		
A-7	Electronic and communications equipment		
B-1	Military building supplies		
B-8	Production equipment (for defense contractor's account)		
B-9	Production equipment (Government owned)		
C-2	Department of Defense construction	Army, Navy (including Coast Guard), Air Force, Defense Supply Agency, CIA, FAA, NASA.	
C-3	Maintenance, repair, and operating supplies (MRO) for Department of Defense facilities		
C-8	Controlled materials for Defense Industrial Supply Center (DISC)		
C-9	Miscellaneous		
For Atomic Energy Commission programs:			
E-1	Construction		AEC.
E-2	Operations—including maintenance, repair, and operating supplies (MRO)		
E-3	Privately owned facilities		
For other Defense, Atomic Energy, and related programs:			
B-5	Certain self-authorizing consumers (see sec. 8(d) of DMS Reg. 1)		BDC.
C-4	Certain munitions items purchased by friendly foreign governments through domestic commercial channels for export.		
C-5	Canadian military programs		
C-6	Certain direct defense needs of friendly foreign governments other than Canada.		
D-1	Controlled materials producers		
D-2	Approved State and local civil defense programs		
D-3	Further converters (steel)		
D-4	Private domestic production		
D-5	Private domestic construction		
D-6	Canadian production and construction		
D-7	Friendly foreign nations (other than Canada) production and construction		
D-8	Distributors of controlled materials	Department of the Interior. ²	
D-9	Maintenance, repair and operating supplies (MRO) (see Dir. 1 to DMS Reg. 1)		
E-4	Canadian atomic energy program		
K-1	General Services Administration supply distribution facility program		
AM	Aluminum controlled materials producers		
AM-9000	Aluminum controlled materials distributors		
FC	Further converters (steel and nickel alloys)		
F-1	Certain items sponsored by the Federal Energy Administration for and related to construction of the trans-Alaska pipeline.		

¹ State and local governments will be authorized to use the program identification D-2 only upon application to the Defense Civil Preparedness Agency of the Department of Defense, sponsorship by the Office of the Assistant Secretary of Defense (Installations and Logistics), and specific approval by BDC.

² BDC will administer this program. (See par. 2 of joint order, dated Sept. 23, 1974, issued by the Director, Office of Preparedness, General Services Administration, and the Administrator, Federal Energy Administration, 39 FR 34608.)

(Joint order, dated September 23, 1974, issued by the Director, Office of Preparedness, General Services Administration, and the Administrator, Federal Energy Administration, 39 FR 34608; Defense Production Act of 1950, as amended (64 Stat. 816; 50 U.S.C. App. 2061 et seq.); Executive Order 10480, as amended, 18 FR 4939, 6201, 19 FR 3807, 7249, 21 FR 1673, 23 FR 5061, 6971, 24 FR 3779, 27 FR 9683, 11447, 3 CFR 1949-1953 Comp., p. 919; Executive Order 11725, 38 FR 17175; DMO 8400.1, 32A CFR 15; Department of Commerce Organization Order 10-3, 38 FR 33624, and 40-1, 39 FR 1871; Department of Commerce, Domestic and International Business Administration Organization and Function Orders 41-1, as amended, 39 FR 2780, 39 FR 18490, 45-1, 39 FR 18489, and 45-2, 39 FR 18489)

DOMESTIC AND INTERNATIONAL
BUSINESS ADMINISTRATION,
SAMUEL B. SHERWIN,
Deputy Assistant Secretary
for Domestic Commerce.

[FR Doc.74-23493 Filed 10-9-74; 8:45 am]

CHAPTER VI—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

[DPS Reg. 1, Amdt. 1]

DPS REG. 1—BASIC RULES OF THE DEFENSE PRIORITIES SYSTEM

Change in Schedule I—Authorized Program Identifications and Defense Agencies

OCTOBER 3, 1974.

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended (50 U.S.C. App. 2154). In the formulation of this amendment, consultation with industry has been rendered impracticable because this amendment applies to numerous trades and industries.

This amendment affects DPS Regulation 1, as revised July 1, 1974, by inserting in Schedule I to DPS Reg. 1, the

program identification F-1 which has been authorized for certain items sponsored by the Federal Energy Administration for and related to construction of the Trans-Alaska Pipeline pursuant to the joint order, dated September 23, 1974, issued by the Director, Office of Preparedness, General Services Administration and the Administrator, Federal Energy Administration, 39 FR 34608.

Schedule I to DPS Reg. 1, is hereby amended to read as follows:

SCHEDULE I TO DPS REG. 1

AUTHORIZED PROGRAM IDENTIFICATIONS AND DEFENSE AGENCIES

(See sections 2(4), 4(a), 12(a), and 12(b))

The program identifications listed in this schedule have equal preferential status and

are the only ones authorized under the Defense Priorities System and the Defense Materials System and must be used in accordance with this regulation, DMS Reg. 1 and other applicable regulations and orders of BDC.

The identifications are not listed in alphabetical or numerical sequence but are grouped by Defense Agencies. Within each group, the Defense Agencies listed in Column 3 are authorized to employ the program identifications listed in Column 1 in support of the programs listed in Column 2.

The full names of the Defense Agencies shown by initials in Column 3 are:
 AEC—Atomic Energy Commission.
 BDC—Bureau of Domestic Commerce.
 CIA—Central Intelligence Agency.
 FAA—Federal Aviation Administration.
 NASA—National Aeronautics and Space Administration.

Column 1—Program Identification	Column 2—Program	Column 3—Defense Agency	
For Department of Defense and associated programs:			
A-1	Aircraft	Department of Defense: Army, Navy (including Coast Guard), Air Force, Defense Supply Agency. Associated agencies of Department of Defense: CIA, FAA, NASA.	
A-2	Missiles		
A-3	Ships		
A-4	Tank—automotive		
A-5	Weapons		
A-6	Ammunition		
A-7	Electronic and communications equipment		
B-1	Military building supplies		
B-8	Production equipment (for defense contractor's account)		
B-9	Production equipment (Government owned)		
C-2	Department of Defense construction	AEC.	
C-3	Maintenance, repair, and operating supplies (MRO) for Department of Defense facilities		
C-8	Controlled materials for Defense Industrial Supply Center (DISC)		
C-9	Miscellaneous		
For Atomic Energy Commission programs:			
E-1	Construction		
E-2	Operations—including maintenance, repair, and operating supplies (MRO)		
E-3	Privately owned facilities		
For other Defense, Atomic Energy, and related programs:			
B-5	Certain self-authorizing consumers (see sec. 7(d) of DPS Reg. 1)		BDC.
C-4	Certain munitions items purchased by friendly foreign governments through domestic commercial channels for export.		
C-5	Canadian military programs	BDC.	
C-6	Certain direct defense needs of friendly foreign governments other than Canada.		
D-1	Controlled materials producers		
D-2 ¹	Approved State and local civil defense programs		
D-3	Further converters (steel)		
D-4	Private domestic production		
D-5	Private domestic construction		
D-6	Canadian production and construction		
D-7	Friendly foreign nations (other than Canada) production and construction		
D-8	Distributors of controlled materials		
D-9	Maintenance, repair and operating supplies (MRO) (see Dir. 1 to DMS Reg. 1)	Department of the Interior. ²	
E-4	Canadian atomic energy program		
K-1	General Services Administration supply distribution facility program		
AM	Aluminum controlled materials producers		
AM-9000	Aluminum controlled materials distributors		
FC	Further converters (steel and nickel alloys)		
F-1	Certain items sponsored by the Federal Energy Administration for and related to construction of the trans-Alaska pipeline.		

¹ State and local governments will be authorized to use the program identification D-2 only upon application to the Defense Civil Preparedness Agency of the Department of Defense, sponsorship by the Office of the Assistant Secretary of Defense (Installations and Logistics), and specific approval by BDC.

² BDC will administer this program. (See par. 2 of joint order, dated Sept. 23, 1974, issued by the Director, Office of Preparedness, General Services Administration, and the Administrator, Federal Energy Administration, 39 FR 34608.)

(Joint order, dated September 23, 1974, issued by the Director, Office of Preparedness, General Services Administration, and the Administrator, Federal Energy Administration, 39 FR 34608; Defense Production Act of 1950, as amended (64 Stat. 816; 50 U.S.C. App. 2061 et seq.); Executive Order 10480, as amended, 18 FR 4939, 6201, 19 FR 3807, 7249, 21 FR 1673, 23 FR 5061, 6971, 24 FR 3779, 27 FR 9683, 11447, 3 CFR 1949-1953 Comp., p. 919; Executive Order 11725, 38 FR 17175; DMO 8400.1, 32A CFR 15; Department of Commerce Organization Order 10-3, 38 FR 33624, and 40-1, 39 FR 1871; Depart-

ment of Commerce, Domestic and International Business Administration Organization and Function Orders 41-1, as amended, 39 FR 2780, 39 FR 18490, 45-1, 39 FR 18489, and 45-2, 39 FR 18489)

DOMESTIC AND INTERNATIONAL
 BUSINESS ADMINISTRATION,
 SAMUEL B. SHERWIN,
 Deputy Assistant Secretary
 for Domestic Commerce.

[FR Doc.74-23492 Filed 10-9-74; 8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 263-7]

PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

Pennsylvania: Approval of Compliance Schedules

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

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

Pursuant to 40 CFR 51.6, the Commonwealth of Pennsylvania has submitted for the Environmental Protection Agency's approval, revisions to the compliance schedule portion of its plan. The approval of these revisions was proposed by the Administrator on July 22, 1974 (39 FR 26652). This publication approves these revisions with specific exceptions pursuant to the provisions of 40 CFR 51.8.

Two-hundred seventy (270) compliance schedules were submitted by the Commonwealth of Pennsylvania for the Environmental Protection Agency's approval. Of these, twenty-nine (29) were evaluated and proposed for approval in the FEDERAL REGISTER on the above date. The remaining compliance schedules submitted by the State were not proposed for approval either because the dates for final compliance will have passed by the date of this publication, or because the Environmental Protection Agency is still negotiating with the State and the individual sources to correct deficiencies appearing in the schedules.

The Administrator received notification from one (1) source whose schedule was proposed for approval that its schedule is being renegotiated with the Pennsylvania Department of Environmental Resources subsequent to the date of publication of proposed rulemaking. Therefore, the Administrator will take no action with regard to this compliance schedule since it must be reevaluated by the Environmental Protection Agency. The source affected is Witco Chemical Corporation (No. 73-788-V).

Similarly, the Administrator will take no action with regard to the compliance schedules of two (2) sources proposed for approval whose dates for final compliance will have passed by the date of this publication. The sources so affected are Eldorado Stone Quarry (No. 73-707-V)

and Grannas Brothers Stone and Asphalt Company, Inc. (No. 73-755-V).

The Administrator has not received public comments concerning the proposed approval of the compliance schedules listed in the July 22, 1974, FEDERAL REGISTER notices.

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

Environmental Protection Agency, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106.

Bureau of Air Quality and Noise Control, Fulton National Building, 208 North Third Street, Harrisburg, Pennsylvania 17120.

Freedom of Information Center, Environmental Protection Agency, 401 M Street SW, Washington, D.C. 20460.

Each compliance schedule listed below has been adopted by the Pennsylvania Bureau of Air Quality and Noise Control and submitted to the Environmental Protection Agency after notice and public hearing in accordance with the procedural requirements of 40 CFR Part 51. The compliance schedules for the sources identified below meet the requirements of 40 CFR 51.15.

This regulation will become effective November 11, 1974.

(42 USC 1857c-5).

Dated: October 4, 1974.

JOHN QUARLES,
Acting Administrator.

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

Subpart NN—Pennsylvania

In § 52.2036(a) the table is amended by adding the following schedules:

§ 52.2036 Compliance schedules.

(a) * * *

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Armed Steel Corp. State Order No. 73-859-V.	Butler Township.	123.1	Nov. 30, 1973	Immediately	Jan. 1, 1975
Braeburn Alloy Steel Division, Continental Copper & Steel Industries, Inc., State Order No. 73-866-V.	Braeburn	123.13	Dec. 12, 1973	do	Dec. 31, 1974
Committee on Masonic Homes, State Order No. 73-823-V.	Elizabethtown	123.11, 123.41	Nov. 9, 1973	do	Oct. 31, 1974
Continental Can Co., Inc., State Order No. 73-848-V.	Oil City	123.13, 123.31, 123.41	Nov. 26, 1973	do	June 30, 1975
G. & W. H. Corson, Inc., State Order No. 73-867-V.	Whitemarsh Township.	123.13, 123.41	Dec. 11, 1973	do	May 15, 1975
Glass Containers Corp., State Order No. 73-849-V.	Knox	123.13	Nov. 30, 1973	do	June 30, 1975
B. F. Goodrich Tire Co., State Order No. 74-941-V.	Upper Providence Township.	123.31	Feb. 13, 1974	do	May 31, 1975
Heinz U.S.A., Division of H. J. Heinz Co., State Order No. 74-931-V.	Chambersburg	123.11	do	do	Nov. 1, 1974
Kerr Glass Manufacturing Corp., State Order No. 73-779-V, as amended Nov. 8, 1973.	Lancaster	123.31	Oct. 1, 1973	do	Nov. 15, 1974
Lukens Steel Co., State Order No. 73-860-V.	Coatesville	123.1, 123.2, 123.13, 123.41	Nov. 30, 1973	do	Dec. 15, 1974
Mercer Lime & Stone Co., State Order No. 73-644-V, as amended Nov. 9, 1973.	Branchton	123.13	June 1, 1973	do	Dec. 31, 1974
North American Refractories Co., State Order No. 73-775-V-A.	Womelsdorf	123.31	Apr. 16, 1974	do	May 1, 1975
Owens-Illinois, Inc., State Order Nos.:					
73-854-V	Clarton	123.13, 123.41	Nov. 30, 1973	do	July 1, 1975
73-855-V	do	123.13, 123.41	do	do	Jan. 1, 1975
73-856-V	do	123.12	Dec. 3, 1973	do	July 1, 1975
Pennsylvania Power & Light Co., State Order Nos.:					
73-753-V	East Manchester.	123.11, 123.41	Sept. 13, 1973	do	Nov. 1, 1974
74-953-V	Washingtonville.	123.22	Mar. 6, 1974	do	July 1, 1975
Stackpole Carbon Co., State Order No. 73-853-V.	Benzinger Township, Kane and St. Marys.	Ch. 123	Nov. 30, 1973	do	June 19, 1975
Stauffer Chemical Co., State Order No. 73-844-V.	Morrisville	123.13	Dec. 3, 1973	do	May 15, 1975
Sun Oil Co., State Order Nos.:					
74-915-V, as amended March 8, 1974.	Marcus Hook	123.21	Feb. 22, 1974	do	May 31, 1975
74-919-V, as amended July 23, 1974.	do	129.4	Feb. 28, 1974	do	Do.
74-920-V, as amended March 15, 1974.	do	123.31	Mar. 8, 1974	do	Do.
74-922-V	do	123.41	do	do	Sept. 19, 1974
United Refining Co., State Order No. 73-808-V.	Warren	123.13	Oct. 17, 1973	do	Mar. 31, 1975
United States Steel Corp., State Order Nos.:					
74-965-V	Falls Township.	123.13, 123.41	Mar. 29, 1974	do	May 31, 1975
74-966-V	Fairless Hills	129.2	do	do	Oct. 31, 1974

[FR Doc. 74-23591 Filed 10-9-74; 8:45 am]

Title 50—Wildlife and Fisheries

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Kenai National Moose Range, Alaska

The following special regulation is issued and is effective on October 10, 1974.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

ALASKA

KENAI NATIONAL MOOSE RANGE

The operation of off-road vehicles commonly referred to as all-terrain ve-

hicles (ATV's) is prohibited on the Kenai National Moose Range except the use of lightweight, motorized vehicles commonly identified by the general term "snowmobile" is authorized on certain designated areas of the Kenai National Moose Range and subject to the following special conditions:

1. Only "snowmobiles" with an overall width of 40 inches or less will be permitted.

2. The use of "snowmobiles" will be authorized during the period of December 1, 1974 through April 30, 1975 and only when snow depth is sufficient to protect underlying vegetation and terrain along the route of travel and when determined and announced by the refuge manager.

3. The use of "snowmobiles" is prohibited in those game management units of

the Kenai National Moose Range, during any established moose hunting season. The use of "snowmobiles" as an aid in big game hunting or for transporting big game is not authorized.

4. The use of "snowmobiles" on maintained roads within the Moose Range is prohibited, except that, a "snowmobile" may cross a maintained road only after stopping and when traffic on the roadway allows crossing safely.

5. That area above timberline located between Skilak Lake and Tustumena Lake is not authorized for "snowmobile" use.

6. The area within T. 4 N., R. 10 W., Section 5 and those portions of Sections 6 and 7 east of the Sterling Highway right-of-way, including the Soldotna Ski Hill, the cross-country ski trails, Headquarters Lake and Nordic Lake, is not a designated "snowmobile" area.

7. The use of "snowmobiles" for racing purposes is prohibited.

8. The Swanson River canoe route lakes and portages are closed to "snowmobile" use.

9. An area including the Swan Lake canoe route and several public recreational lakes is not a designated "snowmobile" area. That area closed to such use is bounded on the west by the Swanson River Road, bounded on the north by the Swan Lake Road, bounded on the east by the section line immediately west of Arrow Lake (which is located at the eastern terminus of Swan Lake Road open to the public) and proceeds south 5.8 miles to its intersection with the headwaters of Moose River (one-half mile southeast of the easternmost shore of Swan Lake), thence downstream along the west bank of Moose River, and bounded on the south by the Moose Range boundary.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through November 30, 1975.

JAMES B. MONNIE,
Refuge Manager, Kenai National Moose Range, Kenai Alaska.

OCTOBER 2, 1974.

[FR Doc. 74-23631 Filed 10-9-74; 8:45 am]

PART 32—HUNTING

National Wildlife Refuges in Certain States

The following special regulations are issued and are effective on November 1, 1974.

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

ALABAMA

WHEELER NATIONAL WILDLIFE REFUGE

Hunting of geese, ducks, and coots on the Wheeler National Wildlife Refuge, Ala., is suspended for the 1974-75 sea-

son due to a serious decline in numbers of wintering geese in the refuge area.

FLORIDA

CHASSAHOWITZKA NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Chassahowitzka National Wildlife Refuge, Fla., is permitted only on the area designated by signs at open to hunting. The open area, comprising 2,500 acres, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, NE., Atlanta, Ga. 30329. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of ducks and coots subject to the following special conditions:

(1) *Open Season.* Hunting will be permitted only on Wednesdays through Sundays during the regular waterfowl season.

(2) *Daily Bag Limits.* Same as prescribed by State and Federal regulations.

(3) *Permits.* A National Wildlife Refuge Hunting Permit is required for all persons hunting in the area. Permit may be obtained by appearing in person at refuge headquarters at 8:00 a.m. to 4:30 p.m., Monday through Friday or by mail.

(4) *Juveniles.* Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

(5) *Entry.* Hunters must follow the routes of travel within the refuge that are designated by posting by the officer-in-charge. The routes of travel for airboats to and from the public hunting area are shown on a map available at refuge headquarters. While traveling to and from the hunting area, hunters must have guns unloaded and cased.

(6) *Blinds.* Only temporary blinds constructed of native vegetation are permitted.

(7) *Dogs.* The use of dogs is encouraged to retrieve dead and wounded birds. Dogs must be under control at all times.

(8) *Airboats.* A Federal permit is required for the use of airboats on the area. Airboats must be equipped with an exhaust muffler. Airboat permits may be obtained by applying in person at refuge headquarters, 4½ miles south of Homosassa Springs, Fla., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

(9) *Decoys* will be retrieved by owners at the end of each day's hunt.

(10) Boats and hunting equipment and all game bagged will be presented for inspection to refuge agents or other wildlife enforcement officers upon request.

LOXAHATCHEE NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on Loxahatchee National Wildlife Refuge, Fla., is permitted only on the area designated by signs as open to hunting. This

open area, comprising 29,000 acres, is delineated on a map available at the refuge headquarters, Delray Beach, Fla., and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, NE, Atlanta, Ga. 30329. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks and coots and subject to the following special conditions:

(1) *Daily Bag Limits.* See State regulations. Note: Only ducks and coots may be taken on the refuge.

(2) *Open Season.* See State regulations.

(3) *Daily Shooting Hours.* One-half hour before sunrise to sunset.

(4) All hunters must possess a refuge permit to hunt on Loxahatchee National Wildlife Refuge. This permit is available at refuge headquarters or the concession (Loxahatchee Recreation Area) at S-39 landing. Mail requests will be honored until the opening of the waterfowl hunting season.

(5) All air-thrust boat operators must possess a valid refuge permit for operating on Loxahatchee Refuge. This permit is available at refuge headquarters.

(6) *Entry to Refuge.* Hunters are required to enter and leave the refuge from the headquarters landing or the S-39 landing (Loxahatchee Recreation Area). Air-thrust boats may be launched at the headquarters landing only. Use of the refuge is limited to the hours from one and one-half hours before sunrise to one hour after sunset. Hunters must use the designated routes of travel to and from the hunting area. These routes are those portions of Canal 40 to Canal 39 Hillsboro Canal) immediately east and south of the hunting area. The refuge marsh near headquarters and S-39 landing lying between the hunting area and said portions of the above canals may also be used for travel. No hunting is permitted in these canals or the marsh off-sets.

(7) *Firearms.* Ducks and coots may be taken only by shotguns ten gauge or smaller. All other types of firearms are prohibited year round. The possession or use of shotgun shells with larger than No. 4 shot is prohibited. Hunters must carry unloaded shotguns that are dismantled or cased over the routes stated under Item 6 in travelling to and from the hunting area.

(8) *Hunting Dogs.* Hunters are permitted to use dogs for the purpose of retrieving dead or wounded birds.

(9) *All Boats.* For safety reasons all boats must display a light when travelling to and from the hunting area when travelling in darkness. All boats operating within the public hunting area are required to fly a flag 12" by 12" ten feet above the bottom of the boat.

(10) *Blinds.* Only temporary blinds constructed of native vegetation are permitted.

(11) *Posted Areas.* The public hunting area has been designated by red signs with black lettering. Other signs designate closed areas.

(12) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

MERRITT ISLAND NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Merritt Island National Wildlife Refuge is permitted only on the four areas designated by signs as open to hunting. These open areas are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, NE, Atlanta, Ga. 30329. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks and coots subject to the following special conditions:

(1) Security requirements deemed necessary by the Director, Kennedy Space Center, may preclude hunting in Area 2 for all or portions of the 1974-75 waterfowl season.

(2) Hunting will be permitted on Tuesdays, Thursdays, Saturdays, and Sundays from legal starting time until noon on all four areas. Hunters must be out of Areas 2 and 3 by 2 p.m. and Areas 1 and 4 by 1 p.m. There will be no hunting on Christmas Day.

(3) A General Permit will be required on all four hunting areas. This permit is free and can be obtained through the mail or by a visit to refuge headquarters, located on S.R. 402, 6 miles east of Titusville. In addition to the General Permit, Area Permits are required throughout the season in Areas 1 and 4 and on Thanksgiving Day and the first weekend in Area 2. Advance reservations for these hunting areas will be required on certain days.

(4) The use of steel (iron) shot will be mandatory on Saturdays and Sundays on Areas 1 and 4 throughout the season. Lead shot may be used at other times and on other hunt areas.

(5) Hunters under 18 years of age must be closely supervised by an individual 21 years of age or older.

(6) Air-thrust boats are not permitted on the refuge.

(7) Portable blinds or those of natural vegetation are permitted but only on a temporary basis and must not be left on the refuge over 16 hours.

(8) No overnight camping is allowed.

(9) No shooting is permitted from the railroad right-of-way or the paved road in Area 2.

(10) No shooting or driving is permitted from dikes in Area 4.

GEORGIA

EUFALA NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Eufaula National Wildlife Refuge, Ga., is permitted only on the area designated by signs as open to hunting. This open area, comprising 770 acres, is delineated on a map available at the refuge headquarters, Eufaula, Ala., and from

the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, NE, Atlanta, Ga. 30329. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks and coots subject to the following special conditions:

(1) Hunting will be permitted only on Saturdays. Hunting hours will be from one-half hour before sunrise to 11:30 a.m. during the waterfowl season.

(2) Hunters must hunt only from designated blinds provided and located by refuge personnel. Shooting is not permitted outside of designated blind zone.

(3) Guns must be unloaded while being transported on the refuge and while being carried to and from the blinds.

(4) Each hunter is limited to one box of 12-gauge shells in his possession. Only shells containing steel shot will be permitted and these may be purchased at the check-in station at cost.

(5) Hunters are required to check in and out of the hunt area and must present all bagged game for inspection.

(6) A refuge permit is required. A blind fee of \$6 per blind will be charged at the time the permits are issued prior to each day's hunt.

(7) Applications for reservations for refuge permits must be received by the Refuge Manager, Eufaula Refuge, Eufaula, Ala., prior to 12 noon, Wednesday, October 30, 1974. Successful applicants will be determined by an impartial drawing on Friday, November 1, 1974.

(8) Hunters under 17 years of age must be accompanied by an adult, 21 years of age or older.

(9) Blind reservations are nontransferable.

SAVANNAH NATIONAL WILDLIFE REFUGE

Public hunting of ducks, coots, and snipe on the Savannah National Wildlife Refuge, Ga., is permitted only on the areas designated by signs as open to hunting. This open area, comprising 3,600 acres, is delineated on the map which is available at the refuge headquarters, Hardeeville, S.C., and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, NE, Atlanta, Ga. 30329. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, coots, and snipe, subject to the following conditions:

(1) Daily bag limits are the same as State regulations for ducks, coots, and snipe. Hunters are cautioned against killing, shooting at, or molesting any species of wildlife other than those listed.

(2) Hunting will be permitted only on Thursday, Friday, and Saturday from one-half hour before sunrise to 12 o'clock noon during the season set by State regulations. Note: Snipe season opens at different dates than ducks and coots but will close on the refuge on the same date.

(3) Hunting will not be permitted in or on Front, Middle, and Back Rivers nor closer than 50 yards to the shoreline of these rivers.

(4) Hunters will not be permitted to

enter the hunting area sooner than one and one-half hours before sunrise.

(5) Guns must be unloaded while being carried to and from the hunting area. Shot size larger than number 4 will not be permitted on the refuge.

(6) Only temporary blinds constructed of native materials are permitted. Hunters must build their own blinds and furnish their own boats and decoys.

(7) Dogs used to retrieve waterfowl must be under control at all times.

(8) Season permits must be carried on person while hunting. Permits may be obtained in person from the refuge manager or by mailing an application to refuge headquarters.

(9) Hunting questionnaire must be completed and returned to Refuge Manager, Savannah National Wildlife Refuge, within 30 days following the end of the season. Failure to comply may result in suspension of future hunting privileges.

(10) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

LOUISIANA

LACASSINE NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots is permitted only on the area designated by signs as open to hunting. The open area comprises 6,400 acres and is delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, NE, Atlanta, Ga. 30329. Hunting shall be in accordance with all applicable Federal and State regulations subject to following special conditions:

(1) All hunters must have a Federal refuge hunting permit in their possession in order to hunt on the refuge. Permits will be issued at the refuge from October 15 on through the entire duck hunting season.

(2) Hunting is restricted to 12 gauge shotguns and steel shot shells only. No lead shot shell or other gauge shotguns will be permitted on the refuge. Steel shot shells will be available at the hunt area.

(3) *Hunting Season.* November 7 to December 7, 1974 and December 19, 1974 to January 4, 1975. Five half-days per week, Wednesday through Sunday. No hunting on Mondays or Tuesdays, and no hunting on December 25.

(4) *Shooting Hours.* One half-hour before sunrise until 11 a.m. Hunters may enter the hunting area two hours before legal shooting time and must depart the refuge by 12 noon.

(5) Hunting is restricted to ducks, geese, and coots. No other species of birds, mammals, or reptiles may be shot or taken on the refuge.

(6) Hunters under 17 years of age must be accompanied by a responsible adult. No more than two youth hunters per each adult hunter will be permitted.

(7) Hunting parties may not blind-up and hunt closer than 100 yards apart. The first hunter(s) at a pond or blind site are the holders of that site until they complete their hunt; other parties must move away from them at least 100 yards.

(8) Firearms must be encased or dismantled when carried in transit through refuge canals.

(9) Temporary blinds made of native vegetation may be constructed or portable blinds may be carried in for each hunt.

(10) Use of retriever dogs is permitted and encouraged, but they must be under control of hunter at all times.

(11) Livestock, furbearers, and trapping equipment present in the hunting areas shall not be molested or disturbed by hunters.

(12) Hunters must station themselves a minimum of 50 yards inland from refuge canals.

(13) Running lights are required on all boats using refuge canals before sunrise. Life jackets must be worn by all juvenile hunters while traveling on refuge waters.

SABINE NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Sabine National Wildlife Refuge is permitted only in areas designated by signs as open to hunting. These areas, comprising approximately 10,000 acres, are delineated on a map available at refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, NE, Atlanta, Ga. 30329. Waterfowl hunting shall be in accordance with all applicable State and Federal regulations including the following special conditions:

(1) All hunters must have a Federal refuge hunting permit in their possession in order to hunt on the refuge. Permits will be issued at the refuge from October 15 through the duck hunting season.

(2) Hunting is restricted to 12 gauge shotguns and steel shot shells only. No lead shot shell or other gauge shotguns will be permitted on the refuge. Steel shot shells will be available for sale at the hunt area.

(3) Hunting Season: November 7 to December 7, 1974 and December 19, 1974 to January 4, 1975. Five half-days per week, Wednesday through Sunday. No hunting on Mondays or Tuesdays, and no hunting on December 25.

(4) Shooting Hours: One-half hour before sunrise until 11:00 a.m. Hunters may enter the hunting area two hours before legal shooting time and must depart the refuge by 12 noon.

(5) Hunting is restricted to ducks, geese, and coots. No other species of birds, mammals, or reptiles may be shot or taken on the refuge.

(6) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

(7) Hunting parties may not blind-up and hunt closer than 100 yards apart. The first hunter(s) at a pond or blind site are the holders of that site until they complete their hunt; other parties must move away from them at least 100 yards.

(8) Firearms must be encased or dismantled when carried in transit through refuge canals.

(9) Temporary blinds made of native vegetation may be constructed, or portable blinds may be carried in for each hunt.

(10) Use of retriever dogs is permitted and encouraged, but they must be under control at all times.

(11) Livestock, furbearers, and trapping equipment present in the hunting areas shall not be molested or disturbed.

(12) Hunters must station themselves a minimum of 50 yards inland from refuge canals.

(13) Running lights are required on all boats using refuge canals before sunrise. Life jackets must be worn by all juvenile hunters while traveling on refuge waters.

(14) Hunters are required to show any waterfowl bagged to one of the refuge agents before leaving the area and must complete a questionnaire.

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Noxubee National Wildlife Refuge, Miss., is permitted only on the area designated by signs as open to hunting. The open area of 520 acres is delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, NE, Atlanta, Ga. 30329. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of ducks and coots subject to the following special conditions:

(1) Hunting will be permitted only on Mondays, Wednesdays, and Saturdays from one-half hour before sunrise to 12 noon during the periods November 27-December 5, 1974, and December 11, 1974-January 20, 1975.

(2) The use of boats with electric motors is permitted within the hunting area.

(3) The construction of blinds is not permitted.

(4) Hunters will not be permitted to enter the hunting area sooner than 45 minutes before legal shooting hours.

(5) No hunter may take more than 16 shotgun shells into the hunting area.

(6) No shooting will be permitted from the levee or the open water area immediately adjacent to the levee.

(7) All hunters are required to check in and out at the designated check station.

(8) Lead shot may not be used in the waterfowl hunting area. Steel shot shells will be available for purchase at the check station.

(9) Permit required. A limited number of permits will be available. Applications will be accepted by mail or in person at

the refuge office during the period October 1-31, 1974.

(10) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

NORTH CAROLINA

MATTAMUSKEET NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Mattamuskeet National Wildlife Refuge, N.C., is suspended during the 1974-75 waterfowl hunting season owing to the continued serious decline of Canada geese wintering in the Mattamuskeet area.

SOUTH CAROLINA

SANTEE NATIONAL WILDLIFE REFUGE

Public hunting of geese, ducks, and coots on the Santee National Wildlife Refuge, S.C., is permitted only on the area designated by signs as open to hunting. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of waterfowl.

The provisions of these special regulations 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 20, 1975.

PHILLIP S. MORGAN,
Acting Regional Director,
U.S. Fish and Wildlife Service.

OCTOBER 1, 1974.

[FR Doc.74-23633 Filed 10-9-74;8:45 am]

PART 32—HUNTING

Benton Lake National Wildlife Refuge,
Mont.

The following regulations are issued and are effective on October 10, 1974. These regulations correct an error in the regulations published in FEDERAL REGISTER, Volume 39, No. 187, dated Wednesday, September 25, 1974 (39 FR 34416).

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

MONTANA

BENTON LAKE NATIONAL WILDLIFE REFUGE

Public hunting of geese, ducks, coots, mergansers and Wilson's snipe on the Benton Lake National Wildlife Refuge, Montana, is permitted only on areas designated by signs as open to public hunting. This open area is delineated on maps available at refuge headquarters.

Hunting shall be in accordance with all applicable state and federal regulations governing the hunting of the aforementioned species subject to the following special conditions:

1. Special regulations for conducting an experimental steel shot program:

a. On all odd numbered days during the waterfowl season hunters may not

RULES AND REGULATIONS

possess or use shells other than those containing steel pellets.

b. On all even numbered days during the waterfowl season hunters may not possess or use shells containing steel pellets.

c. Hunters are required to register at the checking station prior to entering the hunting area.

d. Hunters will be required to check out at the checking station at which time they will present their bag to refuge personnel for species identification.

e. In the advent of adverse weather conditions, special steel shot regulations (1a, 1b, 1c and 1d) may be rescinded by order of the Refuge Manager. If rescinded, hunters will be advised by means of a large sign erected at the entrance to the check station.

2. Refuge roads and dike areas are closed to hunting.

3. Temporary blinds may be constructed with natural vegetation found on the refuge.

4. Vehicle use and parking shall be confined to gravelled roads and designated parking areas.

5. Boats without motors may be used in conjunction with waterfowl hunting activities.

In order to avoid disruption of the Bureau's pilot iron shot program and continue the collection of important data and for the further reason that the waterfowl hunting season in this area opens on September 28, 1974, it is determined that this regulation shall take effect in less than 30 days after date of publication and that notice of public procedures thereof is impractical, unnecessary and contrary to public interest, thus falling within the exceptions of 5 U.S.C. 553(b) (3) (B), and that these regulations shall be effective on September 28, 1974.

The provisions of this special regulation supplement to 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 29, 1974.

LYLE A. STEMMERMAN,
Refuge Manager, Benton Lake
National Wildlife Refuge,
Great Falls, Montana.

OCTOBER 1, 1974.

[FR Doc.74-23632 Filed 10-9-74; 8:45 am]

PART 32—HUNTING

Brigantine National Wildlife Refuge, N.J.

The following revised special regulation is issued and is effective during the period October 9, 1974 through January 31, 1975. These regulations revise those published in FEDERAL REGISTER Volume 39, Number 178, Thursday, September 12, 1974.

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

NEW JERSEY

BRIGANTINE NATIONAL WILDLIFE REFUGE

Public hunting of rails, gallinules, ducks, geese, and coots on the Brigantine National Wildlife Refuge, New Jersey is permitted on areas designated by signs as open to hunting including hunting units 1 and 2. These open areas are delineated on maps available at refuge headquarters, Oceanville, New Jersey, or from the Regional Director, U.S. Fish and Wildlife Service, 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 conditions.

(1) On Mondays, Wednesdays, and Fridays of each week on hunting unit 1, migratory waterfowl will be hunted with 12 gauge shotguns using steel shot. Ammunition will be provided by refuge personnel at refuge headquarters or at Scotts landing 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.

(2) 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 10, 1975.

RICHARD E. GRIFFITH,
Regional Director,
U.S. Fish and Wildlife Service.

OCTOBER 2, 1974.

[FR Doc.74-23681 Filed 10-9-74; 8:45 am]

PART 32—HUNTING

Eastern Neck National Wildlife Refuge,
Md.

The following special regulation is issued and is effective for the period October 26, 1974 through December 31, 1974. Administrative and biological needs require the Eastern Neck Refuge deer hunting season to be held concurrent with the Maryland State hunting season. It is therefore found impracticable to issue regulations that would be effective 30 days after publication in accordance with Department of the Interior general policy.

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

MARYLAND

EASTERN NECK NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer on the Eastern Neck National Wildlife Ref-

uge, Maryland, is permitted on all areas except county roads, parking areas, and areas designated by signs as closed to hunting. This open area, comprising 2,169 acres, is delineated on maps available from Eastern Neck National Wildlife Refuge, Route 2, Box 225, Rock Hall, Maryland 21661, or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State regulations governing the hunting of white-tailed deer, subject to the following special conditions:

(1) White-tailed deer may be taken from sunrise to sunset during the following open seasons:

Shotgun only: October 26, 28, 29, 30, 1974.
Muzzle-loading longarm only: November 2, 6, 9, 1974.

Archery hunt only: December 7, 11, 14, 1974.

(2) Bag limits: One deer, either sex.

(3) All participants in the deer hunt must check in and out at the refuge check station before entering or leaving the refuge. All deer killed must be presented for examination at the refuge check station on the day killed.

(4) Hunters may not enter the refuge before sunrise and must check out no later than one hour after sunset.

(5) Possession of loaded weapons, including arrows notched in bows, is not permitted on county blacktop roads, in parking areas, in or on vehicles, and before shooting hours.

(6) All hunters must enter and leave by way of State Road 445 only. Entry by boat is not permitted.

(7) During all refuge hunts, hunters must furnish and wear, so as to be readily noticeable, daylight fluorescent orange caps or hats and a minimum of 144 square inches of fluorescent orange material worn on the chest and on the back above the waistline.

(8) Hunters under 18 years of age must be accompanied by a hunting, permit-holding adult.

(9) Contained fire cooking devices will be permitted within fifty (50) feet of legally parked vehicles and in the Bogle's Wharf and Ingleside Recreation Areas.

(10) All hunters must exhibit their hunting weapons, game, Federal permit, Federal qualification certificate, State hunting license, and deer-turkey stamp to Federal or State officers on request.

(11) A completed proficiency certificate will be required of all archery and all muzzle-loading longarm hunters. Valid proficiency certificates will be honored for three (3) years. The certificate will contain identification of shooter, identification of certifying individuals, and identification of weapons with which hunter is proficient. Required proficiency levels for muzzle-loading firearm hunters are placement of three (3) consecutive shots in a twelve (12) inch bullseye at a fifty (50) yard distance using an off-hand firing position and a minimum of

40 caliber and not less than 60 grains of black powder. The weapon ignition system used to hunt must be the same as that used to qualify. Bow hunters required proficiency will be the ability to place three (3) of five (5) consecutive shots in a nine (9) inch by fourteen (14) inch kill area of a standard deer target using bow and arrows legal for the taking of deer in the State of Maryland.

(12) All arrows in possession of archery hunters must have the hunter's full name and permanent address legibly affixed to the arrow shaft.

(13) Use or possession of alcoholic beverages by hunters is not permitted during the hunt.

(14) A Federal hunt permit will be required of all participants in the deer hunts. Permits will be issued in advance of the season to hunters selected by a public drawing of completed, legible applications received. Applications must be received no later than October 16, 1974 at the refuge office for public drawing starting at 12:30 p.m., October 17, 1974. Permits will be limited to seventy-five (75) per day for gun hunts, and one hundred (100) per day for archery hunts.

(15) The permit must be returned to the refuge at check-out or, in the case of persons unable to hunt on the day selected, the permit must be returned prior to December 31, 1974. Noncompliance with this and other regulations will subject hunter to regular penalties and, in addition, will be grounds for non-selection in future hunts.

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

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

OCTOBER 2, 1974.

[FR Doc.74-23682 Filed 10-9-74; 8:45 am]

PART 32—HUNTING

Sherburne National Wildlife Refuge,
Minnesota

CORRECTION

In FR Doc. 74-20111, appearing on page 31642 of the issue for Friday, August 30, 1974, the last paragraph of the regulation should read as follows:

The provisions of these special regulations 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 15, 1974.

JERRY F. LEINECKE,
Acting Refuge Manager, Sherburne National Wildlife Refuge,
Zimmerman, Minnesota
55398.

OCTOBER 3, 1974.

[FR Doc.74-23680 Filed 10-9-74; 8:45 am]

Title 47—Telecommunication
CHAPTER I—FEDERAL
COMMUNICATIONS COMMISSION
PART 78—CABLE TELEVISION RELAY
SERVICE

Order Regarding Channel Designations

In the matter of Editorial Amendment of § 78.18 of the rules and regulations regarding channel designations.

1. In the Cable Television Relay Service, the present channel assignments are delineated by channel-edge frequencies listed in paragraph (a) of § 78.18 of the rules and regulations. The use of 20 characters (e.g. 12,712.5-12,737.5 MHz) to specify a single channel has been a needless encumbrance for applicants and Commission staff alike. The listings of the various groups of channels in Section 78.18 are therefore being amended to add a unique alphanumeric designation for each channel. The first character of the designation provides recognition of the channel group, and the last character provides recognition of the polarization of the propagated radio waves in the channel, e.g. A91H designates Group A channel boundaries 12.700-12.725 GHz for horizontally polarized propagated radio waves. An intent to specify polarization is contained in § 78.105(a) of the Rules. Polarization information is properly associated with each individual channel, and has irregularly been indicated thusly on applications and authorizations. It should be noted that the standard representation of the numeric character zero (0) has been utilized. The use of this representation on applications for authorizations will assure character recognition and differentiation from the letter O.

2. At this time we are also utilizing a different multiple of the unit of frequency. "Gigahertz (GHz)" is now used in place of "Megahertz (MHz)." This change is consistent with the Commission's usage in Part 2 of the Rules, as well as the International Telecommunication Union (ITU) and its International Radio Consultative Committee (CCIR).

3. Authority for the attached amendments is contained in 47 U.S.C. §§ 154(d), 155(d), 303, and 307(b) and in § 0.231(d) of the Commission's rules. Inasmuch as the amendments ordered are nonsubstantive-editorial revisions of the Commission's rules and regulations, impose no new requirements, and are intended only to inform of existing requirements; compliance with the prior notice, procedural and effective date provisions of the Administrative Procedure Act, 5 U.S.C. § 553, would serve no useful purpose and is unnecessary.

Accordingly, it is ordered, That, effective October 8, 1974, § 78.18 of the Commission's rules is amended as set forth below.

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

Adopted: September 24, 1974.

Released: September 27, 1974.

[SEAL] JOHN M. TORBET,
Chief,
Office of Executive Director.

Part 78 of Chapter I of Title 47 CFR is amended in the following manner:

Section 78.18 (a) and (c) are amended to read as follows:

§ 78.18 Frequency assignments.

(a) The following channels may be assigned to cable television relay stations for the propagation of radio waves with the indicated polarization:

(1) For cable television relay stations using FM transmission:

GROUP A CHANNELS		GROUP B CHANNELS	
Designation	Channel boundaries (GHz)	Designation	Channel boundaries (GHz)
A91	12.700-12.725	B91	12.725-12.7375
A92	12.725-12.750	B92	12.7375-12.7625
A93	12.750-12.775	B93	12.7625-12.7875
A94	12.775-12.800	B94	12.7875-12.8125
A95	12.800-12.825	B95	12.8125-12.8375
A96	12.825-12.850	B96	12.8375-12.8625
A97	12.850-12.875	B97	12.8625-12.8875
A98	12.875-12.900	B98	12.8875-12.9125
A99	12.900-12.925	B99	12.9125-12.9375
A10	12.925-12.950		

1 Appropriate polarization designation:
H = Horizontally polarized propagated radio wave.
V = Vertically polarized propagated radio wave.
R = Right-handed (clockwise) elliptically polarized propagated radio wave.
L = Left-handed (counter-clockwise) elliptically polarized propagated radio wave.

NOTE: Polarization designations shall be in accordance with IEEE Standard 100-1972 as amended.

(2) Cable television relay stations using vestigial sideband AM transmission:

GROUP C CHANNELS		GROUP D CHANNELS	
Designation	Channel boundaries (GHz)	Designation	Channel boundaries (GHz)
C81	12.7005-12.7065	D31	12.7597-12.7657
C82	12.7065-12.7125	D32	12.7657-12.7717
C83	12.7125-12.7185	D33	12.7717-12.7777
C84	12.7185-12.7245	D34	12.7777-12.7837
C85	12.7245-12.7305	D35	12.7837-12.7897
C86	12.7305-12.7365	D36	12.7897-12.7957
C87	12.7365-12.7425	D37	12.7957-12.8017
C88	12.7425-12.7485	D38	12.8017-12.8077
C89	12.7485-12.7545	D39	12.8077-12.8137
C90	12.7545-12.7605	D40	12.8137-12.8197
C91	12.7605-12.7665	D41	12.8197-12.8257
C92	12.7665-12.7725	D42	12.8257-12.8317
C93	12.7725-12.7785	D43	12.8317-12.8377
C94	12.7785-12.7845	D44	12.8377-12.8437
C95	12.7845-12.7905	D45	12.8437-12.8497
C96	12.7905-12.7965	D46	12.8497-12.8557
C97	12.7965-12.8025	D47	12.8557-12.8617
C98	12.8025-12.8085	D48	12.8617-12.8677
C99	12.8085-12.8145	D49	12.8677-12.8737
C100	12.8145-12.8205	D50	12.8737-12.8797
C101	12.8205-12.8265	D51	12.8797-12.8857
C102	12.8265-12.8325	D52	12.8857-12.8917
C103	12.8325-12.8385	D53	12.8917-12.8977
C104	12.8385-12.8445	D54	12.8977-12.9037
C105	12.8445-12.8505	D55	12.9037-12.9097
C106	12.8505-12.8565	D56	12.9097-12.9157
C107	12.8565-12.8625	D57	12.9157-12.9217
C108	12.8625-12.8685	D58	12.9217-12.9277
C109	12.8685-12.8745	D59	12.9277-12.9337
C110	12.8745-12.8805	D60	12.9337-12.9397
C111	12.8805-12.8865	D61	12.9397-12.9457
C112	12.8865-12.8925		
C113	12.8925-12.8985		
C114	12.8985-12.9045		
C115	12.9045-12.9105		
C116	12.9105-12.9165		
C117	12.9165-12.9225		
C118	12.9225-12.9285		
C119	12.9285-12.9345		
C120	12.9345-12.9405		
C121	12.9405-12.9465		

1 See paragraph (a)(1) of this section.
2 For transmission of pilot subcarriers or other authorized narrow band signals.

(3) For cable television relay stations using frequency modulation to transmit a baseband of frequency-division multiplexed standard television signals:

(i) When the baseband comprises three or four standard television signals:

RULES AND REGULATIONS

GROUP E CHANNELS		GROUP F CHANNELS	
Designation	Channel boundaries (GHz)	Designation	Channel boundaries (GHz)
E81 ¹	12.700-12.775	F81 ¹	12.725-12.800
E82 ¹	12.775-12.850	F82 ¹	12.800-12.875
E83 ¹	12.850-12.925	F83 ¹	12.875-12.950

¹ See paragraph (a)(1) of this section.

(ii) When the baseband comprises five to eight standard television signals:

GROUP G CHANNELS

Designation	Channel boundaries (GHz)
G81 ¹	12.700-12.825
G82 ¹	12.825-12.950

¹ See paragraph (a)(1) of this section.

(iii) When the baseband comprises nine or more standard television signals:

GROUP H CHANNELS

Designation	Channel boundaries (GHz)
H81 ¹	12.700-12.950

¹ See paragraph (a)(1) of this section.

(4) For cable television relay stations using double sideband AM transmission and FM transmission requiring an authorized bandwidth of no more than 12.5 MHz:

GROUP I CHANNELS		GROUP J CHANNELS	
Designation	Channel boundaries (GHz)	Designation	Channel boundaries (GHz)
I81 ¹	12.7000-11.7125	J81 ¹	12.7125-12.7250
I82 ¹	12.7250-12.7375	J82 ¹	12.7375-12.7500
I83 ¹	12.7500-12.7625	J83 ¹	12.7625-12.7750
I84 ¹	12.7750-12.7875	J84 ¹	12.7875-12.8000
I85 ¹	12.8000-12.8125	J85 ¹	12.8125-12.8250
I86 ¹	12.8250-12.8375	J86 ¹	12.8375-12.8500
I87 ¹	12.8500-12.8625	J87 ¹	12.8625-12.8750
I88 ¹	12.8750-12.8875	J88 ¹	12.8875-12.9000
I89 ¹	12.9000-12.9125	J89 ¹	12.9125-12.9250
I89 ¹	12.9250-12.9375	J89 ¹	12.9375-12.9500

¹ See paragraph (a)(1) of this section.

(c) An application for a cable television relay station shall be specific with regard to the channel or channels requested. Channels shall be identified by the appropriate designations set forth in paragraph (a) of this section.

[FR Doc.74-23511 Filed 10-9-74;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 AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 729]

PEANUTS

Proposed Proclamation of 1975 National Marketing Quota

The Secretary of Agriculture is required by section 358 (a) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1358(a)), to proclaim, between July 1 and December 1 of each calendar year, the amount of the national marketing quota for peanuts for the crop produced in the next succeeding calendar year. The amount of such quota is the total quantity of peanuts which will make available for marketing a supply of peanuts from the crop with respect to which the quota is proclaimed equal to the average quantity of peanuts harvested for nuts during the five years immediately preceding the year in which such quota is proclaimed, adjusted for current trends and prospective demand conditions.

Section 358(a) of the act further provides that the national marketing quota for peanuts shall be converted to a national acreage allotment by dividing such quota by the normal yield per acre of peanuts for the United States determined by the Secretary on the basis of the average yield per acre of peanuts in the five years preceding the year in which the quota is proclaimed, with such adjustment as may be found necessary to correct for trends in yields and for abnormal conditions of production affecting yields.

Section 358(a) of the act also requires that the national marketing quota be a quantity of peanuts sufficient to provide a national acreage allotment of not less than 1,610,000 acres.

Section 358(c) (1) of the act (7 U.S.C. 1358(c) (1)) provides that the national acreage allotment for any year shall be apportioned among the States on the basis of their shares of the national acreage allotment for the most recent year in which such apportionment was made. Pursuant to this provision of the act, the national acreage allotment for the 1975 crop of peanuts will be apportioned to States on the basis of their shares of the 1974 national acreage allotment.

As required by section 358(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358(b)), a referendum of farmers who were engaged in the production of the 1974 crop of peanuts will be held not later than December 15, 1974, to determine whether such farmers are in fa-

vor of or opposed to peanut marketing quotas for the crops of peanuts produced in the calendar years 1975, 1976 and 1977.

The subjects and issues involved in the proposed determinations are:

1. The amount of the national marketing quota.
2. The amount of the national acreage allotment.
3. The date or period of the referendum (§ 717.2, 33 FR 18345).

Consideration will be given to data, views, and recommendations pertaining to the proposed determinations covered by this notice which are submitted in writing to the Director, Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C., 20250. All written submissions made pursuant to this notice will be made available for public inspection in Room 6753, South Building, U.S. Department of Agriculture, 14th and Independence Avenue SW., Washington, D.C., Monday through Friday from 8:15 a.m. to 4:45 p.m. (7 CFR 1.27(b)). All submissions must, in order to be sure of consideration, be postmarked not later than Nov. 11, 1974.

Signed at Washington, D.C. on October 4, 1974.

GLENN A. WEIR,
Acting Administrator, ASCS.

[FR Doc. 74-23702 Filed 10-9-74; 8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR 245]

OFFSHORE SHRIMP FISHERIES

Proposed Limitation of Number of Vessels in Agreement Area at Any One Time

On July 26, 1974, final regulations were published in the FEDERAL REGISTER 39 FR 27330, implementing the Offshore Shrimp Fisheries Act of 1973, concerning the conservation of shrimp resources off Brazil. Mention was made at that time of an intention to publish regulations establishing a procedure for limiting the number of vessels allowed to be present in the area of agreement at any one time to one hundred and sixty (160) or such other number as may be allowed pursuant to section 8(a) (4) of the Act.

The plan proposed by these regulations requires vessel owners to submit estimates of the number of vessels which they will be employing in the agreement area. If this number exceeds the maximum number allowed in the agreement

area, a ratio will be established to determine what percentage of vessels an owner cannot employ in the area. For example, if the number of vessels which will be employed in the agreement area exceeds the maximum number allowed by 25 percent, each vessel owner will have to decrease the number of vessels he will be using in the agreement area by 25 percent. In the regulations this limiting procedure is handled by a mathematical formula.

Incorporation of these procedures will necessitate certain changes in existing § 245.10 of the regulations. Accordingly, it is proposed that this section be amended as hereinafter set out.

Interested persons may participate in this rulemaking by submitting written comments to the Director, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, attention Morris M. Palozzi, Chief, Law Enforcement Division. Comments received on or before November 8, 1974, will be considered.

Issued at Washington, D.C., and dated October 7, 1974.

JACK W. GEHRINGER,
Acting Director.

Add new paragraphs (d) and (e) of § 245.10 to read as follows:

§ 245.10 Enforcement.

(d) The Director will monitor the number of vessels fishing in the area of agreement at any one time by utilizing the logbooks, and other data required by § 245.7 of these regulations, and information obtained as a result of law enforcement activities pursuant to paragraphs (a) and (b) of this section. A report from each permit holder shall be filed with the Regional Director no later than the close of business on the last day of December for the period covered by the months of March, April, and May; by the last day of March for the period covered by the months of June, July, and August; and the last day of June for the period covered by the months of September, October, and November. Each report shall state the total number of vessels with permits that will operate from South American or Caribbean ports during the period and the total number of vessels that will operate during the period in the agreement area. When the Regional Director determines that two hundred and ten (210) or more vessels with permits are operating from South American or Caribbean ports vessel owners will be notified and the fol-

lowing report for each period shall be required. This report shall be in lieu of the report required in this paragraph but shall be due at the times established in this paragraph.

(1) Each report shall state the total number of vessels the permit holder expects to employ during the period in the area of agreement, the UB number of each vessel that will not be so employed during the period, and the rank order by UB number of each vessel which is expected to be employed during the period in the area of agreement. This rank order will be used to determine which vessels cannot be used in the applicable period if a restriction on the number of vessels in the agreement area is necessary. Example: if a permit holder submits a listing of 10 UB numbers and it is

$$\frac{(\text{Individual estimate}) \times 160}{\text{Total estimate for all permit holders}} = \text{Number of vessels allowed}$$

EXAMPLE: If an individual estimate of vessels to be employed in the agreement area is 12, and the total estimate of vessels to be employed in the agreement area by all permit holders is 240, and where 160 is equal to the maximum number of vessels allowed in the agreement area, then $\frac{12 \times 160}{240} = \text{Number of vessels allowed or 8 vessels allowed}$

(3) The Regional Director shall notify each permit holder of the UB number of each vessel he may not employ in the agreement area for the applicable period.

(4) The Regional Director will notify officials of the Federative Republic of Brazil 30 days after reports are due from permit holders of the UB numbers prohibited from engaging in fishing in the area of agreement for the applicable period.

(5) Substitutions for vessels shall be allowed provided that written notice is made to the Regional Director stating the name and UB number of the vessel that is to be substituted and the name and UB number of the vessel that is to be replaced. No later than 10 days following receipt of such notice, the Regional Director shall notify officials of the Federative Republic of Brazil of the substitution and shall notify the permit holder in writing that he is authorized to make the substitution no earlier than 30 days subsequent to the date of the letter of authorization. The letter authorizing the substitution shall be carried aboard the substitute vessel by the master or other person in charge of the vessel. The vessel displaced by the substitution shall not be permitted to fish within the agreement area later than 30 days after the date of the letter authorizing the substitution. A permit holder may make as many substitutions as he desires, except that a vessel removed from the agreement area by substitution shall not be a substitute for another vessel during the same period.

(e) Failure of any permit holder to timely submit the reports under paragraph (d) or (1) of this section may result in withdrawal of any or all permits held by him and the denial of the right to fish within the area of agreement. In lieu of the penalty herein provided, the Regional Director, at his discretion may determine the maximum number of ves-

necessary to restrict his participation to 7 vessels, then the last 3 UB numbers on the list furnished by him will be prohibited from operating in the agreement area during the applicable period.

(2) The Regional Director shall compile a list of permit holders showing the estimate for the period of vessels expecting to be operating in the agreement area. From the number of vessels so estimated by all of the permit holders, the Regional Director will determine the number of vessels each permit holder will be allowed to employ in the agreement area during the applicable period. The number of vessels which each permit holder will be allowed to employ in the agreement area shall be determined by the following mathematical formula:

sels that shall be employed in the agreement area by each permit holder failing to timely file the required reports and shall determine the UB number of each vessel which is to be excluded from fishing in the agreement area.

[FR Doc.74-23601 Filed 10-9-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-GL-34]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Fostoria, Ohio.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before November 11, 1974, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in

this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A new public instrument approach procedure has been developed for the Fostoria Metropolitan Airport, Fostoria, Ohio. Accordingly, it is necessary to alter the Fostoria, Ohio transition area to adequately protect the aircraft executing the new approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (39 FR 440), the following transition area is amended to read:

FOSTORIA, OHIO

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the Fostoria Metropolitan Airport (Latitude 41°11'30" N., Longitude 83°23'50" W.); within three miles each side of the 084° bearing from the airport extending from the 6.5 mile radius area to 8.5 miles east of the airport; excluding that portion that overlies the Tiffin, Ohio transition area.

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

Issued in Des Plaines, Illinois on September 19, 1974.

JOHN M. CYROCKI,
Director,
Great Lakes Region.

[FR Doc.74-23624 Filed 10-9-74;8:45 am]

Federal Highway Administration

[23 CFR Part 750]

[FHWA Docket No. 74-3]

HIGHWAY BEAUTIFICATION

Proposed Outdoor Advertising Controls

The Federal Highway Administration is considering issuing regulations for the control of outdoor advertising pursuant to 23 U.S.C. 131 and 315. Interested persons are invited to submit, in writing, data, views, or agreements relating to the proposal. All comments received should refer to the FHWA docket number printed above, and should be submitted in three copies to the Associate Administrator for Right-of-way and Environment, Federal Highway Administration, U.S. Department of Transportation, Washington, D.C. 20590. The comment should include the name and address of the person submitting it. All comments received before November 20, 1974, will be considered before final action is taken on the proposal. Comments received will be available to any interested person both before and after the closing date in Room 3215, Office of Right-of-way, Federal Highway Administration, U.S. Department of Trans-

portation, 400-7th Street, SW, Washington, D.C. 20590.

The proposed rule would be a new Part under Chapter 1, 23 CFR, and would be codified as 23 CFR, Chapter 1, Part 750. The complete proposed text follows:

PART 750—HIGHWAY BEAUTIFICATION

- Sec.
- 750.701 Purpose.
- 750.702 Applicability.
- 750.703 Definitions.
- 750.704 Statutory requirements.
- 750.705 Effective control.
- 750.706 Sign controls in zoned and unzoned commercial and industrial areas.
- 750.707 Nonconforming signs and grandfather clause.
- 750.708 Acceptance of state zoning.
- 750.709 Exemption of on-property signs.
- 750.710 Bonus provisions.
- 750.711 Measurements.
- 750.712 Creation of new outdoor advertising signs and replacement of advertising messages.
- 750.713 Reclassification of signs.

AUTHORITY: 23 U.S.C. § 131 and § 315; 49 CFR 1.48.

§ 750.701 Purpose.

This subpart prescribes the Federal Highway Administration (FHWA) standards relating to the effective control of outdoor advertising under 23 U.S.C. § 131. The purpose of these standards is to assure that effective State control of outdoor advertising in areas adjacent to Interstate and Federal-aid primary highways is developed and maintained. Nothing in this Part shall be construed to prevent a State from establishing more stringent outdoor advertising control requirements along Interstate and Primary Systems than provided herein.

§ 750.702 Applicability.

The provisions of this subpart are applicable to all areas within 660 feet of the nearest edge of the right-of-way of all Federal-aid Primary and Interstate Systems regardless of whether Federal funds participated in the construction thereof, including toll sections of such highways. This subpart does not apply to the Secondary or Urban Highway Systems.

§ 750.703 Definitions.

The terms as used in this Part are defined as follows:

- (a) *Interstate Highway* means any highway on the system defined in and designated, pursuant to 23 U.S.C. 103(e).
- (b) *Federal-aid Primary Highway* means any highway on the system designated pursuant to 23 U.S.C. 103(b).
- (c) *Centerline of the highway* means (1) a line equidistant from the edges of the median separating the main-traveled ways of a divided highway, or (2) the centerline of the main-traveled way of a nondivided highway, or (3) the centerline of each of the main-traveled ways of a divided highway separated by more than the normal median width or constructed on independent alignment.
- (d) *Erect* means to construct, build, raise, assemble, place, affix, attach,

create, paint, draw, or in any way bring into being or establish.

(e) *Legible* means capable of being read without visual aid by a person of normal visual acuity.

(f) *Maintain* means to allow to exist.

(g) *Main-traveled way* means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways, or parking areas.

(h) *State law* means a State constitutional provision or statute, or an ordinance, rule, or regulation enacted or adopted by a State agency or political subdivision of a State pursuant to a State constitution or statute.

(i) *Visible* means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

(j) *Sign* means an outdoor advertising sign, light, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise or inform any part of the advertising or informative contents of which is visible from any place on the main-traveled way of the Interstate or Primary Systems, whether the same be permanent or portable installation.

(k) *Lease* means an agreement, license or easement, oral or in writing, by which possession or use of land or interests therein is given by the owner to another person for a period of time.

(l) *Illegal sign* means one which was erected and/or maintained in violation of the State law.

(m) *Double-faced, back-to-back, or "V" type signs* shall mean those configurations of multiple sign structures as those terms are commonly understood and as further defined in State laws and agreements, except that in no instance shall these terms include two or more signs which are not physically contiguous, or connected by the same structure or cross-bracing, or in the case of back-to-back or "V" type signs located more than 15 feet apart at their nearest points.

(n) *Nonconforming sign* (see § 750.707 (c)).

(o) *Unzoned area* shall mean an area where there is no zoning in effect.

(p) *On-property sign* means a sign advertising activities conducted on the property on which the sign is located or advertising the property on which it rests for sale or lease.

(q) *On-premise sign* is synonymous with *on-property sign*.

(r) *Commercial and Industrial Zones* are those districts established by the zoning authorities as being most appropriate for commerce, industry, or trade, regardless of how labelled. They are commonly categorized as commercial, industrial, business, manufacturing, highway service, or highway business (when these latter are intended for high-

way-oriented businesses), retail, trade, warehouse, and similar classification.

§ 750.704 Statutory requirements.

(a) 23 U.S.C. 131(c) and (d) provide that signs within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of the Interstate and Federal-aid Primary Systems shall be limited to the following five types:

(1) directional and other official signs and notices, which shall conform to national standards promulgated by the Secretary;

(2) signs, displays, and devices advertising the sale or lease of property upon which they are located;

(3) signs, displays, and devices advertising activities conducted on the property on which they are located;

(4) signs, displays, and devices within areas adjacent to the Interstate and Federal-aid Primary Systems which are zoned industrial or commercial under the authority of State law; and

(5) signs, displays, and devices within areas adjacent to the Interstate and Federal-aid Primary Systems which are unzoned commercial or industrial areas, the criteria for determining said areas to be determined by agreement between the State and the Secretary.

(b) 23 U.S.C. 131(d) further provides that signs in categories (a)(4) and (a)(5) must comply with size, lighting, and spacing requirements, also to be determined by agreement between the State and the Secretary.

(c) 23 U.S.C. 131 also provides that State law or regulation must require that all signs not within the categories permitted pursuant to (a) and (b) of this section be illegal or nonconforming. The statute also provides that such signs will be removed by the State.

§ 750.705 Effective control.

(a) In order to provide effective control of outdoor advertising, the State must:

(1) Prohibit the erection of new signs which do not fall within categories (1) through (5) of § 750.704.

(2) Assure that signs erected under § 750.704(a)(4) and (a)(5) comply, at a minimum, with size, lighting, and spacing criteria contained in the agreement.

(3) Assure that signs erected under § 750.704 (a)(1) comply with the national standards contained in 23 CFR, Part 750, Subpart B.

(4) Expeditiously remove illegal signs, and

(5) Remove nonconforming signs within the time period set by 23 U.S.C. 131.

(b) The State shall develop laws, regulations, programs and procedures to accomplish the requirements of paragraph (a) of this section. If these requirements are not carried out under a permit system, the State must set up a continuing surveillance of Interstate and Federal-aid primary highways in order to accomplish the desired results. If a permit system is utilized by the State, it shall be accompanied by regularly scheduled inspections designed to discover viola-

tions of the State's law and permit system. State enforcement procedures must be sufficient to discover illegally erected or maintained signs shortly after such occurrence and to cause the removal of same promptly in accordance with State legal procedures.

§ 750.706 Sign controls in zoned and unzoned commercial and industrial areas.

(a) The State by law or regulation shall, in conformity with its agreement with the Secretary, set criteria for sizes, lighting, and spacing of outdoor advertising signs located in commercial or industrial zoned or unzoned areas, as defined in the agreement, adjacent to Interstate and Federal-aid primary highways. If the agreement between the Secretary and the State includes a grandfather clause, the criteria therein will only govern those signs erected subsequent to the effective date of the agreement or some other specified date. The States may adopt more restrictive criteria than are presently contained in agreements with the Secretary. Where the agreement and/or State law permits control by local zoning authorities, these controls may govern in lieu of the size, lighting, and spacing controls set forth in the agreement.

(b) *Size, lighting, and spacing control by local zoning authorities in commercial and industrial zones.*

(1) The local zoning authority's controls must include the regulation of size, of lighting, and of spacing of outdoor advertising signs, in all commercial and industrial zones.

(2) The regulations established by local zoning authority may be either more restrictive or less restrictive than the criteria contained in the agreement, unless State law or regulations require equivalent or more restrictive local controls.

(3) If the zoning authority has been delegated extraterritorial jurisdiction under State law, and exercise control of outdoor advertising in commercial and industrial zones within this extraterritorial jurisdiction control by the zoning authority may also be accepted in lieu of agreement controls in such areas.

(4) The State shall notify the Administrator by letter of those zoning jurisdictions wherein this paragraph applies. It will not be necessary to furnish a copy of the zoning ordinance in such instances. The State shall periodically assure itself that zoning ordinances accepted under this paragraph are actually being enforced by the local authorities.

(5) It is the primary responsibility of the State to see that local zoning authorities' outdoor advertising sign controls are enforced.

§ 750.707 Nonconforming signs and grandfather clause.

(a) *General.* This section applies to nonconforming signs which must be removed under State laws and regulations implementing 23 U.S.C. § 131 and to nonconforming signs located in commercial and industrial areas which come

under the so-called grandfather clause contained in State-Federal agreements. It does not pertain to conforming signs regardless of when or where they are erected. Nothing in this section shall be construed to prohibit the removal of nonconforming signs on the payment of just compensation.

(b) *Grandfather clause.* At the option of the State, the agreement criteria relative to size, lighting, and spacing of signs in zoned and unzoned commercial and industrial areas may apply only to new signs to be erected after the effective date of the State law or the agreement or some other specified date. Any sign lawfully in existence in a commercial or industrial area on such date may remain even though it may not comply with the size, lighting, or spacing criteria. These clauses only allow an individual sign at its particular location for the duration of its normal life subject to customary maintenance. Preexisting signs, covered by a grandfather clause, which do not comply with the agreement criteria have the status of nonconforming signs as set forth below.

(c) *Nonconforming sign* is one which was lawfully erected but which does not comply with the provisions of State law or State regulations passed at a later date or which later fails to comply with State law or State regulations due to changed conditions. Illegally erected or maintained signs are not nonconforming signs.

(d) *Maintenance and continuance of a nonconforming sign.* (1) The sign must have been actually in existence at the time the State law or regulations became effective as distinguished from a contemplated use such as a lease or agreement with the property owner. There are two exceptions to actual use as follows:

(i) Where a permit or similar specific State governmental action was granted for the construction of a sign prior to the effective date of the State law or regulations and the sign owner acted in good faith and expended sums in reliance thereon. This exception need not apply in instances wherein large numbers of permits were applied for and issued to a single sign owner, obviously in anticipation of the passage of a State control law.

(ii) Where the State outdoor advertising control law or the Federal-State agreement provides that signs in commercial and industrial areas may be erected within 6 months after the effective date of the law or agreement provided a lease dated prior to such effective date was filed with the State and recorded within 30 days following such effective date.

(2) The property interest in the sign affected by the State law or regulation must have substantial value.

(3) The right to continue a nonconforming sign is not confined to the sign owner or any one individual or corporation so using the land. Thus, a nonconforming sign may be sold, leased, or otherwise transferred without affecting its status. However, the location of the nonconforming sign may not be changed. A nonconforming sign removed as a re-

sult of a right-of-way taking or for any other reason must be relocated in a conforming area as a nonconforming use cannot be reestablished at a new location.

(4) The sign must have been lawful on the effective date of the State law or regulations and the owner has not caused it to become unlawful through acts within his control.

(5) The nonconforming sign may continue as long as it is not changed. The sign must remain substantially the same as it was in existence on the effective date of the State law or regulations. Replacement, rebuilding, or enlargement is a change in the existing use. Reasonable repair and maintenance of the sign is not a change in the existing use. This would include a change of advertising message and normal upkeep and repair of a sign structure.

(6) The nonconforming sign may continue as long as it is not destroyed. Exception may be made for signs destroyed due to vandalism and other criminal or tortious acts.

(7) The nonconforming use of an outdoor advertising sign may continue as long as it is not discontinued or abandoned. The determination of discontinuance or abandonment will be governed by the following:

(i) In order to conform to customary practices relating to maintenance and change of message, a reasonable period established by each State will be permitted to replace advertising or informative content after the deletion of such material from an existing nonconforming outdoor advertising sign. Where new content is not put on a structure within the established period, the use of the structure is no longer subject to control advertising sign subject to the provisions of 23 U.S.C. 131 is terminated, and the structure is no longer subject to control or removal. Where a State establishes a period of more than 1 year as a reasonable period for change of message, it shall supply proof to the Federal Highway Administration supporting that period as customary practice within the State.

(ii) Exception may be made to the established period where the owner of the structure can establish under State law or regulation that his nonconforming use was not abandoned or voluntarily discontinued.

(iii) Evidence that a sign company has increased the number of its signs in the immediate area of the subject sign shall create a presumption of voluntary discontinuance.

(iv) A sign partially obliterated by the owner so as not to identify any particular product, service, or facility will not be considered as having advertising or informative content.

(e) *Nonconforming signs—just compensation.* Federal law requires the States to pay just compensation for the removal of nonconforming lawfully existing signs in accordance with the terms of the Highway Beautification Act of 1965 as amended. Conditions which establish a right to maintain a nonconforming sign and the right to compen-

sation are those existing at the time it was acquired or removed. No rights to payment exist until the sign has been taken or removed.

§ 750.708 Acceptance of State zoning.

(a) 23 U.S.C. § 131(d) provides that signs "may be erected and maintained * * * within areas which are zoned industrial or commercial under authority of State law."

(b) State and local zoning actions.

Section 131(d) further provides: "The States have full authority under their own zoning laws to zone areas for commercial or industrial purposes, and the actions of the States in this regard will be accepted for the purposes of this Act." State and local zoning actions must be taken pursuant to the State's zoning enabling statute or constitutional authority and in accordance therewith. State or local land use control actions must be reviewed to determine if they are taken pursuant to the State's zoning enabling statute or constitutional authority and in accordance therewith.

(c) Where a unit of government has not zoned in accordance with their statutory authority or is not authorized to zone, the definition of an unzoned commercial or industrial area as contained in the State-Federal agreement will apply within that political subdivision or area.

(d) A zone which simply permits certain commercial or industrial activities as an incident to the primary land use or is created primarily to permit outdoor advertising structures is not a commercial or industrial zone.

§ 750.709 Exemption of on-property advertising.

(a) *General.* (1) Signs, displays, and devices are exempt from control under the Highway Beautification Act of 1965 if they solely:

(a) Advertise the sale or lease of property on which they are located; or

(b) Advertise activities conducted on the property on which they are located.

(2) These signs may be subject to regulation under the 1958 bonus program.

(b) *State criteria.* State laws or regulations shall contain criteria for determining whether a sign is within the exemption in paragraph a(1) of this section. The criteria may include but not be limited to (1) a property test for determining whether a sign, display, or device is located on the same property as the activity or property advertised and (2) a purpose test for determining whether a sign, display, or device has as its sole purpose (1) the identification of the activity located on the property or its products or services, or (2) the sale or lease of the property on which the sign is located. The criteria should be sufficiently specific to curb obvious attempts to improperly qualify outdoor advertising as "on-property" signs. For example, the criteria would prohibit signs on narrow strips of land contiguous to the advertised activity when the purpose is clearly to circumvent the Act.

(c) *On-Property Signs*—(1) *General.*

(a) Any sign which consists solely of the name of the establishment is an on-property sign.

(b) A sign which identifies the establishment's principal or accessory products or services offered on the property is an on-property sign.

(2) *Business of outdoor advertising.*

(i) When a sign (A) brings rental income to the property owner, (B) consists principally of brand name or trade name advertising, and (C) the product or service advertised is only incidental to the principal activity, it shall be considered the business of outdoor advertising.

(3) *Sale or lease signs.* A sale or lease sign which also advertises any product or service not located upon and unrelated to the business or selling or leasing the land on which the sign is located is not an on-property sign.

(d) *Compliance.* Signs mentioned in this section which do not qualify as on-property signs may be permitted in zoned or unzoned commercial areas, if they comply with the size, lighting, and spacing requirements for off-property signs, as contained in the State's agreement with the Secretary.

§ 750.710 Bonus provisions.

Section 131(j), Title 23, United States Code, specifically provides that any State which had entered into a bonus agreement before June 30, 1965, will be entitled to remain eligible to receive bonus payments provided it continues to carry out its bonus agreement. However, bonus States are not exempt from the 1965 Act. If a State elects to comply with both programs, it must extend controls to the Primary System, and continue to carry out its bonus agreement along the Interstate System except where the 1965 Act imposes more stringent requirements.

§ 750.711 Measurements.

(a) Distance from the edge of the right-of-way shall be measured horizontally along a line perpendicular to the centerline of the highway.

(b) The minimum distances between sign structures shall be measured along the nearest edge of pavement between points directly opposite the closest points of the signs as applied to sign structures located on the same side of the highway.

(c) In those limited instances where the minimum distances between sign structures apply to signs facing the same direction of travel, such minimum distances shall be measured along the centerline of the highway between points directly opposite the closest points of the signs.

(d) The areas of a sign shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof, which will encompass the entire sign, exclusive of base, apron, and supports, but including border and trim.

§ 750.712 Creation of new outdoor advertising signs and replacement of advertising messages.

(a) Advertising structures, including poles, which have never displayed advertising or informative content are subject to control or removal after advertising

content visible from the main-traveled way is added or affixed. When this is done, an "outdoor advertising sign" has then been erected which must comply with the State law in effect on that date. States may control or remove in accordance with their own laws advertising structures which have never displayed advertising content. Exceptions may be made at the option of the State when the conditions set out in § 750.707(d) (1) (i) or (ii) pertain, or where State law permits.

(b) Replacement of advertising messages will be in accord with § 750.707(d) (7) above.

§ 750.713 Reclassification of signs.

Federal funds may participate in just compensation payments and other eligible costs involved in removing any sign lawfully erected after the effective date of a State outdoor advertising control law which is reclassified from legal-conforming to nonconforming under State revised regulations and policy pursuant to this subpart.

Effective date: The regulations in this subpart will take effect on October 1, 1974.

L. P. LAMM,
Executive Director.

[FR Doc.74-23645 Filed 10-9-74; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 15]

[FCC 74-1014; Docket No. 20119]

LOW POWER COMMUNICATIONS DEVICES

Order Extending Time

In the matter of amendment of rules Part 15 subpart E—low power communication devices—to delete the frequency band 26.97-27.27 MHz, to add the frequency band 49.9-50.0 MHz and to promulgate technical specifications.

1. The Commission has before it a petition¹ from the Citizens Radio Section, Communications Division of the Electronic Industry Association (EIA) requesting additional time in which to file comments in the above described proceeding. The Commission's notice of proposed rulemaking in this matter (FCC 74-806, released July 31, 1974), 47 FCC 2nd, 39 FR 28172 called for comments on or before September 30, 1974, and reply comments on or before October 14, 1974. The petitioner requests an extension of time until January 30, 1975.

2. The reasons stated in the petition for the extension request are delineated below:

They (EIA) are studying the docket and find that to understand the restrictions and implications, the proposed changes in technical standards may have on radio equipment the EIA will, in their opinion, require substantially more time than allowed by the instant notice.

"The implications in a companion proceeding, Docket 30120 (on which comments

¹ Petition filed on August 16, 1974.

are due January 30, 1975," will impact significantly on the consideration to be given in Docket 20119.

There is no particular urgency in the matters surrounding the instant proceeding.

3. While the Commission recognizes that the proposed rulemaking does modify the technical standards imposed on certain equipment operating under Part 15 of the rules the nature of the changes do not require the development of new test and measurement procedures to permit an evaluation of their impact. In regard to the interrelationship between Docket 20120 (which concerns Part 2, 89, 91, 93 and 95 of the rules) and the instant proceeding (which concerns Part 15) the EIA has stated that the two dockets should be considered in parallel. However, in their petition the EIA has not specifically identified these areas of dependence. We are not disposed to grant the petitioner's request in full since the proposed changes do not involve development of new technology nor do we anticipate that the relationship between this proceeding and Docket 20120 is so interdependent as to preclude the preparation of individual responses.

4. Further, the Commission desires to adopt rules which will permit efficient enforcement of our regulations as soon as practicable. We recognize, however, that some difficulty may be encountered in applying presently existing technology to the proposed technical standards. It is believed that an extension of time of 60 days from the originally specified dates for both original and reply comments respectively is adequate to permit a comprehensive consideration of all factors involved in the proposed rules.

5. Accordingly, it is ordered, That pursuant to section 4(j) of the Communications Act of 1934, as amended (47 U.S.C. section 4(j)) and § 1.46 of the Commission's rules (47 CFR 1.46), the time for filing comments in the above described proceeding is extended until November 29, 1974 and the time for filing reply comments thereto is extended until December 16, 1974.

Adopted: September 24, 1974.

Released: October 3, 1974.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-23676 Filed 10-9-74;8:45 am]

[47 CFR Part 73]

[Docket No. 20129; RM-1989]

FM BROADCAST STATIONS; INDIANA

Table of Assignments; Order Extending
Time for Filing Comments and Reply
Comments

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations; (Muncie, Indiana).

1. On July 31, 1974, the Commission adopted a notice of proposed rulemaking and memorandum opinion and order in the above-entitled proceeding. Publica-

tion was given in the FEDERAL REGISTER on August 14, 1974, 39 FR 29201. Dates for filing comments and reply comments are October 1 and October 21, 1974, respectively.

2. On September 30, 1974, House of Sound, Inc., requested that the time for filing comments and reply comments be extended to and including October 11 and October 31, 1974, respectively. House of Sound states that it has come to its attention in the preparation of comments to be filed that the designated operating frequency of an educational FM broadcast station referenced in the Commission's above-mentioned notice was apparently in error (Channel 216 rather than Channel 210). In order to make the necessary correction House of Sound states the additional time is necessary in order to submit its comments in this proceeding.

3. We are of the view that the public interest would be served by extending the time. Accordingly, it is ordered, That the time for filing comments and reply comments is extended to and including October 11 and October 31, 1974, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

Adopted: October 2, 1974.

Released: October 3, 1974.

[FR Doc.74-23674 Filed 10-9-74;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 564]

[No. 74-999]

INSURANCE OF PENSION FUNDS

Federal Savings and Loan Insurance
Corp.; Proposed Separate Coverage for
Nonvested or Contingent Interests

SEPTEMBER 25, 1974.

The following outline regarding the amendment proposed herein is included for the reader's convenience and is subject to the full description in the preamble as well as the specific provisions in the regulations.

I. *Present Regulation.* Non-vested or contingent interests in the same pension or other trustee employee benefit funds are insured up to \$20,000 in the aggregate.

II. *Proposed Regulations.* Will provide separate insurance coverage for non-vested or contingent interests in pension and other trustee employee benefit funds.

III. *Reasons for Proposed Change.* To provide greater insurance protection to persons with non-vested or contingent trust interests in a pension or other employee benefit funds. To facilitate the

deposit of pension and other employee benefit funds.

The Federal Home Loan Bank Board considers it desirable to propose an amendment to § 564.2(c)(1) of the Rules and Regulations for Insurance of Accounts (12 CFR 564.2(c)(1)) for the purpose of providing separate insurance coverage for non-vested interests in pension and other trustee employee benefit funds.

The present regulations contain no express provisions as to insurance coverage for pension and other employee benefit trustee funds. Because of this, the insurance regulations governing valuation of trust interests have been applied to such funds. Pension and other employee benefit funds are thus treated under § 564.2(c)(1) like any other irrevocable trust, with the individual trust estates being separately insured only if they are vested or subject to contingencies capable of evaluation by use of the present-worth tables set forth in the Federal tax regulations (26 CFR 20.2031-10). At present, all non-vested trust estates in the same trust are insured up to \$20,000 in the aggregate.

Under the proposal, § 564.2(c)(1) would be revised to provide that in connection with pension and other trustee employee benefit funds, the trust estate of each beneficiary shall be evaluated as if the interest of each beneficiary had fully vested as of the date of default of the insured institution. The effect of the proposal will be to broaden the coverage of pension and other employee benefit funds so as to separately insure non-vested or contingent interests in such funds up to \$20,000 as well as vested interests.

Accordingly, the Board hereby proposes to amend § 564.2(c)(1) to read as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, NW, Washington, D.C. 20552 by November 11, 1974, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

§ 564.2 General principles applicable in determining insurance of accounts.

(c) *Valuation of trust interests.* (1) Trust estates in the same trust invested in the same account will be separately insured if the value of the trust estate is capable of determination, as of the date of default, without evaluation of contingencies except for those covered by the present worth tables and rules of calculation for their use set forth in § 20.2031-10 of the Federal Estate Tax Regulations (26 CFR 20.2031-10). Notwithstanding the foregoing, in connection with pension and other trustee employee benefit

funds, the trust estate of each beneficiary shall be evaluated as if the interest of each beneficiary had fully vested as of the date of default of the insured institution.

1726, 1728). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071).

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

* * * * *
(Secs. 401, 402, 403, 405, 48 Stat. 1255, 1256, 1257, 1259, as amended (12 U.S.C. 1724, 1725,

[FR Doc. 74-23703 Filed 10-9-74; 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 STATE

[CM-175]

ADVISORY COMMITTEE ON "FOREIGN RELATIONS OF THE UNITED STATES"

Notice of Meeting

The Advisory Committee on "Foreign Relations of the United States" will meet on November 8, 1974, at 9 a.m., in the Department of State Building.

The purpose of the Committee is to give advice to the Historical Office (Bureau of Public Affairs) and the Department regarding the solution of professional problems connected with the preparation of the "Foreign Relations" series. These problems include editorial and declassification questions relating to documents classified under Executive Order 11652.

In accordance with section 10(d) of the Advisory Committee Act (Pub. L. 92-463) it has been determined that the above meeting will necessarily involve discussion concerned with matters recognized as not subject to public disclosure under 5 U.S.C. 552(b)(1), and that the public interest requires that such activities be withheld from disclosure. The meeting will therefore be closed to the public.

Any questions concerning the meeting should be directed to William M. Franklin, Executive Secretary, Advisory Committee on "Foreign Relations of the United States", Department of State, Washington, D.C. 20520; telephone (202) 632-1931.

WILLIAM M. FRANKLIN,
Executive Secretary.

OCTOBER 3, 1974.

[FR Doc.74-23686 Filed 10-9-74;8:45 am]

[CM-173]

SECRETARY OF STATE'S ADVISORY COMMITTEE ON PRIVATE INTERNATIONAL LAW

Study Group on Hotelkeepers' Liability; Meeting

A meeting of the Study Group on Hotelkeepers' Liability, a subgroup of the Secretary of State's Advisory Committee on Private International Law, will take place on Friday, November 8, 1974, at the United States Mission to the United Nations, 799 United Nations Plaza, New York. The meeting, which will begin at 10 a.m., will be open to the public.

The purpose of the meeting is to discuss hotelkeepers' liability.

Members of the public who desire to attend the meeting will be admitted up to the limits of the capacity of the meet-

ing room. Entrance to the United States Mission building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is requested that prior to November 8, 1974, members of the general public who plan to attend the meeting inform their name and affiliation and address to Mr. Robert E. Dalton, Office of the Legal Adviser, Department of State; the telephone number is area code 202, 632-2107.

Dated: October 2, 1974.

ROBERT E. DALTON,
Executive Director.

[FR Doc.74-23684 Filed 10-9-74;8:45 am]

[CM-174]

SECRETARY OF STATE'S ADVISORY COMMITTEE ON PRIVATE INTERNATIONAL LAW

Study Group on Matrimonial Matters; Meeting

A meeting of the Study Group on Matrimonial Matters, a subgroup of the Secretary of State's Advisory Committee on Private International Law, will take place on Thursday, November 7, 1974, at Columbia University Law School, New York, New York. The meeting, which will begin at 10 a.m., will be open to the public.

The purpose of the meeting is to discuss draft replies to a Hague Conference questionnaire on problems of conflict of laws of marriage.

Members of the public who desire to attend the meeting will be admitted up to the limits of the capacity of the meeting room. It is requested that prior to November 7, 1974, members of the general public who plan to attend the meeting inform their name and affiliation and address to Mr. Robert E. Dalton, Office of the Legal Adviser, Department of State; the telephone number is area code 202, 632-2107.

Dated: October 2, 1974.

ROBERT E. DALTON,
Executive Director.

[FR Doc.74-23685 Filed 10-9-74;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Delegation Order—ATF 0 1100.2]

SIGNATURES ON OFFICIAL CORRESPONDENCE

Delegations of Authority

Pursuant to the authority vested in the Director by Treasury Department

Order No. 221 dated June 6, 1972, authorities are hereby delegated as follows:

1. Official documents, papers, and correspondence addressed to Congressional Committees, Congressmen, the Secretary of the Treasury, his staff and Assistants, Heads of Bureaus, Industry leaders, Executive Officers of trade associations such as the Distilled Spirits Council of the United States, Wine Institute, United States Brewers Association, National Rifle Association, The Institute of Makers of Explosives, and similar organizations and persons, should be prepared for the signature of the Director.

2. The Deputy Director, in the absence of the Director, is delegated authority to sign the Director's name to official documents, papers, and correspondence in paragraph 1, and, in addition, is delegated authority to sign his own name to all internal correspondence and official documents including personnel actions and allocation of resources.

3. The Assistant Director for Criminal Enforcement and the Assistant Director for Regulatory Enforcement are delegated authority to sign official correspondence and related documents pertaining to (1) operational matters directed to other headquarters' offices and to Regional Directors, and (2) official correspondence of a technical nature directed to the public.

4. The Assistant Director for Administration, the Assistant Director for Inspection, and the Assistant Director for Technical and Scientific Services are delegated authority to sign correspondence and official documents pertaining to matters arising in their functional areas.

5. The Assistant to the Director for Public Affairs is delegated authority to sign the Director's name to correspondence prepared in reply to routine correspondence referred to Public Affairs when such replies constitute only acknowledgment of the correspondence and do not involve Congressional inquiries or technical matters.

6. This delegation does not extend to actions with respect to which, by reason of delegation order limitation or other directive, the Director may not delegate his authority.

7. This order supersedes Delegation Order No. 42, issued November 2, 1972.

Dated: October 3, 1974.

[SEAL] REX D. DAVIS,
Director.

[FR Doc.74-23700 Filed 10-9-74;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE
ON IDENTIFICATION FRIEND, FOE OR
NEUTRAL

Advisory Committee Meeting

The Defense Science Board Task Force on Identification Friend, Foe or Neutral will meet in closed session on 6 November 1974, at the Pentagon, Arlington, Virginia.

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

The Task Force will provide an analysis of technology and systems applicable to the identification function and indicate promising solutions to the problem area for possible implementation within the Department of Defense.

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

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

OCTOBER 7, 1974.

[FR Doc.74-23887 Filed 10-9-74;8:45 am]

DEFENSE SYSTEMS MANAGEMENT
SCHOOL

Board of Visitors Meeting

A meeting of the Board of Visitors of the Defense Systems Management School will be held in the Commandant's Conference Room, Building 202, at Fort Belvoir, Virginia, on Tuesday, November 12, 1974, from 9:30 a.m. to 11:30 a.m. The agenda will include reports on the educational program, a discussion of educational policies and methods, and a review of pertinent aspects of school facilities and plans. The meeting is open to the public with limitations on space available for observers requiring allocation of a first-come—first-served basis. Persons desiring to attend should call the school (664-1314) to reserve space as far in advance as possible.

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

OCTOBER 7, 1974.

[FR Doc.74-23654 Filed 10-9-74;8:45 am]

DEPARTMENT OF DEFENSE WAGE
COMMITTEE

Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, effective Janu-

ary 5, 1973, notice is hereby given that meetings of the Department of Defense Wage Committee will be held on:

Tuesday, November 5, 1974
Tuesday, November 12, 1974
Tuesday, November 19, 1974
Tuesday, November 26, 1974

These meetings will convene at 9:45 a.m. and will be held in Room 1E-801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and make recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) on all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Public Law 92-392.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local reports and recommendations, statistical analyses and proposed pay schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92-463, the Assistant Secretary of Defense (Manpower and Reserve Affairs) has determined that these meetings will be closed to the public because the matters considered are related to the internal personnel rules and practices of the Department of Defense (5 U.S.C. 552(b)(2)) and the wage survey data considered by the Committee have been obtained from private industry with the guarantee of confidentiality (5 U.S.C. 552(b)(4)).

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D-281, The Pentagon, Washington, D.C.

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

OCTOBER 7, 1974.

[FR Doc.74-23656 Filed 10-9-74;8:45 am]

ELECTRONICS PANEL OF THE DEFENSE
MATERIEL SPECIFICATIONS AND
STANDARDS BOARD

Microelectronics Discussion

The Electronics Panel of the Department of Defense Materiel Specifications and Standards Board has indicated (FR Vol. 39, No. 179 dated 13 September 1974) that in accordance with section 245(4), Ch. 145, Title 10, U.S. Code, a session would be held during the week of 21 October 1974 for the purpose of discussing more widespread use of families of standardized microelectronics modules as a means to reduce leadtime and cost of microelectronic devices. The open portion of this meeting will be held at the Pentagon on 23 October 1974 in room 1E801(7) from 0900-1630 hrs.

The major purpose of the meeting will be for the Panel and other participants to exchange information in sub-panel

forums relating to microcircuit devices and standard module programs. Consideration may extend to the form-fit-function interface specification concept as it relates to modules and entire assemblies (black boxes). An objective will be to develop summary information which will ultimately guide the Electronics Panel in recommending actions that will accrue cost, reliability, and performance benefits to the DoD thru practical application of standardization and interoperability of DoD electronics.

Following opening remarks, three subpanels will convene in working session to consider the following topics:

1. Packaging—Discussion of standardized module and dimensional considerations and concepts in relation to state of the art microcircuit technology advancement, environment and the variety of military applications. Form-fit-function and interface specifications will be discussed as an alternative to standard modules.

2. The pros and cons of standard modules as a means of reducing leadtime and costs associated with standard military microelectronic devices—Discussions are expected to consider the effects of standard modules on microelectronic device application and marketing surveys, vendor—O.E.M. off-the-shelf response times, and other factors as identified by open discussion.

3. Will standardized modules stimulate independent industrial development of product improved modules and generation of totally new modules utilizing state of the art technologies? Discussions are expected to cover hybrids, MSI, and LSI with respect to the possible need for procedures and policy by which industrial suppliers would be encouraged to initiate independent development as a derivative of commercial programs etc.

Each of the three sub panels will function in open forum with a chairman, who will be expected to present an oral/written finding to the meeting as a whole at approximately 1430 hrs. Prepared papers etc. will be accepted on this subject or any directly related area for consideration by the Electronics Panel in future sessions.

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

OCTOBER 7, 1974.

[FR Doc.74-23655 Filed 10-9-74;8:45 am]

DEPARTMENT OF JUSTICE

[Civl Action No. 58 C 613]

UNITED STATES OF AMERICA V.
SWIFT AND CO., ET AL.Hearing on Proposed Modification of
Antitrust Consent Decree

Notice is hereby given that a hearing will be held on a proposed modification of the Packers consent decree on October 29, 1974. The details of the hearing are set forth below.

Dated: October 7, 1974.

THOMAS E. KAUPER,
Assistant Attorney General,
Antitrust Division.

[Civil Action No. 58 C 613]

UNITED STATES OF AMERICA, PLAINTIFF, V. SWIFT & COMPANY, ARMOUR AND COMPANY, WILSON & CO., INC., AND CUDAHY COMPANY, ET AL., DEFENDANTS

NOTICE OF HEARING CONCERNING PROPOSED MODIFICATION OF PACKERS CONSENT DECREE (ENTERED FEBRUARY 27, 1920 AND PREVIOUSLY MODIFIED DECEMBER 20, 1971)

Pursuant to order of the Honorable Julius J. Hoffman, Senior Judge, United States District Court for the Northern District of Illinois, Eastern Division, a hearing shall be held at 10 a.m. on October 29, 1974 before the Honorable Judge Hoffman in Room 1719 of the United States Court House, 219 South Dearborn Street, Chicago, Illinois 60604, for the purpose of considering the joint motion of plaintiff, United States of America, and defendants, Swift & Company, Armour and Company and Cudahy Company, for entry of an order entitled "Modified and Supplemental Final Judgment—II" in the aforesaid proceeding. The effect of the aforesaid Modified and Supplemental Final Judgment—II would be to permit the defendants, subject to all applicable antitrust laws, to enter into the production, distribution and sale of the following non-food commodities listed in Paragraph Four, Subparagraph 13, of the Final Judgment entered in this action on February 27, 1920; cigars, china, furniture, bluing, starch, fence posts and wire fences, alfalfa meal, babbitt, bar iron, binding and twine, brass castings for heavy ordnance, brick, builders' hardware, bumping posts for railroads, cement, lime, plaster, doors and windows, dried brewers' grains, lath, pitting and fruit handling machinery, roofing, sand and gravel, shingles, soda fountains or parts thereof, structural steel, tile and waste. The proposed Modified and Supplemental Final Judgment—II does not alter any of the now existing provisions of the Final Judgment of February 27, 1920, as modified on December 20, 1971, which restrict or prohibit entry by any of the defendants into the food business, including the retailing of meats.

Additional information about said hearing may be obtained by contacting one of the undersigned attorneys for the United States:

BERNARD M. HOLLANDER,
Chief, Judgments and Judgment Enforcement Section,
Antitrust Division,
United States Dept. of Justice,
Washington, D.C. 20530
202-739-2494.

JOHN E. SARBAUGH,
Chief, Midwest Office,
Antitrust Division,
United States Dept. of Justice,
219 South Dearborn Street,
Chicago, Illinois 60604,
312-353-7538.

Dated: October 4, 1974.

[FR Doc.74-23678 Filed 10-9-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

AFOGNAK, ALASKA

Eligibility of Native Village

This decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs, by § 2651.2(a) (6), (8), (9) and (10) of Subchapter B of Chapter II of Title 43 of the Code of Federal Regulations pub-

lished on page 14223 of the May, 1973, issue of the FEDERAL REGISTER.

The Alaska Native Claims Settlement Act of December 18, 1971 (Pub. L. 92-203, 92nd Congress; 85 Stat. 688-716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, the Director, Juneau Area Office, Bureau of Indian Affairs, pursuant to the authority delegated him in the regulations in 43 CFR Part 2650, authorizing him to make final decisions on behalf of the Secretary of the Interior on the eligibility of Native Villages for benefits under the Alaska Native Claims Settlement Act, subject to appeal to the Ad Hoc Board, published on December 10, 1973, his Final Decision determining the eligibility of the Native Village of Afognak, said decision appearing in 38 FR 33999 (1973).

The decision was appealed by the Alaska Wildlife Federation & Sportsmen's Council, Inc. and the U.S. Forest Service, Department of Agriculture. The Ad Hoc Board directed that a de novo hearing be and was conducted May 18, 1974 in Kodiak, Alaska by an Administrative Law Judge.

The Ad Hoc Board, also known as the Alaska Native Claims Appeal Board, on June 10, 1974 determined the Native Village of Afognak listed in section 11(b)(1) of the Act, 43 U.S.C. Section 1610(b)(1), is now eligible to receive land benefits under sections 14(a) and (b) of the Act, 43 U.S.C. sections 1613(a) and (b).

In accordance with the Ad Hoc Board's decision, approved on June 14, 1974 by the Secretary of the Interior, Rogers C. B. Morton, and by telegram dated September 16, 1974 from Assistant Secretary of the Interior, Royston C. Hughes, authorized the Director, Juneau Area Office, Bureau of Indian Affairs, to certify the Native Village of Afognak as eligible for benefits under the Alaska Native Claims Settlement Act, said Director, hereby certifies the Native Village of Afognak is eligible for benefits under the Alaska Native Claims Settlement Act, said decision is not further appealable, therefore issues the Native Village of Afognak a Certification of Eligibility.

Dated this 1st day of October, 1974.

CLARENCE ANTIOQUIA,
Director.

[FR Doc.74-23634 Filed 10-9-74;8:45 am]

CHITINA, ALASKA

Eligibility of Native Village

This decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs, by § 2651.2(a) (6), (8), (9) and (10) of Subchapter B of Chapter II of Title 43 of the Code of Federal Regulations published on Page 14223 of the May, 1973, issue of the FEDERAL REGISTER.

The Alaska Native Claims Settlement Act of December 18, 1971 (Pub. L. 92-203, 92nd Congress; 85 Stat. 688-716), provides for the settlement of certain land

claims of Alaska Natives and for other purposes.

Accordingly, the Director, Juneau Area Office, Bureau of Indian Affairs, pursuant to the authority delegated him in the regulations in 43 CFR Part 2650, authorizing him to make final decisions on behalf of the Secretary of the Interior on the eligibility of Native Villages for benefits under the Alaska Native Claims Settlement Act, subject to appeal to the Ad Hoc Board, published on December 10, 1973, his Final Decision determining the eligibility of the Native Village of Chitina, said decision appearing in 38 FR 33999 (1973).

The decision was appealed by Philip Holdsworth. The Ad Hoc Board directed that a de novo hearing be and was conducted May 24, 1974 in Copper Center, Alaska by an Administrative Law Judge.

The Ad Hoc Board, also known as the Alaska Native Claims Appeal Board, on June 10, 1974 determined the Native Village of Chitina listed in section 11(b)(1) of the Act, 43 U.S.C. Section 1610(b)(1), is now eligible to receive land benefits under sections 14(a) and (b) of the Act, 43 U.S.C. sections 1613(a) and (b).

In accordance with the Ad Hoc Board's decision, approved on June 14, 1974 by the Secretary of the Interior, Rogers C. B. Morton, and by telegram dated September 16, 1974 from Assistant Secretary of the Interior, Royston C. Hughes, authorized the Director, Juneau Area Office, Bureau of Indian Affairs, to certify the Native Village of Chitina as eligible for benefits under the Alaska Native Claims Settlement Act, said Director, hereby certifies the Native Village of Chitina is eligible for benefits under the Alaska Native Claims Settlement Act, said decision is not further appealable, therefore issues the Native Village of Chitina a Certification of Eligibility.

Dated this 1st day of October, 1974.

CLARENCE ANTIOQUIA,
Director.

[FR Doc.74-23635 Filed 10-9-74;8:45 am]

KAGUYAK, ALASKA

Eligibility of Native Village

This decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs, by § 2651.2(a) (6), (8), (9) and (10) of Subchapter B of Chapter II of Title 43 of the Code of Federal Regulations published on Page 14223 of the May, 1973, issue of the FEDERAL REGISTER.

The Alaska Native Claims Settlement Act of December 18, 1971 (Pub. L. 92-203, 92nd Congress; 85 Stat. 688-716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, the Director, Juneau Area Office, Bureau of Indian Affairs, pursuant to the authority delegated him in the regulations in 43 CFR 2650, authorizing him to make final decisions on behalf of the Secretary of the Interior

on the eligibility of Native Villages for benefits under the Alaska Native Claims Settlement Act, subject to appeal to the Ad Hoc Board, published on December 10, 1973, his Final Decision determining the eligibility of the Native Village of Kaguyak, said decision appearing in 38 FR 34000 (1973).

The decision was appealed by the Bureau of Sports Fisheries and Wildlife. The Ad Hoc Board directed that a de novo hearing be and was conducted May 17, 1974 in Kodiak, Alaska by an Administrative Law Judge.

The Ad Hoc Board, also known as the Alaska Native Claims Appeal Board, on June 10, 1974 determined the Native Village of Kaguyak listed in section 11 (b) (1) of the Act, 43 U.S.C. Section 1610 (b) (1), is now eligible to receive land benefits under Sections 14 (a) and (b) of the Act, 43 U.S.C. sections 1613 (a) and (b).

In accordance with the Ad Hoc Board's decision, approved on June 14, 1974 by the Secretary of the Interior, Rogers C. B. Morton, and by telegram dated September 16, 1974 from Assistant Secretary of the Interior, Royston C. Hughes, authorized the Director, Juneau Area Office, Bureau of Indian Affairs, to certify the Native Village of Kaguyak as eligible for benefits under the Alaska Native Claims Settlement Act, said Director, hereby certifies the Native Village of Kaguyak is eligible for benefits under the Alaska Native Claims Settlement Act, said decision is not further appealable, therefore issues the Native Village of Kaguyak a Certification of Eligibility.

Dated this 1st day of October, 1974.

CLARENCE ANTIOQUIA,
Director.

[FR Doc.74-23637 Filed 10-9-74;8:45 am]

KASAAN, ALASKA

Eligibility of Native Village

This decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs, by § 2651.2(a) (6), (8), (9) and (10) of Subchapter B of Chapter II of Title 43 of the Code of Federal Regulations published on Page 14223 of the May 1973, issue of the FEDERAL REGISTER.

The Alaska Native Claims Settlement Act of December 18, 1971 (Pub. L. 92-203, 92nd Congress; 85 Stat. 688-716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, the Director, Juneau Area Office, Bureau of Indian Affairs, pursuant to the authority delegated him in the regulations in 43 CFR Part 2650, authorizing him to make final decisions on behalf of the Secretary of the Interior on the eligibility of Native Villages for benefits under the Alaska Native Claims Settlement Act, subject to appeal to the Ad Hoc Board, published on December 10, 1973, his Final Decision determining the eligibility of the Native Village of Kasaan, said decision appearing in 38 FR 34213 (1973).

The decision was appealed by the U.S. Forest Service, Department of Agriculture and the Alaska Wildlife Federation & Sportsmen's Council. The Ad Hoc Board directed that a de novo hearing be and was conducted May 13, 14, and 15, 1974 in Ketchikan, Alaska by an Administrative Law Judge.

The Ad Hoc Board, also known as the Alaska Native Claims Appeal Board, on June 10, 1974 determined the Native Village of Kasaan listed in section 16(a) of the Act, 43 U.S.C. Section 1615(a), is now eligible to receive land benefits under sections 14 (a) and (b) of the Act, 43 U.S.C. sections 1613 (a) and (b).

In accordance with the Ad Hoc Board's decision, approved on June 14, 1974 by the Secretary of the Interior, Rogers C. B. Morton, and by telegram dated September 16, 1974 from Assistant Secretary of the Interior, Royston C. Hughes, authorized the Director, Juneau Area Office, Bureau of Indian Affairs, to certify the Native Village of Kasaan as eligible for benefits under the Alaska Native Claims Settlement Act, said Director, hereby certifies the Native Village of Kasaan is eligible for benefits under the Alaska Native Claims Settlement Act, said decision is not further appealable, therefore issues the Native Village of Kasaan a Certification of Eligibility.

Dated this 1st day of October, 1974.

CLARENCE ANTIOQUIA,
Director.

[FR Doc.74-23636 Filed 10-9-74;8:45 am]

MANLEY HOT SPRINGS, ALASKA

Eligibility of Native Village

This decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs, by § 2651.2(a) (6), (8), (9), and (10) of Subchapter B of Chapter II of Title 43 of the Code of Federal Regulations published on Page 14223 of the May 1973, issue of the FEDERAL REGISTER.

The Alaska Native Claims Settlement Act of December 18, 1971 (Pub. L. 92-203, 92nd Congress; 85 Stat. 688-716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, the Director, Juneau Area Office, Bureau of Indian Affairs, pursuant to the authority delegated him in the regulations in 43 CFR Part 2650, authorizing him to make final decisions on behalf of the Secretary of the Interior on the eligibility of Native Villages for benefits under the Alaska Native Claims Settlement Act, subject to appeal to the Ad Hoc Board, published on December 12, 1973, his Final Decision determining the eligibility of the Native Village of Manley Hot Springs, said decision appearing in 38 FR 34212 (1973).

The decision was appealed by the State of Alaska, Barabara and Harold Strandberg and James Boa, et al. The Ad Hoc Board directed that a de novo hearing be and was conducted May 20, 1974 in Fairbanks, Alaska by an Administrative

Law Judge.

The Ad Hoc Board, also known as the Alaska Native Claims Appeal Board, on June 10, 1974 determined the Native Village of Manley Hot Springs listed in section 11(b) (1) of the Act, 43 U.S.C. section 1610(b) (1), is now eligible to receive land benefits under sections 14 (a) and (b) of the Act, 43 U.S.C. sections 1613 (a) and (b).

In accordance with the Ad Hoc Board's decision, approved on June 14, 1974 by the Secretary of the Interior, Rogers C. B. Morton, and by telegram dated September 16, 1974 from Assistant Secretary of the Interior, Royston C. Hughes, authorized the Director, Juneau Area Office, Bureau of Indian Affairs, to certify the Native Village of Manley Hot Springs as eligible for benefits under the Alaska Native Claims Settlement Act, said Director, hereby certifies the Native Village of Manley Hot Springs eligible for benefits under the Alaska Native Claims Settlement Act, said decision is not further appealable, therefore issues the Native Village of Manley Hot Springs a Certification of Eligibility.

Dated this 1st day of October, 1974.

CLARENCE ANTIOQUIA,
Director.

[FR Doc.74-23638 Filed 10-9-74;8:45 am]

Bureau of Land Management BILLINGS DISTRICT ADVISORY BOARD Notice of Meetings

Notice is hereby given that the Billings District Advisory Board will hold meetings on December 3, 1974 and December 20, 1974 at 9 a.m. in the Conference Room, Billings District Bureau of Land Management Office, 810 East Main Street, Billings, Montana.

The agenda for the initial meeting will include considering applications and making recommendations for grazing privileges on the national resource lands for the 1975 grazing year, applications for range improvements, term grazing permits, range improvement project proposals, land use planning program, allotment management planning program and the outlook for District Advisory Boards.

The agenda for the second meeting will include hearing protests on adverse Advisory Board recommendations, reports of district programs, proposed project plans for the following year, off-road vehicle regulations and a slide presentation on Wild Horse Management.

The meetings will be open to the public as space is available. Time will be available for a limited number of brief statements by members of the public. Those wishing to make an oral statement should inform the Advisory Board Chairman at least 5 days prior to the meeting of the Board. Written statements will also be accepted by the Board Chairman and must be received prior to the meeting. The Advisory Board Chairman is Bill Wegner, Bull Mountain Route, Worden, Montana 59083, phone number 947-3563.

Further information can be obtained by contacting either the Advisory Board Chairman or Rex Cleary, Billings District Manager, Bureau of Land Management, PO Box 2020, Billings, Montana 59103, phone number 245-6711, extension 6262.

Minutes of the meetings will be available for public inspection within 2 weeks after each meeting at the District Office located at 810 East Main Street, Billings, Montana.

C. REX CLEARY,
District Manager.

OCTOBER 1, 1974.

[FR Doc.74-23629 Filed 10-9-74;8:45 am]

RICHFIELD DISTRICT ADVISORY BOARD, UTAH

Notice of Meeting

Notice is hereby given that the Advisory Board for Richfield Grazing District No. 5 will hold its regular meeting on Nov. 22, 1974 at 9:30 a.m. This meeting will be held at the Richfield District Office located at 850 North Main Street, Richfield, Utah.

Items which will be discussed at this meeting are: Automated Data Process System for licensing and billing purposes, Fiscal Year 1975 projects, evaluation of drought conditions, proposed changes of class of livestock use, Allotment Management Plan evaluations and revisions, proposed change in billing dates, proposed change in the licensing of horse use, exchange-of-use agreements, and The National Advisory Committee Act.

Also, the Richfield Grazing District will hold a protest meeting on December 19, 1974 at 9:30 a.m. at the Richfield District Office. Purpose of this meeting will be to hear any protests resulting from action taken at the November 22, 1974 meeting.

These meetings are open to the public. Interested persons may make oral/written presentations to the committee or file written statements. Such requests should be made to the official listed below at least one day prior to the meetings.

Further information concerning these meetings may be obtained from Pearl M. Parker, District Manager, Bureau of Land Management, 850 North Main Street, Richfield, Utah 84701, telephone number 896-5401. Minutes of the meetings will be available for public inspection and copying two weeks after the meetings, at the Richfield District Office, 850 North Main Street, Richfield, Utah.

EDWARD L. FISK,
Acting District Manager.

[FR Doc.74-23630 Filed 10-9-74;8:45 am]

Bureau of Mines

ADVISORY COMMITTEE ON COAL MINE SAFETY RESEARCH

Notice of Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the

Advisory Committee on Coal Mine Safety Research will be held on Tuesday and Wednesday, October 22 and 23, 1974, commencing at 9 a.m., in the Dynasty Room, Holiday Inn, Key Bridge, 1850 N. Ft. Myer Drive, Rosslyn, Virginia.

The Committee was established to consult with and make recommendations to the Secretary of the Interior on matters involving or relating to coal mine safety research. During this meeting, representatives from the Bureau of Mines and the academic community will make presentations on subjects indicated in the agenda which is set forth below.

The meeting will be open to the public except for an Executive session on Tuesday. During the Executive session the Committee will consider proposed research contracts which contain commercial or financial information which is privileged or confidential matter under 5 U.S.C. 522(b)(4). This session will not be open to the public. Space will be provided for approximately 100 persons to attend the meeting in addition to the committee members.

Further information concerning this meeting may be obtained from Mr. Donald G. Rogich, Executive Secretary, Room 3513, Bureau of Mines, Department of the Interior, 18th & C Streets, NW, Washington, D.C. 20240, telephone number (202) 343-3002. Minutes of the meeting will be available 30 days from the date of the meeting upon written request addressed to the Executive Secretary.

Dated: October 3, 1974.

THOMAS V. FALKIE,
Director, Bureau of Mines.

AGENDA

PRESENTATIONS BY BUREAU OF MINES REPRESENTATIVES

Tuesday, October 22, 1974

- 9:00 am—Research projects and/or items which have or will contribute to the promulgation of standards.
- 10:00 am—Research projects which are related to short term health and safety needs of the coal industry.
- 11:00 am—Bureau of Mines responses to requests for research assistance.
- 12 Noon—Lunch.
- 1:00 pm—Research results which have beneficially affected the health and safety of miners through implementation in active mines.
- 2:00 pm—Anticipated long range health and safety benefits based on completed research work and current plans.
- 3:00 pm—Executive session. Closed to the public.

PRESENTATIONS BY UNIVERSITY REPRESENTATIVES

Wednesday, October 23, 1974

- 9:00 a.m.—12 Noon—Presentations will be made by representatives of the academic community on safety problems associated with current and future coal mining in the United States and recommendations for Federally funded research and development to alleviate these problems. Eight universities with a significant involvement in coal mining have been invited to make presentations and the specific representatives and order of presentations are not currently known.
- 12 Noon—Lunch.

1:00 p.m.—4:00 p.m.—Continuation of morning session.

[FR Doc.74-23599 Filed 10-9-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

CHEROKEE SANDY WATERSHED

Notice of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; § 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and § 650.8(b)(3) of Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Cherokee Sandy Watershed Project, Garvin County, Oklahoma.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Hampton Burns, State Conservationist, Soil Conservation Service, USDA Building, Farm Road and Brumley Street, Stillwater, Oklahoma, has determined that the preparation and review of an environmental statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining work includes 22 acres of critical area treatment, completion of land treatment measures, and construction of seven floodwater retarding structures.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service
USDA Building
Farm Road and Brumley Street
Stillwater, Oklahoma 74074

No administrative action on implementation of the proposal will be taken until October 25, 1974.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: October 3, 1974.

WILLIAM B. DAVEY,
Deputy Administrator for Water
Resources, Soil Conservation
Service.

[FR Doc.74-23628 Filed 10-9-74;8:45 am]

DEPARTMENT OF COMMERCE

National Bureau of Standards

AUTOMOTIVE LIFTS

Commercial Standard; Action on Proposed Withdrawal

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the withdrawal of Commercial Standard CS 142-65, "Automotive Lifts."

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE**

Food and Drug Administration

**UNIFORM EFFECTIVE DATE FOR NEW
FOOD LABELING REGULATIONS**

**Notice to Manufacturers, Packers, and Dis-
tributors Concerning Requests for Tem-
porary Extensions**

The United States Food and Drug Administration has promulgated a number of new food labeling regulations which become effective for products shipped in interstate commerce at the end of this year, e.g., § 1.17 *Food; nutrition labeling*, published in the FEDERAL REGISTER of March 14, 1973 (38 FR 6951); § 1.18 *Labeling of foods in relation to fat, fatty acid, and cholesterol content*, published in the FEDERAL REGISTER of March 14, 1973 (38 FR 6961), as clarified in the FEDERAL REGISTER of July 27, 1973 (38 FR 20071); § 102.5 *Seafood cocktails* (common or usual name), published in the FEDERAL REGISTER of March 14, 1973 (38 FR 6964); § 102.9 *Diluted orange juice beverages* (common or usual name), published in the FEDERAL REGISTER of March 14, 1973 (38 FR 6968); § 100.5 *Frozen "heat and serve" dinner* (nutritional quality guideline), published in the FEDERAL REGISTER of March 14, 1973 (38 FR 6969); § 1.8(e) (concerning labeling of foods as "imitation"), published in the FEDERAL REGISTER of August 2, 1973 (38 FR 20702); § 1.12 *Food labeling; spices, flavorings, colorings, and chemical preservatives*, published in the FEDERAL REGISTER of August 2, 1973 (38 FR 20718), as amended in the FEDERAL REGISTER of December 3, 1973 (38 FR 33284); and § 102.12 *Foods packaged for use in the preparation of "main dishes" or "dinners"*, § 102.10 *Non-carbonated beverages products containing no fruit or vegetable juice*, § 102.11 *Frozen "heat and serve" dinner* (common or usual name regulations), published in the FEDERAL REGISTER of August 2, 1973 (38 FR 20740, 27042). Likewise, § 1.8d *Food labeling; information panel*, published in the FEDERAL REGISTER of March 14, 1973 (38 FR 6950), becomes effective at the end of this year for products shipped in interstate commerce except that the effective date is postponed 1 year for products for which no other labeling changes have been or will be made subsequent to March 14, 1973.

This uniform effective date was originally announced in the FEDERAL REGISTER of January 19, 1973 (38 FR 2163), which stated that a uniform effective date should be established for the new regulations: " * * * to provide an orderly and economical adjustment to the new labeling requirements. Such procedure would be in the interest of consumers as

well as industry since it is likely that the cost of multiple, successive piecemeal label revisions, which would otherwise be required, would be passed on to the consumer in the form of higher food prices."

The Food and Drug Administration has received a number of letters and telephone inquiries concerning extensions of time from the uniform effective date. Some of the inquiries have asserted that a scarcity of paper and printing supplies or other unforeseeable circumstances have made compliance with the new labeling regulations by the end of this year either impossible or unreasonable.

In addition, some inquiries have been received from persons whose food products are subject not only to the uniform effective date but also to additional proposed rule making which is now pending. It was asked whether the uniform effective date might be postponed for such products until the pending rule making, which may bring about additional labeling changes, is completed.

The Commissioner has considered this matter and concludes as follows:

I. *Inability to comply because of intervening events.* a. With regard to an inability to comply with the uniform effective date because of unforeseeable intervening events, extensions of time up to, but not exceeding, 1 year beyond December 31, 1974, will be granted on a case-by-case basis if good cause is shown.

b. The new labeling regulations have routinely imposed a deadline for the ordering of new labeling. The Commissioner advises that he is unlikely to find good cause for postponing the effective date for use of new labeling when it appears that the deadline for ordering of new labeling was not honored.

c. Extension requests demonstrating good cause shall be submitted in duplicate to the Division of Regulatory Guidance, Bureau of Foods, Food and Drug Administration, 270 C St. SW, Washington, DC 20204, and shall consist of the following:

1. Copies of current labeling for which extension is requested and copies of the corresponding new labeling which has been ordered but cannot be employed by the uniform effective date.

2. A statement as to how the current labeling fails to comply with the new regulations, including designation of the specific regulation(s) from which the current labeling deviates.

3. A showing that due diligence was expended in devising and obtaining new labeling in compliance with the new regulations, including evidence of the date when new labeling was first ordered and when noncomplying labeling was last ordered, quantities ordered and received, dates of receipt and a detailed explanation of why new labeling cannot be employed on time. Any extenuating circum-

It has been determined that this standard has become technically inadequate and that a revision would serve no useful purpose due to the fact that the subject is adequately covered by a replacement document published by the American National Standards Institute as B 153.1-1974, "Safety Standard for Construction, Care, and Use of Automotive Lifts."

This action is taken in furtherance of the Department's announced intentions as set forth in the public notice appearing in the FEDERAL REGISTER of June 4, 1974 (39 FR 19798), to withdraw this standard.

The effective date for the withdrawal of this standard will be December 9, 1974. This withdrawal action terminates the authority to refer to this standard as a voluntary standard developed under the Department of Commerce procedures.

Dated: October 4, 1974.

ERNEST AMBLER,
Acting Director.

[FR Doc.74-23431 Filed 10-9-74;8:45 am]

**National Oceanic and Atmospheric
Administration**

SEA GRANT ADVISORY PANEL

Public Meeting

Pursuant to section 10(a) of 5 U.S.C. App. I (Supp. II, 1972), notice is hereby given of the meeting of the Sea Grant Advisory Panel on Wednesday and Thursday, October 23 and 24, 1974. The meeting will commence at 9 a.m. on both days at the Oregon State University Marine Science Center, Newport, Oregon, and will be open to the public.

The agenda for the meeting will be as follows:

October 23, 1974

A. The National Sea Grant Program Five Year Plan.

B. The National Sea Grant Program International Program.

C. The Budget of the National Sea Grant Program.

D. Energy Research Grants.

E. Ship Support.

F. Presentation by Oregon State University Staff.

October 24, 1974

G. Review of Grant Proposals and Applications for Institutional Programs Submitted to the Office of Sea Grant for Consideration.

H. Review of Grant Proposals and Applications for Coherent Area Projects Submitted to the Office of Sea Grant for Consideration.

I. Consideration of Candidates for Designation by NOAA as Sea Grant Colleges.

Dated: October 4, 1974.

ROBERT M. WHITE,
Administrator.

[FR Doc.74-23652 Filed 10-9-74;8:45 am]

stances such as acts of God, changes in supply and demand, etc., should be explained in full.

4. A statement of the total number of units of noncomplying labeling for which the extension is requested.

5. A statement as to the estimated date by which new labeling can be employed.

6. Extension requests shall state the name and address of the person on whose behalf the request is filed, shall be signed by a responsible representative, and shall include the telephone number of the responsible representative.

d. This procedure does not constitute approval of labeling as being in compliance with all legal requirements.

e. Requests for extensions of time received after December 1, 1974, will not be honored.

f. Persons requesting extension(s) will be notified in writing whether or not their request(s) is granted, together with a statement of the limitations imposed, if any.

II. *Products subject to pending rulemaking.* a. Postponements of the uniform effective date will be granted for products subject to pending rulemaking for which a final order has not yet issued only as provided in b. and c. below. With regard to pending rulemaking, the Commissioner advises that it will again be his policy to consolidate the effective date for any new food labeling regulations issued after this date and that the effective date for use of labeling required by such rulemaking completed after this date should be no sooner than December 31, 1975. The Commissioner recognizes that, except for matters of safety and fraud, food labeling revisions necessitated by new regulations should be coordinated so that a manufacturer can make a single comprehensive changeover, thereby avoiding wasteful costs of piecemeal revisions which ultimately would be passed to the consumer.

b. The Commission recognizes that some persons may have delayed making labeling revisions subject to the uniform effective date because they believed that the uniform effective date would be extended for persons subject to pending rule making. The Commissioner has concluded that where such delays have been caused by such good faith belief, extensions of time of up to, but not exceeding, 1 year beyond December 31, 1974, will be granted on a case-by-case basis upon a showing of good cause. Such extensions will normally be granted only for the time required to employ new labels. Extension requests demonstrating good cause shall be submitted in duplicate to the Division of Regulatory Guidance, Bureau of Foods, Food and Drug Administration, 200 C St. SW, Washington, DC 20204, and shall consist of the following:

1. Copies of current labeling for which extension is requested and copies of the corresponding new labeling, if any, which has been ordered but cannot be employed by the uniform effective date.

2. A statement as to how the current labeling fails to comply with the new regulations, including designation of the specific regulation(s) from which the current labeling deviates.

3. Designation (to include FEDERAL REGISTER citations) of the pending rule-making which led the petitioner to delay procurement of new labeling, an explanation of the additional labeling revisions which may be required of the petitioner by the pending rulemaking, and an explanation of all factors upon which the petitioner relied in determining to delay ordering of new labeling.

4. A statement of the total number of units of noncomplying labeling for which the extension is requested.

5. A statement as to the estimated date by which new labeling can be employed.

6. Extension requests shall state the name and address of the person on whose behalf the request is filed, shall be signed by a responsible representative, and shall include the telephone number of the responsible representative.

This procedure does not constitute approval of labeling as being in compliance with all legal requirements. Requests for extensions of time received after December 1, 1974, will not be honored. Persons requesting extension(s) will be notified in writing whether or not their request(s) is granted, together with a statement of the limitations imposed, if any.

c. Products subject to either of the two proposals published in the FEDERAL REGISTER which would have the effect of exempting certain products, in whole or in part, from existing requirements of regulations subject to the uniform effective date (i.e., "Proposed Nutrition Labeling for Foods Which Are Not Meaningful Sources of Nutrients," published in the FEDERAL REGISTER of March 6, 1974 (39 FR 8621) and "Soft Drink Packages; Proposed Exemptions," published in the FEDERAL REGISTER of May 24, 1974 (39 FR 18284)), are hereby granted an extension from the uniform effective date pending promulgation of final orders ruling on the proposed exemptions, which final orders will establish effective dates for labeling revisions for the products affected. No requests for extension need be filed for products subject to this paragraph.

III. *Food for special dietary uses* (21 CFR Parts 80 and 125). The uniform effective date will not apply to 21 CFR 125.1, 125.2, 125.3, and 80.1, published in the FEDERAL REGISTER of August 2, 1973 (38 FR 20708, 20730). The United States Court of Appeals for the Second Circuit has stayed the effective date for these regulations "until six months after our judgment becomes final or June 30, 1975, whichever is later." *National Nutritional Foods Assn. et al. v. Food and Drug Administration et al.*, Docket Nos. 73-2129 et al. (decision dated August 15, 1974). A FEDERAL REGISTER notice implementing the decision of the Court with regard to changes in 21 CFR 80.1, 125.1, 125.2, and 125.3, and reopening of the administrative hearing will issue shortly.

Dated: October 3, 1974.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.74-23665 Filed 10-9-74; 8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-298]

NEBRASKA PUBLIC POWER DISTRICT

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 3 to Facility Operating License No. DPR-46 issued to Nebraska Public Power District which revised Appendix B, Environmental Technical Specifications for operation of the Cooper Nuclear Station, located in Nemaha County, Nebraska. The amendment is effective as of its date of issuance.

The amendment permits modification to the Environmental Technical Specification, Radiological Surveillance Program, by restructuring the format to more accurately define the environmental sampling locations, and to indicate required changes in sample types at specific locations or the substitution of sample stations for those currently identified in the Environmental Technical Specifications necessitated by factors beyond the control of the Nebraska Public Power District.

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

For further details with respect to this action, see (1) the application for amendment dated May 16, 1974, (2) Amendment No. 3 to License No. DPR-46 with any attachments, and (3) the letter to Nebraska Public Power District transmitting Amendment No. 3 and containing details relating to the Regulatory staff's review of the application, dated September 30, 1974. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Auburn Public Library, 1118-15th Street, Auburn, Nebraska 68305.

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

Dated at Bethesda, Maryland, this 33rd day of September 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors
Branch No. 2, Directorate of
Licensing.

[FR Doc.74-23627 Filed 10-9-74; 8:45 am]

[Docket No. 50-367]

NORTHERN INDIANA PUBLIC SERVICE CO.

Establishment of Atomic Safety and Licensing Board

Pursuant to a Commission Memorandum and Order dated October 3, 1974, an

Atomic Safety and Licensing Board is being established for the following proceeding:

NORTHERN INDIANA PUBLIC SERVICE Co.
(Bailly Generating Station—Nuclear-1)
[Docket No. 50-367]

The members of the Board are:

Daniel M. Head, Esq., Chairman,
Atomic Safety and Licensing Board Panel,
U.S. Atomic Energy Commission,
Washington, D.C. 20545.
Dr. Harry Foreman, Member,
Box 395 Mayo,
University of Minnesota,
Minneapolis, Minnesota 55455.
Dr. Walter H. Jordan,
881 W. Outer Drive,
Oak Ridge, Tennessee 37830.

Dated at: Bethesda, Md. this 4th day of October 1974.

ATOMIC SAFETY AND LICENSING BOARD PANEL,
NATHANIEL H. GOODRICH,
Chairman.

[FR Doc.74-23626 Filed 10-9-74;8:45 am]

[Docket No. 50-263]

NORTHERN STATES POWER CO.

Notice and Order Convening Evidentiary Hearing

Take notice that a public hearing will be held concerning the boiling water reactor identified as the Monticello Nuclear Generating Plant, Unit 1 (the facility) of the Northern States Power Company (the licensee). Operation of the facility, which is located on the licensee's site in Wright and Sherburne Counties, Minnesota, is presently authorized by Provisional Operating License No. DPR-22, issued by the Atomic Energy Commission (the Commission) on September 8, 1970.

In accordance with the "Notice of Hearing on a Facility Operating License", published by the Commission in the FEDERAL REGISTER on December 27, 1972 (37 FR 28544), the hearing in the above-identified proceeding will be held before this Atomic Safety and Licensing Board (the Board), to consider (1) whether, considering those matters covered by Appendix D to 10 CFR Part 50, the Provisional Operational License should be continued, modified, terminated or appropriately conditioned to protect environmental values, and (2) whether, in accordance with the requirements in 10 CFR Part 50, Appendix D and 10 CFR 50.57, a full-term operating license should be issued to the licensee.

The matter having come before the Board at prehearing conferences held on March 28, 1973 and March 20, 1974, and the parties or their counsel having been present and participating in said conferences, it is ordered, That the evidentiary hearing in this proceeding shall be convened on Wednesday, November 6, 1974, at 10 a.m. local time, at Courtroom No. 4, United States Federal Courthouse, 316 North Roberts Street, Saint Paul, Minnesota 55101.

The public is invited to attend the hearing. Any person who has requested the opportunity to make a limited appearance will be afforded the opportunity to state his or her views or to file a written statement on the first day or days of the hearing or at such other times as the Atomic Safety and Licensing Board may for good cause designate.

Issued at Bethesda, Maryland this 4th day of October, 1974.

For the Atomic Safety and Licensing Board.

ROBERT M. LAZO,
Chairman.

[FR Doc.74-23669 Filed 10-9-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26916; Order 74-10-21]

HUGHES AIRWEST

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 4th day of October, 1974.

Application of Hughes Airwest for amendment of certificate for route 76 so as to redesignate the intermediate point Santa Ana-Laguna Beach, Calif., as Orange County-Santa Ana-Anaheim, Calif.

On August 12, 1974, Hughes Airwest (Airwest) filed an amended application to redesignate the intermediate point Santa Ana-Laguna Beach, Calif., as Orange County-Santa Ana-Anaheim, Calif., on Airwest's route 76. In addition, Airwest filed an amended petition seeking issuance of an order to show cause why its certificate should not be amended as requested.¹

In support of its request, Airwest alleges, inter alia, that the requested amendment will more accurately describe the area served by Airwest through the Orange County Airport; that the addition of the point Anaheim in the requested redesignation will substantially benefit the traveling public by properly identifying the only certificated air carrier airport conveniently located to Anaheim; and, that the requested redesignation will have no appreciable effect on any other carrier since Airwest is the only certificated air carrier serving the Orange County Airport and the requested amendment will not change Airwest's operating authority.

No answers have been reviewed concerning Airwest's application.

Upon consideration of the application and all the relevant facts, we tentatively find and conclude that the public convenience and necessity require the amendment of Airwest's certificate for

¹ On Aug. 1, 1974, Airwest filed the original application and petition in docket 26916 to redesignate Santa Ana-Laguna Beach as Orange County-Santa Ana-Disneyland. Subsequently, Airwest was advised by counsel for Walt Disney Productions that the requested use of the trade name "Disneyland" would not be permitted for purposes of identifying a geographic area.

route 76 so as to change the name of the intermediate point Santa Ana-Laguna Beach to Orange County-Santa Ana-Anaheim.

In support of our tentative conclusion, we find that (1) Airwest inaugurated service at Santa Ana-Laguna Beach through the Orange County Airport on July 15, 1952, and has continuously served the area through the same airport since that date² and (2) the requested redesignation will benefit the traveling public by specifying more accurately the areas served through the Orange County Airport.

Interested persons will be given 20 days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered that:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending Hughes Airwest's certificate of public convenience and necessity for route 76 so as to redesignate the intermediate point Santa Ana-Laguna Beach, Calif., as Orange County-Santa Ana-Anaheim, Calif.;

2. Any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 20 days after the service of a copy of this order, file with the Board, and serve upon all persons made parties to this proceeding a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the Board may proceed to enter an order in accordance with the findings and conclusions set forth herein; and

² From Dec. 15, 1971 to Feb. 22, 1972, Airwest was suspended temporarily at Santa Ana-Laguna Beach due to an Aircraft Mechanics strike.

5. A copy of this order shall be served upon the Mayor, City of Santa Ana; Mayor, City of Laguna Beach; Mayor, City of Anaheim; Board of Supervisors, Orange County; Airport Manager, Orange County Airport; Governor, State of California; Secretary, Public Utilities Commission, State of California; Continental Air Lines, Inc.; Golden West Airlines, Inc.; and the Postmaster General.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-23692 Filed 10-9-74;8:45 am]

COMMISSION ON CIVIL RIGHTS

SEX DISCRIMINATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Civil Rights Act of 1957, 71 Stat. 634, as amended, that a public hearing of the U.S. Commission on Civil Rights will commence on November 22, 1974, in Room 1220 of the Everett Dirksen Federal Building, 219 South Dearborn Street, Chicago, Illinois, and that an Executive Session will be held on November 12, 1974.

The purpose of the hearing is to collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitu-

tion because of sex which affect the economic status of women, particularly concerning employment; to appraise the laws and policies of the Federal Government with respect to denials of equal protection of the laws under the Constitution because of sex which affect the economic status of women, particularly concerning employment; and to disseminate information with respect to denials of equal protection of the laws because of sex in the area of employment.

Dated at Washington, D.C., October 7, 1974.

ARTHUR S. FLEMMING,
Chairman.

[FR Doc.74-23790 Filed 10-9-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

CANADIAN STANDARD BROADCAST STATIONS

Notification List

SEPTEMBER 26, 1974.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Canadian List No. 331

Call letters	Location	Power kW	Antenna	Schedule	Class	Ground system			Proposed date of commencement of operation
						Antenna height (feet)	Number of radiis	Length (feet)	
CJVA (assignment of call letters)	Caraguet, New Brunswick, N. 47°46'05", W. 65°03'13"	10	810 kHz DA-N ND-D-189.7	U	II	-----	-----	-----	-----
CJVL (assignment of call letters)	Ste-M rie de Beauce, Quebec, N. 45°24'00", W. 70°58'12"	10D/5N	1360 kHz DA-2	U	III	-----	-----	-----	-----
(New)	Saskatoon, Saskatchewan, N. 52°03'27", W. 100°42'14"	10	1370 kHz DA-2	U	III	-----	-----	-----	E.I.O. 9-26-75
CKMV (assignment of call letters)	Grand Sault, New Brunswick, N. 47°02'24", W. 67°42'22"	1D/0.25N	1490 kHz ND-190	U	IV	165	120	264	-----

[SEAL]

WALLACE E. JOHNSON,
Chief, Broadcast Bureau,
Federal Communications Commission.

[FR Doc.74-23673 Filed 10-9-74;8:45 am]

[Docket No. 20203, RM-1977; FCC 74-1057]

NETWORK-OWNED OR AFFILIATED TELEVISION STATIONS

Inquiry Regarding Re-Run Material

In the matter of use of "re-run" material in prime time on network-owned or affiliated television stations in regular network program series; and on-air identification of such material ("S.T.O.P." Petition of Bernard A. Balmuth).

1. This notice concerns the use of repeat material, or "re-runs", during prime time on network-owned or affiliated television stations, in regular network program series. It is prompted by the above-captioned petition filed in May 1972 by Mr. Balmuth, a Hollywood film editor, which has drawn considerable support and opposition.¹

¹"S.T.O.P.", for Save Television Original Programming, is an acronym used in the petition for identification, and also the name of a group supporting the petition, used in nearly 3,000 petitions filed in favor of it.

2. In addition to restrictions on the use of re-runs during prime time, the Balmuth petition contains another request: For a rule that repeat material must be identified as such on the air. This, which drew virtually no attention in responsive filings, is discussed separately near the end of this notice.

A. Summary of the petition and other related material. 3. The Balmuth petition, RM-1977, was supported formally in comments filed by an ad hoc group of unions and similar organizations called the Film & Television Coordinating Committee, and in a statement by Congressman Alphonzo Bell of California. Twenty-two other California Senators and Congressmen also expressed support, as did the Los Angeles City Council and the California State Senate in resolutions. In a letter of August 14, 1972, to the president of the Screen Actors Guild, former President Nixon expressed support for a limitation on re-runs in order to protect the welfare of the Hollywood production industry and employment in it, although he did not

mention the petition as such and referred to voluntary agreement as a desirable first approach. The AFL-CIO and numerous labor groups, both in this industry and outside, also expressed support during 1972, as did some 70,000 members of the public in signing petitions circulated by the "S.T.O.P." group (most of the petitions, which were identical, came from the Southern California area, and others from New York City, but some came from areas not particularly associated with this industry, such as the Detroit and Seattle areas, Pennsylvania and Illinois).² Over 50 letters to the same effect were also received during 1972. Formal oppositions to the Balmuth petition were filed by ABC, CBS and NBC, and by two groups of TV station licensees (on behalf of 9 stations,

²The group asserted that persons contacted were extremely anxious to sign the petitions, and that it limited its filing simply to avoid burdening the Commission; it could just as easily have gotten 500,000 or 5,000,000 signatures.

two independent and 7 network-affiliated). Some 6 letters received by the Commission in 1972 also opposed the requested restriction.

4. Since 1972 the Commission has received some mail and additional "S.T.O.P." petitions to the same effect, although not in substantial quantity until late May 1974. Between June 1 and September 15, 1974, we received some 150 letters from the public, all but 3 of them objecting to the present extent of re-run usage, usually in network program series (re-runs starting in March, etc.). These appear to have resulted, at least in part, from a Screen Actors Guild drive to get popular support for its efforts to limit re-runs; but the fact that they were so prompted of course does not mean that the writers do not sincerely hold the views expressed. The letters came from many parts of the country; 19 of them stated that the writers were actors or SAG members, or otherwise employed in the TV production industry, and another 27 urged the impact of present practices on employment and earnings in the industry (usually in addition to the writer's feelings as a viewer). Recent Congressional letters have also expressed support for the petition. One argument made in a number of letters is the impact of present practices on those who must rely on television extensively, such as "shut-ins" and persons who, with limited incomes in a period of rising prices, cannot afford other entertainment to a substantial extent.

5. *The petition proposal.* The Balmuth petition seeks rulemaking to the effect that:

* * * reruns of any type of program [except special newscasts vital to the national welfare and information] in prime time on the three major network stations (ABC, CBS, NBC) be restricted to a maximum of twenty-five percent (25%) of the total allotted prime-time hours during a specified television year.

"Prime time" is defined as the 3½ hours of highest audience. "Re-run" or "repeat" is defined as "second or more showings of any program on any station within a 'television' community or area." "Network stations" includes network-owned and network-affiliated stations. Thus, as far as use of repeat material in regular network series is concerned, the petition seeks in effect to return to the "39-13" new-repeat arrangement which existed in earlier days in television and previously in radio.

6. *Arguments for a re-run limitation.* The main arguments advanced in the Balmuth petition and supporting material, in favor of the proposed restriction, may be summarized as follows:

(a) Despite the public's "right to expect its television programming to be stimulating, diversified and, especially, original" (particularly in the valuable prime hours of maximum audience), prime time on network-outlet stations is filled, to an extent which is undesirable and which is increasing, with re-run material, programs which have been shown on the station before. This is said to be "pollution of the airwaves with repetitious and dull programming in the form of a 'glut' of re-runs * * *" and to con-

stitute "staling the medium" and a "cheapening of the product" which will destroy the medium's vitality and ultimately lead to audience defections.

(b) This increasing use of re-runs is by no means necessary to maintain the economic health of networks and stations, since their revenues increased during the 1960's even more than costs.*

(c) The result of this large and increasing use of re-runs is to impair the health and development of the U.S. program-production industry, particularly in Southern California, resulting in large-scale unemployment and reduced earnings. The March 1973 report by the Office of Telecommunications Policy, discussed below, contained data which tended, at least to some extent, to support the statement concerning unemployment and reduced earnings.

7. *Data in the petition and supporting comments as to re-run usage.* Balmuth and the Coordinating Committee gave data as to the use of re-runs in prime time. The petition, analyzing the network Los Angeles stations for the year from September 1970 to September 1971, shows 43.5 percent of prime time overall devoted to repeat material (apparently including that with any previous showing), with about 12 percent in the first half of that period and nearly 75 percent in the last half. The Coordinating Committee submitted a much more detailed analysis for the whole country, for prime time during weeks in February and April 1972, showing 71.4 percent new and 28.6 percent repeat in February, and almost the reverse—28.4 percent new and 71.6 percent repeat—in April. This analysis gives data for the April week broken down by network and by areas of the country; in the Midwest, the figures for network half-hours were: ABC, 184 original and 697 repeat; for CBS, 227 original and 854 re-run; and for NBC, 291 original and 591 re-run.²

²The networks' position was contrary to this statement in the petition, the difference reflecting largely the matter of whether 1969—a year of high industry revenues and profits—was taken as indicative of the later situation, rather than the somewhat depressed years of 1970 and 1971. In light of more recent data for the profitable years of 1972 and 1973, Mr. Balmuth's statement is clearly correct factually. A comparison of the averages of the three years 1959-1961, with the averages for the last four years 1970-1973, shows that total network revenues have increased more than expenses (increases of 153 percent and 147 percent respectively), and average annual network profits have more than tripled (\$99.9 million compared to \$30.1 million for the earlier period). All networks were profitable in 1972 (for the first time in several years), and combined 1973 profits were \$184.9 million.

³A Commission staff analysis of more current data (the Washington-Baltimore TV Guide for 5 weeks from August 1973 to June 1974) indicates roughly the same situation. A Broadcasting Magazine article (Oct. 2, 1974) analyzed the networks' 1971-72 series and found that in 27 series (5 movie series and 22 other programs) repeats exceeded new episodes. It appears that this represented to some extent three showings of a program, but probably more often the inclusion of one or a few episodes from previous years.

8. *Arguments against a re-run limitation.* ABC, CBS and NBC, and some station licensees, advance principally the following arguments:

(a) Repetition of prime-time programs serves the public interest in making desired programs more widely available to viewers; it is asserted that usually only about 13 or 14 percent of potential viewers see a program the first time, and repeated exposure makes it available to many of the rest of the public.³ Public acceptance of present practice is said to be shown by rather high ratings for repeat material (over-all, roughly 70 percent of those for the "new" portion of the year); and it is said that any substantial dissatisfaction will show up in ratings and thus automatically lead to corrective changes, without the need for regulation.

(b) The networks and others producing or acquiring programming have been driven to increased repetition by very high, and always increasing, costs of new U.S. program production, resulting in part from union demands. This is said to make it economically impossible to return to an arrangement where a proportion such as 75 percent of a year's series is new, which would more than wipe out network profits.

(c) A restriction such as that proposed would be counterproductive as far as production and employment in it are concerned; the networks will simply be forced to acquire and present in prime time programs of less expensive types not involving as much production activity, such as game or quiz shows, or to acquire foreign product. Thus, there would be a loss, rather than a gain, in production activity and employment. It is also claimed that program quality would suffer because the networks could not afford to spend as much money on programs to be shown only once, and there would be an adverse impact on the presentation of other relatively costly and unprofitable material such as "specials".

(d) Each episode of a series takes a considerable time to make (up to two weeks), and creative persons such as the principal stars may be unwilling or unable to work for as much of the year as would be necessary to produce a 75 percent-new series, for example those wishing to pursue interests in other entertainment media.

(e) Audiences have historically been lower in the spring and summer, irrespective of re-run practices, and the lower advertising rates which result are not enough to support expensive new programming like that of the fall and winter (it is claimed that ratings show audiences to prefer re-runs to "summer replacement" series).

³Balmuth in reply comments, and OTP in its March 1973 report discussed below, dispute this conclusion that present re-run practice serve the viewers' interest. OTP states that while some viewers may have missed the first showing of a favorite program, "nevertheless, with a large proportion of avid viewers, re-runs may cause a majority of viewers to be less satisfied than they would be with more original episodes of the same program."

9. *The March 1973 OTP Report.* In March 1973, after a study of this subject, the Office of Telecommunications Policy issued a report entitled "Analysis of the Causes and Effects of Increases in Same-Year Rerun Programming and Related Issues in Prime Time Television." This included an economic analysis of the situation and considerable factual data. It was concluded that the substantial increase in use of repeat material has had adverse effects on the viewer's ability "to choose among a diverse range of original program offerings", as well as being a factor in the decline of employment and earnings in Hollywood. The Report asserted that increased re-run usage, the Commission's prime time access rule and the increased use of made-for-theatre movies by networks were about equal factors in the decline in TV program production activity, with some other longer-term factors also adversely affecting Hollywood. In transmitting this report to the Commission, the OTP Director recommended repeal of the prime time access rule and steps to limit network use of re-runs.

B. *The recent Screen Actors Guild-Producers' Association Agreement.* 10. On July 1, 1974, the Screen Actors Guild (SAG) and the Association of Motion Picture and Television Producers entered into an agreement, including new provisions for re-run payments to SAG members involved in television programs. In the old contracts, payments to individuals for re-run use were a percentage of a specified scale of payments (50 percent of the scale for the first re-use, 40 percent for the second, etc.). Under the new agreement, payments for re-runs in prime time are a percentage of the actual compensation originally received in the production of the program, the percentage varying with the year involved and also the time of year—"in-season" re-runs (in the "fall and winter season") and "out of season" re-runs, those occurring during 17 weeks of the spring and summer. (17 weeks would be roughly mid-May to mid-September). For in-season re-runs, the rate starts at 50 percent of compensation with respect to the 1974-75 year and material completed before January 31, 1975; it rises to 70 percent for other 1974-75 re-runs and for product made for 1975-76; and it reaches 100 percent for product made for the 1976-77 year. However, there is a limit on individual per-episode compensation for re-runs, \$1,000 for a half-hour, \$1,100 for an hour, and \$1,200 for a longer program. "Out of season" re-runs, during the 17-week period mentioned, are paid for at 80 percent of the rate for in-season re-runs. These are the basic provisions; high-paid individual talent may of course work out their particular arrangements as to salary and re-run compensation. Apparently the provisions mentioned apply to made-for-television movies as well as other network programs. A simi-

lar agreement involving AFTRA has apparently been concluded also, subject to individual local negotiations within the general framework.

C. *Discussion and inquiry.* 11. Upon consideration of this subject, we conclude—and it is the only conclusion we have reached at this time—that there is enough indication of a significant problem pertinent to the public interest, in an area generally within the scope of our responsibility, to warrant instituting this proceeding. In deciding to begin this Inquiry, we have taken note of the new SAG-AMPTP agreement mentioned above, and what appears to be a generally similar pattern involving AFTRA. It is to be hoped, of course, that the re-run situation (if and to the extent it is a problem) will be resolved by private action of this or another sort, rather than government intervention. However, we cannot be sufficiently sure that this will occur, to justify further delay in acting on the RM-1977 petition.

12. Because of uncertainty, so far, as to whether this really is an area in which Commission regulatory action would be appropriate, and if so what form such regulation should take, we are not at this time proposing any specific rule, and none will be adopted without further, more specific, rule-making proceedings. Another reason for this limitation on the proceeding is our desire to expedite the preliminary consideration of this subject as much as possible, getting information from which we can determine the best future course of action without requiring parties to comment at this time on a proposed rule. Thus, the proceeding begun herewith is essentially information-gathering, to enable us to reach an informed judgment as to the next appropriate step (or no step at all) in the public interest. We have not made any judgment, even of a tentative nature, as to what that next step might be.

13. *Matters on which comment is invited.* We hope comments herein will deal with the following matters, as specifically as possible:

(a) The present facts and trends as to use of re-runs in prime time on network-owned or affiliated stations, in regular network series, and how the future in this respect may be affected by the new Screen Actors Guild-AMPTP agreement mentioned in paragraph 10, above.

(b) Whether present and likely future prime time re-run practices serve or disserve the public interest.

(c) The extent to which the welfare and viability of the U.S. program production industry, and employment in it, affords a basis for Commission regulation in the public interest.

(d) The extent to which government regulation is needed or appropriate in this area.

(e) The economic and programming consequences of a re-run restriction, both

favorable and adverse, assuming various levels of restriction for regular program series.

D. *Identification of re-run material on the air.* 14. As mentioned above, the Balmuth petition also included a proposed requirement that repetitious material be identified as such on the air, at the beginning of the program and in any "promo" announcements. The proposed rule states:

All such reruns, and any trailers or spots advertising reruns, include at a reasonable position at the beginning a voice-over or superimposed title stating "This program is a rerun."

15. This subject drew virtually no comment in responsive filings. In our view, it warrants inclusion in this proceeding, since it could result in a substantial saving of time to viewers, informing them that what they are about to see, on the channel to which their sets are tuned, is repetitious. Comments on this matter are invited, and also on the question of whether the utility of any such announcement would be increased if it contained the date on which the program was originally broadcast (on the network or, for non-network material, on the station). Parties may wish to comment on a suggestion made in a letter to the Commission (from a person not objecting to re-runs as such) to the effect that each new episode in a network series should be numbered as it appears, and the same used when it is re-run and in any advertising or promotion of the program, e.g., "All in the Family—11" (it is claimed that thus viewers could "chart" their viewing).

16. The chief emphasis here is on "same year" repetition, of a program presented on the station earlier the same broadcast year, although comments are invited on whether an announcement of repetition from previous years would serve any useful purpose.

E. *Other matters.* 17. Comments are invited on the matters discussed herein, particularly paragraphs 13 and 14-16 above. This inquiry proceeding is instituted pursuant to authority contained in section 403 and sections 4(d) and 303 (b), (g), (i), and (r) of the Communications Act of 1934, as amended.

18. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before January 10, 1975, and reply comments on or before February 7, 1975. All relevant and timely comments and reply comments will be considered by the Commission before action is taken herein. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

19. § 1.419 of the Commission's rules requires that an original and 14 copies of all comments, replies, pleadings, briefs, etc. shall be filed with the Commission.

This requirement will apply to the principal parties directly involved in this matter, such as the petitioner and the Coordinating Committee, the networks, station licensees, etc. However, the interest of the public as viewers is also involved here, and expressions from individuals may be of significance in this connection, and should be encouraged. Letters and other expressions from the public will be received, placed in the docket and considered herein, even though they do not conform to the above rule. Also, the rather substantial material already filed with respect to the petition need not be filed again, but may be incorporated by reference. Material filed will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its headquarters in Washington, D.C.

Adopted: October 3, 1974.

Released: October 4, 1974.

FEDERAL COMMUNICATIONS
COMMISSION,⁶

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-23877 Filed 10-9-74; 8:45 am]

FEDERAL POWER COMMISSION

[Rate Schedule Nos. 29, etc.]

RATE CHANGES

Notice of Filings Pursuant to Commission's
Opinion

OCTOBER 3, 1974.

Take notice that the producers listed in the Appendix attached below have filed proposed increased rates to the applicable area new gas ceiling based on the interpretation of vintage concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before October 29, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

⁶ Statements by Chairman Wiley and Commissioners Reid, Robinson and Quello filed as part of the original document.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
Sept. 6, 1974	Burmah Oil & Gas Co., Golden Center 1, 2800 North Loop West, P.O. Box 94193, Houston, Tex. 77015.	29	Lone Star Gas Co.	Other Southwest Area.
Sept. 9, 1974	Shell Oil Co., Two Shell Plaza, P.O. Box 2099, Houston, Tex. 77001.	45	Cities Service Co., Columbian Division.	Permian Basin.
Sept. 11, 1974	Clinton Oil Co., P.O. 1201, Wichita, Kans. 67201.	103	Mountain Fuel Supply Co.	Rocky Mountain Area.
Sept. 12, 1974	Caroline Hunt Trust Estate, 1401 Elm, Dallas, Tex. 75202.	3	Tennessee Gas Pipeline Co.	Texas Gulf Coast.
Sept. 16, 1974	General American Oil Co. of Texas, Meadows Bldg., Dallas, Tex. 75206.	15	Texas Eastern Transmission Corp.	Do.
Sept. 19, 1974	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	346	Tennessee Gas Pipeline Co.	Do.
Sept. 17, 1974	Murphy Oil Corp., 200 Jefferson Ave., El Dorado, Ark. 71730.	4	Arkansas Louisiana Gas Co.	Other Southwest.
Do	do	9	do	Do.
Sept. 20, 1974	Texaco, Inc., P.O. Box 52332, Houston, Tex. 77052.	48	United Gas Pipe Line Co.	Do.
Do	Kerr-McGee Corp., Kerr-McGee Center, Oklahoma City, Okla. 73102.	15	Southern Natural Gas Co.	Do.
Do	Phillips Petroleum Co., Bartlesville, Okla. 74004.	175	do	Do.
Do	do	490	Northern Natural Gas Co.	Permian Basin.
Do	Amoco Production Co., 500 Jefferson Bldg., P.O. Box 3002, Houston, Tex. 77001.	16	Arkansas Louisiana Gas Co.	Other Southwest.
Do	do	28	do	Do.
Do	do	77	do	Do.
Do	do	167	do	Do.
Do	do	185	do	Do.
Do	Shell Oil Co., Two Shell Plaza, P.O. Box 2099, Houston, Tex. 77001.	11	United Gas Pipe Line Co.	Texas Gulf Coast.
Do	Sun Oil Co., Southland Center, P.O. Box 2880, Dallas, Tex. 75221.	170	Tennessee Gas Pipeline Co.	Do.
Do	do	171	do	Do.
Do	do	234	do	Do.
Sept. 23, 1974	Champion Petroleum Co., P.O. Box 9365, Fort Worth, Tex. 76107.	53	Cities Service Gas Co.	Other Southwest.
Do	Texaco, Inc., P.O. Box 52332, Houston, Tex. 77052.	97	Texas Eastern Transmission Corp.	Texas Gulf Coast.
Do	Burmah Oil & Gas Co., 2300 North Loop West, Houston, Tex. 77015.	1	Cities Service Gas Co.	Other Southwest.
Do	do	10	Lone Star Gas Co.	Do.

[FR Doc.74-23471 Filed 10-9-74; 8:45 am]

FEDERAL RESERVE SYSTEM
ARCHER-DANIELS-MIDLAND CO. AND
INDEPENDENT BANCORPORATION

Acquisition of Bank

Archer-Daniels-Midland Company, Decatur, Illinois, and its subsidiary, Independent Bancorporation, Minneapolis, Minnesota, have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire indirectly and directly 100 percent of the voting shares (less directors' qualifying shares) of National City Bank of Ridgedale, Minnetonka, 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)). This 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 his views in writing to the Reserve Bank to be received not later than October 23, 1974.

In connection with Archer-Daniels-Midland Company's ("ADM") section 3(a)(3) application to indirectly acquire shares of National City Bank of Ridgedale, notice is hereby given that it has requested the Board of Governors of the Federal Reserve System, pursuant to the provisions of section 2(g)(3) of the Bank Holding Company Act, to make a de-

termination that upon divestiture of its shares of Independent Bancorporation ("IBC"), ADM will not in fact be capable of controlling or executing a controlling influence over IBC through interlocking officer, director or policy-making employees or through indebtedness.

Inasmuch as section 2(g)(3) of the Act requires that any determination thereunder be made only after opportunity for hearing:

It is ordered, That pursuant to section 2(g)(3) of the Act, an opportunity be and hereby is provided for filing a request for hearing. Any such request or written comments on the application should be submitted in writing (in duplicate) to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received on or before November 1, 1974. The request for hearing should contain a statement of the nature of the requesting person's interest in the matter, his reasons for wishing to appear at an oral hearing, and a summary of the matters concerning which said person wishes to give testimony at such hearing. The Board will subsequently designate a time and place for any hearing ordered, and will give notice of such hearing to the transferor, the transferees, and all persons who have requested a hearing. In the absence of a request for hearing, the Board will proceed with consideration of the requested determination on the basis

of documentary evidence filed in connection with the application.

Board of Governors of the Federal Reserve System, October 4, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-23603 Filed 10-9-74;8:45 am]

FARMERS STATE CORP.

Order Denying Formation of Bank Holding Company and Acquisition of Farmers State Insurance Agency

Farmers State Corporation, Mountain Lake, 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)) of formation of a bank holding company through acquisition of 80 percent of the voting shares of Farmers State Bank of Mountain Lake, Mountain Lake, Minnesota ("Bank").

At the same time, Applicant has applied for the Board's approval under section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y, to acquire the assets of Willis D. Schroeder Insurance Agency, D/B/A Farmers State Insurance Agency, Mountain Lake, Minnesota, and thereby to engage in the activities of a general insurance agency in Mountain Lake, Minnesota (population of less than 5,000). The operation by a bank holding company of a general insurance agency in a community with a population not exceeding 5,000 is an activity that the Board has previously determined to be closely related to banking (12 CFR 225.4(a)(9)(iii)(a)).

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with sections 3 and 4 of the Act (39 FR 27756). The time for filing comments and views has expired, and all comments and views received have been considered by the Board in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and the public interest factors specified in section 4(c)(8) of the Act (12 U.S.C. 1843(c)).

Applicant, a nonoperating corporation with no subsidiaries, was organized for the purpose of becoming a bank holding company through acquisition of Bank and operating an insurance agency. Bank (\$7.5 million in deposits) is the fourth largest of eight banks operating in the relevant banking market¹ and controls approximately 12.4 percent of the total deposits held by commercial banks in the market.² Upon acquisition of Bank, Applicant would control 0.1 percent of the total commercial bank deposits in the State. Since the purpose of the proposed transaction is essentially a reorganization to effect a transfer of the control of

Bank from individuals to a corporation controlled by the same individuals, consummation of the proposal would not eliminate any existing competition, nor would it appear to have any adverse effects on other banks or on the development of future competition in the relevant market. Accordingly, competitive considerations are consistent with approval of the application.

Under the Bank Holding Company Act, the Board is required to take into consideration the financial and managerial resources and future prospects of the proposed holding company and the bank to be acquired. In the exercise of that responsibility, the Board finds that considerations relating to the financial resources of Applicant warrant denial of the application. Applicant's earnings prospects are heavily dependent upon the earnings of Bank; Applicant expects to service a debt which involves principal and interest totaling \$1.4 million over a 15-year period primarily through dividends from Bank. The projected earnings of Applicant do not, in the Board's view, provide Applicant with the necessary financial flexibility to meet its annual debt servicing requirements as well as any unexpected problems that might arise at Bank. This factor strongly suggests that the financial requirements of Applicant's proposal could place an undue strain on the financial condition of Bank and thus impair Bank's ability to remain a viable banking organization in meeting the banking needs of the community which it serves. Such considerations relating to the financial condition and prospects of Applicant, in addition to other facts of record, lend substantial weight toward denial of the application. While the Board recognizes that denial of the application would not necessarily affect immediately the control of Bank, the Board cannot sanction the use of a holding company structure that, because of limited financial resources, could impair the financial condition of the bank to be acquired, nor would the public interest be served by such Board action.

Applicant has proposed some changes which could ultimately benefit the community such as raising the interest rates on savings and time deposits and lengthening banking hours. However, these proposals are likely to be implemented whether ownership of Bank is direct or indirect, and they do not outweigh the above-mentioned adverse banking factors connected with this proposal.

On the basis of all the facts in the record, and in light of the factors set forth in section 3(c) of the Act, it is the Board's judgment that the proposed acquisition would result in a bank holding company with financial resources inadequate to service its debt while maintaining Bank's capital account and that such condition could impair the ability of Bank to meet the needs of the community which it serves. Accordingly, the Board concludes that consummation of this proposal would not be in the public interest and that the application should be denied.

Applicant proposes to operate a general insurance agency business on Bank's premises through the acquisition of the Willis D. Schroeder Insurance Agency (doing business as the Farmers State Insurance Agency). Approval of the proposal would permit Applicant to continue to offer Bank's customers the convenience of obtaining banking and insurance services in conjunction with each other. However, in view of the Board's finding that the application for formation of the bank holding company must be denied, the Board's consideration of the application to engage in insurance activities hereby becomes moot.

By Order of the Board of Governors,
effective October 4, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-23604 Filed 10-9-74;8:45 am]

FIRST COMMERCE CORP.

Order Approving Acquisition of First Management Consultants, Inc.

First Commerce Corporation, New Orleans, Louisiana, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, for the formation and acquisition of all of the voting shares of First Management Consultants, Inc., New Orleans, Louisiana ("FMC"), a proposed new company that would engage in the activity of providing management consulting advice on an explicit fee basis to nonaffiliated banks with respect to bank operations, accounting and auditing procedures, trust and international banking, financial planning, bank facility expansion and marketing and economic analysis. Such activity has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(12)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 28188). The time for filing comments and views has expired, and the Board has considered the application and all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)).

Applicant controls one bank, First National Bank of Commerce, New Orleans, Louisiana ("Bank"), with aggregate deposits of approximately \$762 million, representing 8 percent of the total deposits in commercial banks in Louisiana, and is the second largest banking organization in the State.¹ Applicant also controls several nonbanking

¹ Voting for this action: Chairman Burns and Governors Mitchell, Bucher, Holland, and Wallich. Absent and not voting: Governor Sheehan.

² All banking data are as of December 31, 1973, and reflect bank holding company formations and acquisitions approved through August 31, 1974.

¹ The relevant banking market is approximated by the eastern half of Cottonwood County and the western half of Watonwan County.

² Banking data are as of December 31, 1973.

subsidiaries including companies that engage in management and investment advisory services, consumer financing, and data processing activities.

FMC proposes to provide management consulting advice to nonaffiliated banks located in Louisiana, Mississippi, Texas, Arkansas and Alabama. FMC would provide to client banks, on an explicit fee basis, management consulting advice with respect to bank operations, accounting and auditing procedures, trust and international banking, financial planning, bank facility expansion and marketing and economic analysis.

It appears that no adverse effects on competition would result from FMC offering bank management consulting advice. While Bank provides some management consulting advice to nonaffiliated banks as a correspondent banking service, such advice is limited in scope and is not offered on an explicit fee basis. Therefore, no significant existing or potential competition would be eliminated upon approval of this application. Moreover, it is expected that Applicant's de novo entry into this industry should have a procompetitive effect by increasing the number of firms offering this specialized consulting advice. Further, by making this advice available on an explicit fee basis rather than as a correspondent banking service, client banks will now be able to more accurately analyze the cost of such services and may be able to more efficiently allocate their funds.

There is no evidence in the record indicating that consummation of the proposed transaction would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects on the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined in accordance with the provisions of section 4(c)(8), that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta.

By order of the Board of Governors,² effective October 2, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-23603 Filed 10-9-74; 8:45 am]

² Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher and Holland. Absent and not voting: Chairman Burns and Governor Wallich.

FIRST NEW MEXICO BANKSHARE CORP.

Order Approving Acquisition of Bank

First New Mexico Bankshare Corporation, Albuquerque, New Mexico, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 92 percent of the voting shares of Valley Bank, Farmington, New Mexico, a proposed new 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, the largest banking organization in New Mexico, controls eight banks with aggregate deposits of approximately \$637 million, representing about 27 percent of the total deposits in commercial banks in the State.¹ Since Bank is a proposed new bank, its acquisition by Applicant would not immediately increase Applicant's share of commercial bank deposits in New Mexico.

Bank is to be located 1.5 miles east of Farmington's central business district and would represent the initial entry by Applicant into the Farmington banking market (approximated by San Juan County). The office of Applicant's banking subsidiary closest to Bank's proposed site is located 76 miles away. The two largest banks in the market control over 83 percent of the market's total commercial deposits. Since Bank is a proposed new bank, and Applicant is not presently represented in the market, consummation of the proposal would not have any adverse effects on existing or potential competition in the relevant market. Furthermore, it is expected that Applicant's de novo entry into this market will have a salutary effect upon competition by introducing another competitor in the market, and thereby reducing the level of concentration of the market's banking resources. Therefore, the Board concludes that competitive considerations are consistent with approval of the application.

The financial condition and managerial resources of Applicant and its subsidiary banks are regarded as satisfactory and the future prospects of each appear favorable. Bank, as a proposed new bank, has no financial or operating history; however, its prospects as a subsidiary of Applicant appear favorable. Thus, the banking factors are consistent with approval. Considerations relating to the convenience and needs of the community to be served lend weight toward approval of the application since Bank will provide an additional source of full banking services, including real estate and construction loans and Small Busi-

¹ All banking data are as of December 31, 1973, and reflect holding company formations and acquisitions approved by the Board as of August 31, 1974.

ness Administration loans. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the 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 that date, and (c) Valley Bank, Farmington, New Mexico, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City, pursuant to delegated authority.

By order of the Board of Governors,² effective October 2, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-23607 Filed 10-9-74; 8:45 am]

FIRST STEUBEN BANCORP, INC.

Acquisition of Bank

First Steuben Bancorp, Inc., Steubenville, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to The Farmers' National Bank of Canfield, Canfield, Ohio. 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 Cleveland. 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 21, 1974.

Board of Governors of the Federal Reserve System, October 3, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-23608 Filed 10-9-74; 8:45 am]

INTERNATIONAL BANK

Notice of Hearing

In the matter of the determination of control by International Bank, Washington, D.C., over Financial General Bankshares, Inc., under section 2 of the Bank Holding Company Act (12 U.S.C. 1841).

On August 1, 1974, the Board entered an order determining that International Bank had not terminated its control over Financial General Bankshares, Inc. which International Bank admitted it exercised in 1966 and preliminarily de-

² Voting for this action: Chairman Burns and Governors Mitchell, Bucher, Holland and Wallich. Absent and not voting: Governor Sheehan.

termining pursuant to section 2(a)(2)(C) of the Act (12 U.S.C. 1841(a)(2)(C)) that International Bank exercises a controlling influence over the management and policies of Financial General Bankshares, Inc. Within 30 days thereafter, International Bank requested a hearing to contest the Board's determinations of control. Accordingly, it is hereby ordered, That, pursuant to section 2 of the Bank Holding Company Act (12 U.S.C. 1841), a public hearing with respect to the Board's determination be held commencing at 10 a.m., on November 4, 1974, at the Federal Reserve Building, Washington, D.C., or such later time or other place following appropriate discovery proceedings as may be determined by Frederic Denniston, Environmental Protection Agency, Room 1019, East Tower, 401 M Street, SW., Washington, D.C. 20460, a duly qualified Administrative Law Judge who has been designated by the United States Civil Service Commission to conduct such hearing and make recommendations to this Board in accordance with the Board's Rules of Practice for Formal Hearings (12 CFR Part 263) and the Board's Order of August 1, 1974.

It is further ordered, That the general issue of law and fact to be considered at said hearing is whether, under section 2 of the Act (12 U.S.C. 1841) and the Board's Regulation Y (12 CFR Part 225), International Bank has control over Financial General Bankshares, Inc., a bank holding company registered as such under the Act.

It is further ordered, That the following specific matters will be the subject of consideration at said hearing, without prejudice to the consideration of additional related matters and questions upon further examination:

(1) Whether International Bank directly or indirectly or acting through one or more persons owns, controls, or has power to vote 25 percentum or more of any class of the voting securities of Financial General Bankshares, Inc.;

(2) Whether International Bank controls in any manner the election of a majority of the directors of Financial General Bankshares, Inc.;

(3) Whether International Bank directly or indirectly exercises a controlling influence over the management or policies of Financial General Bankshares, Inc.;

(4) Whether Financial International Corporation is a subsidiary of International Bank within the meaning of section 2(d) of the Act (12 U.S.C. 1841(d));

(5) Whether shares of Financial General Bankshares, Inc., which were owned by International Bank were, after January 1, 1966, transferred directly or indirectly to any transferee that was indebted to International Bank, or had one or more officers, directors, trustees or beneficiaries in common with or subject to the control of International Bank, and if so, how many shares were so transferred, and, if so, whether International Bank produces evidence sufficient to carry its burden of proving, under section 2(g)(3) of the Act (12 U.S.C. 1841(g))

(3)), that it is not in fact capable of controlling the transferee;

(6) Whether there exist any conditions upon the transfer of stock of International Bank, Financial General Bankshares, Inc., Financial International Corporation or other companies which make the conclusive presumption of control set forth in § 225.2(a) of Regulation Y (12 CFR 225.2(a)) applicable in this case;

(7) Whether any of the presumptions of § 225.2(b) of Regulation Y (12 CFR 225.2(b)) are applicable to the facts of this case, and, if so, whether International Bank produces evidence sufficient to carry its burden of overcoming those presumptions.

It is further ordered, That, in accordance with the August 1, 1974, Order the Administrative Law Judge shall recommend to the Board following said hearing (1) whether or not the Board's August 1, 1974, determination of control based on sections 2(a)(2)(A) and (B), 2(d) and 2(g)(1) and (3) of the Act should be set aside; and (2) whether or not the Board's preliminary determination of control under section 2(a)(2)(C) of the Act should become final.

It is further ordered, That any person desiring to give testimony, present evidence, or otherwise participate in these proceedings should file with the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, on or before October 25, 1974, a written request containing a statement of the nature of the Petitioner's interest in the proceedings, the extent of the participation desired, a summary of the matters concerning which the Petitioner desires to give testimony or submit evidence and the names and identity of witnesses who propose to appear. Requests will be submitted to the designated Administrative Law Judge for his determination and persons submitting them will be notified of his decision.

By order of the Board of Governors,
October 4, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 74-23609 Filed 10-9-74; 8:45 am]

NATIONAL DETROIT CORP.

Order Approving Acquisition of Bank

National Detroit Corporation, Detroit, Michigan, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)), to acquire 80 percent or more of the voting shares of Grand Valley National Bank, Grandville, Michigan ("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, the largest banking organization in Michigan, controls two banks with aggregate deposits of approximately \$4.6 billion, representing about 17 percent of the total deposits in commercial banks in the State.¹ Acquisition of Bank would increase Applicant's share of State deposits only slightly and would not significantly affect statewide concentration of banking resources in Michigan.

Bank holds deposits of \$18.7 million, representing about 1.2 percent of the total deposits in commercial banks in the relevant banking market, and thereby ranks as the sixth largest of 17 banks operating therein.² The office of Applicant's subsidiary bank closest to an office of Bank is located 135 miles away in Novi, Michigan. It appears that no meaningful competition presently exists between any of Applicant's banking subsidiaries and Bank; nor does it appear likely that any significant competition would develop between them in view of the distances involved and Michigan's restrictive branching laws. Although Applicant could enter the market de novo, such entry appears unlikely. Moreover, in view of Bank's relatively small size, such a foothold entry by Applicant should have a salutary effect on competition by introducing the resources of another large banking organization to compete in the market. Therefore, the Board concludes that consummation of the proposal would not have a significantly adverse effect on competition in any relevant area, and that competitive considerations are consistent with approval of the application.

The financial and managerial resources of Applicant and its subsidiaries are considered generally satisfactory and the future prospects for each appear favorable. In view of Applicant's commitment to inject \$300,000 of equity capital into Bank by the end of 1975, its financial and managerial resources are also regarded as satisfactory and its future prospects appear favorable. Thus, the banking factors are consistent with approval. Applicant proposes to expand the range of services presently offered by Bank. Therefore, the considerations relating to the convenience and needs of the communities to be served are consistent with approval of the application. It is the Board's judgment that the proposed acquisition is in the public interest and should be approved.

On the basis of the record, the application is approved for the 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

¹ All banking data are as of December 31, 1973, and represent all holding company formations and acquisitions approved through August 31, 1974.

² The relevant banking market for purposes of analyzing the anticompetitive effects of the proposed transaction is approximated by the Grand Rapids RMA.

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,² effective October 2, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-23610 Filed 10-9-74;8:45 am]

PEOPLES BANCORP.

Formation of Bank Holding Company

Peoples Bancorporation, Hampton, Iowa, 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 86.5 percent of the voting shares of Peoples Savings Bank, Elma, Iowa. 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 Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 22, 1974.

Board of Governors of the Federal Reserve System, October 3, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-23611 Filed 10-9-74;8:45 am]

TAMPA STATE BANKSHARES, INC.

Order Approving Formation of Bank Holding Company and Acquisition of a General Insurance Agency

Tampa State Bankshares, Inc., Tampa, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 65.3 percent of the voting shares of The Tampa State Bank, Tampa, Kansas ("Bank"). At the same time, Applicant has applied for the Board's approval under section 4(c)(8) of the Act and section 225.4(b)(2) of the Board's Regulation Y to acquire the Edward J. Costello Insurance Agency, Tampa, Kansas ("Agency") and thereby engage in permissible insurance agency activities in Tampa (population of 154). The operation by a bank holding company of a general insurance agency in a community with a population not exceeding 5,000 is an activity that the Board has previously determined to be closely related to banking (12 CFR 225.4(a)(9)(iii)(a)).³

² Voting for this action: Chairman Burns and Governors Mitchell, Bucher, Holland and Wallich. Absent and not voting: Governor Sheehan.

³ Applicant also applied to engage in loan brokerage activities but subsequently withdrew such request.

Notice of receipt of these applications, affording an opportunity for interested persons to submit comments and views, has been given in accordance with sections 3 and 4 of the Act (39 FR 28190). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and the considerations specified in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant is a recently organized corporation formed for the purposes of becoming a bank holding company through the purchase of Bank's stock and of operating as a general insurance agency. Bank (deposits of \$3.5 million)² the only bank in Tampa, controls about 8 percent of total deposits in commercial banks in the relevant banking market (which is approximated by Marion County) and is the fifth largest of 10 banks in the market. Since the proposal represents a restructuring of Bank's ownership and Applicant has no present subsidiaries, consummation of the proposal would have no adverse effects on existing or potential competition. Therefore, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, which will depend initially upon those of Bank, are considered satisfactory and consistent with approval. The debt that will be incurred by Applicant as a result of this proposal appears to be readily serviceable from the income to be derived from Bank and the insurance activities without having an adverse effect on the financial condition of Bank. Accordingly, banking factors are regarded as being consistent with approval of the application. Considerations relating to the convenience and needs of the community to be served are also consistent with approval. It is the Board's judgment that consummation of the transaction would be in the public interest and that the application to acquire Bank should be approved.

Agency is a general insurance agency and conducts its business from the premises of Bank in Tampa. As Agency is the only insurance agency in Tampa, the continued availability of these services through Applicant assures the residents of the Tampa area of a convenient source of insurance agency services, which factor the Board regards as being in the public interest. There is no evidence in the record indicating that consummation of the proposed acquisition of the general insurance agency would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects on the public interest.

Based on the foregoing and other considerations reflected in the record, the Board has determined that the consider-

² Banking data are as of December 31, 1973.

ations affecting the competitive factors under section 3(c) of the Act and the balance of the public interest factors the Board must consider under section 4(c)(8) both favor approval of Applicant's proposals.

Accordingly, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be made before the thirtieth calendar day following the effective date of this Order; and neither the acquisition of Bank nor the acquisition of Agency shall be made 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 Kansas City pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modifications or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,² effective October 2, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-23612 Filed 10-9-74;8:45 am]

UNITED VIRGINIA BANKSHARES INC.

Order Approving Acquisition of Bank

United Virginia Bankshares Incorporated, Richmond, Virginia, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of the United Virginia Bank of Gloucester, Gloucester, Virginia, the successor by merger to Bank of Gloucester, Gloucester, Virginia ("Bank"). Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of 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, the largest banking organization in Virginia, controls 15 banks with aggregate deposits of approximately

² Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns and Governor Wallich.

\$1.7 billion, representing about 14 percent of total deposits in commercial banks in the State.¹ Acquisition of Bank would increase Applicant's share of State deposits only slightly and would not significantly increase the concentration of banking resources in Virginia.

Bank holds deposits of approximately \$24 million, representing 74 percent of total deposits in commercial banks in the relevant banking market, and thereby ranks as the larger of two banks operating therein.² An office of one of Applicant's subsidiary banks is located seven miles away from an office of Bank; however, the two offices are located in separate banking markets and are separated by a toll bridge over the York River. In view of the working and commuting patterns in the area, it appears that no meaningful competition presently exists between any of Applicant subsidiary banks and Bank, nor is any competition likely to develop due to the geographic nature of the area and Virginia statutes prohibiting Applicant's banking subsidiaries from branching into Gloucester County. Furthermore, it is unlikely that Applicant would enter the area de novo in light of the market's population per banking office ratio being below the State average. Therefore, the Board concludes that consummation of the proposal would not have a significant adverse effect on existing or potential competition in any relevant area, and that the competitive considerations are consistent with approval of the publication.

The financial condition and managerial resources of Applicant, its subsidiaries and Bank are considered satisfactory and the future prospects for each appear favorable. Thus, the banking factors are consistent with approval of the application. Applicant proposes to expand the range of services presently offered by Bank. In particular, affiliation with Applicant will provide Bank with access to loan participations and make available to Bank's customers data processing services, mortgage banking, improved trust services and investment advice. Accordingly, the considerations relating to the convenience and needs of the communities to be served lend weight toward approval of the application. Therefore, it is the Board's judgment that the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the 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 Fed-

¹ All banking data are as of December 31, 1973, and reflect bank holding company formations and acquisitions as of August 31, 1974.

² The relevant banking market is approximated by Gloucester County, Virginia.

eral Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,^{*}
effective October 3, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.
[FR Doc. 74-23613 Filed 10-9-74; 8:45 am]

W. J. YOUNG & CO.
Nonbanking Activities

W. J. Young & Co., Clinton, Iowa, has applied, pursuant to section 4(d) of the Bank Holding Company Act (12 U.S.C. 1843(d)), for an exemption from the provisions of the Act limiting the nonbanking activities of a bank holding company. Applicant controls The Clinton National Bank, Clinton, Iowa.

Under section 4(d), the exemption may be granted "(1) to avoid disrupting business relationships that have existed over a long period of years without adversely affecting the banks or communities involved, or (2) to avoid forced sales of small locally owned banks to purchasers not similarly representative of community interests, or (3) to allow retention of banks that are so small in relation to the holding company's total interests and so small in relation to the banking market to be served as to minimize the likelihood that the bank's powers to grant or deny credit may be influenced by a desire to further the holding company's other interests."

Interested persons may express their views on this matter. The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any request for a hearing on this matter 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.

Any views or requests for a hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 31, 1974.

Board of Governors of the Federal Reserve System, October 3, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.
[FR Doc. 74-23615 Filed 10-9-74; 8:45 am]

WESTERN AGENCY INC.

Order Approving Acquisition of Additional Bank Shares

Western Agency, Inc., Goodland, Kansas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval

^{*} Voting for this action: Chairman Burns and Governors Mitchell, Bucher, Holland and Wallich. Absent and not voting: Governor Sheehan.

under section 3(a)(3) of the Act (12 U.S.C. 1942(a)(3)) to acquire an additional 6.7 percent of the voting shares of Goodland State Bank and Trust Company, Goodland, Kansas ("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 one bank holding company which presently owns 47.5 percent of the outstanding shares of Bank and thereby controls approximately two-tenths of one percent of the total deposits in commercial banks in Kansas. Bank holds deposits of \$12.1 million, representing about 37 percent of the total deposits in commercial banks in the relevant market (approximated by Sherman County), and is the smaller of two banks operating therein.¹

The purpose of the proposed transaction is to effect a transfer of the ownership of an additional 6.7 percent of Bank's shares from individuals to a corporation owned by the same individuals. Therefore, the Board concludes that consummation of the proposal would not have any adverse effect on existing or potential competition, nor would it increase the concentration of banking resources or have an adverse effect on other banks in the area. Thus, competitive considerations are consistent with approval of the application.

The financial condition and managerial resources of Applicant, its subsidiaries and Bank are considered satisfactory and the future prospects for each appear favorable. Thus, the banking factors are consistent with approval of the application. Although there will be no immediate change or increase in the services offered by Bank as a result of the proposed transaction, the considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the 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 Kansas City pursuant to delegated authority.

¹ All banking data are as of December 31, 1973, and reflect all holding company formations and acquisitions approved through August 31, 1974.

By order of the Board of Governors,²
effective October 2, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-23614 Filed 10-9-74;8:45 am]

VALLEY BANCORPORATION

Order Approving Acquisition of Bank

Valley Bancorporation, Appleton, Wisconsin, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Hartford Exchange Bank, Hartford, Wisconsin ("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 Federal Reserve Bank of Chicago 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, with 12 banks and combined deposits of \$206 million, is the eighth largest banking organization in Wisconsin with 1.6 percent of total commercial bank deposits in the State. Upon acquisition of Bank, Applicant's share of total deposits would increase to 1.7 percent but its rank would remain unchanged.¹ Bank (deposits, \$12 million) is a unit bank located in Hartford (population 6,499). Applicant's subsidiary bank closest to Bank is in Kewaskum (population 2,901) about 25 road miles northeast of Bank with a branch in Allenton (population 350) about 11 road miles north of Bank. Bank's market is bordered by the Milwaukee market to the Southeast and by the West Bend market to the Northeast. Bank is the second largest of four banks and controls 28.6 percent of total market deposits and is not dominant. Consummation of the proposal would not eliminate significant existing competition nor adversely affect potential competition.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks, and Bank are considered to be generally satisfactory and consistent with approval, particularly in view of capital improvements which Applicant has planned for certain of its subsidiary banks.

Affiliation with Applicant would enable Bank to expand and improve its services in the loan and trust areas with Applicant supplying Bank its expertise, personnel, computer facilities and programs, and other resources. Applicant has experienced loan officers, including a qualified farm loan officer, which would enable

Bank to serve better the consumer and farm loan needs in the area. Similarly, Applicant has trust expertise that will be available to help Bank meet the trust service needs in the area. Thus considerations relating to convenience and needs of the community to be served lend weight toward approval of the application. It is the judgment of the Federal Reserve Bank of Chicago acting pursuant to delegated authority that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the 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 Federal Reserve Bank of Chicago, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System effective September 25, 1974.

[SEAL] ERNEST T. BAUGHMAN,
First Vice President.

[FR Doc.74-23639 Filed 10-9-74;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 23, 1974. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

CIVIL AERONAUTICS BOARD

Request for clearance of recordkeeping and reporting requirements of Part 244, of the Board's regulations, Uniform System of Accounts and Reports for Air Freight Forwarders. This Part is to establish a Uniform System of Accounts and Reports for domestic and international Air Freight Forwarders and the establishment of reporting requirements for foreign air freight forwarders. Frequency of reporting is quarterly; respondents for new systems of accounts are air freight forwarders with annual revenues exceeding \$3 million (about 26), with all other air freight forwarders continuing to file present system reports (about 300); burden is estimated at 15 man

hours per response or about 60 man hours annually per respondent.

FEDERAL COMMUNICATIONS COMMISSION

Request for clearance of changes to FCC Form 301, Application for Authority to Construct A New Broadcast Station or Make Changes in an Existing Broadcast Station. The changes involved include editorial changes, elimination of information no longer needed, changes to aid applicants in interpreting Commission rules, and requiring other information that is essential to the Commission in making the decision to grant this authority. The form is completed by applicants seeking authority to construct new broadcast stations or make changes to existing stations; frequency is on occasion; potential respondents are present and prospective broadcasters, (about 2000); over all respondent burden is not expected to change because of the revisions that are being requested.

PHILLIP S. HUGHES,
Assistant Comptroller General.

[FR Doc.74-23675 Filed 10-9-74;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 74-64]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL

Notice of Meeting and Agenda

The NASA Research and Technology Advisory Council Committee on Aeronautical Propulsion will meet on October 30-31, 1974, at the Lewis Research Center, Cleveland, Ohio 44135. The meeting will be held in Room 225 of the Administration Building. Members of the public will be admitted on a first-come, first-served basis up to the seating capacity of the room, which is about 40 persons including Committee members and other participants.

The NASA Research and Technology Advisory Council Committee on Aeronautical Propulsion was established to advise NASA's senior management in the areas of aeronautical propulsion research and technology. The Committee studies issues, pinpoints critical problems, determines gaps in needed technology, points out desirable goals and objectives, summarizes the state of the art, assesses ongoing work, and makes recommendations to help NASA plan and carry out a program of greatest benefit to the nation. There are 12 members on the Aeronautical Propulsion Committee. The current Chairman is Mr. Hillard E. Barrett.

The following list sets forth the approved agenda and schedule for the meeting. For further information, please contact Mr. Harry W. Johnson, Area Code 202, 755-3003.

OCTOBER 30, 1974

Time	Topic
8:15 a.m.	Introductory Remarks by Chairman (Purpose: To review agenda and transmit information of interest from latest meeting of Research and Technology Advisory Council.)

² Voting for this action: Chairman Burns and Governors Mitchell, Bucher, Holland and Wallach. Absent and not voting: Governor Sheehan.

¹ All banking data as of December 31, 1973.

- | <i>Time</i> | <i>Topic</i> |
|-------------|--|
| 8:30 a.m.— | Report by Executive Secretary (Purpose: To update Committee on NASA organization, policy, FY 1975 budget status and allocations, and to review previous Committee recommendations and NASA response.) |
| 9:00 a.m.— | Review of NASA's Aeronautical Propulsion Research and Technology Program Objectives (Purpose: Discuss objectives, targets and milestones; evaluate relative importance, timeliness, program balance and priorities.) |
| 11:00 a.m.— | Review of Possible New Start Programs (Purpose: To solicit Committee discussion and evaluation of new aeropropulsion-related programs NASA plans to include in its FY 1976 aeronautics budget request, and to obtain recommendations for future years.) |
| 1:00 p.m.— | Discussion of Research Center Highlight Reports (Purpose: To discuss points of interest from Center Highlight Reports previously distributed to Committee members.) |
| 2:00 p.m.— | Discussion of Full-Scale Engine Research (Purpose: To discuss motivations and objectives of ongoing and planned full-scale engine research programs, their relationships to other aspects of aeropropulsion research and possible influence on future engine design and development, and facility requirements.) |
- OCTOBER 31, 1974
- | | |
|-------------|---|
| 8:15 a.m.— | Full-Scale Engine Research—(Continuation) Complete discussion from previous day. |
| 10:30 a.m.— | Committee Discussion and Recommendations (Purpose: To summarize comments and recommendations from this meeting to transmit to the NASA Research and Technology Advisory Council.) |
| 1:00 p.m.— | Discussion and Recommendations—(Continuation) Complete discussion from morning and establish tentative major topics, place and date for next Committee meeting. |
| 2:00 p.m.— | Adjournment. |

BOYD C. MYERS, II,
Assistant Associate Administrator for Organization and Management, National Aeronautics and Space Administration.

OCTOBER 3, 1974.

[FR Doc.74-23619 Filed 10-9-74;8:45 am]

[Notice 74-83]

**NASA RESEARCH AND TECHNOLOGY
ADVISORY COUNCIL**

Notice of Meeting and Agenda

The NASA Research and Technology Advisory Council, Committee on Aeronautical Propulsion, Ad Hoc Panel on

Jet Engine Hydrocarbon Fuels will meet on November 1, 1974, at the Lewis Research Center, Cleveland, Ohio 44135. The meeting will be held in Room 225 of the Administration Building. Members of the public will be admitted on a first-come, first-served basis up to the seating capacity of the room, which is about 40 persons including Panel members and other participants.

The NASA Research and Technology Advisory Council, Committee on Aeronautical Propulsion's Ad Hoc Panel on Jet Engine Hydrocarbon Fuels was established to advise NASA's senior management on fuels research now being initiated by NASA in the areas of petroleum base, shale oil base and coal base jet engine fuels. The Ad Hoc Panel will assess ongoing work and research plans, and will make recommendations to NASA on program content, timing and direction to insure greatest benefit to the nation. There are 10 members on the Ad Hoc Panel on Jet Engine Hydrocarbon Fuels. The current Chairman is Dr. John P. Longwell.

The following list sets forth the approved agenda and schedule for the meeting. For further information, please contact Mr. Harry W. Johnson, Area Code 202, 755-3003.

NOVEMBER 1, 1974

- | <i>Time</i> | <i>Topic</i> |
|-------------|---|
| 8:15 a.m.— | Introductory Remarks by Chairman (Purpose: To review Panel charter responsibilities, meeting agenda, Panel assignment and function.) |
| 8:35 a.m.— | Introductory Remarks by Executive Secretary (Purpose: To discuss administrative aspects of Panel functions, outline objectives of NASA fuels research program, discuss NASA expectations for Panel.) |
| 8:50 a.m.— | Panel Discussion of Charter, Purpose and Function (Purpose: To discuss how the Panel can be used to greatest effect, and possible methods of operation.) |
| 9:30 a.m.— | Summary Presentations of Government and Private Sector Fuels Research Programs (Purpose: Briefing reports by all Panel members outlining ongoing and planned hydrocarbon fuels research programs and other activities related to insuring future availability and reasonable costs of future jet engine fuels, and to identify manufacturer and user requirements, constraints and specifications.) |
| 1:00 p.m.— | Completion of Summary Presentation. |
| 2:30 p.m.— | Panel Discussion of Key Issues and Problems. (Purpose: To discuss previous presentations in order to identify key issues and problems NASA should address, discuss NASA program adequacy and relationships to other programs, and discuss basic NASA role.) |

- | <i>Time</i> | <i>Topic</i> |
|-------------|--|
| 4:00 p.m.— | Panel Recommendations and Future Plans. (Purpose: To prepare initial recommendations to NASA, discuss future Panel activities, plan next meeting.) |
| 5:00 p.m.— | Adjournment. |

BOYD C. MYERS, II,
Assistant Associate Administrator for Organization and Management, National Aeronautics and Space Administration.

OCTOBER 3, 1974.

[FR Doc.74-23618 Filed 10-9-74;8:45 am]

[74-66]

**AD HOC ADVISORY SUBCOMMITTEE FOR
REVIEW OF PROPOSALS FOR PARTICIPATION
IN THE DEFINITION OF A ONE-METER
CLASS ULTRAVIOLET/OPTICAL
FACILITY TELESCOPE FOR SPACELAB
ASTRONOMY MISSIONS**

Notice of Meeting

The NASA Ad Hoc Advisory Subcommittee of the Space Science and Applications Steering Committee for Review of Proposals for Participation in the Definition of a One-Meter Class Ultraviolet/Optical Facility Telescope for Spacelab Astronomy Missions will meet at NASA Headquarters, 400 Maryland Avenue SW., Washington, D.C., on 24 and 25 October 1974. The meetings will be held in Room 5026 from 8:30 a.m. to 5:00 p.m. on both days.

The subcommittee will discuss, evaluate and categorize proposals for participation in the definition of a one-meter class ultraviolet/optical facility telescope for Spacelab astronomy missions. Throughout the subcommittee sessions, the professional qualifications of the proposers and the merits of their proposed concepts of the telescope and its associated auxiliary instrumentation will be candidly discussed and appraised. Discussion of these matters in a public session would invade the privacy of the proposers and the other individuals involved. The meeting will be closed to members of the public.

Since the subcommittee sessions will be concerned throughout with matters listed in 5 U.S.C. 552(b)(6), it is hereby determined that the sessions should be closed to the public.

For further information, please contact Dr. Jeffrey D. Rosendhal at Area Code 202-755-3687.

BOYD C. MYERS II,
Assistant Associate Administrator for Organization and Management.

[FR Doc.74-23797 Filed 10-9-74;8:45 am]

**NATIONAL SCIENCE FOUNDATION
ADVISORY COMMITTEE FOR RESEARCH**

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice

is hereby given of a meeting of the Advisory Committee for Research to be held at 9 a.m. on October 31–November 1, 1974, in room 540 at 1800 G Street NW., Washington, D.C.

The purpose of this Committee is to provide advice and recommendations concerning research activities and potential in the U.S. and to consult on problems in the administration of research support.

The agenda for the meeting shall include:

OCTOBER 31—NOVEMBER 1

Discussion of recommendations of previous Committee Task Groups.

Presentation of Reports by Task Group Chairmen on the following:

a. Criteria for allocation of resources between individual research projects and major research facilities in certain fields.

b. Coupling university and industrial research.

c. Evaluation and support of multidisciplinary proposals.

Presentation and preliminary discussion of new Task assignments (not yet selected).

This meeting shall be open to the public. Individuals who wish to attend should inform Mr. Leonard F. Gardner, Special Assistant, by telephone (202/632-4278), or by writing (Rm. 320, National Science Foundation, Washington, D.C. 20550), prior to the meeting. Persons requiring further information concerning this Committee should contact Mr. Gardner at the above address. Summary minutes relative to this meeting may be obtained from the Management Analysis Office, Rm. K-720, National Science Foundation, Washington, D.C. 20550.

FRED K. MURAKAMI,
Committee Management Officer.

OCTOBER 7, 1974.

[FR Doc.74-23670 Filed 10-9-74;8:45 am]

ADVISORY PANEL FOR ANTHROPOLOGY

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Anthropology to be held at 9 a.m. on October 31 and November 1, 1974, in Room 338, at 1800 G Street NW., Washington, D.C.

The purpose of this Panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects.

This meeting will not be open to the public because the Panel will be reviewing, discussing, and evaluating individual research proposals. These proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

For further information about the Panel, please contact Dr. Iwao Ishino, Program Director for Anthropology, Rm. 206, National Science Foundation, Washington, D.C. 20550, telephone 202/632-4208.

FRED K. MURAKAMI,
Committee Management Officer.

OCTOBER 7, 1974.

[FR Doc.74-23672 Filed 10-9-74;8:45 am]

ADVISORY PANEL FOR ENVIRONMENTAL BIOLOGY

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Environmental Biology to be held at 9 a.m. on October 31 and November 1, 1974, in room 511, 1800 G Street NW., Washington, D.C.

The purpose of this Panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects.

This meeting will not be open to the public because the Panel will be reviewing, discussing, and evaluating individual research proposals. These proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

For further information about this Panel, please contact John L. Brooks, Program Director for General Ecology, Rm. 331, National Science Foundation, Washington, D.C. 20550, telephone 202/632-7324.

FRED K. MURAKAMI,
Committee Management Officer.

OCTOBER 7, 1974.

[FR Doc.74-23671 Filed 10-9-74;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

FEDERAL GRAPHICS EVALUATION 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 Federal Graphics Evaluation Advisory Panel to the National Council on the Arts will be held from 9:00 a.m.–5:00 p.m. on October 10, 1974 at the Shoreham Building, 805 15th Street NW. Room 1100, Washington, D.C.

A portion of this meeting will be open to the public from 9:00 a.m. to 12:00 a.m. on a space available basis. Accommodations are limited. The remaining portion of this meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on Graphics

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, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4), (5), and (6)), 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) 634-6110.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.74-23799 Filed 10-9-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

AMERICAN STATISTICAL ASSOCIATION ADVISORY COMMITTEE ON STATISTICAL POLICY

Notice of Extension

Determination pursuant to Executive Order 11769 (Advisory Committee Management) and Pub. L. 92-463 (Federal Advisory Committee Act).

In the determination order of the Director of the Bureau of the Budget, dated September 26, 1962, it was determined that the formation and continued use of the American Statistical Association Advisory Committee on Statistical Policy as an advisory committee to the Bureau of the Budget (now Office of Management and Budget) was in the public interest.

There has been no significant change in the facts relied upon to support the above mentioned determination order. The need for the Advisory Committee on Statistical Policy continues. Therefore, and for the reasons set forth in that Order, it is hereby determined that it would be in the public interest to extend the life of the American Statistical Association Advisory Committee on Statistical Policy.

The American Statistical Association Advisory Committee on Statistical Policy is hereby extended until June 30, 1976. The authority to make determinations as to the formation and utilization of advisory committees and panels of the Advisory Committee on Statistical Policy is hereby delegated to the Deputy Associate Director for Statistical Policy. That authority may be redelegated. All other terms and conditions of the above mentioned determination order remain in effect.

Dated: October 3, 1974.

ROY L. ASH,
Director.

[FR Doc.74-23689 Filed 10-9-74;8:45 am]

LABOR ADVISORY COMMITTEE ON STATISTICS

Notice of Extension

Determination Pursuant to Executive Order 11769 (Advisory Committee Management) and Pub. L. 92-463 (Federal Advisory Committee Act).

In the determination order of the Director of the Bureau of the Budget, dated April 20, 1963, it was determined that the formation and continued use of the Labor Advisory Committee on Statistics as an advisory committee to the Bureau of the Budget (now Office of Management and Budget) was in the public interest.

There has been no significant change in the facts relied upon to support the above mentioned determination order. The need for the Labor Advisory Committee continues. Therefore, and for the reasons set forth in that Order, it is hereby determined that it would be in the public interest to extend the life of the Labor Advisory Committee on Statistics.

The Labor Advisory Committee on Statistics is hereby extended until June 30, 1976. The authority to make determinations as to the formation and utilization of advisory committees and panels of the Labor Advisory Committee is hereby delegated to the Deputy Associate Director for Statistical Policy. That authority may be redelegated. All other terms and conditions of the above mentioned determination order remain in effect.

Dated: October 3, 1974.

ROY L. ASH,
Director.

[FR Doc.74-23690 Filed 10-9-74;8:45 am]

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 October 7, 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).

NEW FORMS

AGENCY FOR INTERNATIONAL DEVELOPMENT

Reference Questionnaire: Form AID 410-3, Occasional, Sheffel (395-3898), Supervisors, Professors and Friends of Applicants.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Health Resource Evaluation: The Enrollment Network Evaluation Project—Choice, Form HRABHSR 0930, Single Time, Collins (395-3756), Households Approached About Joining Network in Four Selected Cities.

DEPARTMENT OF JUSTICE

Departmental: Applicant's Environmental Evaluation, Form 4550, Occasional, EGG (395-3451)/NR (395-827), Grant Applicants.

DEPARTMENT OF TRANSPORTATION

Departmental: Rider Definition Study, Form —, Single Time, Strasser (395-3880), Households in Baltimore, Md., and Nashville, Tenn.

REVISIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service:

Household Data Sheet—Food Stamp Program, Form FNS-245, Monthly, Caywood (395-3443), Households Participating in Food Stamp Program.

Food Stamp Quality Control Semiannual Report Statistical Summary, Form FNS-247-1, Semiannual, Caywood (395-3443), State Agencies.

Quality Control Review Schedule—Food Stamp Program, Form FNS-246, Monthly, Caywood (395-3443), Quality Control Reviewers.

Statistical Data on Amount of Bonus Dollars Issued in Error—Food Stamp Program, Form FNS-247-2, Semiannual, Caywood (395-3443), State Agencies.

Statistical Data on Case Reviews with Errors—Food Stamp Program, Form FNS-247-3, Semiannual, Caywood (395-3443), State Agencies.

Status of Sample Cases—Food Stamp Program, Form FNS-248, Monthly, Caywood (395-3443), State Agencies.

DEPARTMENT OF THE INTERIOR

Bureau of Mines: Aluminum Scrap, Form 6-1114-MA, Monthly, Weiner (395-4890), Consumers of Aluminum Scrap.

SMITHSONIAN INSTITUTION

An Analysis of Visitor Attendance Patterns and Opinions at the National Zoological Park, Form SI-2578, Single Time, Reese (395-5630), Visitors to the National Zoological Park.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service: Milk Receipts from Producers—Idaho, Ohio and Utah, Form —, Monthly, Evinger (395-3648), Milk Market Administrators and Milk Plants.

FEDERAL RESERVE SYSTEM

Interest Rates Charged on Selected Types of Loans Made During the Calendar Week Ended —, Form FR 835, Weekly, Hulett, (395-4730), Small businesses.

Quarterly Supplement to the Monthly Survey on Interest Rates Charges on Selected Types of Loans, Form FR835a, Quarterly, Hulett (395-4730), Small businesses.

PHILLIP D. LARSEN,

Budget and Management Officer.

[FR Doc.74-23786 Filed 10-9-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

HONOLULU DISTRICT ADVISORY COUNCIL

Meeting

The Small Business Administration Honolulu District Advisory Council will meet at 9 a.m., Friday, October 11, 1974, in the Board Room, Central Pacific Bank, Hilo Branch, Hilo, Hawaii, to discuss such business as may be presented by members, the staff of the Small Business Administration and others attending. For further information, call or write David K. Nakagawa, Small Business Administration, 1149 Bethel Street, Room 402, Honolulu, Hawaii 96813, (808) 546-8950.

Dated: October 2, 1974.

JOHN JAMESON,
Director, Office of Advisory Councils,
Small Business Administration.

[FR Doc.74-23693 Filed 10-9-74;8:45 am]

SELECTIVE SERVICE SYSTEM

[Temp. Instruction No. 613-7/642-5]

REGISTRANTS PROCESSING MANUAL Late Registration

The Registrants Processing Manual is an internal manual of the Selective Service System. The following portion of that Manual is considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER:

BYRON V. PEPITONE,
Director.

OCTOBER 3, 1974.

[Temporary Instruction No. 613-7, 642-5]

Issued: September 21, 1974.
Subject: Late Registration.

[Caution: Do not attempt to compare the provisions of this T.I. with T.I. 200-1]

1. The President's proclamation announcing a Reconciliation Service Program for certain Vietnam era draft evaders and military deserters makes necessary temporary procedures in the processing of late registrants.

2. The provisions of this Temporary Instruction do not apply to:

a. Those late registrants whose processing has already been completed in accordance with Section 642.10 of the RPM.

b. Those late registrants whose dates of birth are not between July 31, 1948 and March 28, 1955 inclusive.

3. Whenever a person presents himself for registration whose date of birth was between July 31, 1948 and March 28, 1955 inclusive, and who has not registered, he will be registered in accordance with the provisions of Chapter 613 of the RPM, except as outlined in paragraph 4 of this Temporary Instruction. The local board of record shall prepare and distribute the Status Card (SSS Form 7) in accordance with the applicable procedural directive.

a. The compensated employee who completes the registration processing of the late registrant will complete a Report of Information (SSS Form 119) and place the form in the Registrant File Folder together with attachment 642-1 if completed by the registrant. The SSS Form 119 shall be used to describe in detail the circumstances surrounding the registration, including any in-

formation the registrant may volunteer at the time of registration.

b. The file folder and contents will be immediately transmitted with a Report of Violation (SSS Form 301) by the local board of record directly to the State Director who has jurisdiction over the area administrative site.

c. The State Director will immediately forward the file to the General Counsel.

4. When processing a registrant at a place of registration which does not have jurisdiction over his place of residence, the following will apply:

a. The SS Form 1, the attachment 642-1, if completed, the SSS Form 119, and the SSS Form 301 (prepared in accordance with the applicable procedural directive) shall be forwarded to the State Director having jurisdiction over the place of registration.

b. The State Director shall make copies of all documents received from the local board and forward the original and two copies of the SSS Form 301 and a copy of all other documents to the General Counsel. The original of all documents (except the SSS Form 301) and two copies of the SSS Form 301 shall be forwarded to the State Director having jurisdiction over the place of residence for forwarding to the local board of record for processing in accordance with Chapter 613 of the RPM.

5. The file folders of late registrants whose dates of birth were between July 31, 1948 and March 28, 1955 inclusive, who have registered and whose cases are presently being processed either at the local board or at the State Headquarters for failure to register timely, shall not be further processed but shall be immediately transmitted in accordance with this Temporary Instruction.

6. Executive secretaries of local boards having jurisdiction over the registrant's place of residence should carefully review Registration Cards (SSS Forms 1) received from volunteer registrants and mail-in registration cards to identify those late registrants who were born between July 31, 1948 and March 28, 1955 inclusive.

This Temporary Instruction shall terminate on February 1, 1975.

BYRON V. PEPITONE,

[FR Doc. 74-23666 Filed 10-9-74; 8:45 am]

[Temporary Instruction No. 200-1]

RECONCILIATION SERVICE MANUAL

The Reconciliation Service Manual is an internal manual of the Selective Service System. The following portion of that Manual is considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER.

BYRON V. PEPITONE,
Director.

OCTOBER 3, 1974.

[Temporary Instruction No. 200-1
(Reconciliation Service)]

Issued: September 21, 1974.

Subject: Reconciliation Service.

1. This Reconciliation Instruction will govern Reconciliation Service processing under the President's Program for the return of Vietnam era draft evaders and military deserters. The President's Proclamation established the inclusive dates of the Vietnam era as August 4, 1964 through March 28, 1973. These evaders and military deserters will be referred to as returnees.

2. The State Director, under the supervision of the Director of Selective Service, will be responsible for the administration of the Reconciliation Service Program within his state.

3. Whenever an individual appears at an Area Administrative Office or a State Headquarters and requests information concerning the performance of service under the President's Reconciliation Program, a compensated employee shall ascertain if the individual has in his possession a signed agreement to perform a period of Reconciliation Service or a copy of his Armed Forces of the United States Report of Transfer or Discharge (DD Form 214), specifying a period of Reconciliation Service established by a referring authority.

(a) A person is not a returnee until he has been referred to the Selective Service System under authority of the appropriate referral authority.

(b) The referring authorities are any United States Attorney, the Secretary of a Military Department, the Secretary of Transportation or the Presidential Clemency Board or their authorized representatives.

4. Whenever a registrant claiming to be a draft evader or military deserter appears at an Area Administrative Office or a State Headquarters and he does not present a signed agreement or a copy of his Armed Forces of the United States Report of Transfer or Discharge (DD Form 214), specifying a period of Reconciliation Service he will be informed that Selective Service is not authorized to assign him to a Reconciliation Service job until he presents an agreement from a referring authority.

(a) If the registrant indicates that he is a Vietnam era draft evader he shall be advised to telephone the nearest United States Attorney.

(b) If the registrant indicates that he is a military deserter he shall be advised to telephone one of the following services:

U.S. Navy, Telephone: 202-694-2007 or 202-694-1936

U.S. Marine Corps, Telephone: 202-694-8926

U.S. Army, Telephone: 317-542-3417, 3418, 3419 and 3410

U.S. Air Force, Telephone: 512-652-4104

Coast Guard, Telephone: 202-426-1830

Should the registrant in (a) or (b) request assistance in placing the aforementioned telephone call, you are authorized to make the call for him.

5. Whenever a registrant appears at an Area Administrative Office or a State Headquarters and he presents, his signed agreement to perform a period of Reconciliation Service or a copy of his Armed Forces of the United States Report of Transfer or Discharge (DD Form 214), which specifies a period of Reconciliation Service, he shall be processed as follows:

(a) Verify his registration. Whenever necessary verification will be made by the State Director.

(b) Secure and retain a copy of his work agreement or make a photo-copy of his DD Form 214 or complete a Transcript of Military Record (SSS Form 721).

(c) Prepare an Enrollment Card (Registration Card, SSS Form 1) in accordance with the attached Procedural Directive. (Attachment 1, T.I. 200-1)

(d) Furnish him a copy of the Registrant Reconciliation Fact Sheet which will inform him of further processing procedures. Be sure the State Headquarters address and telephone number are on the fact sheet.

(e) Furnish him a copy of the Conscientious Objector Skills Questionnaire (SSS Form 152) and a copy of the Employers Statement of Availability of Job as Alternate Service (SSS Form 156). Both forms shall be stamped "RECONCILIATION SERVICE" and an advisory statement "PLEASE DISREGARD THE WORDING REFERRING TO CONSCIENTIOUS OBJECTOR AND 1-0. THIS FORM IS ADOPTED FOR USE WITH THE RECONCILIATION PROGRAM" shall be stamped on the area of the space for the local board stamp.

(f) Prepare a Report of Information (SSS Form 119) verifying the facts of the returnee's visit.

(g) The State Director will be informed by telephone whenever the above actions are accomplished at an Area Administrative Office.

(h) Prepare a Processing Card (Status Card, SSS Form 7) in accordance with the attached Procedural Directive. (Attachment 2, T.I. 200-1)

(i) Prepare an Assignment Folder (File Folder, SSS Form 101) and print or stamp "RECONCILIATION SERVICE" in block 5. Place in the Assignment Folder; Enrollment Card, Copy 3 of the Processing Card, SSS Form 119, and a copy of the registrant's signed agreement or a copy of his DD Form 214 or SSS Form 721. The Assignment Folder with contents shall immediately be forwarded to the State Director whenever it has been prepared elsewhere.

6. Whenever a returnee who is not required to register appears at an Area Administrative Office or a State Headquarters and he presents a copy of his DD Form 214, which specifies a period of Reconciliation Service, he shall be processed as follows:

(a) Make a photo-copy of his DD Form 214 or a Transcript of Military Record (SSS Form 721).

(b) Prepare an Enrollment Card (Registration Card, SSS Form 1) in accordance with the attached Procedural Directive. (Attachment 1, T.I. 200-1) Contact the State Director to obtain a Reconciliation Service Control Number for this returnee in lieu of a Selective Service Number.

(c) Furnish him a copy of the Reconciliation Service Fact Sheet which will inform him of further processing procedures. Be sure the State Headquarters address and telephone number are on the fact sheet.

(d) Furnish him a copy of the Conscientious Objector Skills Questionnaire (SSS Form 152) and a copy of the Employers Statement of Availability of Job as Alternate Service (SSS Form 156). Both forms shall be stamped "RECONCILIATION SERVICE" and an advisory statement "PLEASE DISREGARD THE WORDING REFERRING TO CONSCIENTIOUS OBJECTOR AND 1-0. THIS FORM IS ADOPTED FOR USE WITH THE RECONCILIATION PROGRAM" shall be stamped in the area of the space for the local board stamp.

(e) Prepare a Report of Information (SSS Form 119) verifying the facts of the returnee's visit.

(f) The State Director will be informed by telephone whenever the above actions are accomplished at an Area Administrative Office.

(g) Prepare a Processing Card (Status Card, SSS Form 7) in accordance with the attached Procedural Directive. (Attachment 2, T.I. 200-1)

(h) Prepare an Assignment Folder (File Folder, SSS Form 101) and print or stamp "RECONCILIATION SERVICE" in Block 5. Place in the Assignment Folder; the Enrollment Card, Copy 3 of the Processing Card, the SSS Form 119 and a copy of the returnee's DD Form 214 or SSS Form 721. The Assignment Folder with contents shall be immediately forwarded to the State Director whenever it has been prepared elsewhere.

7. Whenever a returnee who has not registered previously and who is required to be registered appears at an Area Administrative Office and he presents a signed agreement to perform a period of Reconciliation Service, or a copy of his DD Form 214 which specifies a period of Reconciliation Service, he shall be processed as follows:

(a) Secure and retain a copy of his work agreement or make a photo-copy of his DD

Form 214 or a Transcript of Military Record (SSS Form 721).

(b) A compensated employee will complete an Enrollment Card (Registration Card, SSS Form 1) in accordance with the attached Procedural Directive. (Attachment 1, T.I. 200-1)

(c) Furnish him a copy of the Reconciliation Fact Sheet which will inform him of further processing procedures. Be sure the State Headquarters address and telephone number are on the fact sheet.

(d) Furnish him a copy of the Conscientious Objector Skills Questionnaire (SSS Form 152) and a copy of the Employers Statement of Availability of Job as Alternate Service (SSS Form 156). Both forms shall be stamped "RECONCILIATION SERVICE" and an advisory statement "PLEASE DISREGARD THE WORDING REFERRING TO CONSCIENTIOUS OBJECTOR AND 1-0. THIS FORM IS ADOPTED FOR USE WITH THE RECONCILIATION PROGRAM." shall be stamped in the area of the space for the local board stamp.

(e) Prepare a Report of Information (SSS Form 119) verifying the facts of the registrant's visit.

(f) The State Director will be informed by telephone whenever the above actions are accomplished at an Area Administrative Office.

(g) Prepare a Processing Card (Status Card, SSS Form 7) in accordance with the attached Procedural Directive. (Attachment 2, T.I. 200-1)

(h) Prepare an Assignment Folder (File Folder, SSS Form 101) and print or stamp "RECONCILIATION SERVICE" in block 5. Place in the Assignment Folder; the Enrollment Card, Copy 3 of the Processing Card, the SSS Form 119 and a copy of the registrant's signed agreement or a copy of his DD Form 214 or SSS Form 721. The Assignment Folder with contents shall immediately be forwarded to the State Director.

8. Whenever a returnee who was not registered previously and who is required to be registered, appears at a State Headquarters or at an Area Administrative Office that does not have jurisdiction over the returnee's place of residence, and he presents a signed agreement to perform a period of Reconciliation Service, or a copy of his DD Form 214 which specifies a period of Reconciliation Service, he shall be processed as follows:

(a) Secure and obtain a copy of his work agreement or make a photo-copy of his DD Form 214, or complete a transcript of Military Record (SSS Form 721).

(b) Prepare an Enrollment Card (Registration Card, SSS Form 1) in accordance with the attached Procedural Directive.

(c) Furnish him a copy of the Reconciliation Service Fact Sheet which will inform him of further processing procedures. Be sure the State Headquarters address and telephone number are on the fact sheet.

(d) Furnish him a copy of the Conscientious Objector Skills Questionnaire (SSS Form 152) and a copy of the Employers Statement of Availability of Job as Alternate Service (SSS Form 156). Both forms shall be stamped "RECONCILIATION SERVICE" and an advisory statement "PLEASE DISREGARD THE WORDING REFERRING TO CONSCIENTIOUS OBJECTOR AND 1-0. THIS FORM IS ADOPTED FOR USE WITH THE RECONCILIATION PROGRAM." shall be stamped in the area of the space for the local board stamp.

(e) Prepare a Report of Information (SSS Form 119) verifying the facts of the registrant's visit.

(f) Prepare a Processing Card (Status Card, SSS Form 7) in accordance with the attached Procedural Directive. (Attachment 2, T.I. 200-1)

(g) Prepare an Assignment File Folder (File Folder, SSS Form 101) and print or stamp "RECONCILIATION SERVICE" in block 5. Place in the Assignment Folder; the Enrollment Card, Copy 3 of the Processing Card, the SSS Form 119 and a copy of the registrant's signed agreement, or a copy of his DD Form 214 or SSS Form 721.

(h) The Assignment Folder with its contents shall immediately be forwarded to the State Director whenever it has been prepared elsewhere.

(i) If the returnee appeared at an Area Administrative Office. The compensated employee shall then forward the documents to the State Director.

(j) If the returnee's place of residence is not within that State Director's jurisdiction he shall forward it to the appropriate State Director.

9. Each State Director will maintain a log of Reconciliation Control Numbers he assigns in his state as follows: The first element will be the number of the state, territory, or possession; the second element will be the number "902", the third element will be the last two digits in the returnee's year of birth, and the last element will be the number assigned to the returnee by the State Director.

10. The State Director having jurisdiction over the place of residence indicated by the returnee at the time he reports in person to a Selective Service official will have primary responsibility for the initial placement of the returnee. Whenever a returnee reports to a State Director who does not have jurisdiction over the returnee's previously indicated place of residence, that State Director will forward the returnee's Assignment Folder with contents to the State Director who does have jurisdiction over the place indicated.

(a) Each State Director will coordinate any job placement activities in any state outside his own with the State Director of that state. 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.

11. The State Director of the state in which the returnee's job is located will monitor his work.

12. Criteria for Jobs for Returnees. Four elements will be considered by the State Director as a basis for determining whether a specific job offered by an eligible employer is acceptable as service for a returnee.

(a) National Health, safety or interest. The job must promote the national health, safety or interest.

(b) 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.

(c) Compensation. The compensation will provide a standard of living to the returnee reasonably comparable to the standard of living the same man 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.

(d) Skill and Talent Utilization. Where possible, a returnee may utilize his special skills.

This Temporary Instruction will terminate when this information is included in a Reconciliation Service Manual or it is provided in other directives.

BYRON V. PEPTONE,
Director.

[FR Doc. 74-23667 Filed 10-9-74; 8:45 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

[Docket No. 74-1]

TRADE INFORMATION COMMITTEE

Notice of Public Hearing

Notice of public hearing requesting views regarding proposed restriction on the importation of certain livestock and meat items from Canada.

Notice is hereby given pursuant to § 2003.2 of the regulations of the Trade Information Committee of the Office of the Special Representative for Trade Negotiations (15 CFR Ch XX Part 2003) that a public hearing will be held beginning at 10 a.m. on October 25, 1974, to adjourn and reconvene at a later date if needed, in Conference Room 730, 1800 G Street NW., Washington, D.C. The purpose of said hearing is to provide an opportunity to the public to present all facts and views pertaining to the economic effects of the possible imposition of quotas on imports from Canada of the following articles from the Tariff Schedules of the United States:

Item:	TSUS Number
Live cattle.....	100.40, 100.43, 100.45, 100.53, 100.55
Live swine.....	100.85
Beef and veal....	106.10, 107.60
Pork.....	106.40, 107.30, 107.35

Such quotas, if imposed, would be for the purpose of obtaining the removal of import quotas imposed by Canada on beef, veal and live cattle for slaughter, and to provide access for these items to the Canadian market on an equitable basis. Import quotas on cattle and beef currently being imposed by Canada follow earlier Canadian measures, such as health certification requirements and import surcharges, which have restricted U.S. access to the Canadian market since November 2, 1973. The United States has made extensive efforts to negotiate with the Government of Canada reasonable access to the Canadian market for U.S. cattle and beef, first following the introduction of Canadian import surcharges on November 2, 1973, and later, after surcharges were removed, following a Canadian embargo on beef and cattle imports, related to new certification requirements on the growth stimulant Diethylstilbestrol (DES), announced on April 9, 1974. The ending of the Canadian import embargo on cattle and beef on August 12, 1974, was accompanied by the announcement of a highly restrictive import quota system limiting imports from the United States to less than half of the rate established in 1973.

Interested parties are invited to express their views on this subject by written brief or other communication, submitted in not less than 20 copies, to the Chairman of the Trade Information Committee. Interested parties are also invited to express their views on this subject in person at the aforementioned public hearing, provided they notify the Chairman of the Trade Information Committee, Office of the Special Representative for Trade Negotiations, 1800 G Street NW., Room 729, Washington, D.C. 20506. Such notification must be received by October 23, 1974. Requests to appear in person should be submitted in an original and 15 copies which must be legibly typed, printed, or duplicated and must include the following information:

(a) The name, address, and telephone number of the party submitting the request;

(b) The name, address, telephone number, and official position of the person submitting the request on behalf of the party referred to in subparagraph (a);

(c) A brief indication of the interest of, and the position to be taken by, the party;

(d) The name, address, and telephone number of the person or persons who will present oral testimony; and

(e) The amount of time desired for the presentation of oral testimony.

Requests to present oral testimony should not contain any confidential information. Any requests marked "For Official Use Only" or similarly marked will not be accepted.

Each party will be notified if his request to appear in person has been granted. If so, he will be notified of the date on which he is scheduled to appear and the amount of time allotted for his presentation. If not, the reasons for the denial shall be given. (The Committee reserves the right to restrict the time allotted for presentation of oral testimony.) Each party desiring to present oral testimony is required to submit a written brief to the Chairman of the Trade Information Committee, which must be received at least 2 days prior to the commencement of the hearing at which oral testimony shall be presented. The brief must include a statement in nonconfidential form of the position taken and supporting arguments. It must be submitted in not less than 20 copies which must be legibly typed, printed, or duplicated.

Parties are encouraged to support their briefs with all available information, including material that may be of a confidential nature. Reference should be had to § 2003.8 of the regulations of the Committee governing information exempt from public inspection. All written materials other than confidential information filed with the Committee in connection with the hearing will be open to public inspection by appointment, at Room 729, 1800 G Street NW., Washington, D.C. 20506.

Interested parties should note that pursuant to § 2003.4(d), a "written brief shall state clearly the position taken and shall describe with particularity the evidence supporting such position."

All communications regarding this notice should be addressed to the Chairman, Trade Information Committee, Room 729, 1800 G Street NW., Washington, D.C. 20506.

ALLEN H. GARLAND,
Chairman, Trade
Information Committee.

OCTOBER 8, 1974.

[FR Doc. 74-23788 Filed 10-9-74; 8:45 am]

TARIFF COMMISSION

[337-L-77]

LIQUID PROPANE HEATERS

Notice of Complaint by Scheu Products Co.

The United States Tariff Commission hereby gives notice of the receipt on August 12, 1974, of a complaint under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), filed by Scheu Products Company, of Upland, California, alleging unfair methods of competition and unfair acts in the importation and sale of certain liquid propane heaters which are embraced within the claims of U.S. Patent No. 3,645,512 owned by the complainant. Insto Gas Corporation, 1360-70 Franklin, Detroit, Michigan, has been named as the importer of the subject products.

In accordance with the provisions of § 203.3 of its rules of practice and procedure (19 CFR 203.3), the Commission has initiated a preliminary inquiry into the allegations of the complaint for the purpose of determining whether there is good and sufficient reason for a full investigation, and if so whether the Commission should recommend to the President the issuance of a temporary exclusion from entry under section 337(f) of the Tariff Act.

A copy of the complaint is available for public inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets, NW., Washington, D.C., and at the New York office of the Tariff Commission located at 6 World Trade Center.

Information submitted by interested persons which is pertinent to the aforementioned preliminary inquiry will be considered by the Commission if it is received not later than November 4, 1974. Extensions of time for submitting information will not be granted unless good and sufficient cause is shown therefor. Such information should be sent to the Secretary, United States Tariff Commission, 8th and E Streets, NW., Washington, D.C. 20436. A signed original and nineteen (19) true copies of each document must be filed.

Issued: October 4, 1974.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc. 74-23598 Filed 10-9-74; 8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V-74-52]

COURTESY CHEVROLET CENTER, INC.

Application for Variance

I. *Notice of application.* Notice is hereby given that Courtesy Chevrolet Center, Inc., 5915 Montana Avenue, El Paso, Texas 79925 has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1910.107(f)(1) Spray finishing using flammable and combustible materials—Protection.

The address of the place of employment that will be affected by the application is as follows:

Courtesy Chevrolet Center, Inc.
5915 Montana Avenue
El Paso, Texas 79925

The applicant certifies that employees who would be affected by the variance have been notified of the application by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by 29 CFR 1910.107 which requires that spray booths be equipped with automatic Water Sprinklers.

The applicant proposes to install an automatic dry chemical fire protection system in its paint spray booth, contending that it is as safe as, and in some instances safer than, an automatic water sprinkler system. The applicant asserts that the chemicals used are basically sodium bicarbonate and are non-toxic.

The applicant states that the automatic dry chemical system would use Freeflo dry chemical. It would protect the inside and outside of the exhaust filter columns. The system would have three 30 # cylinders with four nozzles per each cylinder. The applicant maintains that the system would provide ample protection for its paint spray booth which is 28 feet 4 inches long, 14 feet wide, and 12 feet high.

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, 1726 M Street, NW, Room 210, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor
Occupational Safety and Health Administration

7th Floor—Texaco Building
1512 Commerce Street
Dallas, Texas 75201

U.S. Department of Labor
Occupational Safety and Health Administration

Federal Building—Room 421

1205 Texas Avenue
Lubbock, Texas 79401

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than November 11, 1974. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than November 11, 1974, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Compliance Programming at the above address.

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

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-23648 Filed 10-9-74;8:45 am]

[V-74-53]

NU-PRO MANUFACTURING CO., INC.

Application for Variance and Interim Order; Grant of Interim Order

I. *Notice of application.* Notice is hereby given that Nu-Pro Manufacturing Company, Inc., 6810 Central S.W., Albuquerque, New Mexico 87105 has made application pursuant to section 6 (d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; U.S.C. 655) and 29 CFR 1905.11 for a variance and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1910.107(b)(5)(iv) and 1910.107(f)(1) concerning spray booths.

The address of the place of employment that will be affected by the application is as follows:

Nu-Pro Manufacturing Company, Inc.
6810 Central S.W.
Albuquerque, New Mexico 87105

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application the applicant contends that it is providing a place of employment as safe as that required by 29 CFR 1910.107(b)(5)(iv) and 1910.107(f)(1) which require that an automatic water sprinkler system be installed to protect spray booths.

The applicant states that its manufactures fiberglass products. The majority of the work is done utilizing chopped fiber, resin spray applications. The resin used is a filled system of 25 percent alumina trihydrate with four parts triethyl phosphate.

The applicant has purchased four Binks Model No. FF-12-7-T approved spray booths. The applicant proposes to equip the booths with an N.F.P.A. approved dry extinguisher system which it contends is safer than the automatic sprinkler system required by the standards.

The dry chemical system proposed is the Ansul No. K-101 A.B.C. multipurpose extinguishing system. The applicant proposes to install an independent system for each booth. Each booth will have automatic and manual control systems as well as necessary alarms. There will be four detectors in each booth and sixteen nozzles in each booth.

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, 1726 M Street NW, Room 210, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor
Occupational Safety and Health Administration

Texaco Building—7th Floor
1512 Commerce Street
Dallas, Texas 75201

U.S. Department of Labor
Occupational Safety and Health Administration

Federal Building—Room 302
421 Gold Avenue S.W.
P.O. Box 1428
Albuquerque, New Mexico 87163

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than November 11, 1974. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than November 11, 1974, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Compliance Programming at the above address.

II. *Interim order.* It appears from the application for a variance and interim order that an interim order is necessary to prevent an undue hardship on the applicant and employees pending a decision on the variance. Therefore it is ordered, pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety & Health Act of 1970, and 29 CFR 1905.11(c) that Nu-Pro Manufacturing Company, Inc. be, and it is hereby, authorized to use the automatic dry chemical fire protection system to protect its spray booths as described in the application for a variance, in lieu of the automatic water sprinkler system required in 29 CFR 1910.107(b)(5)(iv) and 29 CFR 1910.107(f)(1), provided that:

(1) All areas required to be protected by a water sprinkler system in § 1910.107(f)(1) will be protected by the dry chemical fire protection system.

(2) The dry chemical system will meet the requirements of NFPA 17-1969 (Dry Chemical Extinguishing Systems) or an updated version of NFPA 17.

Effective date: This interim order shall be effective as of October 10, 1974, and shall remain in effect until a decision is rendered on the application for variance.

Signed at Washington, D.C., this 7th day of October 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-23679 Filed 10-9-74;8:45 am]

Office of the Secretary

JOHN SWENSON GRANITE CO., INC.

Investigation Regarding Certification of Eligibility of Workers to Apply for Adjustment Assistance

The Department of Labor has received a Tariff Commission report containing an affirmative finding under section 301 (c) (2) of the Trade Expansion Act of 1962 with respect to its investigation of a petition for determination of eligibility to apply for adjustment assistance filed on behalf of the workers and former workers producing manufactured granite at The John Swenson Granite Co., Inc., Concord, New Hampshire (TEA-W-240). In view of the report and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 FR 473), the Acting Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance, provided for under Title III, Chapter 3, of the Trade Expansion Act of 1962, including the determination of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart B of 29 CFR Part 90.

Interested persons should submit written data, views or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C., on or before October 15, 1974.

Signed at Washington, D.C. this 2nd day of October 1974.

MARVIN M. FOOKS,
Acting Director, Office of
Foreign Economic Policy.

[FR Doc.74-23649 Filed 10-9-74;8:45 am]

WILLIAMS MANUFACTURING CO.

Investigation Regarding Certification of Eligibility of Workers To Apply for Adjustment Assistance

The Department of Labor has received a Tariff Commission report containing

an affirmative finding under section 301 (c) (2) of the Trade Expansion Act of 1962 with respect to its investigation of a petition for determination of eligibility to apply for adjustment assistance filed on behalf of the workers and former workers of The Williams Manufacturing Co., Portsmouth, Ohio, a wholly owned subsidiary of Escalade, Inc., New York, N.Y. (TEA-W-241).

In view of the report and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 FR 473), the Acting Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance, provided for under Title III, Chapter 3, of the Trade Expansion Act of 1962, including the determination of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart B of 29 CFR Part 90.

Interested persons should submit written data, views or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. on or before October 15, 1974.

Signed at Washington, D.C. this 1st day of October 1974.

MARVIN M. FOOKS,
Acting Director, Office of
Foreign Economic Policy.

[FR Doc.74-23650 Filed 10-9-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 7, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed within on or before October 25, 1974.

FSA No. 42882—*Coal from Points in Southwestern Territory*. Filed by Colorado-Utah-Wyoming Committee, Agent (No. 10), for interested rail carriers. Rates on coal, in carloads, as described in the application, from points in Colorado, New Mexico, Utah, and Wyoming, to points in Illinois, Iowa, Minnesota, Missouri, North Dakota, and South Dakota.

Grounds for relief—Rate relationship, short-line distance formula and grouping.

Tariff—Supplement 264 to Colorado-Utah-Wyoming Committee, Agent, tariff 1-B, I.C.C. No. 54. Rates are published to become effective on November 15, 1974.

FSA No. 42883—*Joint Water-Rail Container Rates—Zim Israel Navigation Co., Ltd.* Filed by Zim Israel Navigation Co., Ltd. (No. 8), for itself and interested rail carriers. Rates on general commodities, from railroad terminals at U.S. Atlantic and Gulf Coast ports, to ports in Japan, Hong Kong, Taiwan, and South Korea. Grounds for relief—Water competition.

Tariff—Zim Israel Navigation Co., Ltd., Westbound Atlantic and Gulf Coast tariff No. 1, I.C.C. No. 1, F.M.C. No. 16. Rates are published to become effective on November 13, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-23696 Filed 10-9-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateways

OCTOBER 7, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before October 20, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 22195 (Sub-No. E2), filed May 19, 1974. Applicant: DAN DUGAN TRANSPORT COMPANY, P.O. Box 946, Sioux Falls, S. Dak. 57101. Applicant's representative: John Everist, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, from Sioux Falls, S. Dak., to points in Wisconsin and Illinois. The purpose of this filing is to eliminate the gateway of the Port Neal Industrial Complex, and Big Soo Terminal, and the plantsite of, and warehouses and storage facilities utilized by Terra Chemicals International, Inc.; American Cyanamid Company and Monsanto Chemical Company

located in Woodbury County, Iowa, on movements to points in Illinois.

No. MC 28741 (Sub-No. E11), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York on the one hand, and, on the other, points in Hamilton, Butler, Preble, and Parke Counties, Ohio. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.

No. MC 30280 (Sub-No. E64), filed 5/17/74. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, dairy products, livestock, acids, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Wilmington, Del., to points in Georgia. The purpose of this filing is to eliminate the gateways of Baltimore, Md., Charlotte, N.C., and Greenville, S.C.

No. MC 30280 (Sub-No. E65), filed 5/17/74. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Atlanta, Ga., to Danville, Va. The purpose of this filing is to eliminate the gateways of Greenville, S.C., and Reidsville, N.C.

No. MC 30280 (Sub-No. E66), filed 5/17/74. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). 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, dairy products, livestock, acids, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from points in Cumberland, Gloucester, and Salem Counties, N.J., to points in Georgia. The purpose of this filing is to eliminate the gateways of Baltimore, Md., Charlotte, N.C., and Greenville, S.C.

No. MC 30280 (Sub-No. E67), filed 5/17/74. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). 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, dairy products, livestock, acids, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Philadelphia, Pa., to points in Georgia. The purpose of this filing is to eliminate the gateways of Baltimore, Md., Charlotte, N.C., and Greenville, S.C.

No. MC 30280 (Sub-No. E68), filed May 17, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Atlanta, Ga., to points in Lunenburg, Mecklenburg, Halifax, Charlotte, Prince Edward, and Notaway Counties, Va. The purpose of this filing is to eliminate the gateways of Greenville, S.C., and Reidsville, N.C.

No. MC 30280 (Sub-No. E69), filed May 17, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textiles and textile products*, from Baltimore, Md., (1) to points in that part of North Carolina on and east of a line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 15 to Laurinburg, thence along U.S. Highway 401 to Fayetteville, thence along U.S. Highway 301 to junction North Carolina Highway 55 and on and west of a line extending at the junction of U.S. Highway 301 and North Carolina Highway 55, thence along North Carolina Highway 55 to junction U.S. Highway 421, thence along U.S. Highway 421 to Wilmington; and (2) to points in that part of North Carolina on and west of North Carolina Highway 18. The purpose of this filing is to eliminate the gateway of Pelham, N.C.

No. MC 51018 (Sub-No. E12), filed May 31, 1974. Applicant: THE BESL TRANSFER COMPANY, 5550 Este Ave., Cincinnati, Ohio 45232. Applicant's representative: Raymond A. Besl (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which because of their size or weight, require the use of special equipment, (2) *Self-propelled articles*, each

weighing 15,000 pounds or more (restricted to commodities which are transported on trailers), and (3) *Related machinery, tools, parts, and supplies* moving in connection with the commodities described in (2) above, between points in that part of Ohio on and north of a line beginning at Cincinnati, thence along U.S. Highway 50 to Athens, thence along U.S. Highway Alternate 50 to Marietta, on the one hand, and, on the other, points in that part of Kentucky on and west of Interstate Highway 75. The purpose of this filing is to eliminate the gateway of points in Hamilton County, Ohio, on points in that part of Ohio on and south of Interstate Highway 70, and on and west of Interstate Highway 75.

No. MC 88368 (Sub-No. E35), (Correction), filed May 15, 1974, re-published in the FEDERAL REGISTER September 12, 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*, (19) from El Paso, Tex., to Dallas, Tex., from Jacksonville, Tex., to El Paso, Tex. (points in Oklahoma, within an area bounded by a line beginning at the Oklahoma-Texas State line near Goodwin, Okla., and extending along U.S. Highway 60 to Seiling, Okla., thence along U.S. Highway 270 to El Reno, Okla., thence along U.S. Highway 81 to the Oklahoma-Texas State line thence west and north along the Oklahoma-Texas State line to junction U.S. Highway 60, the points of beginning, including points on the indicated portions of the highways specified)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to correct certain origin and destination territories. The remainder of the letter-notice remains as previously published.

No. MC 103993 (Sub-No. E29), filed 5/25/74. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Ave., Elhart, Indiana 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections, and *equipment and materials* incidental to the creation and completion of such buildings when shipped therewith, from points in Alabama, Georgia, Kentucky, Ohio, Tennessee, West Virginia, and points in that part of Michigan south of Interstate Highway 10, points in North Dakota and South Dakota. The purpose of this filing is to eliminate the gateway of points in Indiana.

No. MC 103993 (Sub-No. E30), filed May 25, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Ave., Elhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same

as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections, and *equipment and materials*, incidental to the erection and completion of such buildings when shipped therewith, from all points in Illinois and points in that part of Iowa south and east of a line beginning at the Iowa-Missouri State line, thence along Interstate Highway 35 to junction Interstate 80, thence along Interstate Highway 80 to the Iowa-Illinois State line, to points in North Dakota and South Dakota. The purpose of this filing is to eliminate the gateway of points in Polk County, Iowa.

No. MC 103993 (Sub-No. E31), filed May 25, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Ave., Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections, and *equipment and materials*, incidental to the erection and completion of such buildings when shipped therewith (except in bulk), from points in Indiana, Iowa, Kansas, Minnesota, Nebraska, and Wisconsin, to points in that part of Virginia east of U.S. Highway 220. The purpose of this filing is to eliminate the gateway of the plant site of Walker-Parkersburg, a division of Textron, Inc., at Parkersburg, W.Va.

No. MC 103993 (Sub-No. E33), filed May 25, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Ave., Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in section, and *equipment and materials* incidental to the erection and completion of such buildings when shipped therewith, from points in Wisconsin, points in that part of Illinois north of Interstate Highway 80, and points in that part of Minnesota east of Interstate Highway 35, to points in Colorado and New Mexico. The purpose of this filing is to eliminate the gateway of Monticello, Iowa.

No. MC 103993 (Sub-No. E34), filed May 25, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Ave., Elhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated building*, in sections, from points in that part of Florida in and east of Jefferson County, to points in Alaska, California, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of points in Pinellas County, Fla.

No. MC 103993 (Sub-No. E35), filed May 25, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Ave., Elhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefabricated steel building*, and (2) *prefabricated building sections and equipment and materials* incidental to the erection and completion of such building when shipped therewith, from points in Florida and Georgia, to points in Maine, New Hampshire, Vermont, and points in that part of New York north of New York Highway 7. The purpose of this filing is to eliminate the gateways of Niles, Warren, or Youngstown, Ohio.

No. MC 103993 (Sub-No. E38), filed May 25, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Ave., Elhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefabricated steel buildings*, and (2) *prefabricated building sections and equipment and materials* incidental to the erection and completion of such buildings when shipped therewith, from points in Ohio, to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateways of Niles, Warren, and Youngstown, Ohio.

No. MC 103993 (Sub-No. E41), filed 5/25/74. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Ave., Elhart, Indiana 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections, and *equipment and materials* incidental to the creation and completion of such buildings when shipped therewith (except in bulk), from points in Alabama and Mississippi, to points in Delaware, Maryland, and the District of Columbia. The purpose of this filing is to eliminate the gateway of plant site of Walker-Parkersburg, a division of Texton, Inc., at Parkersburg, W. Va.

No. MC 103993 (Sub-42), filed 5/25/74. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Ave., Elhart, Indiana. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections and *equipment and materials* incidental to the erection and completion of such buildings when shipped therewith (except in bulk), from points in Kentucky, to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, Rhode Island, District of Columbia, points in that part of New York South of New York Highway 7, and

points in that part of Pennsylvania-south of a line beginning at the Pennsylvania-Ohio State line, thence along Interstate Highway 80 to junction Interstate Highway 81, thence along Interstate Highway 81 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of the plant site of Walker-Parkersburg, a division of Texton, Inc. at Parkersburg, W. Va.

No. MC 103993 (Sub-No. E43), filed 5/25/74. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Ave., Elhart, Indiana 46514. Applicant's representative, Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings* in sections, when transported on wheeled undercarriages equipped with hitchball connector (except oilfield and industrial buildings), from points in Oregon to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateways of points in Arizona, California, Idaho, Nevada, Utah, and Washington.

No. MC 103993 (Sub-No. E44), filed May 25, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Ave., Elhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections when transported on wheeled undercarriages equipped with hitchball connectors, from the plant site of Housing by Vogue, Inc., at or near Pembroke, N.C., to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateways of points in Georgia, Delaware, Kentucky, Maryland, Tennessee, South Carolina, Virginia, and West Virginia.

No. MC 103993 (Sub-No. E45), filed May 25, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Ave., Elhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections when transported on wheeled undercarriages equipped with hitchball connectors, from points in Middlesex County, Mass., to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateways of points in Maine, New Hampshire, Vermont, New York, Connecticut, Rhode Island, New Jersey, and Pennsylvania.

No. MC 103993 (Sub-No. E46), filed May 25, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Ave., Elhart, Indiana 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections when transported on wheeled undercarriages

equipped with hitchball connectors, from South Hill, Va., to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateways of points in that part of United States east of a line beginning at the mouth of the Mississippi River, thence along the Mississippi River to junction western boundary of Itasca County, Minn., thence along the western boundaries of Itasca and Koochiching Counties, Minn., to the United States-Canadian International Boundary line.

No. MC 103993 (Sub-No. E47), filed May 25, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Ave., Elhart, Indiana 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections when transported on wheeled undercarriages equipped with hitchball connectors, from the plant site of Boise Cascade Modular Structures, Inc., at Baltimore, Md., to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateways of points in Virginia, Pennsylvania, New Jersey, Delaware, and the District of Columbia.

No. MC 103993 (Sub-No. E48), filed May 25, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Ave., Elhart Indiana 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections when transported on wheeled undercarriages equipped with hitchball connectors, from points in Douglas County, Colo., to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateway of points in Colorado, Wyoming, Nebraska, Kansas, Oklahoma, New Mexico, Arizona, Utah, North Dakota, South Dakota, Texas, Montana, Idaho, California, Nevada, Oregon, and Washington.

No. MC 103993 (Sub-No. E49), filed May 25, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Ave., Elhart, Indiana 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections when transported on wheeled undercarriages equipped with hitchball connectors, from points in Rockingham County, N.H., to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateways of points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, and Ohio.

No. MC 103993 (Sub-No. E50), filed 5/25/74. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Ave., Elhart, Indiana 46514. Applicant's representative: Paul D. Borghesani (same as

above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections, and equipment and materials incidental to the erecting and completion of such buildings when shipped therewith from points in Illinois, Indiana, Kentucky, Ohio, Tennessee, West Virginia, and points in that part of Michigan south of Interstate Highway 10, to points in California and Nevada. The purpose of this filing is to eliminate the gateway of plant site of the Brinkly Company, at Warren County, Mo.

No. MC 106674 (Sub-No. E1), filed June 4, 1974. Applicant: SCHILLI MOTOR LINE, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from Streator, Ill., to Mount Sterling and Washington Court House, Ohio. The purpose of this filing is to eliminate the gateway of Eaton, Ind.

No. MC 107403 (Sub-No. E470), (Correction), filed May 29, 1974, published in the FEDERAL REGISTER September 25, 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: *Chemical foundry sand additives*, dry, in bulk, in tank vehicles, from Wadsworth, 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. The purpose of this correction is to reflect the correct destination territories.

No. MC 107496 (Sub-No. E443), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER July 24, 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: *Nonedible animal oils*, in bulk, in tank vehicles, from points in North Dakota, to points in Indiana. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn. The purpose of this correction is to reflect non-edible animal oils as the commodity.

No. MC 107515 (Sub-No. E223), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats and Dairy products* as described in the Appendix to the report in *Modification of Permits—Packing House Products*, 46 M.C.C. 23 and 48

M.C.C. 48 M.C.C. 628, between points in North Carolina, on the one hand, and, on the other, points in Florida on and south of a line beginning at the Gulf of Mexico, thence along Florida Highway 60 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Florida Highway 64, thence along Florida Highway 64 to junction Florida Highway 70, thence along Florida Highway 70 to junction Florida Highway 31, thence along Florida Highway 31 to junction Florida Highway 80, thence along Florida 80 to junction Florida Highway 29, thence along Florida Highway 29 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of any point that is both within 5 miles of Macon, Ga., and within the Commercial Zone thereof (except Macon).

No. MC 107515 (Sub-No. E224), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats*, in vehicles equipped with mechanical refrigeration, from Bristol, Va., to points in Louisiana and Mississippi, and that part of Alabama on and south of U.S. Highway 278. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 107515 (Sub-No. E225), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and edible meat by-products*, as described in Section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles, equipped with mechanical refrigeration (except commodities in bulk), from the plantsite of Pruden Packing Co., at Suffolk, Va., to points in Indiana, Iowa, Minnesota, Missouri, Wisconsin, and that part of Illinois on and west of a line beginning as the Illinois-Wisconsin State line, thence along Interstate Highway 94 to junction Interstate Highway 294 thence along Interstate Highway 294 to junction Illinois Highway 50, thence along Illinois Highway 50 to junction Interstate Highway 57, thence along Interstate Highway 57 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Illinois-Indiana State line, restricted to the transportation of shipments originating at the facilities of Pruden Packing Co., at Suffolk, Va. The purpose of this filing is to eliminate the gateways of (1) Goldsboro, N.C., and (2) the plantsite of Food Specialties of Kentucky, Division of Oseor Ewing, Inc., in Jefferson County, Ky.

No. MC 107515 (Sub-No. E226), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tittlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from Smithfield and Norfolk (except frozen imported meats from Norfolk), Va., to points in Kansas. The purpose of this filing is to eliminate the gateway of Augusta, Ga.

No. MC 107515 (Sub-No. E242), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tittlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Butter and cheese*, from Fullerton, Nebr., to points in North Carolina, and that part of Tennessee on and west of Interstate Highway 75. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 107515 (Sub-No. E243), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tittlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in Section B to Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from Omaha and York, Nebr., to points in Virginia on and east of Interstate Highway 81. The purpose of this filing is to eliminate the gateway of the plant sites of Family Foods, Inc., and Ambrosia Chocolate Company, Division of W. R. Grace and Company, at Charlotte, N.C.

No. MC 107515 (Sub-No. E244), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tittlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats* (except commodities in bulk, in tank vehicles from York, Omaha, Grand Island, and Sidney, Nebr., to points in Tennessee on and east of Interstate Highway 75. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 107515 (Sub-No. E245), filed May 29, 1974. Applicant: REFRIGER-

ATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen edible meats and frozen edible meat products*, from Sydney, Nebr., to Philadelphia, Pa., the District of Columbia, that part of Virginia on and east of Interstate Highway 81, that part of Maryland on and east of Interstate Highway 95, that part of New Jersey on and east of U.S. Highway 1, that part of Delaware on and south of U.S. Highway 40, that part of Connecticut on and east of a line beginning at the Connecticut-New York State line, thence along Interstate Highway 84 to junction Connecticut Highway 8, thence along Connecticut Highway 8 to the Connecticut-Massachusetts State line, that part of Massachusetts on and east of a line beginning at the Massachusetts-Connecticut State line, thence along Interstate Highway 86 to junction Interstate Highway 90, thence along Interstate Highway 495, thence along Interstate Highway 495 to junction Interstate Highway 95, thence along Interstate Highway 95 to the Massachusetts-New Hampshire State line, and Nassau and Suffolk Counties, N.Y. The purpose of this filing is to eliminate the gateway of Rocky Mount, N.C.

No. MC 107515 (Sub-No. E246), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible meats and edible meat products* (except commodities in bulk, in tank vehicles, from York, Omaha and Grand Island, Nebr., and the plantsite of Platte Valley Packing Co., near Cozad, Nebr., to points in that part of Maryland on and east of U.S. Highway 301, that part of Delaware on and south of U.S. Highway 40, and that part of Virginia on and east of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 501 to junction Interstate Highway 95, thence along Interstate Highway 95 to the Virginia-District of Columbia Boundary line. The purpose of this filing is to eliminate the gateways of (1) Gatesville, N.C., and (2) Ayden, N.C.

No. MC 109397 (Sub-No. E50), filed May 15, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: E. S. Gordon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Classes A and B explosives, blasting materials, blasting supplies, and blasting agents*, between Oakland, Calif., and points within 20 miles thereof, on the one hand, and, on the other, points in Arizona, Idaho, Nevada, Oregon, and Utah (Lincoln, Calif.)*, and (B) *Classes A and B explosives, and oxidizing materials* (other

than liquid), when intended for use as an explosive agent, between Oakland, Calif., and points within 20 miles thereof, on the one hand, and, on the other, points in New Mexico, restricted against the transportation of traffic moving on government bills of lading (Lincoln, Calif., and points in Arizona)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110098 (Sub-No. E65), filed 5/31/74. Applicant: ZERO REFRIGERATED LINES EXPRESS SERVICE, P.O. Box 20330, San Antonio, Tex. 78220. Applicant's representative: T. W. Cathren (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except meats, meat products, meat by-products, bananas, commodities in bulk, alcoholic beverages, coffee, cookies, and crackers), in vehicles equipped with mechanical refrigeration, from points in that part of California on, west, and south of a line beginning at the International Boundary line between the United States and Mexico, thence along Interstate Highway 5 to junction Interstate Highway 15, thence along Interstate Highway 15 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction Interstate Highway 10, thence along Interstate Highway 10 to the Pacific Ocean to points in that part of Colorado on, south, and east of a line beginning at the Kansas-Colorado State line, thence along U.S. Highway 24 to junction U.S. Highway 85, thence along U.S. Highway 85 to the New Mexico-Colorado State line. The purpose of this filing is to eliminate the gateway of Dahlart, Tex.

No. MC 110420 (Sub-No. E86), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals* (except petrochemicals), in bulk, in tank vehicles, from Ringwood, Ill.; (a) to points in that part of Kentucky in and south of Bullitt, Spencer, Anderson, Woodford, Fayette, Clark, Powell, Wolfe, Magoffin, Floyd, and Pike Counties, that part of Kentucky in and north of Leelanau, Antrim, Otsego, Montmorency, and Alpena Counties; Michigan, and Kansas (Milwaukee, Wis.)*; (b) to Baltimore, Md., Boston, Mass., New York, N.Y., and points in Delaware and New Jersey (Janesville, Wis.)*; (c) to points in the Upper Peninsula of Michigan (Sheboygan, Wis.)*; (d) to points in Minnesota and Pennsylvania (Janesville, Wis.)*; (e) to points in Colorado, Idaho, Montana, Utah, Wyoming, and that part of Nebraska, on, west, and north of a line beginning at the South Dakota-Nebraska State line, thence along U.S. Highway 281 to the Platte River, thence along the Platte River to the North Platte River, thence along the North Platte River to the Nebraska-Wyoming State line (Janesville,

Wis.)*. (2) *Liquid chemicals* (except liquefied petroleum gas, fertilizer and fertilizer materials, and petrochemicals), in bulk, in tank vehicles, from Ringwood, Ill., to points in Iowa (Janesville, Wis.)*. (3) *Liquid chemicals* (except petrochemicals, liquid oxygen, hydrogen, and nitrogen), from Ringwood, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, the District of Columbia and that part of Pennsylvania on and east of U.S. Highway 219 (Milwaukee, Wis., and Carpentersville, Ill.)*. (4) *Liquid chemicals* (except petrochemicals and cryogenic liquids), in bulk, in tank vehicles, from Ringwood, Ill., to points in that part of Kansas on and west of U.S. Highway 81 (Milwaukee, Wis., the plant site of Hawkeye Chemical Company, at or near Clinton, Iowa, and Fremont, Nebr.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1125), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Formaldehyde*, in bulk, in tank vehicles, from points in Chatham County, Ga., (1) to points in Arkansas, Louisiana, and Mississippi (Anniston or Demopolis, Ala.)*, (2) to points in Texas (Demopolis, Ala.)*, (3) to points in New Mexico (Demopolis, Ala., and Beaumont, Tex.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1126), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex*, in bulk, in tank vehicles, from Gadsden, Ala., (1) to points in Florida (Atlanta, Ga.)*, (2) to points in Virginia, West Virginia, and that part of Tennessee on and east of U.S. Highway 27 (Chattanooga, Tenn.)*, (3) to the District of Columbia (Chattanooga, Tenn., and Hopewell, Va.)*, (4) to points in Ohio (Chattanooga and Copperhill, Tenn.)*, and (5) to points in Michigan and Wisconsin (Chattanooga and Copperhill, Tenn., and Louisville, Ky.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1127), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Hopewell, Va., and points

within 5 miles thereof, to points in Vermont, that part of Maine on and north of U.S. Highway 2, and that part of New Hampshire on and north of a line beginning at the Vermont-New Hampshire State line, thence along New Hampshire Highway 103 to junction U.S. Highway 202, thence along U.S. Highway 202 to the New Hampshire-Maine State line, restricted against the transportation of liquid oxygen, liquid hydrogen and liquid nitrogen to points in Vermont. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

No. MC 110525 (Sub-No. E1128), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from Norco, La., (1) to points in North Carolina, South Carolina, and Virginia (Chattanooga, Tenn.)*, and (2) to points in that part of Michigan on and north of Interstate Highway 94 (Chattanooga, Tenn., and S. Charleston, W. Va.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1129), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Norco, La., to points in Ohio. The purpose of this filing is to eliminate the gateway of Copperhill, Tenn.

No. MC 110525 (Sub-No. E1141), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from Augusta, Ga., and points in Richmond County, Ga., located within 20 miles of Augusta, Ga., (1) to points in Texas (Baton Rouge, La.)*, (2) to points in Arizona, California, and Utah (Baton Rouge, La., and Texas City, Tex.)*, and (3) to points in New Mexico (Baton Rouge, La., and Beaumont, Tex.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E1142), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except liquid chemicals), in bulk, in

tank vehicles, from Friendship, N.C., to points in that part of Pennsylvania on and south of U.S. Highway 322 and on and west of U.S. Highway 219, and that part of Ohio on and north of U.S. Highway 40 and on and east of Ohio Highway 13. The purpose of this filing is to eliminate the gateway of Follansbee, W.Va.

No. MC 110525 (Sub-No. E1143), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex*, in bulk, in tank vehicles, from Torrance, Calif., (1) to points in Alabama and Florida (Atlanta, Ga.)*, (2) to points in South Carolina (points in Georgia)*, (3) to points in Michigan (except Grand Rapids, Kalamazoo, and points on the International Boundary line between the United States and Canada) (the plant site of B.F. Goodrich Company in Milan Township, Allen County, Ind.)*, (4) to points in Virginia (points in North Carolina)*, and (5) to points in that part of Kentucky on and east of a line beginning at the Tennessee-Kentucky State line, thence along U.S. Highway 31W to Bowling Green, thence along the Green River Parkway to the Kentucky-Indiana State line (Copperhill, Tenn.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E1144), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the plant site of Lonza, Inc., located at or near Mapleton, Ill., (1) to points in Rockland County, N.Y., and Chester, Montgomery, Delaware, Schuylkill, and Philadelphia, Pa. (New Castle, Del.)*, and (2) to points in Dauphin, Lehigh, Northampton, Berks, Lackawanna, and Lebanon Counties, Pa. (Baltimore, Md.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1145), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except petro acids and chemicals, and asphalt and asphalt products), in bulk, in tank vehicles, from a terminal of the Colonial Pipeline at Selma, N.C., to points in Delaware. The purpose of this filing is to eliminate the gateway of Yorktown, Va.

No. MC 110525 (Sub-No. E1146), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acrylonitrile*, in bulk, in tank vehicles, from Woodstock, Tenn., (1) to points in Massachusetts and Rhode Island (Waynesboro and Hopewell, Va., and Newark, N.J.)*; and (2) to points in Maine, New Hampshire, and Vermont (Waynesboro and Hopewell, Va., and Syracuse, N.Y.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1147), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acrylonitrile*, in bulk, in tank vehicles, from Woodstock, Tenn., (1) to points in that part of South Carolina on and east of U.S. Highway 21, and that part of North Carolina on and east of U.S. Highway 220 (Lugoff, S.C.)*; (2) to points in that part of Virginia on and east of U.S. Highway 29 (Waynesboro, Va.)*; and (3) to the District of Columbia, and points in Delaware, New Jersey, that part of Maryland on and east of Interstate Highway 81, that part of New York on and east of New York Highway 14, and that part of Pennsylvania on and east of U.S. Highway 15 (Waynesboro and Hopewell, Va.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1148), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such industrial coatings*, as are liquid chemicals (except bituminous products and materials), in bulk, in tank vehicles, from the plant sites and warehouse facilities utilized by PPG Industries, Inc., in Delaware County, Ohio, to points in North Carolina and Georgia. The purpose of this filing is to eliminate the gateway of points in that part of Tennessee on and east of U.S. Highway 27.

No. MC 110525 (Sub-No. E1149), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Thorium nitrate solution*, in bulk, in tank vehicles, from Fernald, Ohio, to points in Georgia and North Carolina. The purpose of this filing is to eliminate the gateway of Erwin, Tenn.

No. MC 110525 (Sub-No. E1150), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chlorobutadiene*, in bulk, in tank vehicles, from LaPlace, La., to points in Indiana, Ohio, and Wisconsin. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC 110525 (Sub-No. E1151), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry adipic acid*, in bulk, from Belle, W. Va., (1) to points in Connecticut, Massachusetts, and Rhode Island (Mass.)*. The purpose of this filing is in Maine (except points in Aroostook County), New Hampshire, and Vermont (Perth Amboy, N.J.)*, and (2) to points (Perth Amboy, N.J., and Springfield, to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1152), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex*, in bulk, in tank vehicles, from Kensington, Ga., to points in New Mexico and that part of Texas on and west of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 271 to Paris, thence along Texas Highway 154 to Quitman, thence along Texas Highway 37 to Mineola, thence along U.S. Highway 69 to Lufkin, thence along U.S. Highway 59 to Houston, thence along Texas Highway 288 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of Luling, La.

No. MC 110525 (Sub-No. E1158), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry adipic acid*, in bulk, in tank vehicles, from Hopewell, Va., to points in Michigan, Iowa, and that part of Ohio on and north of U.S. Highway 40. The purpose of this filing is to eliminate the gateway of Natrium, W. Va.

No. MC 110525 (Sub-No. E1159), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except such oils and greases as may be included in the term "chemi-

icals"), in bulk, in tank vehicles, from Orange, Tex., to points in Michigan (except Grand Rapids, Kalamazoo, and points on the International Boundary line between the United States and Canada), and that part of Wisconsin on and east of a line beginning at the Illinois-Wisconsin State line, thence along Interstate Highway 90 to junction Interstate Highway 94, thence along Interstate Highway 94 to the Wisconsin-Minnesota State line. The purpose of this filing is to eliminate the gateway of the plantsite of B. F. Goodrich Co., located in Milan Township, Allen County, Ind.

No. MC 110525 (Sub-No. E1160), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum oil and petroleum grease* (except commodities requiring attached heater equipment), in bulk, in tank vehicle, from points in Niagara County, N.Y., to points in Delaware and that part of New Jersey on and south of New Jersey Highway 33. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 110525 (Sub-No. E1180), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Philadelphia County, Pa., to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Addyston, Ohio.

No. MC 110525 (Sub-No. E1181), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Venango County, Pa., to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Addyston, Ohio.

No. MC 110525 (Sub-No. E1182), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Montgomery County, Pa., to

points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Addyston, Ohio.

No. MC 110525 (Sub-No. E1183), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Brooke County, W. Va., to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Addyston, Ohio.

No. MC 110525 (Sub-No. E1184), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Hampshire County, W. Va., to points in Arizona, California, Colorado, Idaho, Montana, Kansas, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Addyston, Ohio.

No. MC 110525 (Sub-No. E1185), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Hancock County, W. Va., to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Addyston, Ohio.

No. MC 110525 (Sub-No. E1186), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Kanawha County, W. Va., to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Addyston, Ohio.

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Washington County, Md., to points in Arizona, California, Colorado, Idaho, Montana, Kansas, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Addyston, Ohio.

No. MC 110525 (Sub-No. E1204), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Atlantic County, N.J., to points in Arizona, California, Colorado, Idaho, Montana, Kansas, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Addyston, Ohio.

No. MC 110525 (Sub-No. E1205), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Gloucester County, N.J., to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Addyston, Ohio.

No. MC 110525 (Sub-No. E1206), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Monmouth County, N.J., to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Addyston, Ohio.

No. MC 110525 (Sub-No. E1207), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Somerset County, N.J., to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North

Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Addyston, Ohio.

No. MC 110525 (Sub-No. E1208), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Chester County, Pa., to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Addyston, Ohio.

No. MC 110525 (Sub-No. E1231), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish oils, sea animal oils, vegetable oils, and blends thereof*, in bulk, in tank vehicle, from points in Connecticut, Massachusetts, and Rhode Island, to points in Kentucky, restricted to the transportation of the above-specified commodities when moving in mixed shipments with resins as authorized in Carriers Certificate No. MC 110525 (Sub-No. 924), Paragraph 738). The purpose of this filing is to eliminate the gateway of Newark, N.J.

No. MC 110525 (Sub-No. E1232), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from Dover, Ohio, to points in Georgia and North Carolina. The purpose of this filing is to eliminate the gateway of Independence, Va.

No. MC 110525 (Sub-No. E1235), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicle, from points in Connecticut, Massachusetts, and Rhode Island, to points in South Carolina. The purpose of this filing is to eliminate the gateway of Newark, N.J.

No. MC 111302 (Sub-No. E5), filed 5/23/74. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470, Knoxville, Tenn. 37919. Applicant's representative: Clyde Carver. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except phosphatic food supplements), in bulk, in tank vehicles, from Tampa, Fla., to Louisville, Ky., and Parkersburg, W. Va. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn.

No. MC 111545 (Sub-No. E618), filed June 3, 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 that part of New York on and east of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 219 to North Boston, thence along New York Highway 319 to Hamburg, thence along New York Highway 75 to Athol Springs. The purpose of this filing is to eliminate the gateway of the plant sites of Continental Homes, Inc., at or near Rocky Mount, Va.

No. MC 111545 (Sub-No. E619), filed June 3, 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 that part of South Carolina on and east of U.S. Highway 221 to points in Michigan. The purpose of this filing is to eliminate the gateway of the plant sites of Continental Homes, Inc., at or near Rocky Mount, Va.

No. MC 111545 (Sub-No. E620), filed June 3, 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 and Louisiana to points in New Jersey. The purpose of this filing is to eliminate the gateway of the plant sites of Continental Homes, Inc., at or near Rocky Mount, Va.

No. MC 111545 (Sub-No. E621), filed June 3, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Alabama on and east of a line beginning at the Alabama-Tennessee State line, thence along U.S. Highway 31 to Montgomery, thence along U.S. Highway 80 to the Alabama-Georgia State line, on the one hand, and, on the other, points in Arizona, restricted against the transportation of knitting

machines and commodities to be used in, or in connection with, main or trunk pipelines. The purpose of this filing is to eliminate the gateways of Piedmont, Ala., and Ft. Scott, Kans.

No. MC 111545 (Sub-No. E624), filed June 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: *Valves, hydrants, indicator posts, floor stands, fittings, sleeves, and covers*, the transportation of which, because of size or weight, requires the use of special equipment, from points in West Virginia to points in Arizona and California. The purpose of this filing is to eliminate the gateways of Asheville, N.C., and Anniston, Ala.

No. MC 113689 (Sub-No. E1), filed May 28, 1974. Applicant: OVERLAND EXPRESS, INC., 651 First Street SW., New Brighton, Minn. 55112. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle St., Chicago, Ill. 60604. 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, and *canned and frozen foods* (except commodities in bulk), from Huron, S. Dak., to points in Illinois and Indiana (except South Bend). The purpose of this filing is to eliminate the gateway of St. Paul, Minn.

No. MC 113689 (Sub-No. E2), filed May 28, 1974. Applicant: OVERLAND EXPRESS, INC., 651 First Street SW., New Brighton, Minn. 55112. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale and retail department stores* (except foodstuffs), and in connection therewith, materials and supplies used in the conduct of such business; when such commodities are also such merchandise as is dealt in by wholesale, retail, and chain grocery food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business (except dairy products, beverages, and commodities in bulk), from State line, Pa., and points in Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line and extending south along Pennsylvania Highway 426 to junction Pennsylvania Highway 277, thence along Pennsylvania Highway 277 to junction Pennsylvania Highway 89, thence along Pennsylvania Highway 89 to junction Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to Greensburg, thence along

Pennsylvania Highway 819 to junction U.S. Highway 119, thence along U.S. Highway 119 to the Pennsylvania-West Virginia State line, points in West Virginia on and east of a line beginning at the West Virginia-Pennsylvania State line and extending south along U.S. Highway 19 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 219, thence along U.S. Highway 219 to the West Virginia-Virginia State line at Peterstown, W. Va., points in Virginia on and east of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 219 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 100.

Thence along Virginia Highway 100 to junction Virginia Highway 61, thence west along Virginia Highway 61 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Virginia-North Carolina State line, points in North Carolina on and east of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 52 to Winston-Salem, thence along U.S. Highway 311 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 1, thence along U.S. Highway 1 to the North Carolina-South Carolina State line, points in South Carolina on and east of a line beginning at the South Carolina-North Carolina State line and extending south along U.S. Highway 52 to junction U.S. Highway 73, thence along U.S. Highway 76 to junction U.S. Highway 521, thence along U.S. Highway 521 to junction U.S. Highway 52, thence south along U.S. Highway 52 to the Atlantic Ocean at Charleston Bay, and points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey (except points in Essex, Hudson, Hunterdon, Mercer, Middlesex, Passaic, and Union Counties), New York (except points east of New York Highway 12), Rhode Island and Vermont to Grand Island, Nebr. The purpose of this filing is to eliminate the gateway of the facilities of World-Wide, Inc., and Erickson Petroleum Co., at Minneapolis-St. Paul, Minn.

No. MC 113843 (Sub-No. E310), (Correction), filed May 13, 1974, published in the FEDERAL REGISTER July 17, 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: *Fresh, cooked, preserved, salted, and smoked meats*, from Sandusky, Ohio, to points in Connecticut. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y. The purpose of this correction is to indicate Sandusky, Ohio, as point of origin.

No. MC 113843 (Sub-No. E414), filed May 17, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Ap-

plicant'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 Virginia east of the Chesapeake Bay to points in that part of Iowa on and west of U.S. Highway 69, points in that part of Texas on and north of Interstate Highway 40, and El Paso, Tex., and points in that part of Wisconsin on and north of U.S. Highway 10. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 113843 (Sub-No. E844), filed June 4, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., 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 Carteret, N.J., to points in that portion of Kentucky on and west of a line beginning at the Kentucky-Ohio State line and extending along Interstate Highway 65 to Elizabethtown, thence along Kentucky Highway 61 to junction Kentucky Highway 55, thence along Kentucky Highway 55 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC 113943 (Sub-No. E845), filed June 4, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., 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 Hanover, Pa., to points in that portion of New York bounded by a line beginning at the New York-Pennsylvania State line and extending along New York Highway 367 to junction New York Highway 17, thence along New York Highway 17 to Binghamton, thence along New York Highway 12 to junction New York Highway 28, thence along New York Highway 28 to junction U.S. Highway 9, thence along U.S. Highway 9 to the U.S.-Canada International Boundary line, thence along the U.S.-Canada International Boundary line and the Lake Ontario shore line to New York Highway 14, thence along New York Highway 14 to the New York-Pennsylvania State line, thence along the New York-Pennsylvania State line to the point of beginning. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E846), filed June 4, 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 food*, from Hanover, Pa., to points in that part of Wisconsin on, north, and west of U.S. Highway 53. The

purpose of this filing is to eliminate the gateway of LeRoy, N.Y.

No. MC 113843 (Sub-No. E847), filed June 4, 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 Vineland, N.J., (1) to points in that portion of New York on, south, and west of a line beginning at the New York-Pennsylvania State line, and extending along U.S. Highway 15 to junction New York Highway 17, thence along New York Highway 17 to Lake Erie; and (2) to Owego, Ithaca, Cortland, Hornell, Silver Creek, Ogdensburg, and Watertown, N.Y. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E848), filed 6/4/74. 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 that part of Pennsylvania on and east of a line beginning at the New York-Pennsylvania line at or near Lawrenceville, and extending along U.S. Highway 15 to junction Pennsylvania Highway 287, thence along Pennsylvania Highway 287 to junction U.S. Highway 220 at Larrys Creek, thence along U.S. Highway 220 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction Interstate Highway 83, thence along Interstate Highway 83 to the Pennsylvania-Maryland State line, on the one hand, and, on the other, points in that part of Michigan on and north of a line beginning at Lake Huron and extending along Michigan Highway 72 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Michigan Highway 55, thence along Michigan Highway 55 to Lake Michigan. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E850), filed June 4, 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 Moosic, Pa., to Bristol, Va., and to points in that part of West Virginia on and west of Interstate Highway 77. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E851), filed June 4, 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, trans-

porting: *Frozen foods*, from Vineland, N.J., to points in that portion of Pennsylvania on and north of a line beginning at Lake Erie and extending along Pennsylvania Highway 8 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E852), filed June 6, 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 Philadelphia, Pa., to points in (1) that portion of New York on and south of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 15 to junction New York Highway 17, thence along New York Highway 17 to Lake Erie, and (2) that portion of New York on and north of New York Highway 3. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E853), filed June 4, 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 Chambersburg, Pa., to points in that part of New York bounded by a line beginning at the New York-Pennsylvania State line and extending along New York Highway 17 to Deposit, thence along New York Highway 8 to junction New York Highway 206 to junction New York Highway 7, thence along New York Highway 7 to junction New York Highway 28, thence along New York Highway 28 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction New York Highway 49, thence along New York Highway 49 to junction New York Highway 69, thence along New York Highway 69 to junction New York Highway 13, thence along New York Highway 13 to Lake Erie, thence along the Lake Erie shoreline and the U.S.-Canada International Boundary line to the New York-Vermont State line, thence along the New York-Vermont State line to New York Highway 149, thence along New York Highway 149 to junction New York Highway 40, thence along New York Highway 40 to junction New York Highway 196, thence along New York Highway 196 to Glen Falls, thence along New York Highway 50 to Schenectady, thence along New York Highway 7 to junction New York Highway 8, thence along New York Highway 8 to Deposit, thence along New York Highway 17 to the New York-Pennsylvania State line and the point of beginning. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E854), filed June 4, 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 Philadelphia, Pa., to points in that portion of Indiana on, north, and west of a line beginning at the Indiana-Kentucky State line and extending along U.S. Highway 41 to junction Indiana Highway 47, thence along Indiana Highway 47 to Crawfordsville, thence along U.S. Highway 231 to Lafayette, thence along Indiana Highway 26 to the Indiana-Ohio State line and Anderson and Muncie, Ind. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 114552 (Sub-No. E7), filed 4/27/74. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer), (1) from points in the District of Columbia, to points in Alabama, (2) between points in the District of Columbia, on the one hand, and, on the other, points in Mississippi; (3) between points in the District of Columbia, on the one hand, and, on the other, points in Louisiana; (4) between points in Delaware, on the one hand, and, on the other, points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 27 to its intersection with Interstate Highway 40, thence along Interstate Highway 40 to its intersection with Tennessee Highway 58, thence along Tennessee Highway 58 to its intersection with Tennessee Highway 68, and thence along Tennessee Highway 68 to the Tennessee-Georgia State line; (5) between points in Delaware on the one hand, and, on the other, points in that portion of Kentucky, on south, and west of a line beginning at the Indiana-Kentucky State line and extending along U.S. Highway 231 to its intersection with Kentucky Highway 68, thence along Kentucky Highway 68 to its intersection with Kentucky Highway 90, thence along Kentucky Highway 90 to its intersection with Kentucky Highway 92, thence along Kentucky Highway 92 to its intersection with Interstate Highway 75, and thence along Interstate Highway 75 to the Kentucky-Tennessee State line; (6) between points in Delaware, on the one hand, and, on the other, points in Louisiana; (7) between points in Delaware, on the one hand, and, on the other, points in Mississippi; (8) from points in Delaware, to points in Alabama; (9) from points in Delaware, to points in Florida.

(10) from points in Delaware, to points in Arkansas, Texas, Oklahoma, and points in Kansas on and south of a line beginning at the Oklahoma-Kansas

State line at Elkhart, Kans., and extending along U.S. Highway 56 to its intersection with U.S. Highway 50, thence along U.S. Highway 50 to its intersection with Kansas Highway 96, thence along Kansas Highway 96 to its intersection with U.S. Highway 54, thence along U.S. Highway 54 to its intersection with U.S. Highway 77, thence along U.S. Highway 77 to its intersection with U.S. Highway 160, thence along U.S. Highway 160 to its intersection with U.S. Highway 169, thence along U.S. Highway 169 to its intersection with Kansas Highway 96, and thence along Kansas Highway 96 to the Kansas-Missouri State line; (11) between points in Florida, on the one hand, and, on the other, points in Illinois, Indiana, Ohio, Kentucky and West Virginia; (12) between points in Florida on and east of U.S. Highway 231, on the one hand, and, on the other, points in that part of Tennessee on and east of a line beginning at the Tennessee-Alabama State line and extending along Tennessee Highway 13 to Clarksville, and thence along U.S. Highway 79 to the Kentucky-Tennessee State line; and (13) between points in Florida on and East of a line beginning at Carrabelle, Fla., and extending along Florida Highway 67 to its intersection with Florida Highway 65, and thence along Florida Highway 65 to the Florida-Georgia State line, on the one hand, and, on the other, points in Mississippi. The purpose of this filing is to eliminate the following gateways: (a) points in Greenwood County, S.C., for (1) and (10) above; (b) points in Georgia for (2), (4), (7), (12), and (13) above; (c) points in Georgia and Tennessee for (5) and (11) above; and (d) described portions of North Carolina for (3), (6), (8), and (9) above.

No. MC 116254 (Sub-No. E13), filed June 4, 1974. Applicant: CHEM-HAULERS, INC., P.O. Box Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizers*, in bulk, in tank vehicles, from Chattanooga and Tyner, Tenn., to points in Mississippi and Louisiana. The purpose of this filing is to eliminate the gateway of Sheffield, Ala., and points within 15 miles thereof.

No. MC 116254 (Sub-No. E14), filed June 4, 1974. Applicant: CHEM-HAULERS, P.O. Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, Wisconsin, and Kansas. The purpose of this filing is to eliminate the gateway of Barfield, Ark., and points within 10 miles thereof.

No. MC 116273 (Sub-No. E90), filed May 25, 1974. Applicant: D & L TRANSPORT, INC., 5700 Industrial Highway,

Gary, Ind. 46404. Applicant's representative: William R. Lavery (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex*, in bulk, in tank vehicles, from Janesville, Wis., to Washington, W. Va. The purpose of this filing is to eliminate the gateway of Marseilles, Ill.

No. MC 116273 (Sub-No. E91), filed May 25, 1974. Applicant: D & L TRANSPORT, INC., 5700 Industrial Highway, Gary, Ind. 46404. Applicant's representative: William R. Lavery (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except paint ingredients), in bulk, in tank vehicles, from Milwaukee, Wis., to East Chicago, Ind. The purpose of this filing is to eliminate the gateway of Waukegan, Ill.

No. MC 116273 (Sub-No. E92), filed May 25, 1974. Applicant: D & L TRANSPORT, INC., 5700 Industrial Highway, Gary, Ind. 46404. Applicant's representative: William R. Lavery (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except paint ingredients), in bulk, in tank vehicles, from Milwaukee, Wis., to Whiting, Ind. The purpose of this filing is to eliminate the gateway of Waukegan, Ill.

No. MC 116273 (Sub-No. E93), filed May 25, 1974. Applicant: D & L TRANSPORT, INC., 5700 Industrial Highway, Gary, Ind. 46404. Applicant's representative: William R. Lavery (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, in bulk, in tank vehicles, from points in that part of the Lower Peninsula of Michigan on, south, and west of a line beginning at Maristee, thence along Michigan Highway 55 to junction Michigan Highway 76, thence along Michigan Highway 76 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Michigan Highway 25, thence along Michigan Highway 25 to Unionville, thence along unnumbered County highway to junction Michigan Highway 53, thence along Michigan Highway 53 to junction Michigan Highway 59, thence along Michigan Highway 59 to the west bank of Lake St. Clair, thence along Lake St. Clair to the Detroit River, thence along the Detroit River to Lake Erie, thence along Lake Erie to the Michigan-Ohio State line, to points in Arkansas, Kansas, and Nebraska, restricted to the transportation of traffic having a prior movement by rail. The purpose of this filing is to eliminate the gateways of Hammond, Ind., and Ottawa, Ill.

No. MC 116273 (Sub-No. E94), filed May 25, 1974. Applicant: D & L TRANSPORT, INC., 5700 Industrial Highway, Gary, Ind. 46404. Applicant's representative: William R. Lavery (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, in

bulk, in tank vehicles, from points in that part of Illinois located in the Chicago, Ill., commercial zone (1) to points in Iowa, Minnesota, Missouri, and Wisconsin (Hammond, Ind.)*, and (2) to points in Arkansas, Kansas, and Nebraska (Hammond, Ind., and Ottawa, Ill.)*, restricted in (1) and (2) above to the transportation of traffic having a prior movement by rail. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 116273 (Sub-No. E95), filed May 25, 1974. Applicant: D & L TRANSPORT, INC., 5700 Industrial Highway, Gary, Ind. 46404. Applicant's representative: William R. Lavery (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, in bulk, in tank vehicles, from points in that part of Illinois located in the Chicago, Ill., commercial zone to points in Georgia, Kentucky, Minnesota, Missouri, Ohio, Tennessee (except Kingsport), and that part of Michigan or, north, and east of a line beginning near Holland, thence along Michigan Highway 21 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Michigan-Ohio State line, restricted to the transportation of traffic having a prior movement by rail. The purpose of this filing is to eliminate the gateways of Hammond, Ind., and Frankford, Ill.

No. MC 116273 (Sub-No. E96), filed 5/25/74. Applicant: D & L TRANSPORT, INC., 5700 Industrial Highway, Gary, Ind. 46404. Applicant's representative: William R. Lavery (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in that part of the lower Peninsula of Michigan on, south, and west of a line beginning at Manistee, thence along Michigan Highway 55 to junction Michigan Highway 76, thence along Michigan Highway 76 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Michigan Highway 25, thence along Michigan Highway 25 to Unionville, thence along unnumbered County highway to junction Michigan Highway 53, thence along Michigan Highway 53 to junction Michigan Highway 59, thence along Michigan Highway 59 to the west bank of Lake St. Clair, thence along Lake St. Clair to the Detroit River, thence along the Detroit River to Lake Erie, thence along Lake Erie to the Michigan-Ohio State line, to points in Minnesota and that part of Wisconsin on and west of a line beginning at the Iowa-Wisconsin State line, thence along U.S. Highway 61 to junction Wisconsin Highway 131, thence along Wisconsin Highway 131 to junction Wisconsin Highway 21, thence along Wisconsin Highway 21 to junction Wisconsin Highway 173, thence along Wisconsin Highway 173 to junction Wisconsin Highway 80, thence along Wisconsin Highway 80 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction Wisconsin Highway 77,

thence along Wisconsin Highway 77 to the Wisconsin-Michigan State line, restricted to the transportation of traffic having a prior movement by rail, and restricted against the transportation of petroleum products (except liquefied petroleum gases, including anhydrous ammonia and petroleum aromatic compounds) as defined in The Maxwell Co., Extension—Addyston, 63, M.C.C. 677. The purpose of this filing is to eliminate the gateways of Hammond, Ind., and Dubuque, Iowa.

No. MC 116273 (Sub-No. E97), filed 5/25/74. Applicant: D & L TRANSPORT, INC., 5700 Industrial Highway, Gary, Ind. 46404. Applicant's representative: William R. Lavery (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Plastic pellets, in bulk, in tank vehicles, from points in that part of Illinois located in the Chicago, Ill., commercial zone, to points in Alabama, California, Colorado, Idaho, Oregon, Tennessee, Texas, Utah, and Washington, restricted to the transportation of traffic have a prior movement by rail. The purpose of this filing is to eliminate the gateways of Hammond, Ind., and Marseilles, Ill.

No. MC 116273 (Sub-No. E99), filed 5/25/74. Applicant: D & L TRANSPORT, INC., 5700 Industrial Highway, Gary, Ind. 46404. Applicant's representative: William R. Lavery (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals* (except liquefied petroleum gas and liquid fertilizer), in bulk, in tank vehicles, from points in that part of Illinois located in the Chicago, Ill., commercial zone, to points in Texas, Minnesota, that part of Iowa on and west of U.S. Highway 71, that part of Nebraska on and west of U.S. Highway 81, and that part of Florida on and south of a line beginning at Pine Island, thence along Florida Highway 78 to junction Florida Highway 80, thence along Florida Highway 80 to junction U.S. Highway 441, thence along U.S. Highway 441 to the Atlantic Ocean, restricted to the transportation of traffic having a prior movement by rail. The purpose of this filing is to eliminate the gateways of Hammond, Ind., and Janesville, Wis.

No. MC 116273 (Sub-No. E100), filed 5/25/74. Applicant: D & L TRANSPORT, INC., 5700 Industrial Highway, Gary, Ind. 46404. Applicant's representative: William R. Lavery (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, in bulk, in tank vehicle, from points in that part of the Lower Peninsula of Michigan on, south, and west of a line beginning at Manistee, thence along Michigan Highway 55 to junction Michigan Highway 76, thence along U.S. Highway 76 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Michigan Highway 25, thence along Michigan Highway 25 to Unionville,

thence along unnumbered county highway to junction Michigan Highway 53, thence along Michigan Highway 53 to junction Michigan Highway 59, thence along Michigan Highway 59 to the west bank of Lake St. Clair, thence along Lake St. Clair to the Detroit River, thence along the Detroit River to Lake Erie, thence along Lake Erie to the Michigan-Ohio State line, to points in Iowa, Nebraska, Texas, and Minnesota, restricted to the transportation of traffic having a prior movement by rail, and restricted against the transportation of liquid chemicals derived from petroleum or petroleum products (except liquefied petroleum gases, including anhydrous ammonia and petroleum aromatic compounds) as defined in The Maxwell Company, Extension—Addyston, 63 M.C.C. 677. The purpose of this filing is to eliminate the gateways of Hammond, Ind., and Janesville, Wis.

No. MC 116273 (Sub-No. E101), filed 5/25/74. Applicant: D & L TRANSPORT, INC., 5700 Industrial Highway, Gary, Ind. 46404. Applicant's representative: William R. Lavery (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Asphalt and asphalt products, in bulk, in tank vehicles, from Michigan City, Ind., to points in Colorado, Wyoming, and those parts of Nebraska and South Dakota on and west of U.S. Highway 83. The purpose of this filing is to eliminate the gateways of Grand Beach, Mich., and Whiting, Ind.

No. MC 116273 (Sub-No. E102), filed 5/25/74. Applicant: D & L TRANSPORT, INC., 5700 Industrial Highway, Gary, Ind. 46404. Applicant's representative: William R. Lavery (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products*, in bulk, in tank vehicles, from Michigan City, Ind., to points in Minnesota and that part of Wisconsin on and west of a line beginning near Hazel Green, thence along Wisconsin Highway 80 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction Wisconsin Highway 77, thence along Wisconsin Highway 77 to the Wisconsin-Michigan State line. The purpose of this filing is to eliminate the gateways of Grand Beach, Mich., Whiting, Ind., and Dubuque, Iowa.

No. MC 116273 (Sub-No. E103), filed 5/25/74. Applicant: D & L TRANSPORT, INC., 5700 Industrial Highway, Gary, Ind. 46404. Applicant's representative: William R. Lavery (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Hydrogen gas, in bulk, in tank vehicles, from Middletown, Ohio, to points in Colorado, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming. The purpose of this filing is to eliminate the gateway of La Salle, Ill.

No. MC 117765 (Sub-No. E1), filed May 31, 1974. Applicant: HAHN TRUCK

LINE, INC., P.O. Box 75218, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagen (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from Hutchinson, Kanopolis, and Lyons, Kans., to points in Anderson, Baylor, Borden, Brewster, Callahan, Childress, Coleman, Collingsworth, Concho, Cottle, Crane, Crockett, Culberson, Dawson, Dickens, Ector, Edwards, El Paso, Fisher, Floyd, Foard, Gaines, Garza, Glasscock, Hale, Hall, Hardeman, Haskell, Howard, Hudspeth, Irion, Jeff Davis, Jones, Kent, Kerr, Kimble, King, Kinney, Knox, Loving, Lubbock, Lynn, Martin, Maverick, Menard, Midland, Mitchell, Motley, Nolan, Pecos, Presidio, Reagan, Real, Reeves, Runnels, Schleicher, Scurry, Shackelford, Sterling, Stonewall, Sutton, Swisher, Taylor, Terrell, Throckmorton, Tom Green, Upton, Uvalde, Val Verde, Ward, Webb, Wilbarger, Winkler, Yoakum, and Zavala Counties, Tex. The purpose of this filing is to eliminate the gateway of points in Beckham, Greer, and Harmon Counties, Okla.

No. MC 123407 (Sub-No. E148), 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* used in the manufacture and distribution of windows, doors, and building woodwork, from Clarksburg, W. Va., to points in Minnesota, South Dakota, Nebraska, and that part of Kansas in and west of Phillips, Rooks, Trego, Ness, Finney, Gray, and Seward Counties, and Gogebic, Ontonagon, Houghton, and Keweenaw Counties, Mich. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa and Warren, Ill.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 74-23698 Filed 10-3-74; 8:45 am]

[Notice No. 80]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

OCTOBER 4, 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

¹ Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the 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 2765 (Sub-No. 31), filed August 30, 1974. Applicant: SQUARE DEAL CARTAGE CO., a Corporation, 13401 Eldon Avenue, Detroit, Mich. 48234. 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, (1) between points in Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Pennsylvania, and those in Kentucky on that part of the Ohio River forming the Ohio-Kentucky and the Indiana-Kentucky boundary line; and (2) between points in Illinois, Indiana, Michigan, Pennsylvania, and those in Kentucky on that part of the Ohio River forming the Ohio-Kentucky and the Indiana-Kentucky State boundary line.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 3252 (Sub-No. 92), filed September 16, 1974. Applicant: MERRILL TRANSPORT CO., a Corporation, 1037 Forest Avenue, Portland, Maine 04104. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, Mass. 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap metals*, in bulk, in dump vehicles, from Portland, Maine, to Middletown, N.Y., and Philadelphia and Reading, Pa.; (2) *junk batteries*, from points in New Hampshire, Vermont, Massachusetts, and Rhode Island, to points in Portland, Maine; (3) *exhaust systems*, from Auburn, Maine, to points in Alabama, Arizona, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, South Carolina, Tennessee and Wisconsin; (4) *steel*, from Philadelphia, Pa., Long Island City, N.Y., Totowa and Jersey City, N.J., and Claiborne and Baltimore, Md., to points in Auburn, Maine; and (5) *synthetic resins*, in bulk, in tank vehicles, from Portland, Maine, to points in Delaware, Florida, Illinois, Indiana, Kentucky, Minnesota, Missouri, South Carolina, Tennessee, Alabama, Arkansas, Mississippi, and Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Portland, Maine, or Boston, Mass.

No. MC 5470 (Sub-No. 100), filed September 3, 1974. Applicant: TAJON, INC., R.D. No. 5, P.O. Box 146, Mercer, Pa. 16137. Applicant's representative: Don Cross, 918 16th St. NW., Suite 700, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum pitch*, in bulk, in dump vehicles, between Perth Amboy, N.J., on the one hand, and, on the other, points in Maryland, New York, Pennsylvania, and Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 5470 (Sub-No. 101), filed September 17, 1974. Applicant: TAJON, INC., R.D. No. 5, Mercer, Pa. 16137. Applicant's representative: Don Cross, 918 Sixteenth St. NW., Suite 700, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Scrap metals*, in dump vehicles, from Buffalo, N.Y., to points in Maine, Connecticut, Massachusetts, New Hampshire, and Rhode Island.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Buffalo, N.Y.

No. MC 21060 (Sub-No. 15), filed September 16, 1974. Applicant: IOWA PARCEL SERVICE, INC., 3123 Delaware Avenue, Des Moines, Iowa 50313. Applicant's representative: Homer E. Bradshaw, 11th Floor, Des Moines Building, Des Moines, Iowa 50309. 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 points in Iowa, restricted to the transportation of parcels, packages, or articles weighing 100 lbs. or less, and no service shall be performed in the transportation of any parcels, packages, or articles weighing in the aggregate more than 500 lbs. from one consignor at one location, to one consignee at one location on any one date.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 22229 (Sub-No. 90), filed September 3, 1974. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta, Ga. 30316. Applicant's representative: Ralph B. Matthews (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), Between Louisville, Ky., and St. Louis, Mo.: From Louisville, Ky., over U.S. Highway 50 to junction U.S. Highway 50, thence over U.S. Highway 50 to St. Louis, Mo. and return over the same route, as an alternate route for operating convenience only, in connection with carrier's authorized regular route operations serving no intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 22229 (Sub-No. 91), filed September 4, 1974. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta, Ga. 30316. Applicant's representative: Ralph B. Matthews (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, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Birmingham, Ala., and Chattanooga,

Tenn.: From Birmingham, Ala., over Interstate Highway 59 to Chattanooga, Tenn., and return over the same route, as an alternate route for operating convenience only, in connection with carrier's authorized regular route operations, serving no intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 22254 (Sub-No. 77), filed September 16, 1974. Applicant: TRANS-AMERICAN VAN SERVICE, INC., 12301 West Freeway, P.O. Box 12608, Fort Worth, Tex. 76116. Applicant's representative: John C. Bradley, 618 Perpetual Bldg., 1111 E Street, NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydro-therapeutic pools, and hydro-therapeutic pool parts and accessories thereto*, uncrated, from points in California 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 Fort Worth, Tex., or Washington, D.C.

No. MC 29555 (Sub-No. 74), filed September 3, 1974. Applicant: BRIGGS TRANSPORTATION CO., a Corporation, 2360 West County Road "C", St. Paul, Minn. 55113. Applicant's representative: Winston W. Hurd (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, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment and temperature control), serving the New Gentlemen Power Station located approximately five miles south of Sutherland, Nebr., as an off-route point in connection with applicant's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Omaha, Nebr., or Denver, Colo.

No. MC 29555 (Sub-No. 75), filed September 13, 1974. Applicant: BRIGGS TRANSPORTATION CO., a Corporation, 2360 West County Road "C", St. Paul, Minn. 55113. Applicant's representative: Winston W. Hurd (same address as applicant). Authority sought to operate: Winston W. Hurd (same address vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment and temperature control), serving Millersburg, Iowa, as an off-route point in connection with applicant's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 29886 (Sub-No. 315), filed September 16, 1974. Applicant: DALLAS &

MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46621. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lifting, towing, hoisting, and material handling trucks and (2) parts and accessories* for (1) above, (a) between the plant, warehouse, and storage sites of Clark Equipment Co., located at or near Georgetown, Ky., on the one hand, and, on the other, points in Michigan, and (b) from the plant, warehouse, and storage sites of Clark Equipment Co., located at or near Georgetown, Ky., on the one hand, and, on the other, points in the United States (except Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 30887 (Sub-No. 209), filed September 19, 1974. Applicant: SHIPLEY TRANSFER, INC., 1550 E. Patapsco Avenue, P.O. Box 3483, Baltimore, Md. 21226. 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 transporting: *Recycled fuel oil*, in bulk, in tank vehicles, from Baltimore, Md., to Edgemoor, Del., and Marcus Hook, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 37918 (Sub-No. 12), filed September 6, 1974. Applicant: DIRECT WINTERS TRANSPORT LIMITED, 890 Calendonia Road, Toronto, Ontario, Canada M6B4B2. Applicant's representative: John W. Bryant, 900 Guardian Building, Detroit, Mich. 48226. 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), between the International Boundary Line between the United States and Canada at Port Huron, Mich., and the plant-site and facilities of Ford Motor Company at Romeo (Macomb County, Mich.): From the International Boundary line between the United States and Canada at Port Huron, Mich., over Interstate Highway 94 to junction Michigan Highway 21, thence over Michigan Highway 21 to junction Michigan Highway 53 near Imlay City, Mich., thence over Michigan Highway 53 to Romeo, Mich., thence over unnumbered roads to the plant-site and facilities of Ford Motor Company, and return over the same route, serving no intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.; Chicago, Ill., or Washington, D.C.

No. MC 41404 (Sub-No. 117), filed September 12, 1974. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, P.O. Box 440, Fulton Highway, Martin, Tenn. 38237. Applicant's repre-

sentative: Mark L. Horne (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, shortening, and salad oil*, except in bulk, from the plant-site and warehouse facilities of the Archer Daniels Midland Company located at Decatur, Ill., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, restricted to shipments originating at the named origin and destined to the above named states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 41406 (Sub-No. 43), filed July 1, 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*, from Detroit, Mich., to points in the Minneapolis-St. Paul, Minn., commercial zone and points in Wisconsin, Iowa, Missouri (except St. Louis), and Indiana.

NOTE.—Applicant states that the requested authority can be tacked with its pending authority in Sub-No. 38 at Brentwood and Clayton, Mo., to serve points in the Kansas City, Kans.-Kansas City, Mo., Commercial Zone. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., Detroit, Mich., or Washington, D.C.

No. MC 51146 (Sub-No. 395), filed September 12, 1974. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinyl asbestos tile, vinyl base asphalt tile and adhesives*, from Houston, Tex., to points in Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 396), filed September 16, 1974. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54306. Applicant's representative: Neil A. DuJardin, 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, supplies, and accessories* used in the manufacture and distribution of containers and container ends when moving with containers and container ends, from Piscataway, N.J., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 52460 (Sub-No. 157), filed September 17, 1974. Applicant: ELLEX TRANSPORTATION, INC., 1420 West 35th St., P.O. Box 9515, Tulsa, Okla. 74107. Applicant's representative: Steve B. McCommas, 1420 West 35th St., P.O. Box 9637, Tulsa, Okla. 74107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen and unfrozen meats and frozen and unfrozen foodstuffs*, from the facilities of New Orleans Cold Storage Company, New Orleans, La. and its Commercial Zone, to points in Arkansas, Kansas, Missouri, Oklahoma, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Orleans or Baton Rouge, La.

No. MC 52921 (Sub-No. 28), filed September 16, 1974. Applicant: RED BALL, INC., P.O. Box 520, Sapulpa, Okla. 74066. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass*, from the plantsite and warehouse facilities of PPG Industries, Inc., located at or near Wichita Falls, Tex., to points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, New Mexico, and Oklahoma.

NOTE.—Common control may be involved. If a hearing is deemed necessary the applicant requests it be held at Washington, D.C.

No. MC 60756 (Sub-No. 10), filed September 13, 1974. Applicant: CRESCENT MOTOR LINE, INC., 7153 Lone Oak Road, Spartanburg, S.C. 29302. Applicant's representative: P. B. Chappell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic resins*, in bulk, between Wellford and Charleston, S.C. and Salisbury and Fiberton, N.C.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., Charlotte, N.C., or Atlanta, Ga.

No. MC 61592 (Sub-No. 323), filed September 16, 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, 101 First Avenue, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts*, from Forest City, Ark., to points in Missouri, Illinois, Wisconsin, Indiana, Ohio, Iowa, Minnesota, Michigan, Oklahoma, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 61623 (Sub-No. 16), filed August 30, 1974. Applicant: GATE CITY TRANSPORT CO., a Corporation, 13401 Eldon Avenue, Detroit, Mich. 48234. Ap-

plicant'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 Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 67866 (Sub-No. 30), filed September 3, 1974. Applicant: FILM TRANSPORT, INC., 3931 Homewood Street, Memphis, Tenn. 38118. Applicant's representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, commodities in bulk, Classes A and B explosives, household goods, as defined by the Commission, livestock, and those requiring special equipment), between points in an area and on the line which bounds that area beginning at the Arkansas-Texas State Boundary line and extending northerly along said boundary line to Texarkana, Ark., thence northeasterly along Interstate Highway 30 to its intersection with Arkansas State Highway 7, thence northerly over Arkansas State Highway 7 to its intersection with Arkansas State Highway 10, thence westerly over Arkansas State Highway 10 to Ft. Smith, Ark., thence northerly over U.S. Highway 71 to the Arkansas-Missouri State Boundary line, thence easterly over the Arkansas-Missouri State Boundary line to its intersection with U.S. Highway 62, thence easterly over U.S. Highway 62 to New Madrid, Mo., at the Mississippi River, thence northeasterly along the meanders of the Mississippi River to Paducah, Ky., thence southeasterly along U.S. Highway 68 to its intersection with U.S. Highway 641, thence southerly over U.S. Highway 641 to the Kentucky-Tennessee State Boundary line, thence easterly along the Kentucky-Tennessee State Boundary line to its intersection with U.S. Highway 31W, thence southerly over U.S. Highway 31W to Nashville, Tenn., thence southerly over U.S. Highway 31 to Columbia, Tenn.

Thence southeasterly over Tennessee Highway 50 to Lewisburg, Tenn., thence southerly over U.S. Highway 431 to the Tennessee-Alabama State Boundary line, thence westerly along the Tennessee-Alabama State Boundary line to its intersection with Alabama Highway 17, thence southerly over Alabama Highway 17 to Hamilton, Ala., thence westerly over U.S. Highway 78 to the Alabama-Mississippi State line, thence southerly along the Alabama-Mississippi State Boundary line to its intersection with U.S. Highway 80, thence westerly over U.S. Highway 80 to the Mississippi-Louisiana State Boundary line, thence northerly along the Mississippi-Louisiana State Boundary line to the Arkansas-Louisiana State Boundary line, thence westerly along the Arkansas-

Louisiana State Boundary line to the point of beginning, and Lillbourn, Mo., restricted against transportation of any package or article weighing more than 70 pounds, or exceeding 108 inches in length and girth combined, or weighing in the aggregate more than 200 pounds from one consignor to one consignee on any one day.

NOTE.—Applicant holds authority which duplicates in part the authority requested herein. Applicant states it will submit for revocation the authority held in Sub-Nos. 18, 21, 23, 24, 25, 28 and 29 if the instant application is granted in its entirety. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 78228 (Sub-No. 51), filed September 6, 1974. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel roofing, flooring, bridgedeck and parts thereof*, from the plantsite of Elwin G. Smith Division, Cyclops Corporation at Heidelberg (Allegheny County), Pa., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, New Jersey, New York, Ohio, Maine, Massachusetts, Michigan, Missouri, Rhode Island, Tennessee, Vermont, Virginia (except Fredericksburg, Richmond, Harrisonburg, Hopewell, Warsaw, and Springfield, Va.), West Virginia, and Wisconsin, and (2) *equipment, materials and supplies* used in the manufacture of steel roofing, flooring, and bridgedeck and parts thereof (except commodities in bulk), from points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, New Jersey, New York, Ohio, Maine, Massachusetts, Michigan, Missouri, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin, to the plantsite of Elwin G. Smith Division, Cyclops Corporation, at Heidelberg (Allegheny County), Pa.

NOTE.—Common control was approved in MC-F-11070. If a hearing is deemed necessary, applicant requests it be held at either, Washington, D.C. or Columbus, Ohio.

No. MC 82492 (Sub-No. 114), filed September 5, 1974. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., P.O. Box 2853, 2109 Olmstead Road, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (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 LaPorte, Ind., to points in North Dakota and South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 87092 (Sub-No. 3), filed September 16, 1974. Applicant: JIM MITTEN TRUCKING, INC., 619 East Sixth, Oakley, Kans. 67748. Applicant: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting: *Liquid animal feeds*, from Oakley, Kans., to points in Nebraska on and west of U.S. Highway 183, points in Colorado on and east of U.S. Interstate Highway 25 and points in Larimer County, Colo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 95490 (Sub-No. 36), filed September 9, 1974. Applicant: UNION CARTAGE COMPANY, a corporation, 9A Southwest Cutoff, Worcester, Mass. 01604. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, in containers, and related advertising material*, from Baltimore, Md., and Newark, N.J., to points in Pennsylvania.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 99208 (Sub-No. 13), filed September 3, 1974. Applicant: SKYLINE TRANSPORTATION, INC., 131 Quincy Street, Knoxville, Tenn. 37917. Applicant's representative: Charles Carter Baker, Jr., 1800 Third National Bank Building, Nashville, Tenn. 37219. 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 Knoxville and Morristown, Tenn.: From Knoxville over U.S. Highway 11-E to Morristown, serving all intermediate points; (2) Between Newport and Morristown, Tenn.: (a) From Newport over U.S. Highway 411 to its junction with Tennessee Highway 160, thence over Tennessee Highway 160 to its junction with U.S. Highway 25-E, thence over U.S. Highway 25-E to Morristown, Tenn., and return over the same route, serving all intermediate points; and (b) From Newport over U.S. Highway 25 to its junction with U.S. Highway 25-E, thence over U.S. Highway 25-E to Morristown, and return over the same route, serving all intermediate points; and (3) Between Knoxville and Maryville, Tenn.: (c) From Knoxville over U.S. Highway 129 to Maryville, serving all intermediate points; and (d) From Knoxville over Tennessee Highway 33 to Maryville, serving all intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Knoxville, Tenn.

No. MC 103926 (Sub-No. 41), filed September 16, 1974. Applicant: W. T. MAYFIELD SONS TRUCKING CO., INC., 1560 Bankhead Highway NW., P.O. Box 947, Mableton, Ga. 30059. Applicant's representative: William H. Driskell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mining machinery and*

equipment and mining equipment motors and parts, from the plantsite, warehouse or storage facilities of the W. R. Stamler Corporation located at Millersburg, Ky., to points in Alabama, Florida, and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Lexington, Ky.; Atlanta, Ga., or Washington, D.C.

No. MC 103993 (Sub-No. 835), filed September 10, 1974. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani & James B. Buda (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings*, complete, knocked down, or in sections, (2) *building sections and building panels*, (3) *parts and accessories* used in the installation and completion of commodities in (1) and (2) above, and (4) *metal prefabricated structural components and panels and accessories* used in the installation and completion thereof, from the plant site and storage facilities of Armco Steel Corporation in Gregg County, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control was approved in MC-F-10057. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 103993 (Sub-No. 836), filed September 10, 1974. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani & James B. Buda (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings and sections of buildings* on undercarriages, from points in Boulder County, Colo., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control was approved in MC-F-10057. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 104004 (Sub-No. 197), filed September 16, 1974. Applicant: ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York, N.Y. 10017. Applicant's representative: John P. Tynan, 65-12 69th Place, Middle Village, N.Y. 11379. 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, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Winchester, Va., and Charleston, W. Va., for operating convenience only: From Winchester, Va., over U.S. Highway 50, to junction Interstate Highway 79, thence over Interstate Highway 79 to Charleston, W. Va., and return.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 104430 (Sub-No. 41), filed August 28, 1974. Applicant: CAPITAL TRANSPORT COMPANY, INC., P.O. Box 408, Highway 24 West, McComb, Miss. 39644. Applicant's representative: Miss. 39648. Applicant's representative: anty Bank Bldg., P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oil*, in bulk, in tank vehicles, from New Orleans, and Good Hope, La., to points in Mississippi, Alabama, Florida, Georgia, Kentucky, Tennessee, and Arkansas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Memphis, Tenn.

No. MC 106644 (Sub-No. 191), filed September 6, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., Post Office Box 916, Atlanta, Ga. 30301. Applicant's representative: Hubert Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, wrought iron or steel*, from the plantsite of Roscoe Moss Co., Inc. at Los Angeles, Calif., to Houston, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 107678 (Sub-No. 55), filed September 10, 1974. Applicant: HILL & HILL TRUCK LINE, INC., 14942 Talcott, Houston, Tex. 77015. Applicant's representative: Jay W. Elston, 800 Bank of the Southwest Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Transformers and parts thereof*, between Laurel, Miss., on the one hand, and, on the other, points in Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Washington, Oregon, Nevada, California, and Alaska.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Laurel, Miss., or Houston, Tex.

No. MC 108207 (Sub-No. 406), filed September 16, 1974. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz St., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Source plasma, human (blood plasma)*, from points in Iowa, to Berkeley and Oakland, Calif.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif., or Dallas, Tex.

No. MC 108298 (Sub-No. 36) (correction), filed August 19, 1974 and published in the FEDERAL REGISTER issue of September 19, 1974, and republished as corrected this issue. Applicant: ELLIS TRUCKING CO., INC., 1205 South Platte River Drive, Denver, Colo. 80223. 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, livestock, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between Kokomo, Ind., and the junction of U.S. Highway 35 Indiana Highway 9: From Kokomo, Ind. over U.S. Highway 35 to junction Indiana Highway 9, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, and serving the junction of U.S. Highway 35 and Indiana Highway 9 for joinder purposes only.

NOTE.—The purpose of this correction is to correct the applicant's mailing address. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 108651 (Sub-No. 19), filed August 26, 1974. Applicant: ROY B. MOORE, INC., Wilcox Drive, P.O. Box 628, Kingsport, Tenn. 37662. Applicant's representative: Daniel H. Moore (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), between Kingsport, Tenn., and Buffalo, N.Y. Applicant states that it is presently performing the above service by joining its regular route authority between Buffalo and Rochester, N.Y. with its irregular route authority between Kingsport, Tenn. and Rochester, N.Y., as authorized in No. MC 108651. Applicant further states that no new service will be instituted by the granting of this application, and that the purpose of this application is the more efficient use of present transportation facilities.

NOTE.—Applicant states that it intends to tack the above authority with its present authority in No. MC 108651 to provide a through service between Kingsport, Tenn. and Rochester, N.Y. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110563 (Sub-No. 145), filed September 19, 1974. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, 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: *Meats, meat products, and 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 the plantsites and warehouse facilities utilized by Milwaukee Meat and Provision Co., located at or near Milwaukee, Wis., to points in Ohio and Pennsylvania, re-

stricted to traffic originating at the named origin point.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis. or Chicago, Ill.

No. MC 111231 (Sub-No. 189), filed August 23, 1974. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764. Applicant's representative: James B. Blair, 111 Holcomb Street, Springdale, Ark. 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, lumber products, forest products and pallets*, from points in Missouri south of U.S. Highway 40, and points in Arkansas north of U.S. Highway 64, to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Tennessee, and (2) *iron or steel and iron or steel products*, from points in Riley County, Kansas, and Greene County, Mo., to points in Alabama, Arkansas, Colorado, Florida, Illinois, Indiana, Iowa, Louisiana, Michigan, Mississippi, Montana, Nebraska, New Mexico, Oklahoma, Tennessee, Texas, Wisconsin, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or St. Louis, Mo.

No. MC 111729 (Sub-No. 466), filed September 16, 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. 20007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gasoline samples*, in containers measuring less than 10 gallons each, from points in Alabama, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, to Atlanta, Ga.; (2) *business papers, records, microfiche and magnetic tapes*: (a) between Van Wert, Ohio, and Fort Wayne, Ind.; and (b) between Van Wert, Ohio, on the one hand, and, on the other, ports of entry on the International Boundary line between the United States and Canada at or near Buffalo, N.Y. (3) *business papers, records, audit and accounting media of all kinds*: (a) between Buffalo and Rochester, N.Y., on the one hand, and, on the other, Batavia, Victor, Lakewood, Olean, and Hornell, N.Y.; (b) between Rockville, Md., on the one hand, and, on the other, Altoona, Clearfield, Erie, Greensburg, Indiana, Johnstown, Monaca, New Castle, Oil City, Sharon, State College, Uniontown, Washington, and West Mifflin, Pa.; Niles, Salem, Steubenville, and Youngstown, Ohio; and Fairmont, Parkersburg, Weirton, and Wheeling, W. Va.; (c) between Ashtabula and Cleveland, Ohio; (d) between Columbus, Ohio, on the one hand, and, on the other, Huntington, Charleston, and Williamson, W. Va.; and (e) between Baltimore and Rockville, Md.; (4) *business papers, records, audit and accounting media of all kinds, unused personalized embossed checks and bank supplies*, between St. Louis, Mo., on the one hand, and, on the other, points in

Tennessee; and (5) *business papers, records, audit and accounting media of all kinds, and advertising materials* related thereto, between Cumberland, Md. and Johnstown, Pa., restricted in (3) (a, c, d and e) above to traffic having a prior or subsequent movement by air.

NOTE.—Common control may be involved. Applicant holds motor contract carrier authority in No. MC 112750 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Washington, D.C.

No. MC 112520 (Sub-No. 290), filed September 16, 1974. Applicant: MCKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrofluosilicic acid*, in bulk, in tank vehicles, from points in Georgia, to points in New Mexico.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 112801 (Sub-No. 164), filed September 23, 1974. Applicant: TRANSPORT SERVICE CO., a Corporation, 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Carl L. Steiner, 39 South LaSalle St., Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean products*, in bulk, from Fremont and Lincoln, Nebr., to points in Wyoming, Colorado, Kansas, Iowa, Minnesota, Missouri, North Dakota, Illinois, and South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 112822 (Sub-No. 347), filed September 10, 1974. Applicant: BRAY LINES INCORPORATED, 1401 North Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: William W. Frick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from points in Jefferson County, Colo., to points in Oklahoma and Kansas (except Colby, Junction City, and Topeka, Kansas).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 113362 (Sub-No. 280), filed September 13, 1974. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, 1105½ 8th Ave. NE., P.O. Box 562, Austin, Minn. 55912. 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. located at Des Moines, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the above named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Des Moines, Iowa or Oklahoma City, Okla.

No. MC 114457 (Sub-No. 206), filed September 9, 1974. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: James C. Hardman, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends, container accessories and materials and supplies*, used in the manufacture and distribution of metal containers, container ends and container accessories (except commodities in bulk or those which because of size or weight require the use of special equipment), from the plant and warehouse facilities of Continental Can Company, at West Chicago and Itasca, Ill., to points in Indiana, Ohio, Michigan, Wisconsin, Kentucky, Minnesota, Missouri, Kansas, Georgia, Tennessee, Iowa, and Nebraska.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117137 (Sub-No. 4), filed September 18, 1974. Applicant: COY HILL, doing business as HILL AUTO TRANSPORT, 1805 Cushman, Fairbanks, Alaska 99701. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used trucks*, in truckaway service, between Fairbanks, Alaska, on the one hand, and, on the other, points in King County, Wash.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 117815 (Sub-No. 236), filed September 16, 1974. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th St., Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 9th Floor Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bar soap*, from Omaha, Nebr., to points in St. Louis, Mo.; (2) *cleaning, scouring, washing, softening, sizing, finishing, bleaching, and bluing products* (except in bulk), from St. Louis, Mo., to points in Iowa, Minnesota, Wisconsin, Michigan, Kansas, Illinois, Nebraska, and Indiana; and (3) *foodstuffs* (except in bulk and frozen foods), from St. Louis, Mo., to points in Iowa, Nebraska, Minnesota,

Wisconsin, and Illinois, parts (1), (2), and (3) restricted to shipments originating at the named origins and destined to the named point and points in the named destination states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo. and Omaha, Nebr.

No. MC 118089 (Sub-No. 18), filed August 28, 1974. Applicant: ROBERT HEATH TRUCKING, INC., 2909 Avenue C, P.O. Box 2501 Lubbock, Tex. 79408. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packing-houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from the plantsites of and storage facilities utilized by American Beef Packers, Inc., located at or near Cactus (Moore County), Tex., to points in Alabama, Georgia, Florida, Mississippi, Tennessee, North Carolina, South Carolina, Colorado, Kansas, Texas, Oklahoma, Arkansas, Louisiana, New Mexico, Arizona, California, Idaho, Nevada, Oregon, Washington, Utah, Montana, Virginia, Maryland, District of Columbia, New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, and Massachusetts, restricted to traffic originating at, and destined to, the named points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 118377 (Sub-No. 5), filed August 26, 1974. Applicant: RICHARD R. JOHNCOX, Route 104, Williamson, N.Y. 14589. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables*, from points in New York, on and north of a line extending from Buffalo, N.Y., over U.S. Highway 20 to junction U.S. Highway 11, and on and west of a line extending from junction U.S. Highways 20 and 11, thence over U.S. Highway 11 to Syracuse, N.Y., thence over New York Highway 57 to junction U.S. Highway 104, and thence over a straight line north to Lake Ontario, to New York, N.Y., and points in Pennsylvania on and east of U.S. Highway 15; and (2) *frozen foodstuffs*, from Dundee, Geneva, and Penn Yan, N.Y., to points in New Jersey, Pennsylvania, and New York, N.Y., and points in Nassau and Suffolk Counties, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Rochester or New York, N.Y.

No. MC 118978 (Sub-No. 7) filed September 9, 1974. Applicant: MERCURY PRODUCE EXPRESS LTD., 2201 Rosser Street, Burnaby, British Columbia, Canada. Applicant's representative:

George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are dealt in by wholesale, retail and general grocery and food business houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such business; and (2) *commodities* which are exempt from economic regulation, when moving in mixed shipments with the commodities specified above, from points in California, Oregon, and Washington, to ports of entry on the International Boundary Line between the United States and Canada located in Washington, Idaho, and Montana.

NOTE.—Applicant holds contract carrier authority in MC-125022, therefore dual operations may be involved. The purpose of this application is to remove the existing restriction to traffic destined to the facilities of James Brothers Food Limited, Koffman Food Importers, Limited, J. K. Preiswerk Company and Oppenheimer Bros. & Co. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

MC 118989 (Sub-No. 115) (correction), filed August 12, 1974, published in FEDERAL REGISTER issue of September 12, 1974 and republished as corrected this issue. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th, Milwaukee, Wis. 53221. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container ends, and closures, and materials, and supplies* used in the manufacture and distribution of containers and container closures (except commodities in bulk), and *scrap metal*, between the plant site of American Can Company, located at Whitehouse, Ohio, on the one hand, and, on the other, points in Indiana, Illinois, Michigan, Missouri, Wisconsin, Kentucky, and West Virginia.

NOTE.—If a hearing is deemed necessary, is to indicate applicant does not seek contracted authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118989 (Sub-No. 116), filed September 16, 1974. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends* (except refuse containers), from Perrysburg, Ohio, to points in Michigan, Illinois, Indiana, Wisconsin, Missouri, Minnesota, Pennsylvania, Tennessee, Kentucky, and Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118989 (Sub-No. 117), filed September 13, 1974. Applicant: CONTAINER TRANSIT, INC., 53223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: James C. Hard-

man, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends, container accessories and materials and supplies*, used in the manufacture and distribution of metal containers, container ends and container accessories (except commodities in bulk, or those which because of size or weight require the use of special equipment), from the plant and warehouse sites of Continental Can Company, at West Chicago and Itasca, Ill., to points in Indiana, Iowa, Ohio, Kansas, Kentucky, Michigan, Missouri, Minnesota, Nebraska, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it held at Chicago, Ill.

No. MC 119226 (Sub-No. 89), filed September 16, 1974. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, Ind. 46227. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products, and blends* containing corn products, in bulk, from Indianapolis, Ind., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control was approved in MC-F-8322. Dual operations may also be involved. If a hearing is deemed necessary, applicant requests to held at either Indianapolis, Ind., Chicago, Ill., or Washington, D.C.

No. MC 119388 (Sub-No. 17), filed September 3, 1974. Applicant: GLEN R. ELLIS, INC., 3911 Jerome Avenue, Chattanooga, Tenn. 37407. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages with related advertising material* when moving therewith, (1) from Jacksonville, Fla., to points in Tennessee on and east of Tennessee Highway 13; and (2) from Jacksonville, Fla. to Dalton, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chattanooga or Nashville, Tenn.

No. MC 119789 (Sub-No. 218), filed September 13, 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: *Toys*, from Lancaster, Pa., and Hagerstown, Md., to points in Arizona, Arkansas, California, Colorado, Idaho, Louisiana, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa., or New York, N.Y.

No. MC 119988 (Sub-No. 70), filed September 6, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., High-

way 103 East, P.O. Box 1384, Lufkin, Tex. 75901. 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: *Such merchandise* as is ordinarily dealt in by retail auto and home supply stores and *materials, equipment, and supplies* utilized in the distribution thereof, between points in Mississippi, on the one hand, and, on the other, points in Florida, Georgia, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Nevada, Washington, Oregon, and California, under a continuing contract with Western Auto Supply Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 120978 (Sub-No. 12), filed September 17, 1974. Applicant: REINHART MAYER, doing business as MAYER TRUCK LINE, 1203 South Riverside Drive, Jamestown, N. Dak. 58401. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from Hebron, N. Dak., to points in Illinois, Iowa, Nebraska, and Wisconsin.

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 St. Paul, Minn.

No. MC 123091 (Sub-No. 15), filed August 26, 1974. Applicant: NICK STRIMBU, INC., 3500 Parkway Road, Brookfield, Ohio 44403. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe, tubing, conduit, and fittings and accessories* therefor, from Chicago, Ill., to Brookfield, Ohio, Wheatland, Pa., and points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New Hampshire, that part of New York on and east of U.S. Highway 15, North Carolina, that part of Pennsylvania on and east of U.S. Highway 219, Rhode Island, South Carolina, Vermont, Virginia, West Virginia and Washington, D.C., restricted to traffic moving from Chicago, Ill., to or through Brookfield, Ohio, or Wheatland, Pa., and further restricted to shipments in double bottom semitrailers subject to a minimum of 80,000 pounds.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 123169 (Sub-No. 11), filed September 9, 1974. Applicant: MC-KEVITT TRUCKING LIMITED, 420 Fort William Road, P.O. Box 567, Sta-

tion P, Thunder Bay, Ontario, Canada P7B 5G1. Applicant's representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Filled supercalendar rolls*, between points on the International Boundary Line between the United States and Canada, located at Sault Ste. Marie, Mich., and Pigeon River, Minn., on the one hand, and, on the other, Appleton and Green Bay, Wis., and Kalamazoo, Mich., under contract with Abitibi Provincial Paper, a Division of Abitibi Forest Products, Ltd.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 123681 (Sub-No. 28), filed September 20, 1974. Applicant: WIDING TRANSPORTATION, INC., P.O. Box 03159, Portland, Ore. 97203. Applicant's representative: Earle V. White, 2400 SW. Fourth Avenue, Portland, Ore. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea and fertilizer*, dry, in bags or containers, between points in Multnomah County, Ore., on the one hand, and, on the other, points in Washington.

NOTE.—If a hearing is deemed necessary, applicant requests it be held on consolidated record with the application of Haney Truck Line, MC 108340 (Sub-No. 28), at Portland, Ore.

No. MC 123872 (Sub-No. 36), filed September 12, 1974. Applicant: W & L MOTOR LINES, INC., State Road 1148, P.O. Drawer 2607, Hickory, N.C. 28601. 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: *Furniture parts, materials, and supplies*, used in the manufacture of furniture and furniture parts (except in bulk), from Simpsonville, Louisville, and Winchester, Ky., to points in Alabama, Arkansas, Georgia, Florida, Illinois, Indiana, Louisiana, Mississippi, North Carolina, Ohio, South Carolina, Texas, Tennessee, Virginia and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Hickory or Charlotte, N.C.

No. MC 124153 (Sub-No. 4), filed June 5, 1974. Applicant: ROBERT E. WITTENBRADER, R.D. No. 4, Lake Ariel, Pa. 18436. Applicant's representative: Thomas J. Jones, 502-5 Brooks Building, Scranton, Pa. 18503. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed and animal feed supplements*, in bags, from Mt. Olive Township (Morris County), N.J., to points in Monroe, Pike, Wayne, Lackawanna, Luzerne, Wyoming, Susquehanna, Sullivan and Bradford Counties, Pa.; and Broome County, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., New York, N.Y., or Washington, D.C.

No. MC 124154 (Sub-No. 66), filed September 16, 1974. Applicant: WIN-GATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, Ga. 31702. Applicant's representative: W. Guy McKenzie, Jr., P.O. Box 1200, Tallahassee, Fla. 32302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fireplace logs*, from Camilla, Ga., to points in Texas, Oklahoma, Kansas, Nebraska, Missouri, Illinois, Wisconsin, Michigan, Indiana, Ohio, New York, New Jersey, Delaware, Maryland, Pennsylvania, Virginia, West Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Arkansas, Louisiana, Mississippi, Alabama, Florida, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga., Memphis, Tenn., or Washington, D.C.

No. MC 126159 (Sub-No. 8), filed September 3, 1974. Applicant: ROC-SALT TRANSPORT, INC., 1551 South Carferry Drive, Milwaukee, Wis. 53207. 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: *Fertilizer and fertilizer materials*, in bulk, from Cincinnati, Ohio, to points in Indiana.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Cincinnati, Ohio.

No. MC 126243 (Sub-No. 13), filed September 12, 1974. Applicant: ROBERTS TRUCKING CO., INC., P.O. Drawer G, Poteau, Okla. 74953. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carpeting*, from points in Georgia, to points in Poteau, Wilburton and Pawhuska, Okla.; (2) *materials and supplies* (except commodities in bulk in tank vehicles) used in the manufacture and installation of carpet, from points in Georgia, South Carolina, and Texas, to points in Pawhuska and Wilburton, Okla.; (3) *carpet, carpeting and related items, including materials, and supplies* used in the manufacture and installation thereof, (except commodities in bulk in tank vehicles) from Poteau, Okla., to points in Louisiana, Indiana, Michigan, Kentucky, Tennessee, Minnesota, Wisconsin, Colorado, Washington, Oregon, Arizona and New Mexico; and (4) *carpet, floor covering, carpet padding and related items, and materials and supplies* used in the manufacture and installation thereof (except commodities in bulk in tank vehicles), from Pawhuska and Wilburton, Okla., to points in Illinois, Indiana, Ohio, Wisconsin, Louisiana, Mississippi, Alabama, Florida, Georgia, South Carolina, Texas, Michigan, Minnesota, Colorado, Washington, Oregon, Arizona, New Mexico, Iowa, Arkansas, Kansas, Nebraska, North Dakota, South Dakota, Montana, Wyoming, Idaho, Utah, Nevada, California, Kentucky, Tennessee, and Missouri.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.; Atlanta, Ga., or Little Rock, Ark.

No. MC 126305 (Sub-No. 63), September 16, 1974. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Rural Delivery 2, Clayton, Ala. 36016. 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: (1) *Iron and steel articles, pipe, fittings, valves, hydrants, and equipment, materials, and supplies* used or useful in the installation thereof, from the plantsite and storage facilities of Mueller Co., located in Marshall County, Ala., and Hamilton County, Tenn., to points in the United States, in and east of North Dakota, South Dakota, Nebraska, Colorado and New Mexico, and (2) *materials, equipment, and supplies* used in the manufacture and sale of the commodities described above (except commodities in bulk, and those which because of size, shape, or weight require the use of special equipment), from the destination territory named in (1) above, to the plantsite and storage facilities of Mueller Co., located in Marshall County, Ala., and Hamilton County, Tenn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham or Montgomery, Ala.

No. MC 128412 (Sub-No. 6), filed September 16, 1974. Applicant: LO-TEMP EXPRESS, INC., Burns Ave., Canon Street, Duncansville, Pa. 16635. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, and such commodities* as are dealt in by wholesale and retail grocery stores (except commodities in bulk), between Altoona, Lemoine, and State College, Pa., on the one hand, and, on the other, points in Vermont, New Hampshire, Maine, Rhode Island, Connecticut, Kentucky, North Carolina, South Carolina, Tennessee, Arkansas, Alabama, Louisiana, Oklahoma, Mississippi, North Dakota, South Dakota, Minnesota, Kansas, Nebraska, Texas, Indiana, and the District of Columbia, under a continuing contract with Sky Bros., Inc.; Sky Bros. of Lemoine, Inc.; Cold, Inc.; and Frozen Farm Products, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 128802 (Sub-No. 3), filed September 6, 1974. Applicant: ARDEN E. OLSEN, Route No. 1, Kalispell, Mont. 59901. Applicant's representative: Joe Gerbase, 100 Transwestern Life Bldg., 404 North 31st Street, Billings, Mont. 59101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Non-alcoholic carbonated beverages* in cans, from Yakima, Wash., and Salt Lake City, Utah, to Kalispell, Mont., under contract

with Coca Cola Bottling Company of Kalispell.

NOTE.—If a hearing is deemed necessary applicant requests it be held at Kalispell or Billings, Mont.

No. MC 128863 (Sub-No. 2), filed September 16, 1974. Applicant: SANNER BROS. TRUCKING CO., INC., R.D. No. 1, Rockwood, Pa. 15557. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal and cinders*, from points in Garret and Allegany Counties, Md., to points in Pennsylvania, under a continuing contract with Sanner Bros. Coal Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 129486 (Sub-No. 7), filed September 11, 1974. Applicant: PAGE TRUCKING COMPANY, INC., P.O. Box 14, Hines, Minn. 56647. Applicant's representative: Charles E. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Spices*, ground, mixed, or blended, from Grand Forks, N. Dak., to points in the United States (except Alaska and Hawaii) and (2) *equipment, materials and supplies* used in the production of spices, ground, mixed, and blended, from points in the United States (except Alaska and Hawaii), to Grand Forks, N. Dak., under a continuing contract or contracts with The Baltimore Spice Company, Grand Forks, N. Dak.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak. or Minneapolis, Minn.

No. MC 133259 (Sub-No. 5), filed September 16, 1974. Applicant: ALLIED AIR FREIGHT CORPORATION, Griswold Industrial Park, Williston, Vt. 05495. Applicant's representative: Francis E. Barrett, 60 Adams Street, Milton, Mass. 02187. 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 Highgate Springs and Highgate, Vt. as off route points in connection with carrier's regular route operation between Burlington, Vt. and Highgate Center, Vt.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Burlington or Montpelier, Vt. or Concord, N.H.

No. MC 134765 (Sub-No. 13), filed July 17, 1974. Applicant: SPECIALTY TRANSPORT, INC., Holland Road, Wales, Mass. 01081. Applicant's representative: Robert J. L. Hodge, P.O. Box 207, New Haven, Conn. 06510. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, and paper products, and commodities*, used in the manufac-

turing, distribution and sale of paper and paper products, between the plants of Albermarle Paper Co., at Roanoke Rapids, N.C., on the one hand, and, on the other, points in Virginia, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Maine, Vermont, New Hampshire, Pennsylvania (except Philadelphia, Lancaster, York, Harrisburg, and Pittsburgh), and the District of Columbia, under contract with Albermarle Paper Co., a division of Hoerner Waldorf Corp., at St. Paul, Minn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Raleigh, N.C.

No. MC 134765 (Sub-No. 14), filed September 12, 1974. Applicant: SPECIALTY TRANSPORT, INC., Holland Road, Wales, Mass. 01081. Applicant's representative: David M. Marshall, 135 State Street, Springfield, Mass. 01103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bags and materials and supplies* used in the manufacture, sale and distribution of bags, between Walden and Poughkeepsie, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, New Jersey, New York, Pennsylvania, Maryland, Delaware, Virginia, and North Carolina, under continuing contract with Interstate Bag Company, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.; Boston, Mass. and New York, N.Y.

No. MC 134838 (Sub-No. 11), filed September 6, 1974. Applicant: SOUTHEASTERN TRANSFER & STORAGE CO., INC., P.O. Box 39236, Bolton Station, Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and machinery parts* when moving in the same vehicle with machinery, road construction machinery, contractors equipment, iron and steel articles, and commodities which because of size or weight require special equipment or handling, between points in Georgia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 135328 (Sub-No. 5), filed September 13, 1974. Applicant: MARVIN E. YATES, doing business as YATES TRUCKING CO., Route 1, Box 131-B, Klamath Falls, Ore. 97601. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23d Avenue, Portland, Ore. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals*, from points in Baker County, Ore., to points in Walla Walla County, Wash.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Baker, Ore.

No. MC 136343 (Sub-No. 33), filed September 10, 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: *Printing paper, gummed paper, paper backed with aluminum foil, gummed paper sealing tape*, from the plantsite of St. Regis Paper Co., located at or near Troy, Ohio, to points in Massachusetts, Rhode Island, Maryland, Virginia, and the District of Columbia.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in MC 96098 (Sub-No. 46), therefore dual operations may be also involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 136408 (Sub-No. 20), filed September 12, 1974. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 60 Park Place, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, washing and polishing soaps and compounds, paints, varnishes and rust preventatives, oils and greases*, except in bulk, in tank vehicles, between Joliet, Ill., on the one hand, and, on the other, Avenel, N.J.; Cleveland and Cincinnati, Ohio; Detroit, Mich.; Des Moines, Iowa; Kansas City, Mo.; Omaha, Neb.; Sioux Falls, S. Dak., and Roseville, Minn., restricted to a transportation service to be performed under a continuing contract with Economics Laboratory, Inc., and further limited to service between the plantsite and warehouse of Economics Laboratory, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 136470 (Sub-No. 3), filed September 6, 1974. Applicant: RUBBER CITY EXPRESS, INC., 1805 East Market Street, Akron, Ohio 44305. Applicant's representative: Paul F. Beery, 8 East Broad Street, Ninth Floor, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Silica gel and silica gel catalyst* (except commodities in bulk), from Paulsboro, N.J., to points in Ohio and Pennsylvania, under a continuing contract or contracts with Mobil Oil Corporation, New York, N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 136485 (Sub-No. 5), filed September 3, 1974. Applicant: WALDORF TRANSPORTATION CO., INC., Route 4, Box 108, Waldorf, Md. 20601. Applicant's representative: Daniel B. Johnson, 1123 Munsey Building, 1329 E Street NW., Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transport-

ing: *Fence, fence fittings and accessories, and materials, supplies, and equipment* used in the manufacture of fence and accessories, and *reinforcing wire mesh, and materials, supplies, and equipment* used in the manufacture of reinforcing wire mesh (except in bulk, in tank vehicles), (1) Between Toledo, Ohio, Rock Hill, S.C., and Bladensburg, Md., and (2) Between Toledo, Ohio, Rock Hill, S.C., and Bladensburg, Md., on the one hand, and, on the other, points in Louisiana, Arkansas, Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, under a continuing contract or contracts with National Fence Manufacturing Company, Inc. of Bladensburg, Md.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 136803 (Sub-No. 5), filed September 13, 1974. Applicant: SIOUX CITY BULK FEED SERVICE, INC., 2815 Outer Drive, P.O. Box 2766, Sioux City, Iowa 51106. Applicant's representative: Bradford E. Kistler, 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: *Dried beet pulp* (except in bulk, in tank vehicles), from Moorhead, Crookston and East Grand Forks, Minn., and Drayton, N. Dak., to points in Iowa and Nebraska, restricted to traffic originating at the above origins and destined to the above destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak., or Minneapolis, Minn.

No. MC 136825 (Sub-No. 2), filed September 17, 1974. Applicant: ENDICOTT TRUCKING CO., a corporation, 1193 Refugee Road, Columbus, Ohio 43207. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motorcycles, water sleds and parts for motorcycles and water sleds* when shipped therewith, from Grand Rapids, Mich., to points in Indiana, Ohio, Tennessee, and Kentucky, under contract with Kawasaki Midwest, Inc., Grand Rapids, Mich.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Grand Rapids, Mich.

No. MC 138242 (Sub-No. 1), filed September 6, 1974. Applicant: WESTERN CARTAGE, INC., P.O. Box 964, Pryor, Okla. 74361. 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: *Scrap paper*, from Houston, Tex., to Pryor, Okla.

NOTE.—Applicant holds contract carrier authority in MC 134813, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla.

No. MC 138469 (Sub-No. 8), filed August 20, 1974. Applicant: DONCO CARRIERS, INC., 1001 South Rockwell, P.O. Box 75354, Oklahoma City, Okla. 73107. Applicant's representative: Wm. L. Peterson, Jr., P.O. Box 917, Oklahoma City, Okla. 73101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packing-houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from the plantsite and facilities utilized by American Beef Packers, Inc. at or near Cactus (Moore County), Tex., to points in Oklahoma, Arkansas, Louisiana, Iowa, Kansas, Missouri, Minnesota, Wisconsin, Illinois, Indiana, Michigan, Kentucky, Arizona, California, Nevada, Oregon, Washington, Colorado, Nebraska, and Ohio.

NOTE.—Applicant has pending contract carrier authority in MC 136375 (Sub-No. 2), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla. or Omaha, Nebr.

No. MC 138861 (Sub-No. 3), filed September 18, 1974. Applicant: C-LINE, INC., Tourtellot Hill Road, Chapachet, R.I. 02814. Applicant's representative: Ronald N. Corbert, 1730 M St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe*, from Cranston, R.I., to points in Connecticut, Maine, Massachusetts, New Hampshire, New York, and Vermont.

NOTE.—Applicant holds contract carrier authority in MC 128343 (Sub 1) and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., or Boston, Mass.

No. MC 138896 (Sub-No. 11), filed September 19, 1974. Applicant: AJAX TRANSFER COMPANY, a Corporation, 550 East Fifth Street South, South St. Paul, Minn. 55075. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, and meat products, fresh, cooked, cured, preserved, and frozen*; and (2) *foodstuffs*, in mechanically refrigerated vehicles, from the plantsite and storage facilities utilized by Oscar Mayer and Company, at Madison, Wis., and its Commercial Zone, to points in North Dakota.

NOTE.—Applicant holds contract carrier authority in MC 119391 (Sub 1) and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary,

applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 139193 (Sub-No. 18), filed September 11, 1974. Applicant: ROBERTS & OAKE, INC., 208 South La Salle Street, Chicago, Ill. 60604. Applicant's representative: Jacob P. Billig, 1126 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat by-products and articles distributed by meatpacking houses*, as defined by the Commission 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 liquid commodities in bulk), from the plantsite and storage facilities of John Morrell & Co. at Memphis, Tenn., to points in the United States (except Alaska and Hawaii) and (2) *such commodities* as are used by meat packers in the conduct of their business, from points in the United States (except Alaska and Hawaii), to Memphis, Tenn., under contracts with John Morrell & Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 139292 (Sub-No. 4), filed September 20, 1974. Applicant: SATURN EXPRESS, INC., 7860 F Street, Omaha, Nebr. 68127. Applicant's representative: Arlyn L. Westergren, Suite 530 Univac Building, 7100 W. Center Road, Omaha, Nebr. 68106. 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 packing-houses* as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the plantsite of Mid-America Meats, Inc., of Omaha, Nebr., to West Point, Miss., and Bessemer and Birmingham, Ala.

NOTE.—Applicant holds contract carrier authority in MC-125785 (Sub-No. 4) and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Omaha, Nebr., or Chicago, Ill.

No. MC 139495 (Sub-No. 6), filed September 11, 1974. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lawn and garden products*, from the plantsites and facilities of O. M. Scott & Sons Company, Incorporated, at or near Marysville, Ohio, to points in Missouri, Nebraska, Kansas, Oklahoma, Texas, Colorado, New Mexico, Montana, Wyoming, Idaho, Utah, Arizona, Washington, Oregon, California, and Nevada.

NOTE.—Applicant holds contract carrier authority in MC-133106 and subs thereunder, therefore dual operations may be involved.

If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 7), filed September 11, 1974. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite of Paramount Foods, Inc., at or near Louisville, Ky., to points in Oklahoma, Kansas, Texas, Missouri, Louisiana, Arkansas, New Jersey, New York, Pennsylvania, Maryland, West Virginia, and California.

NOTE.—Applicant holds contract carrier authority in MC-133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139802 (Sub-No. 2), filed September 12, 1974. Applicant: DEAN BACHKORA, BILL PEDEN, AND GARY L. BACHKORA, doing business as BPB TRANSPORTATION, 3705 Santa Maria No. 24, Laredo, Tex. 78040. Applicant's representative: Bill R. Davis, Suite 101, Emerson Center, 2814 New Spring Rd., Atlanta, Ga. 30339. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Used clothing, rugs, and rags*, in bales; and (2) *used appliances* when moving along with and in the same vehicle as the commodities named in (1) above, from Miami, Fort Lauderdale, West Palm Beach, St. Petersburg, Tampa, Orlando, Jacksonville, Panama City, Pensacola, and Tallahassee, Fla., to Laredo, Tex., under continuing contract with Galvan Second Hand Stores.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Laredo, Tex.

No. MC 139899 (Sub-No. 3), filed August 28, 1974. Applicant: AELRED L. SCHAEFER, doing business as AL'S MOBILE FEED SERVICE, 285 Milwaukee Street, Platteville, Wis. 53818. Applicant's representative: John L. Bruemmer, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed* in special auger-equipped vehicles, from the plantsite of Allied Mills, Inc., at Iowa City, Iowa, to points in Crawford, Duane, Grant, Iowa, Lafayette, Richland, Rock, and Sauk Counties, Wis., and Jo Daviess, Winnebago, and Stephenson Counties, Ill., restricted to shipments originating at said plantsite.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill. or Madison, Wis.

No. MC 140072 (Sub-No. 2), filed September 11, 1974. Applicant: NORTH BROOK POULTRY, INC., Route No. 3, Vale, N.C. 28168. Applicant's representative: John M. Auten, Jr., 405 Spring

Street, Cherryville, N.C. 28021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Synthetic resin or gum* (except in bulk), from Flemington, N.J., to Charlotte, N.C., (2) *plastic pellets* except in bulk, from Charlotte, N.C., to Highland Park, Ill. and (3) *plastic siding, clapboard style*, from Highland Park, Ill., to points in Ohio, North Carolina, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Maryland, Pennsylvania, Virginia, Florida, Louisiana, Texas, Oklahoma, Indiana, and Illinois, under contract with Superior Plastics, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C. or Chicago, Ill.

No. MC 140106 (Sub-No. 2), filed September 13, 1974. Applicant: W. A. HUTTON, JERRY MILLER AND NORMAN RAYMOND, a partnership, HUTTON TRUCKING CO., 3011 Altama Avenue, Brunswick, Ga. 31520. Applicant's representative: Jerry C. Miller, 3001 Altama Ave., P.O. Box 187, Brunswick, Ga. 31520. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline and distillants*, in bulk, in tank vehicles, from Jacksonville, Fla., to points in Camden, Glynn, McIntosh, Long, Wayne, and Brantley Counties, Ga., under a continuing contract with M & M Oil Company and Banner Oil Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jacksonville, Fla., or Atlanta, Ga.

No. MC 140109 (Sub-No. 1), filed September 16, 1974. Applicant: JOE N. SHELTON, P.O. Box 371, Athens, Tex. 75751. Applicant's representative: William D. Lynch, P.O. Box 912, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Greyhound dogs*, between points in Alabama, Arizona, Arkansas, Colorado, Connecticut, Florida, Kansas, Massachusetts, New Hampshire, Oklahoma, Oregon, Pennsylvania, South Dakota, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Dallas or Houston, Tex.

No. MC 140212, filed September 5, 1974. Applicant: CRANE RENTAL COMPANY, Inc., 205 Main Street, Tewksbury, Mass. 01876. Applicant's representative: Joseph A. Kline, 31 Milk Street, Boston, Mass. 02109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals; scrap metals for recycling, together with cranes, front-end loaders, and such other equipment* useful in the transportation thereof, between Boston and Tewksbury, Mass.; and Portsmouth and Madbury, N.H., under a continuing contract or contracts with Tewksbury Auto Parts, Inc., of Tewksbury, Middlesex City, Mass., and Madbury Metals, Inc., of Madbury, N.H.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 140215, filed September 9, 1974. Applicant: JACK DEMBICKY AND ANDREW BARANCIK, doing business as D & B TRUCKING, 17575 West Marion Road, Brant, Mich. 48614. Applicant's representative: John W. Ester, 100 West Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, plastic pipe fittings, plastic pipe accessories, and related drainage materials and products, and other plastic articles* manufactured or dealt in by Hancor, Inc.; (a) from the plantsite of Hancor, Inc., at Chesaning, Mich., to points in Illinois, Indiana, and Ohio; and (b) from the plantsite of Hancor, Inc., at Findlay, Ohio, to points in Michigan; and (2) *materials, equipment, and supplies* used in the manufacture, sales, and promotion of plastic pipe, plastic pipe fittings, plastic pipe accessories, and related drainage materials and products, (a) from points in Illinois, Indiana, and Ohio, to the plantsite of Hancor, Inc., at Chesaning, Mich.; and (b) from points in Illinois, Indiana, and Michigan to the plantsite of Hancor, Inc., at Findlay, Ohio, restricted to a transportation service to be performed under a continuing contract or contracts with Hancor, Inc., of Findlay, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., or Columbus, Ohio.

PASSENGERS APPLICATIONS

No. MC 1515 (Sub-No. 199), filed September 3, 1974. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: A. P. Carr, 1400 West Third Street, Cleveland, Ohio 44113. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, (1) between Columbus and Athens, Ohio, serving all intermediate points, including the off-route point of Logan, Ohio, via Ohio State Highway 93: From Columbus, Ohio, over U.S. Highway 33 to Athens, Ohio, and return over the same route, serving all intermediate points, and including service to and from the off-route point of Logan, Ohio, via Ohio State Highway 93. (2) Between Columbus and Chillicothe, Ohio, serving all intermediate points: From Columbus, Ohio, over U.S. Highway 23 to Chillicothe, Ohio, and return over the same route. (3) Between Columbus, Ohio, and Washington, Pa., serving all intermediate points, and serving the off-route points of Cambridge and St. Clairsville, Ohio: From Columbus, Ohio, over Interstate Highway 70 to Washington, Pa., and serving the off-route points of Cambridge, Ohio, via Ohio State Highway 209 and St. Clairsville, Ohio, via Ohio State Highway 9, and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 3647 (Sub-No. 459), filed September 16, 1974. Applicant: TRANSPORT OF NEW JERSEY, a Corporation, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: John F. Ward (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, and newspapers*, in the same vehicle with passengers, (1) Between points in Paramus, N.J.: From the junction of Forest Avenue and New Jersey Highway 4, over New Jersey Highway 4 to the facilities of Alexander's Department Store at the junction of New Jersey Highway 4 and the Garden State Parkway, and return over Winslow Place to the junction of New Jersey Highway 17, thence over New Jersey Highway 17 to junction of New Jersey Highway 4, thence over New Jersey Highway 4 to junction of Forest Avenue, serving all intermediate points, and (2) Between Fort Lee and Cliffside Park, N.J.: From the junction of Columbia Avenue and Palisade Avenue, Fort Lee, N.J., thence over Palisade Avenue to junction of Lafayette Avenue, Cliffside Park, N.J., and return over the same route, serving all intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Hackensack or Newark, N.J.

No. MC 58915 (Sub-No. 58), filed June 28, 1974. Applicant: LINCOLN TRANSIT CO., INC., Route 46, East Paterson, N.J. 07407. Applicant's representative: Robert E. Goldstein, 8 West 40th Street, New York, N.Y. 10018. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, and their baggage, and express and newspapers* in the same vehicle with passengers, Between junction New Jersey Turnpike and New Jersey Turnpike Interstate Highway 195 access road (Mercer County, N.J.) and Jackson Township (Ocean County), N.J.: From junction New Jersey Turnpike and New Jersey Turnpike access road Interstate Highway 195 over Interstate Highway 195 to Jackson Township (Ocean County), N.J., and return over the same route, as an alternate route for operating convenience only, in connection with carrier's regular route authority, operations to and from New York, N.Y., serving no intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Newark, N.J.

No. MC 139343 (Sub-No. 3), filed September 9, 1974. Applicant: MEXICO COACH, INC., 1050 Kettner Blvd., San Diego, Calif. 92101. Applicant's representative: Eric Rath, P.O. Box 226, La Jolla, Calif. 92037. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, from San Diego (Amtrak Station), College Grove, Spring Valley, and Tecate, Calif.,

to ports of entry on the International Boundary Line between the United States and the Republic of Mexico at Tecate, Mexico.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Diego, Calif.

No. MC 140145 (CORRECTION), filed August 9, 1974, published in the FEDERAL REGISTER issue of September 19, 1974, and republished as corrected this issue. Applicant: SAMUEL ROBINSON, JR., doing business as, ROBINSON BUS LINES, 1912 Polydras Street, New Orleans, La. 70112. Applicant's representative: Thomas C. Dorsey, 915 Pennsylvania Building, NW., Washington, D.C. 20004. 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 round-trip charter operations, beginning and ending at points in Louisiana, and extending to points in Texas, Florida, Mississippi, Alabama, Georgia, Arkansas, and Tennessee.

NOTE.—The purpose of this republication is to indicate the correct authority sought in this proceeding. If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La.

BROKER APPLICATIONS

No. MC 130267, filed September 19, 1974. Applicant: RURAL GRAVURE SERVICE, INC., 2564 Branch Street, Middleton, Wis. 53562. Applicant's representative: Jerry C. Curren (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a broker at Monroe, Madison and Middleton, Wis., to sell or offer to sell the transportation of *passengers and their baggage*, in round trip special and charter all expense conducted tours, beginning and ending at points in Dane, Green, Rock, Walworth, Jefferson, Sauk, and Columbia Counties, Wis., and extending to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Madison, Wis.

FREIGHT FORWARDER APPLICATION(S)

No. FF 458, filed September 12, 1974. Applicant: TRANSWAY CORPORATION, 320 Waiakamilo Road, Honolulu, Hawaii 96817. Applicant's representative: James H. Grossman, 727 West Seventh Street, Los Angeles, Calif. 90017. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by water, railroad, motor vehicle, and express, transporting: *General commodities* (except motor vehicles, livestock, and commodities in bulk, in tank vehicles), between points in California, Oregon, Washington, Hawaii, and Guam.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Honolulu, Hawaii, or Los Angeles, Calif.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.
[FR Doc.74-23580 Filed 10-9-74;8:45 am]

[Notice No. 606]

ASSIGNMENT OF HEARINGS

OCTOBER 4, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after October 10, 1974.

MC 40978 Sub 21, Chair City Motor Express Company, now assigned November 12, 1974, at Columbus, Ohio, will be held in Room 235, Federal Office Bldg., 85 Marconi Blvd.

MC 59728 Sub 26, Morrison Motor Freight, Inc., now assigned November 14, 1974, at Columbus, Ohio, will be held in Room 235, Federal Office Bldg., 85 Marconi Blvd.

MC-F-12041, Bouma Cartage Company—Purchase—Elston-Richards Storage Company, MC 120456 Sub 3, Bouma Cartage Company, and MC-C-8363, Elston-Richards Storage Company—Revocation of Certificate—now assigned November 18, 1974, at Lansing, Mich., will be held in the Hearing Room 5th Floor, Lewis Cass Bldg., 320 South Walnut Street.

MC 107295 Sub 664, Pre-Fab Transit Co., continued to January 20, 1975 (1 week), at Chicago, Ill., in Room 1086A, Everett McKinley Dirksen Bldg., 219 S. Dearborn St.

NO. 35659, Miller Oil Purchasing Company—V-Amerada-Hess Corp., Et Al, now assigned November 4, 1974, at Washington, D.C., is postponed to January 6, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.
[FR Doc.74-23581 Filed 10-9-74;8:45 am]

[Ex Parte No. 305]

FREIGHT RATES AND CHARGES

Nationwide Increase of Ten Percent

At a session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 3rd day of October 1974.

Upon consideration of the record in the above-entitled proceeding, the views expressed at oral argument before the Commission on August 27, 1974, the petitions and other pleadings detailed in our order dated August 21, 1974, and the following additional pleadings:

(1) Petition filed August 21, 1974, by the Soo Line Railroad Company for modification of the Commission's order dated July 18, 1974;

(2) Petition filed August 21, 1974, by the Grand Trunk Western Railroad Company for reconsideration and modification of the Commission's prior orders herein insofar as this petitioner is concerned;

(3) Petition filed July 3, 1974, by the Wine Institute for reconsideration of the order of the Commission dated June 3, 1974, with regard to the increase applicable to wine and winery products;

(4) Petition filed July 5, 1974, by the Pacific Northwest Grain and Grain Products Association for an order making more definite and certain the phrase "recognized customs of the trade" in the Commission's order dated June 3, 1974;

(5) Replies filed by respondent railroads July 22, 1974, to petitions in (3) and (4) above; and revised reply filed August 9, 1974;

(6) Letter of Penn Central Transportation Company dated August 14, 1974, requesting construction that Penn Central may apply proceeds of the rate increase to current maintenance programs;

(7) Replies filed pursuant to our order dated August 28, 1974, by American Bakers Association; Pacific Northwest Traffic League; National Industrial Traffic League; General Mills, Inc.; Illinois Grain Corp., FS Services, Inc.; The Fertilizer Institute; Bethlehem Steel Corporation; The Construction Aggregate Rail Shippers Conference, Inc. (CARS); The CECO Corporation; AMAX, Inc.; Hormel & Co., Oscar Mayer & Co., John Morrell & Co., Rath Packing Co.; American Textile Manufacturers Institute, Inc., North Carolina Textile Manufacturers Assoc., Inc., South Carolina Textile Manufacturers Assoc., Inc., Georgia-Alabama Textile Traffic Assoc., Inc.; Wedron Silica Division of Del Monte Properties, Co.; Property Owners' Committee (coal interests); and Firestone Tire & Rubber Company; and a reply filed August 28, 1974, by John G. Troiana, Trustee of the property of the Lehigh and Hudson Railway Company, Debtor, in opposition to Penn Central's prior request for relief; and

It appearing, That as indicated in our order dated August 21, 1974, various railroads in reorganization seek modification of the July 18, 1974 order to permit the transfer of funds segregated in Account 716, Capital and Other Reserve Funds, to Account 701, Cash, if necessary to meet cash requirements for continued operation of such railroads;

It further appearing, That similar requests for relief for railroads in reorganization were presented at oral argument and in (6), above;

It further appearing, That respondent railroads, in their supplemental petition described in our order dated August 21, 1974, and at oral argument, request clarification and amendment of the Commission's orders to accomplish the following two purposes:

(1) To permit funds obtained from the Ex Parte No. 305 increase to be used for new or increased maintenance and capital improvement programs; and

(2) To permit bankrupt and marginal roads to use funds obtained from the Ex Parte No. 305 increase, if necessary, to meet cash requirements for continued operation.

It further appearing, That by reply to the railroads' supplemental petition filed August 20, 1974, the Chesapeake and Ohio Railway Company, The Baltimore and Ohio Railroad Company and Western Maryland Railway Company (Chessie System) indicated that the amendments proposed above do not represent the position of the Chessie System which contends it should "be entitled to use such revenue [from the authorized increases] for any valid corporate purposes;"

It further appearing, That the petitioners in (1) and (2) above, in said petitions and at oral argument, request modification of outstanding orders to permit the revenues derived herein to be used for any capital improvements or maintenance projects which improve the quantity or quality of railroad service, whether or not delayed or deferred;

It further appearing, That other petitioners, including the Chicago and Northwestern Transportation Company and the Chicago South Shore and South Bend Railway Company seek reconsideration or modification of our orders in the respects set forth in our order dated August 21, 1974;

It further appearing, That the Florida East Coast Railway Company contends unrestricted use of the revenues from the increase should be permitted for a carrier whose expenditures for maintenance and capital improvements exceed the average of the railroad industry;

It further appearing, That the accounting and reporting requirements as defined and specified in the order of July 18, 1974, are necessary for the Commission to be informed about the extent of deferred maintenance and delayed capital improvements which must be overcome to provide adequate and improved service to shippers, as specifically identified as of June 30, 1974, by railroad management;

It further appearing, That, as previously indicated, the Commission intends that revenues generated by the increases authorized herein, over and above the amount specified for increased material and supply costs, other than fuel, be used by respondents exclusively for reducing deferred maintenance of plant and equipment and delayed capital improvements in order that rail service to the shippers be improved; however, should the situation of a particular carrier require special treatment, application should be made to the Commission and the matter will be considered on an individual basis;

It further appearing, That although some of the shippers and shipper associations replying herein are opposed to any modification of our orders, a number of replicants, including the National Industrial Traffic League, recognize that the particular circumstances of a particular carrier might warrant relief, provided such relief is accorded on the basis of an individual petition or application

served upon all parties setting forth the justification therefor, and that the parties are afforded an opportunity to reply;

It further appearing, That in the event the funds to be segregated in Account 716, Capital and Other Reserve Funds, pursuant to the orders entered in this proceeding, exceed the dollar amount of deferred maintenance or delayed capital improvements "as specifically identified as of June 30, 1974, by railroad management" then it would be consistent with the intention of the Commission if such excess funds in Account 716 were to be expended for new and additional capital improvements over and above those presently undertaken, scheduled or otherwise committed, provided that specific evidence as to such proposed expenditures shall be submitted in advance for approval to the Commission, Division 2;

And it further appearing, That it would serve no useful purpose to deny the use of funds segregated in Account 716, Capital and Other Reserve Funds, should a transfer to Account 701, Cash, become imperative for continued operation and sufficient funds are not available from other sources;

It is ordered, That railroads in reorganization may transfer funds segregated in Account 716, Capital and Other Reserve Funds, in accordance with accounting instructions in the July 18, 1974 order, to Account 701, Cash, provided other funds are not available and the transfer is necessary to meet cash requirements for continued operation, and that a report shall be filed with the Commission, Division 2, immediately upon the transfer showing the date of transfer, amount of funds transferred, and full explanation of the circumstances giving rise to the necessity for such transfer;

It is further ordered, That any railroad not in reorganization which finds it imperative to expend the funds generated by the authorized increase for operating purposes to avoid curtailment of transportation service or to avoid the filing of a petition in reorganization may make application to the Commission, Division 2, for approval of the proposed transfer and use of such funds, said application to be accompanied by supporting financial and statistical information and a certification that the funds are necessary for the purposes aforesaid;

It is further ordered, That railroad respondents, if any, which are unable to use the full amount of the funds generated by the increase for deferred maintenance or delayed capital improvements, as defined in this proceeding, may expend such funds for new and additional capital improvements providing advance approval is obtained from the Commission, Division 2, as above set forth;

It is further ordered, That any petitions for relief or other pleadings filed in this matter shall be served upon all parties, and the parties shall be afforded an opportunity to file representations in response thereto within 10 days from the date of service, prior to which time action will not be taken on any proposed trans-

fer except in the case of an extreme emergency;

It is further ordered, That the petitioning electric railway, Chicago South Shore, may report the information required in the Commission's order of July 18, 1974, using the account numbers provided for such items in the uniform system of accounts for electric railways in lieu of the account numbers for railroad companies shown in the Appendices to the order.

It is further ordered, That in all other respects, the petitions detailed in our order dated August 21, 1974, and the petitions and contentions above described be, and they are hereby, denied for the reason that sufficient grounds have not been presented to warrant the action sought, without prejudice, however, to further requests for relief pursuant to the procedures hereinabove set forth.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy in the Office of the Commission's Secretary and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-23693 Filed 10-9-74;8:45 am]

[Notice No. 17]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 4, 1974.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 680), GREYHOUND LINES-EAST, Box 6903, 1400 W. Third Street, Cleveland, Ohio 44101, filed September 25, 1974. Carrier proposes to operate as a common carrier, by motor vehicle, of passengers and their baggage, and express and newspapers in the same vehicle with passengers, over

deviation routes as follows: (1) From the junction of Illinois Highway 1 and Interstate Highway 57 over Interstate Highway 57 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 55, thence over Interstate Highway 55 to junction U.S. Highway 66 at Gardner, Ill., and (2) From Harvey, Ill., over 147 Street (also known as Sibley Blvd.) to junction Interstate Highway 57, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 66 to junction Illinois Highway 53, thence over Illinois Highway 53 via Joliet, Ill., to junction U.S. Highway 66 near Gardner, Ill., and return over the same route.

No. MC 2890 (Deviation No. 95), AMERICAN BUSLINES, INC., 1500 Jackson Street, Dallas, Tex. 75201, filed September 16, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 90 to junction U.S. Highway 31, thence over U.S. Highway 31 to South Bend, Ind., with the following access route: From Interstate Highway 90 over city streets to Hammond, Ind., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 41 to Hammond, Ind., thence over U.S. Highway 20 via Gary, Ind., to junction U.S. Highway 421, thence over U.S. Highway 421 to Michigan City, Ind., thence over Indiana Highway 29 to junction U.S. Highway 20, thence over U.S. Highway 20 to South Bend, Ind., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-23586 Filed 10-9-74; 8:45 am]

[Notice No. 81]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 4, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new special rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as

filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 112627 (Sub-No. 16) (republication), filed March 12, 1973, and published in the FEDERAL REGISTER issue of May 24, 1973, and republished this issue. Applicant: OWENS BROS., INC., Box 247, Dansville, N.Y. 14437. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. An Order of the Commission, Division 1, acting as an Appellate Division, dated September 20, 1974, and served September 30, 1974, finds on further consideration that the present and future public convenience and necessity require the operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *wine and champagne*, in containers, and *advertising matter*, from Conesus, N.Y., to Chicago, Ill., Cleveland, Ohio, St. Louis, Mo., Milwaukee, Wis., and Greensburg, Pa.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to clarify the actual points to be served under the instant application by eliminating Naples, N.Y. as a tacking point. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 115840 (Sub-No. 84) (republication), filed December 11, 1972, and published in the FEDERAL REGISTER issue of January 26, 1973, and republished this issue. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: C. E. Wesley (same address as applicant). A Report and Order of the Commission, Review Board Number 3, decided September 5, 1974, and served September 30, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, (1) of *iron and steel articles*, from Gulfport, Miss., to points in the United States (except Alaska, Hawaii,

Washington, Oregon, California, Montana, Idaho, Nevada, Arizona, Utah, Wyoming, Colorado, and New Mexico), restricted to the transportation of shipments (a) originating at Gulfport, Miss., or (b) having an immediately prior movement by water in foreign commerce only, and (2) of *ferrous scrap*, from points in Mississippi to Gulfport, Miss., restricted to the transportation of shipments having a subsequent movement by rail or water; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129660 (Sub-No. 5) (republication), filed May 8, 1973 and published in the FEDERAL REGISTER issue of June 28, 1973, and republished this issue. Applicant: MALLETT BROS. TRUCK LINE, INC., Route 2, Box 243, Gautier, Miss. 39553. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Building, P.O. Box 22628, Jackson, Miss. 39205. A Report of the Commission, decided September 5, 1974, and served September 27, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, (1) of *iron and steel articles* (a) from the facilities of Southern Metal Service, Inc., at Gulfport, Miss., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Tennessee, and Texas, and (b) from Gulfport, Miss., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, and Texas, restricted in both (a) and (b) to the transportation of shipments destined to points in the named States, and further restricted in (b) to the transportation of shipments having an immediately prior movement by water in foreign commerce, and (2) of *ferrous scrap*, from points in Mississippi to Gulfport, Miss., restricted to the transportation of shipments originating in Mississippi and having a subsequent movement by rail or water; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to modify the territorial description in (1) above. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and

would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 105607 (Sub-No. 5) (notice of filing of petition for modification, clarification and amendment of certificate), filed September 20, 1974. Petitioner: EDWARD C. WALKIEWICZ, doing business as, TWIN HAULAGE COMPANY, 401 Commerce Rd., Linden, N.J. 07036. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner presently holds a motor common carrier certificate in No. MC 105607 (Sub-No. 5), issued January 5, 1971, authorizing transportation, as pertinent, over irregular routes of (1) *Animal fats, animal fatty acids, inedible animal tallow, and animal greases*, (a) from Vineland, Camden, South Plainfield, Elizabeth, Newark, Harrison, Kearny, Guttenberg, and Paterson, N.J., to New York, N.Y., with no transportation for compensation on return except as otherwise authorized, (b) from Kearny, Harrison, and Newark, N.J., to Bristol and Philadelphia, Pa., with no transportation for compensation on return except as otherwise authorized and (c) from Chester, N.Y., to New York, N.Y., Newark, Harrison, and Jersey City, N.J., with no transportation for compensation on return except as otherwise authorized; (2) *inedible animal tallow, and animal greases*, from New York, N.Y., to Kearny, Newark, and Camden, N.J., and Philadelphia, Pa., with no transportation for compensation on return except as otherwise authorized; (3) *animal fats, inedible animal tallow, and animal greases*, from Philadelphia, Pa., to Newark, N.J., and New York, N.Y., with no transportation for compensation on return except as otherwise authorized; (4) *animal or red oil*, from Newark, N.J., to Philadelphia, Conshohocken, and Northampton, Pa., with no transportation for compensation on return except as otherwise authorized; (5) *fish oil and sea animal oil*, from Guttenberg, N.J., to New York, N.Y., Conshohocken and Philadelphia, Pa., with no transportation for compensation on return except as otherwise authorized; and (6) *coconut oil and palm oil*, from Guttenberg, N.J., to Bristol and Philadelphia, Pa., with no transportation for compensation on return except as otherwise authorized. By the instant petition, petitioner seeks (1) that the Commission issue an appropriate order that the petitioner be empowered and permitted to designate as its terminal area, all points within which local operations may be conducted in the New York, New York Commercial Zone as established by the Commission, or (2) in the alternative, amend its territorial description in (1) (a) and (1) (c) and (5) above to read: "to New York, N.Y. Com-

mercial Zone, as defined in Commercial Zones and Terminal Areas, 53 M.C.C. 451" and in (2) above to read: "from New York, N.Y. Commercial Zone, as defined in Commercial Zones and Terminal Areas, 53 M.C.C. 451" and in (3) above to read: "from Philadelphia, Pa., to Newark, N.J., and New York, N.Y. Commercial Zone, as defined in Commercial Zones and Terminal Areas, 53 M.C.C. 451". The commodity descriptions and other territorial descriptions will remain the same. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 136401 (Sub-No. 1) (notice of filing of petition for modification of permit), filed September 25, 1974. Petitioner: ROBIN EXPRESS, INC., 20-02 Steinway St., Long Island City, N.Y. 11105. Petitioner's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Petitioner presently holds a motor contract carrier permit in No. MC 136401 (Sub-No. 1), issued November 23, 1973, authorizing transportation, over irregular routes, of *Such commodities* as are dealt in by manufacturers and distributors of rubber tires, from points in the New York, N.Y., Harbor Limits, as defined in 49 CFR 1070.1, to Lake Success, N.Y., with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts, with Michelin Tire Corporation, of Lake Success, N.Y. By the instant petition, petitioner seeks to modify the territorial scope of petitioner's operating authority, as well as the identification of the location of its supporting shipper to read: "*Such commodities* as are dealt in by manufacturers and distributors of rubber tires, (1) from points in the New York, N.Y. Harbor limits as defined in 49 CFR 1070.1, to Lake Success, N.Y., and Edison, N.J., and (2) from Lake Success, N.Y., and Edison, N.J., to points in New Jersey, Nassau, Suffolk and Westchester Counties, N.Y., and those points in that portion of the New York, N.Y. commercial zone as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations can be conducted pursuant to the partial exemption of Section 203 (b) (8) of the Interstate Commerce Act (the "exempt" zone), under a continuing contract or contracts with Michelin Tire Corporation of Lake Success, N.Y., and Edison, N.J.". Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 136423 (Sub-No. 3) (Notice of filing of petition to add a contracting shipper), filed September 19, 1974. Petitioner: EMPIRE DIRECT SHIPPERS, INC., 400 Sip Ave., Jersey City, N.J. 07306. Petitioner's representative: Ken-

neth R. Davis, 999 Union Street, Taylor, Pa. 18517. Petitioner presently holds a motor contract carrier permit in No. MC 136423 (Sub-No. 3), issued May 29, 1973, authorizing transportation, as pertinent, over irregular routes of (1) *Package-tying decorations*, from Carlstadt, N.J., to points in the United States (except the Sequoyah Nuclear Power Plant of the Tennessee Valley Authority at or near Daisy, Tenn., Chattanooga, Tenn., and points in its commercial zone as defined by the Commission, Mountain City, Tenn., points in Russell County, Ala., points in Florida, Georgia, South Carolina, North Carolina, Virginia, Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, New York, Delaware, and the District of Columbia, points in Delaware, Chester, Montgomery, Bucks, Philadelphia, Bradford, Cameron, Elk, McKean, Potter, Tioga, Warren, and Lycoming Counties, Pa., and points in that part of Pennsylvania on and east of a line beginning at the New Jersey-Pennsylvania State line and extending along Pennsylvania Highway 309 (formerly U.S. Highway 309), to junction Pennsylvania Highway 29, thence along Pennsylvania Highway 29 to the Pennsylvania-New York State Line, points in that part of Maryland east of a line beginning at the Pennsylvania-Maryland State line and extending south along U.S. Highway 140 to Westminster, Md., thence along Maryland Highway 27 to junction U.S. Highway 240, thence along U.S. Highway 240 to Gaithersburg, Md., thence along Maryland Highway 124 to junction Maryland Highway 28, thence along Maryland Highway 28 to junction Maryland Highway 112, thence along Maryland Highway 112 to Seneca, with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts, with Artistic Manufacturing Company, of Carlstadt, N.J. and (2) *artificial decorations*, from New York, N.Y., to the destination points specified in (1) above, with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts, with Spaeth Displays, Inc., of New York, N.Y. By the instant petition, petitioner seeks to add the name of Sigma Marketing Systems, Inc., 615 South Street, Garden City, N.Y. 11530, as a contracting shipper to part (2) above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other pro-

ceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

Applications for certificates or permits which are to be processed concurrently with applications under section 5 governed by special rule 240 to the extent applicable.

No. MC 7923 (Sub-No. 3), filed September 17, 1974. Applicant: HERCULES TRUCKING CO., INC., 999 Pontiac Avenue, Cranston, R.I. 02910. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, Mass. 02155. 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, commodities in bulk, and commodities requiring special equipment), serving points in Massachusetts as intermediate and off-route point to applicant's existing regular authority.

NOTE.—Applicant seeks to purchase the Certificate of Registration of Morley's Service, Inc. This is a matter directly related to Section 5 proceeding in MC-F-12316 published in the FEDERAL REGISTER issue of October 2, 1974. If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass., or Providence, R.I.

No. MC 60066 (Sub-No. 10), filed September 6, 1974. Applicant: BEE-LINE MOTOR FREIGHT, INC., 1804 Paul Street, Omaha, Nebr. 68102. Applicant's representative: Donald L. Stern, Suite 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission requiring special equipment, and except these requiring special equipment), (a) between Ord, Nebr., and points within 50 miles thereof; (b) between Ord, Nebr., and points within 50 miles thereof, on the one hand, and, on the other, all points in Nebraska; (c) between Omaha and Grand Island, Nebr., on the one hand, and, on the other, all points in Nebraska; and (d) between all points in Nebraska, restricted against the transportation of meat and meat products between Ord, Nebr., and points within 50 miles thereof, on the one hand, and, on the other, Omaha, Nebr.

NOTE. Applicant intends to tack his regular-route authority in the lead certificate at Ogallala, Nebr., to provide service from points in Nebraska to Julesburg, Colo. The purpose of this application is to convert the Certificate of Registration issued to Service Oil Co., Inc. in MC-99667 to a Certificate of Public Convenience and Necessity. This is a matter directly related to the Section 5 proceeding in MC-F-12307 in the FEDERAL REGISTER issue of September 18, 1974. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC-F-12318. Authority sought for purchase by VICTORY EXPRESS, INC., 2600 Willowburn Ave., Dayton, OH 45427, of a portion of the operating rights of BASS TRANSPORTATION CO., INC.,

P.O. Box 391, Flemington, NJ 08822, and for acquisition by CARL C. SCHAEFFER, SR., RR#1, Box 139, Lewisburg, OH 45338, AND RICHARD H. SCHAEFFER, 6664 Templehurst Ave., Englewood, OH 45322, of control of such rights through the purchase. Applicants' attorneys: Harold G. Hernly, 118 North St. Asaph St., Alexandria, VA 22314, and Bert Collins, Suite 6193, 5 World Trade Center, New York, NY 10048. Operating rights sought to be transferred: *Paper and paper articles*, and material, supplies, and equipment used in connection with the manufacture, distribution or sale of the aforementioned articles, except in bulk, as a *contract carrier* over irregular routes, between Riegelsville, Milford, Warren Glen, and Hughesville, N.J., on the one hand, and, on the other, points in Ohio, Illinois, Indiana, Michigan, Wisconsin, Kentucky, Tennessee, Missouri, Iowa, and Minnesota; *laboratory and hospital equipment and chemicals*, except in bulk, from Bridgewater Township, Somerset County, N.J., to Boston, Mass., King of Prussia and Pittsburgh, Pa., Washington, D.C., Cleveland and Cincinnati, Ohio, and return with damage or defective shipments, with restrictions. Vendee is authorized to operate as a *contract carrier* in all of the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12319. Authority sought for purchase by CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32d Ave., Council Bluffs, IA 51501, of the operating rights of KIN-NISON TRUCK LINES, INC., 511 West Coolbaugh St., Red Oak, IA 51566. Applicants' attorney: Charles J. Kinball, 2310 Colorado State Bank Bldg., 1600 Broadway, Denver, CO 80202. Operating rights sought to be transferred: *Foodstuffs* (not frozen), in containers, as a *contract carrier* over irregular routes, from Stockton, Modesto, Pittsburg, and Antioch, Calif., to points in South Dakota, Nebraska, Minnesota, Iowa, and Illinois, with restriction. Vendee is authorized to operate as a *contract carrier* in California, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Nevada, South Dakota, Utah, Wyoming, Louisiana, Mississippi, Texas, Arkansas, North Dakota, Arizona, Idaho, New Mexico, Oregon, Washington, Oklahoma, and Montana, and as a *common carrier* in Nebraska, Idaho, Utah, Iowa, Montana, South Dakota, Wyoming, Illinois, Minnesota, Missouri, Wisconsin, Oregon, Washington, Colorado, California, Arizona, Arkansas, Illinois, Indiana, Kansas, Kentucky, Michigan, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, Texas, Connecticut, Georgia, Louisiana, Maryland, Massachusetts, Michigan, New Jersey, New York, and North Carolina. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12320. Authority sought for purchase by T. I. M. E.-D.C., Inc., P.O. Box 2550, Lubbock, TX 79408, of a portion of the operating rights of DEALERS TRANSIT, INC., P.O. Box 361, Lansing,

IL 60438, and for acquisition by NATIONAL CITY LINES, INC., P.O. Drawer 17-G, Terminal Annex, Denver, CO 80217, of control of such rights through the purchase. Applicants' attorney: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Operating rights sought to be transferred: *Classes A and B explosives*, as a *common carrier* over irregular routes, between points in Knox County, Tenn., on the one hand, and, on the other, points in Tennessee, Kentucky, North Carolina, South Carolina, and Virginia. Vendee is authorized to operate as a *common carrier* in all of the States in the United States. Application has not been filed for temporary authority under section 210a(b).

NOTE.—MC 4405 (Sub-No. 516), is a matter directly related.

MC-F-12321. Authority sought for control by AKERS MOTOR LINES, INC., a Delaware Corporation, P.O. Box 10303, Charlotte, N.C., 28237, of CENTRAL MOTOR LINES, INC., 324 North College Street, Charlotte, N.C., 28211, and for acquisition by VICTOR DEMARAS, P.O. Box 10303, Charlotte, N.C., 28201, of control of CENTRAL MOTOR LINES, INC., through the acquisition by AKERS MOTOR LINES, INC. Applicants' attorneys: Leonard A. Jaskiewicz, 1730 M Street NW., Washington, D.C. 20036, and Paul M. Daniell, First Federal Building, Atlanta, Ga. 30303. Operating sought to be controlled: *General commodities*, with certain specified exceptions, as a *common carrier*, over regular and irregular routes, from, to and between specified points in the States of Illinois, North Carolina, Ohio, West Virginia, Indiana, New York, South Carolina, New Jersey, Pennsylvania, Maryland, and Delaware, with certain restrictions, serving various intermediate and off-route points, over two alternate routes for operating convenience only, as more specifically described in Docket No. MC-39406 and Sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. AKERS MOTOR LINES, INC., a Delaware Corporation, is authorized to operate as a *common carrier*, in Alabama, Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, and West Virginia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12322. Authority sought for purchase by TOMPKINS MOTOR LINES, INC., P.O. Box 1830, Highway 77, Gadsden, AL 35902, of the operating rights of NOEL E. TIDWELL, doing business as CULLMAN BANANA SUPPLY, 104 E. First Ave., Cullman, AL 35055, and for acquisition by EMERY C. OSBORN, also of Gadsden, AL 35902, of control of such rights through the pur-

chase. Applicants' attorneys: John P. Carlton, 903 Frank Nelson Bldg., Birmingham, AL 35203, and Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. Operating rights sought to be transferred: *Bananas*; and *coconuts* and *pineapples*, when transported in mixed shipments with bananas, as a *common carrier* over irregular routes, from Mobile, Ala., and New Orleans, La., to Indianapolis, Ind., and from Gulfport, Miss., to points in Alabama (except Montgomery), Arizona, California, New Mexico, Ohio, Tennessee, Texas, and Utah. Vendee is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12325. Authority sought for purchase by ALL ISLAND DELIVERY SERVICE, INC., 174 Cabot St., West Babylon, NY 11704, of the operating rights of EMMES TRUCKING CO., INC., 1823 Gilford Ave., New Hyde Park, NY 11040, and for acquisition by RICHARD WIENECKE, 45 Cedar Drive, Great Neck, NY, and MAX GOTTFRIED, 5 Steven Lane, Plainview, NY, of control of such rights through the purchase. Applicant's attorneys: Donald E. Cross, 700 World Center Bldg., 918 16th St. NW., Washington, DC 20006, and Robert R. Redmon, Suite 1145, 5530 Wisconsin Ave., Chevy Chase, MD 20015. Operating rights sought to be transferred: *General commodities*, excepting among others, Classes A and B explosives, household goods, and commodities in bulk, as a *common carrier* over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in Hudson, Bergen, Passaic, Essex, Middlesex, Union, Somerset, and Morris Counties, N.J.; pocket books and pocket book material and supplies, between New York, N.Y., Pennsburg, Pa., and South Norwalk and Bridgeport, Conn. Vendee is authorized to operate as a *common carrier* in New Jersey, New York, Connecticut, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12326. Authority sought for control by COTTER ENTERPRISES, INC., 5335 Market St., Youngstown, OH 44501, of SHANAHAN TRANSFER & STORAGE COMPANY, 2150 Roswell Drive, Pittsburgh, PA 15205, and for acquisition by HARRY L. BORD, JR., also of Youngstown, OH 44501, of control of SHANAHAN TRANSFER & STORAGE COMPANY, through the acquisition by COTTER ENTERPRISES, INC. Applicants' attorney: Thomas R. Klingsley, 1819 H St. NW., Washington, D.C. 20006. Operating rights sought to be controlled: *Household goods*, as a *common carrier* over irregular routes, between points in that part of Pennsylvania south of U.S. Highway 422 and west of U.S. Highway 119, including points on the indicated portions of the highways specified, on the one hand, and, on the other, points in Illinois, Maryland, Indiana, Michigan, New Jersey, New York, Ohio, Virginia, West Virginia,

and the District of Columbia. COTTER ENTERPRISES, INC., holds no authority from this Commission. However it is affiliated with THE COTTER MOVING & STORAGE COMPANY, 265-273 W. Bowery St., Akron, OH 44308, MC-120021, which is authorized to operate as a *common carrier* in Ohio, Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, Minnesota, Nebraska, Arkansas, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12327. Authority sought for purchase by BYRNES LONG ISLAND MOTOR CARGO, INC., 136 Allen Blvd., Farmingdale, N.Y. 11735, of a portion of the operating rights of ALL ISLAND DELIVERY SERVICE, INC., 174 Cabot St., West Babylon, N.Y. 11704, and for acquisition by ANGELO LO RUSSO, 2149 Jones Avenue, Wantagh, N.Y. 11793, of control of such rights through the purchase. Applicants' attorneys: Robert R. Redmon, 5530 Wisconsin Ave., Suite 1145, Chevy Chase, MD 20015, and Donald E. Cross, 700 World Center Bldg., 918 16th St., NW, Washington, DC 20006. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in New Jersey within 15 miles of Columbus Circle, New York, N.Y. Vendee is authorized to operate as a *common carrier* in New Jersey and New York.

NOTE.—MC-99369 (Sub-No. 2) is a matter directly related.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-23584 Filed 10-9-74;8:45 am]

[Notice No. 166]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

OCTOBER 9, 1974.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 29, 1974. Pursuant to section 17(8) of the

Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75351. By order entered 9.27.74 the Motor Carrier Board approved the transfer to Chambers-Thompson Moving & Storage, Inc., 2180 Main St., Hartford, Conn., of the operating rights set forth in Certificate No. MC-146, issued January 10, 1973, to The Chambers Moving & Storage Co., 5 Glen Road, P.O. Box 789, Manchester, Conn. 06040, authorizing the transportation of household goods as defined by the Commission, between Manchester, Conn., and points in Connecticut within 10 miles of Manchester, on the one hand, and, on the other, points in Massachusetts, Rhode Island, New Hampshire, New York, New Jersey and Pennsylvania, and between Cambridge, Mass., and points within 10 miles thereof, on the one hand, and, on the other, points in Massachusetts, Maine, New Hampshire, Connecticut, Rhode Island, and New York.

No. MC-FC-75359. By order entered 10.2.74 the Motor Carrier Board approved the transfer to Rapid Transfer Service, Inc., Albany, N.Y., of the operating rights set forth in Certificate No. MC-129265 (Sub-No. 2), issued by the Commission July 8, 1968, to Vincent P. Fontanelli and Lois A. Fontanelli, doing business as Rapid Transfer, Albany, N.Y., authorizing the transportation of baggage and personal property of airline passengers, between the Albany County Airport at Colonie, N.Y., on the one hand, and, on the other, points in 4 specified counties in Vermont, 4 specified counties in Massachusetts, and 20 specified counties in New York, restricted to the transportation of traffic having a prior or subsequent movement by air. John J. Brady, Jr., 99 Washington Ave., Albany, N.Y. 12210, attorney for applicants.

No. MC-FC-75371. By order entered 9.26.74 the Motor Carrier Board approved the transfer to Replogle Storage Company, a corporation, Johnstown, Pa., of that portion of the operating rights set forth in Certificate No. MC-34838, issued February 28, 1942, to Replogle Transport Company, a corporation, Johnstown, Pa., authorizing the transportation of household goods, between points in Cambria, Indiana, Somerset, and Westmoreland Counties, Pa., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Illinois, Maryland, Massachusetts, the lower peninsula of Michigan, New Jersey, New York, North Carolina, Ohio, South Carolina, Virginia, West Virginia, and the District of Columbia. S. Berne Smith, 100 Pine St., P.O. Box 1166, Harrisburg, Pa. 17108, attorney for applicants.

No. MC-FC-75376. By order of October 2, 1974, the Motor Carrier Board approved the transfer to Laquet Freight Service, Inc., Mascoutah, Ill., of Certificate No. MC-38984 issued July 25, 1968,

to Warren Lautenschlaeger, doing business as Laquet Motor Service, New Baden, Ill., authorizing the transportation of general commodities to and from points in St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, between St. Louis, Mo., and St. Rose, New Baden, and St. Libory, Ill., and serving specified intermediate and off-route points. George B. Gillespie, Esq., Gillespie, Burke & Gillespie, P.C., 217 South Seventh Street, Springfield, Ill. 62701.

No. MC-FC-75393. By order entered 10.2.74 the Motor Carrier Board approved the transfer to Modern Trucking Service, Inc., Los Angeles, Calif., of the operating rights set forth in Certificate No. MC-70270 (Sub-No. 1), issued March 31, 1950, to Frances E. Waymire (Carl Waymire and Glen Waymire, Executors), doing business as American Express & Transfer Co. & Angeles Transfer Co., Los Angeles, Calif., authorizing the transportation of general commodities, with the usual exceptions, between points in the Los Angeles Commercial Zone, as defined by the Commission in the Los Angeles, Calif., Commercial Zone, 3 M.C.C. 248, on the one hand, and, on the other, points in the Los Angeles Harbor Commercial Zone, as defined by the Commission in Los Angeles, Calif., Commercial Zone, 3 M.C.C. 248. Milton W. Flack, 4311 Wilshire Boulevard, Los Angeles, Calif. 90010, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-23582 Filed 10-9-74;8:45 am]

[Notice No. 168]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

OCTOBER 10, 1974.

Synopses of orders entered by Division 3 of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 30, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75298. By order of October 4, 1974, the Motor Carrier Board approved the transfer to Jensen Movers, Inc., Chicago, Ill., of Certificates Nos. MC 103657 and MC 103657 Sub 2, issued by the Commission May 20, 1949, and March 15, 1950, respectively, to Marvin

Jensen, doing business as Jensen Movers, Chicago, Ill., authorizing the transportation of such commodities as are dealt in and sold by retail chain, department, and furniture stores from Hammond, Ind., to points in Illinois within 50 miles of Hammond, and household goods, as defined by the Commission, between points in a specified part of Indiana on the one hand, and, on the other, points in a specified part of Illinois; and household goods, as defined by the Commission, between Chicago, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Michigan, Missouri, Ohio, and Wisconsin, respectively. Themis N. Anastos, Esq., 120 West Madison Street, Chicago, Ill. 60602.

No. MC-FC-75388. By order of October 3, 1974, the Motor Carrier Board approved the transfer to Southern Transit Co., Inc., Fort Smith, Ark., of the operating rights in Certificate No. MC 135015 issued January 13, 1972, to J. O. Fine and H. F. Fine, a partnership, doing business as Southern Transit Company, Fort Smith, Ark., authorizing the transportation of general commodities, with usual exceptions, over a regular route between Lockesburg, Ark., and Fort Smith, Ark., and between DeQueen, Ark., and Horatio, Ark., serving all intermediate points. Don A. Smith, P.O. Box 43, 13 North 7th Street, Fort Smith, Ark. 72901, attorney for applicants.

No. MC-FC-75390. By order of October 3, 1974, the Motor Carrier Board authorized Sigridur Schaefer, 2600 Willowburn Avenue, Dayton, Ohio 45427, to acquire control, through purchase of stock from Carol D. White, of Gullivers Travel Bureau, Inc., 613 N. Summit Street, Dayton, Ohio 45407, which holds License No. 130048 issued July 16, 1968, authorizing it to engage in operations as a broker at Oxford, Ohio, in connection with transportation by motor vehicle of passengers and their baggage, in special or charter operations, in round-trip tours, beginning and ending at points in Butler County, Ohio, and extending to points in the United States (including Alaska, but excluding Hawaii).

No. MC-FC-75392. By order of October 3, 1974, the Motor Carrier Board approved the transfer to C. L. Hunt, doing business as Hunt and Son, Box 433, Warrensburg, Mo. 64093, of the operating rights held by Lewis R. Hunt and C. L. Hunt, a partnership, doing business as Hunt and Son, Box 433, Warrensburg, Mo. 64093, in Permit No. MC 125717 (Sub-No. 1), issued January 9, 1970, and those in Certificate No. MC 82808 issued April 28, 1961, and all subnumbers thereunder, the said permit authorizing the transportation of dairy replacement products, from Kansas City, Mo., to points in numerous states and pulpboard boxes, other than corrugated, from Garland, Tex., to Kansas City, Mo., under continuing contract with Presto Food Products, Inc., and the said certificates authorizing the transportation of general commodities and certain specified commodities, over regular and irregular routes, to, from, and between, named

points in Kansas and Missouri. *Dual operations were approved.*

No. MC-FC-75394. By order of October 3, 1974, the Motor Carrier Board approved the transfer to Frank Malatesta, doing business as Frank Malatesta Moving & Storage, Paterson, N.J., of the operating rights in Certificate No. MC 66901 issued May 17, 1941, to Kathryn A. Bell, doing business as Bell Brothers, Clifton, N.J., authorizing the transportation of household goods, between points in Passaic, Essex, and Bergen Counties, N.J., on the one hand, and, on the other, points in Connecticut, New York, and Pennsylvania. Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-23694 Filed 10-9-74;8:45 am]

MOTOR CARRIER INTRASTATE APPLICATIONS

OCTOBER 4, 1974.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Utah Docket No. 6657 (Sub-No. 1), filed July 25, 1974. Applicant: DAVID R. FREE, doing business as NATIONAL CARTAGE COMPANY, 460 West First South, Salt Lake City, Utah 84101. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities* except those of unusual value, explosives, household goods, commodities in bulk, and those requiring special equipment, over regular routes as follows: (A) Between Salt Lake City, Utah, and Brigham City, Utah, over Interstate Highway 15, thence over U.S. Highway 91 to the Utah-Idaho State line, and return over the same route serving all intermediate points and all points within 15 miles of Interstate Highway 15 and U.S. Highway 91, and serving the plant site of Thiokol Chemical Corporation and all United States Government Installations and intermediate points located approximately 25 miles west of

Brigham City, Utah, on Utah Highway 83, as off route points; and (B) Between Brigham City, Utah, and Logan, Utah, over U.S. Highway 89-91 to Logan, Utah, thence to the Utah-Idaho State line over U.S. Highway 91, and return over the same route serving all intermediate points in Utah within 15 miles of U.S. Highway 91 between Logan and the Utah-Idaho border and U.S. Highway 89-91 between Logan and Brigham City, Utah. Intrastate and interstate commerce authority sought.

HEARING: November 13, 1974, at the Commission's Hearing Room, 330 East 4th South Street, Salt Lake City, Utah, at 10:00 a.m. Requests for procedural information should be addressed to the Public Service Commission of Utah, 330 East 4th South Street, Salt Lake City, Utah, 84111, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.
[FR Doc.74-23585 Filed 10-9-74; 8:45 am]

[Notice No. 167]

MOTOR CARRIER TRANSFER PROCEEDINGS

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-75420. By application filed September 27, 1974, WAYNE W. AND KATHLEEN J. LOFGREN, Box 501, Anchorage, AK 99510, seeks temporary authority to lease the operating rights of FIRST NATIONAL BANK OF FAIRBANKS, as Conservator of Estate of EUGENE F. WESTPHAL, An Incapacitated Person (Trustee), doing business as TOK DISTRIBUTING SERVICE, Box 152, Tok, AK, under section 210a(b). The transfer to WAYNE W. AND KATHLEEN J. LOFGREN, of the operating rights of FIRST NATIONAL BANK OF FAIRBANKS, as Conservator of Estate of EUGENE F. WESTPHAL, An Incapacitated Person (Trustee), doing business as TOK DISTRIBUTING SERVICE, is presently pending.

By the Commission.

Dated: October 9, 1974.

[SEAL] ROBERT L. OSWALD,
Secretary.
[FR Doc.74-23583 Filed 10-9-74; 8:45 am]

[No. MC-C-3437; Sub-No. 6]

SCARI'S DELIVERY SERVICE

Petition for Individual Determination of Air Terminal Exempt Zone; Philadelphia International Airport

In the matter of petitioner: Scari's Delivery Service, Inc., Wilmington, Del.

19805; petitioner's representative: Albert F. Beitel and Roger C. Ohrich, 905 American Security Building, Washington, D.C. 20005.

By petition filed September 17, 1974, petitioner requests that the Commission individually determine (as provided in section (c), *Individual determination of exempt zones*, 49 CFR 1047.40 (formerly § 210.40), *Motor transportation of property incidental to transportation by aircraft*) the zone surrounding Philadelphia International Airport, within which the transportation by motor vehicle of property having an immediately prior or subsequent movement by air must be performed in order to be included within the partial exemption of section 203 (b) (7a) of the Interstate Commerce Act.

Petitioner states that the Civil Aeronautics Board (C.A.B.), by order served August 16, 1974, in Docket No. 25009, determined that those air carriers required to serve Wilmington, Del., need no longer do so in the future, and that service to the Wilmington public must be provided at the Philadelphia International Airport. Petitioner further states that, as a result of this administrative action, the Philadelphia air terminal exempt zone will be expanded unreasonably to include unspecified portions of Delaware previously included within the Wilmington air terminal exempt zone.

Petitioner asks that an investigation be instituted to determine the proper boundary of the exempt zone surrounding the Philadelphia International Airport, and to fix for it limits smaller in area than those established in the above-mentioned C.A.B. order.

Petitioner alludes to Exhibits A and B to its petition. Such exhibits were not attached either to the original petition or the copies of such petition filed with this Commission. Petitioner is therefore directed to submit an original and seven copies of such exhibits. Petitioner is further directed to submit detailed maps of the Philadelphia air terminal exempt zone as determined by applicable tariffs on file with C.A.B. both before and after the C.A.B.'s administrative decision. Until such time as the Commission renders a decision on this matter, the geographical limits of the exempt zone surrounding the Philadelphia International Airport shall be defined as they existed prior to August 16, 1974. The proposed action is not expected to significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. No oral hearing is contemplated at this time, but anyone wishing to make representations in favor, or against the relief sought in the petition may do so by the submission of written data, views, or arguments. An original and seven copies of such data, views, or arguments shall be filed with the Commission on or before November 11, 1974. A copy of each representation should be served upon petitioner's representative. Written ma-

terial or suggestions submitted will be available for public inspection at the Offices of the Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.
[FR Doc.74-23697 Filed 10-9-74; 8:45 am]

[Notice No. 607]

ASSIGNMENT OF HEARINGS

OCTOBER 7, 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 October 10, 1974.

MC 123407 Sub 177, Sawyer Transport, Inc., now being assigned hearing October 21, 1974 (2 days), in the East Courtroom, U.S. Court of Appeals, 600 Camp Street, New Orleans, La.

MC 113908 Sub 311, Erickson Transport Corp., now assigned November 5, 1974, will be held in Room 609, Federal Office Bldg., 911 Walnut St., Kansas City, Mo.

MC-F-12154, Dodds Truck Line, Inc.—Purchase—Clinton Truck Lines, Inc., now assigned November 7, 1974, will be held in Room 609, Federal Office Bldg., 911 Walnut Street, Kansas City, Mo.

MC 118142 Sub 67, M. Bruenger & Co., Inc., now assigned November 11, 1974, will be held in Room 609, Federal Office Bldg., 911 Walnut St., Kansas City, Mo.

MC-F-12218, Crouch Bros., Inc.—Control—Caddo Express, Inc., and MC 134308 Sub 8; Caddo Express, Inc., now being assigned hearing November 18, 1974 (1 week), at Oklahoma City, Okla., in a hearing room to be later designated.

MC 135874 Sub 31, LTL Perishables, Inc., now assigned November 13, 1974, will be held in Room 609, Federal Office Bldg., 911 Walnut St., Kansas City, Mo.

MC 118060 Sub 5, Capitol Packing Co., now assigned November 18, 1974, at Denver, Colo., is postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.
[FR Doc.74-23695 Filed 10-9-74; 8:45 am]

federal register

THURSDAY, OCTOBER 10, 1974

WASHINGTON, D.C.

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PART II



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary



ENVIRONMENTAL REVIEW PROCEDURES

Proposed Policies and Procedures

DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT

Office of the Secretary

[24 CFR Part 58]

[Docket No. R-74-297]

ENVIRONMENTAL REVIEW PROCEDURES

Proposed Policies and Procedures

The Department of Housing and Urban Development herewith publishes its proposed regulations implementing section 104(h) of Title I of the Housing and Community Development Act of 1974, Pub. L. 93-383, specifying the policies and procedures for the use of applicants under Title I in carrying out of environmental review activities.

Title I provides for a new program of community development block grants, which begins on January 1, 1975.

Section 104(h) of Title I authorizes the Secretary of Housing and Urban Development to issue regulations providing for the release of funds for particular projects to applicants who assume all the responsibilities for environmental review, decision-making and action pursuant to the National Environmental Policy Act of 1969 that would apply to the Secretary, were he to undertake such projects as Federal projects. These regulations implement section 104(h).

On September 17, 1974, proposed regulations for Community Development Block grants (24 CFR Part 570) were published in the FEDERAL REGISTER (Docket No. R-74-292) and at a later date regulations will be published which will deal with the distribution and application process for discretionary funds under Title I. Interested persons are invited to participate in the making of the proposed rules by submitting written data, views or statements. Comments should be filed in triplicate with the Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. All relevant material received on or before November 11, 1974, will be considered before adoption of final rules. Copies of comments submitted will be available for examination during business hours at the above address.

Issued at Washington, D.C. October 6, 1974.

JAMES T. LYNN,
Secretary of Housing and
Urban Development.

It is proposed to amend Title 24 by adding a new Part 58 to read as set forth below:

PART 58—ENVIRONMENTAL REVIEW
PROCEDURES UNDER TITLE I OF THE
HOUSING AND COMMUNITY DEVELOPMENT
ACT OF 1974

A HANDBOOK OF POLICIES, RESPONSIBILITIES
AND PROCEDURES FOR THE USE OF
APPLICANTS UNDER TITLE I OF THE
HOUSING AND COMMUNITY DEVELOPMENT
ACT OF 1974

Subpart A—General Policy and Responsibilities

- Sec.
58.1 Purpose and authority.
58.2 [Reserved]

- Sec.
58.3 Terminology.
58.4 [Reserved]
58.5 General policy.

Subpart B—Environmental Reviews by
Applicants Under Title I

- 58.7 Environmental review as part of application process.
58.8 [Reserved]
58.9 Financial assistance for environmental review.
58.10 [Reserved]
58.11 Environmental review record.
58.12 Updating environmental reviews; retroactivity.
58.13 Environmental review process.
58.14 Levels of environmental clearance.
58.15 Steps included in environmental review process.
58.16-
58.20 [Reserved]
58.21 Exempt activities.
58.22 [Reserved]
58.23 Statement of NEPA responsibility.
58.24 Historic preservation.
58.25 Projects requiring an EIS.
58.26 Projects warranting special attention.
58.27 Interaction of applicant and Federal agencies.
58.28-
58.29 [Reserved]

Subpart C—Releases of Funds for Particular
Projects

- 58.30 Release of funds upon certification.
58.31 Objections to release of funds.
58.32 Effect of approval of certification.

AUTHORITY: Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

A HANDBOOK OF POLICIES, RESPONSIBILITIES
AND PROCEDURES FOR THE USE OF
APPLICANTS UNDER TITLE I OF THE
HOUSING AND COMMUNITY DEVELOPMENT
ACT OF 1974

Subpart A—General Policy and
Responsibilities

§ 58.1 Purpose and authority.

(a) *Authority*—(1) *Basic law*. The National Environmental Policy Act of 1969 (Pub. L. 91-190, 42 U.S.C. 4321 et seq.) (hereinafter "NEPA") establishes national policy, goals and procedures for protecting and enhancing environmental quality. NEPA, as implemented by Executive Order 11514 and the Guidelines of the Council on Environmental Quality, 40 CFR Part 1500 (hereinafter "CEQ", as to the Council, and "CEQ Guidelines") requires that all agencies of the Federal government prepare detailed environmental statements on proposals for major Federal actions significantly affecting the quality of the human environment.

(2) *Section 104(h) of Title I of the Housing and Community Development Act of 1974* (Pub. L. 93-383, 42 U.S.C. 5301 et seq.) (hereinafter "section 104(h) and Title I") respectively authorizes a procedure under which community development applicants with approved applications assume for specific projects the review and decision-making responsibilities that would apply to the HUD Secretary were he to undertake such projects as Federal projects. The procedure is to eliminate the necessity for Federal environmental impact statements at the time of the initial application. At the same time, however, the procedure will assure that NEPA policies

and protections of the environment continue undiminished. Under the procedure applicants are to certify prior to any commitment of Title I funds for particular projects (other than funds for general planning or environmental study purposes) that they have met all of their environmental responsibilities in accordance with regulations issued by the HUD Secretary. Each such certification is to be approved by the Secretary and such action of the Secretary discharges his responsibilities under NEPA with respect to the specific projects covered by the certification. The Secretary is to wait at least 15 days after receipt before acting upon such a certification, thus giving those who may wish to challenge a certification an opportunity to take appropriate action. That action can include suit against the certifying officer or applicant who will be required to accept the jurisdiction of the Federal courts for purposes of enforcing NEPA. It may also include a request that the Secretary reject the certification on certain limited bases. Under section 104(h) cities, counties or other units of general local government assume only those responsibilities which would apply if the HUD Secretary were to undertake the projects proposed for assistance as Federal projects. Thus, no expansion in the categories of actions that would be subject to environmental identification and review procedures is required; moreover, under Title I, each community development program is to be formulated in the application in a way that takes into account appropriate environmental factors.

(3) *Other applicable authority*. The environmental review process must also consider, where applicable, the criteria, standards, policies and regulations under the following:

(i) *Historic properties*. The National Historic Preservation Act of 1966 (Pub. L. 89-665); Preservation of Historic and Archeological Data Act of 1974 (Pub. L. 93-291); Executive Order 11593, Protection and Enhancement of the Cultural Environment, 1971; Procedures for Protection of Historic and Cultural Properties, Advisory Council on Historic Preservation, 36 CFR 800.

(ii) *Noise*. HUD Handbook 1390.2, Noise Abatement and Control, Departmental Policy, Responsibilities and Standards, 1971.

(iii) *Flood plain*. Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and implementing regulations; Title 24, Chapter X, Subchapter B, National Flood Insurance Program.

(iv) *Coastal zones and wetlands*. Coastal Zone Management Act of 1972 (Pub. L. 92-583) and applicable State legislation or regulations.

(v) *Air quality*. Clean Air Act (Pub. L. 90-148) and Clean Air Act Amendments of 1970 (Pub. L. 91-604); and applicable U.S. Environmental Protection Agency implementing regulations.

(vi) *Water quality*. Federal Water Pollution Control Act (Pub. L. 92-500).

(vii) *Wildlife*. Fish and Wildlife Coordination Act (Pub. L. 85-624).

(b) *Purpose*. These regulations implement the requirements of section 104(h).

§ 58.2 [Reserved]

§ 58.3 Terminology.

For the purposes of this part, the following terminology shall apply:

(a) *Environment*. The term "environment" is not defined by NEPA, or in CEQ Guidelines. However, it is clear that the term is meant to be interpreted broadly to include physical, social, cultural and aesthetic dimensions.

(b) *Environmental impact*. Any alteration of existing environmental conditions, or creation of a new set of environmental conditions, adverse or beneficial, caused or induced in whole or in part, directly or indirectly, by the proposed action of the applicant.

(c) *Significant environmental impact*. The potential consequences of a proposed action by the applicant, significantly affecting the quality of the human environment. Assessment of the significance of an environmental impact generally involves two major elements; (1) a quantitative measure of magnitude, and (2) a qualitative measure of importance. The determination of whether or not there is potential that the environment may be significantly affected is, in the final analysis, a matter of judgment and evaluation of available facts in the environmental review record on the part of the applicant, often arrived at on the basis of consensus.

(d) *Federal action*. The applicant's request for the release of funds for particular projects, under § 58.30.

(e) *Major Federal actions significantly affecting the quality of the human environment*. Those actions for which section 102(2)(c) of NEPA would require the preparation of an Environmental Impact Statement (EIS). Applicants, assuming the NEPA responsibilities of HUD pursuant to Title I and these regulations, shall review each project proposed for fund release under Title I in accordance with the environmental review process described in these regulations in order to determine whether such fund release would constitute a major Federal action significantly affecting the quality of the human environment.

(f) *Environmental review*. The applicant's analysis of a proposed project, in the light of applicable environmental considerations, for the purpose of determining environmental impact, if any, and the significance thereof.

(g) *Environmental finding*. The applicant's conclusion, arrived at as a result of the applicant's environmental assessment of a proposed project, as to whether the request for release of funds for the project is, or is likely to be, a major Federal action significantly affecting the quality of the human environment.

(h) *Environmental clearance*. Those procedures required for completion of the environmental review process, based on the environmental finding of the applicant.

(i) *Environmental review record*. The written record of the applicant's performance of the environmental review process pertaining to a particular project, or group of related projects, prepared

in accordance with the form prescribed at Appendix I of these regulations.

(j) *Comments*. The formal reactions by Federal, State and local agencies, and of public and private groups, and of individuals, to the proposed project of the applicant and to the environmental review process of the applicant, including any Draft and Final EIS prepared by the applicant, or respecting any project of the applicant.

(k) *Areas of jurisdiction by law or special expertise*. The areas or subject matters over or with respect to which any agency is given jurisdiction by law or possesses some special expertise. Also, the areas in which one agency is asked to comment on major actions by another agency in accordance with NEPA and the CEQ Guidelines. Appendix II to the CEQ Guidelines provides CEQ views on those areas.

(l) *Major amendatory*. Any significant or substantial change in the nature, magnitude or extent of a project.

(m) *Project*. One or more eligible activities under Title I.

(n) *Environmental Impact Statement (EIS)*. A written statement, prepared in accordance with NEPA and CEQ Guidelines, in the form prescribed at Appendix II, describing any alteration of environmental conditions or creation of a new set of environmental conditions, adverse or beneficial, caused or induced by the action or set of actions under consideration. The statement should include a quantitative measure of magnitude and a qualitative measure of importance.

§ 58.4 [Reserved]

§ 58.5 General policy.

(a) *Applicants to assume NEPA responsibilities*. Except as provided at paragraph (b) of this section, all applicants for assistance under Title I shall be required to assume responsibility for carrying out all of the provisions of NEPA relating to particular projects for which the release of funds is sought. The certification described at § 58.30 must be submitted to HUD by the applicant prior to the release of funds for any such project as evidence of such assumption of responsibility.

(b) *Exception*. HUD may retain and carry out such environmental review responsibilities for projects of an applicant found by HUD to lack the capacity to assume or carry out such responsibilities. An applicant wishing to claim such lack of capacity shall so indicate in the application and shall consult with the HUD official authorized to receive the application in order to obtain appropriate instructions. If the claim is approved by HUD, the applicant will not be permitted to assume environmental review responsibility for any proposal by it. If the claim is denied, the applicant will be required to assume such review responsibility for all of its proposed projects. The approval or denial of a claim of incapacity shall be effective for the applicable program year.

(c) *Conditions and safeguards*. When the applicant's environmental review process reveals conditions or safeguards

which should be implemented when the project is undertaken, in order to protect or enhance environmental quality, or minimize adverse environmental impacts, such conditions or safeguards shall be set forth in the environmental review record of the applicant, shall be specified as requirements in any applicable third party contract respecting the project, and shall be implemented or caused to be implemented by the applicant. The applicant's performance in these premises shall be monitored and evaluated by HUD as part of the monitoring and review process of HUD under Title I.

(d) *Comprehensive and early evaluation*. Environmental impact shall be evaluated on as comprehensive a scale as is feasible, with a view to the overall cumulative impact of all projects in the applicant's community development program as well as the specific impacts of a particular project. Environmental factors shall be considered as early as possible in the planning, program formulation and decision-making process of the applicant. The examination to determine the potential consequences of a proposed project should, if possible, cover the expected period of impact.

(e) *Interdisciplinary approach*. When making determinations regarding environmental impacts, the applicant shall consult and utilize professional personnel, as appropriate, such as civil engineers, demographers, architects, economists, landscape architects, lawyers, sociologists, urban planners and others who are qualified to provide advice on specialized and broad aspects of environmental concerns.

Subpart B—Environmental Reviews by Applicants Under Title I

§ 58.7 Environmental review as part of application process.

In formulating community development programs, applicants must take into account appropriate environmental factors. To the fullest extent possible, the environmental review of proposed projects and alternatives should be carried out concurrently with the formulation of the applicant's community development program and the preparation of its Title I application.

(a) *Citizen participation*. Applicants are required to provide citizens with adequate information concerning important program requirements and adequate opportunity to participate in the development of the Title I application (see: 24 CFR 570.900(d)—*General Program Regulations*).

(b) *Combined proceedings*. An applicant may combine its environmental review process with other proceedings pertaining to the preparation and submittal of its Title I application, provided that all the requirements of each proceeding are substantively met by the applicant.

§ 58.8 [Reserved]

§ 58.9 Financial assistance for environmental review.

Applicants may secure Federal financial assistance under Title I to enable them to carry out NEPA environmental

review. Requests for such assistance shall be submitted to the HUD officer authorized to receive the Title I application.

(a) *Pre-application assistance.* For the program period beginning January 1, 1975, each applicant, eligible to receive Title I grants, may request HUD to advance up to ten per centum (10%) of the Title I amount allocated to it, in order to plan and prepare for the implementation of activities to be assisted under Title I. The planning and conduct of environmental reviews relating to the preparation of Title I applications and projects thereunder may be so funded. (See: 24 CFR 570.302—*General Program Regulations*).

(b) *Post-application assistance.* After HUD approval of its Title I application any applicant may obtain Title I funds for environmental studies relating to the applicant's community development program.

(c) *Comprehensive planning assistance grants (701).* Applicants eligible to receive HUD 701 Comprehensive Planning Assistance grants may request 701 funds for the development of environmental review systems as part of their comprehensive planning activities.

§ 58.10 [Reserved]

§ 58.11 Environmental review record.

Applicants shall prepare and maintain a written record of the environmental review pertaining to each project, which shall be designated the "Environmental Review Record", and shall be available for review as part of the project proposal at the request of interested agencies, groups or individuals.

(a) *Form and content.* The environmental review record shall follow the format set forth in Appendix I and shall include:

(1) A description of the project to which it relates.

(2) Documentation of the environmental review process, as set forth at § 58.15, leading to the applicant's environmental finding.

(3) A description of the existing environmental conditions, the environmental impacts identified, modifications and changes made to compensate for environmental impacts.

(4) The environmental finding of the applicant and the reasons supporting such finding.

(5) Documentation of the environmental clearance procedures carried out by the applicant, in light of the environmental finding.

(6) A copy of the applicant's Statement of NEPA Responsibility for the project (where applicable).

(7) A copy of any Draft and Final EIS.

(8) Copies of environmental analyses conducted under State or local law.

(9) Original counterparts or copies, as appropriate, of other documents specified in these regulations as constituting part of the environmental review.

§ 58.12 Updating environmental reviews: retroactivity.

Requests for Title I funds may relate to locally and/or Federally approved projects for which no environmental review or clearance has been carried out, or no environmental clearance completed or for which previously conducted environmental reviews and clearances are not insufficient due to changes circumstances or intervening conditions. For each such project an original or updated environmental review must be carried out and a clearance completed under these regulations.

(a) *Major amendatory.* Title I funds may not be released for any major amendatory of an ongoing or uncompleted project until an environmental review and clearance under these regulations has been completed for such project. Such review shall be carried out, to the maximum extent practicable, with respect to the entire project. Where it is not practicable to evaluate the entire project, then attention shall be given to the effect of the major amendatory on the project and to measures which, given the stage of development of the project, may reduce any adverse environmental impact.

(b) *Matters arising during review process.* Where new or additional knowledge or information with significant implications for environmental impact, or additional environmental impacts not previously taken into account by the applicant, are discovered during the review process, such factors shall be taken into account and the review process shall be completed in the light of such factors.

(c) *Procedures governing updated reviews.* The following procedures shall govern the updating of environmental reviews:

(1) Where an environmental finding has been made and clearance procedures commenced or completed, a new finding shall be made, based upon the new factors, and clearance procedures shall be updated by revision, amendment, addendum to the original clearance, or completion of another clearance procedure, as appropriate.

(2) Where such factors arise after a Draft EIS has been transmitted for circulation, but prior to the expiration date for receipt of comments, a copy of any revision, amendment, addendum to the Draft EIS, or other issuance, shall be transmitted to all parties to whom the Draft EIS was transmitted, and to all parties who have commented thereon, and, where appropriate, the applicant shall extend the time for comment on the Draft EIS.

(3) Where the time for comments on the Draft EIS has expired, but the Final EIS has not been circulated, any revision, amendment or addendum to the Draft EIS shall be transmitted to all parties to whom the Draft EIS was transmitted and to all parties who commented thereon, and a reasonable time for receipt of comments shall be fixed and allowed. The

Final EIS shall then reflect the additional factors and contain the comments and responses respecting them.

(4) Where the Final EIS has been circulated, it shall be revised and reissued or an addendum thereto shall be prepared and distributed to all parties to whom the Final EIS was distributed and to others who have commented thereon. Such revision or addendum shall be subject to the same review and comment procedures, including those respecting time, as the original Final EIS.

§ 58.13 Environmental review process.

(a) Except as provided at § 58.21 all non-exempt projects included in the community development program of an applicant shall be subjected to environmental review by the applicant. The environmental review process must be completed prior to the request for release of funds for projects.

(b) The environmental review process consists of a study by the applicant of each project and its relationship, if any, to other projects, for the purpose of identifying any environmental impact of actions proposed to be taken by the applicant which are to be supported, in whole or in part, by Title I funds.

(c) Through the environmental review process, the applicant must arrive at a determination of whether or not any proposed project will result in any environmental impact, the nature, magnitude and extent of any such impact, whether or not any changes can be made to eliminate or minimize adverse impacts and the level of environmental clearance which is appropriate. Such determination is largely a matter of judgment and evaluation of available facts in the environmental review record on the part of the applicant, which is reached pursuant to the procedures and guidelines contained in this part.

(d) If, through the environmental review process, the applicant concludes that the proposed project should not be implemented, based on environmental considerations, the applicant may terminate or abandon the project. In such event, the applicant may, in accordance with the applicable provisions of 24 CFR Part 570 (General Title I Regulations), reprogram to another eligible project.

§ 58.14 Levels of environmental clearance.

There shall be two levels of environmental clearance, based upon the environmental finding of the applicant, as follows:

(a) *Finding that request for release of funds for project is not a major Federal action significantly affecting the quality of human environment.* Where the environmental review process of the applicant results in a finding by the applicant that the request for release of funds for the proposed project is not a major Federal action that significantly affects the quality of the human environment, a finding to such effect, setting forth the

reasons for such determination, shall be prepared by the applicant. The effect of such a finding is a conclusion by the applicant that the preparation and circulation of an EIS is not required under NEPA.

(b) *Finding that request for release of funds for project is a major Federal action significantly affecting the quality of the human environment.* When the environmental review process of the applicant results in a finding by the applicant that the request for release of funds for the proposed project is, or is likely to be a major Federal action significantly affecting the quality of the human environment, a simple finding to that effect shall be prepared by the applicant. The effect of such a finding is a conclusion by the applicant that an EIS is required.

§ 58.15 Steps included in environmental review process.

The manner of carrying out the environmental review process within the authorities of § 58.1(a) is largely the determination of the applicant. However, the process should include the following sequential steps:

(a) *Determine existing conditions.* A determination of existing environmental conditions and trends which are likely to occur without the project. The environmental conditions which exist prior to and unaffected by the implementation of the project should be ascertained. Relevant environmental trends should also be identified and noted. Such information is an essential data base from which to assess and evaluate any effects of the project.

(b) *Identify environmental impacts.* An identification of the nature, magnitude and extent of all environmental impacts of the project (i.e., whether beneficial or adverse).

(c) *Examine identified impacts.* As to all environmental impacts of the project which are identified:

(1) *Project modification.* Examine the project and determine ways in which the project can be modified in order to mitigate, eliminate or minimize any adverse environmental impact and enhance environmental quality. The examination should include considerations relating to design, use, location and timing respecting the project.

(2) *External modification.* Examine the project and determine whether or not external modification (i.e., to or with respect to something other than the project itself) can be made to mitigate, eliminate or minimize any adverse environmental impact and enhance environmental quality. The examination should include considerations relating to design, use, location and timing respecting relevant external factors.

(3) *Alternatives.* Examine alternatives to the project itself and ascertain if environmental impacts can be eliminated or minimized, or environmental quality enhanced, through adoption of feasible alternatives, including alternative sites, alternative site design, and the alternative of rejecting any project.

(d) *Arrive at an environmental finding.* Having completed the foregoing steps in the environmental review process, as applicable, the applicant should next make an environmental finding. There are two forms of environmental finding, that described at § 58.14(a), and that described at § 58.14(b). The environmental finding determines the nature of the final portion of the environmental review process, which is the Environmental Clearance.

(e) *Environmental clearance.* Complete the environmental review process, by carrying out the appropriate environmental clearance procedures, in accordance with the environmental finding, as follows:

(1) *Project is not a major Federal action significantly affecting the quality of the human environment.* Upon a finding to this effect, the following environmental clearance procedures shall apply:

(i) *Notice of intent not to file EIS.* The applicant shall prepare a Notice of Intent Not to File an EIS in the form indicated at Appendix VI. Such notice may be brief, but shall (a) identify the project to which the clearance relates; (b) state the applicant intends not to file an EIS respecting such project; (c) set forth the reasons for such decision; (d) state that the applicant has made an Environmental Review Record respecting the project and indicate where same may be examined and copied; (e) state, if applicable, that no further environmental review of such project is proposed to be conducted and that the applicant intends to request HUD to release funds for such project; (f) indicate that comments may be submitted to the applicant during a stated time period; and (g) state the name and address of the applicant and the chief executive officer of applicant.

(ii) *Publication and dissemination.* The notice of intent not to file an EIS shall be published and disseminated in the same manner as a Notice of Intent to File an EIS, as described at § 58.15(e)(2) b. and will provide at least 15 days for public comment.

(iii) *Inclusion in project.* Following publication and dissemination of the notice of intent not to file an EIS and the expiration of any time fixed for comments, the environmental review process shall be deemed complete, unless further proceedings are found by the applicant to be necessary, due to responses to such notice, or otherwise. Thereafter, a copy of such notice, as a part of the environmental review record, shall accompany the project proposal through all review stages prior to the release of Title I funds.

(2) *Project is a major Federal action significantly affecting the quality of the human environment.* Upon a finding to this effect, an EIS must be prepared and the following environmental clearance procedures shall apply:

(i) *Notice of intent to file an EIS.* As soon as practicable, the applicant shall prepare a Notice of Intent to File an EIS. Such notice may be brief, but shall: (a) Identify the projects to which the EIS

will relate; (b) solicit the comments of all interested parties respecting the environmental impacts of such projects and indicate the time, manner and form in which such comments may be submitted to the applicant; (c) specify an estimated date for completion and distribution of the Draft EIS, and (d) state the name and address of the applicant and the chief executive officer of the applicant.

(ii) *Publication and dissemination.* Copies of the notice of intent to file an EIS shall be sent to all local media, individuals and groups known to be interested in the applicant's activities, local, state, and Federal agencies, the A-95 clearinghouse and others deemed appropriate by the applicant. Such notice shall be published at least once in a newspaper of general circulation in the affected community.

(iii) *Public hearings.* Prior to the preparation and distribution of a Draft EIS, the applicant shall determine whether it will conduct one or more public hearings at which the public may be heard respecting the preparation and contents of the Draft EIS. The applicant should also determine whether or not separate public hearings shall be held respecting the Draft EIS, or whether such public hearings shall be combined with other public hearings pertaining to the application of the applicant. Any such public hearings respecting a Draft EIS shall be preceded by a Notice of Public Hearing, which shall be published in a newspaper of general circulation in the affected community at least fifteen days prior to such hearing, and which shall: (a) State the date, time, place and purpose of the hearing; (b) describe the project, its estimated costs and the project area; (c) state the persons desiring to be heard on environmental issues will be afforded the opportunity to be heard; (d) state the name and address of the applicant and chief executive officer of the applicant; and (e) where the EIS can be obtained.

(3) *Factors to consider.* The determination of whether or not public hearings shall be held prior to distribution of a Draft EIS, or at any other time during the environmental review process, shall be at the discretion of the applicant. Such public hearings, while not required, are advisable and are recommended, particularly at or about the time of distribution of a Draft EIS. The time consumed by such hearings can result in considerable savings of other time and expense which might be caused by environmental errors, controversy and even litigation which such hearings might mitigate or avoid. In determining whether or not to hold such public hearings on environmental issues, either separately, or in combination with other proceedings relating to the application of the applicant, the following factors should be considered:

(a) The magnitude of the projects, in terms of economic costs, the geographic area involved, and the uniqueness of size of commitment of the resources involved.

(b) The degree of interest in the projects, as evidenced by requests from the public, or from other Federal, State or local authorities, for information, or that a hearing be held.

(c) The complexity of the issues and the likelihood that information will be presented at the hearing which will be of assistance to the applicant in carrying out its environmental responsibilities respecting the particular projects.

(d) The extent to which public involvement has been achieved with respect to environmental concerns through other means, such as other public hearings, citizen participation in the development of the applicant's community development program and in formulation of its application, meeting with citizen representatives and written comments on the particular projects.

d. *Draft EIS.* A Draft EIS and Summary Sheet shall be prepared in accordance with CEQ Guidelines. The form for the Draft EIS, Summary Sheet and the Cover Page, shall be the same as provided for a Final EIS, as described at Appendices II, III and IV, respectively. Copies of the Draft EIS shall be sent by applicant to CEQ (5 copies), to Federal agencies (except HUD) whose areas of jurisdiction by law or special expertise are involved, to OMB-designated A-95 clearinghouses, to appropriate local agencies and entities, including local and area planning agencies, and groups or individuals known by the applicant to have an interest in the proposed action of the applicant. Copies shall also be made available to the public. Upon filing of the Draft EIS with CEQ, a notice that the applicant has prepared a Draft EIS will be published by CEQ in the FEDERAL REGISTER. Commencing on the date of such publication, there shall be a minimum review period of 45 days for the Draft EIS, plus any extensions thereof initiated or granted by the applicant. A Draft EIS must be on file with CEQ at least 90 days prior to submission to HUD of a certification and request for release of funds for the particular projects pursuant to § 58.30.

(4) *Final EIS.* A Final EIS, Summary Sheet and Cover Page shall be prepared in the form described at Appendices II, III and IV, respectively. The Final EIS must take into account and must respond to the comments received as the result of circulation of the Draft EIS. The Final EIS, including all comments received and the applicant's responses thereto, shall be filed with CEQ (5 copies), sent to all agencies and individuals who commented on the Draft EIS, to the Environmental Protection Agency, A-95 clearinghouses, appropriate state and local agencies, and shall be made available to the public. A Final EIS must be on file with CEQ not less than 30 days prior to submission to HUD of a certification and request for release of funds for the particular project pursuant to § 58.30. If the Final EIS is filed within 90 days after a Draft EIS has been circulated for comment, furnished to CEQ and made public, the minimum 30 day period and the 90 day period provided for in § 58.15(e)(2)d may run concurrently.

(5) *Limitation on action pending clearance.* During the environmental review process and pending completion of the appropriate environmental clearance procedures, the applicant may not use any funds to take any action with respect to the project under review where such action might have an adverse environmental effect, would limit choices among competing alternatives, or might alter the environmental premises on which the pending clearance is based as to affect the validity of the conclusions reached. Except for exempt activities under § 58.21(d), no Title I funds will be released for a project until the Secretary shall approve said release of funds and the related certification. (See §§ 58.30, 58.31 and 58.32).

§ 58.16-58.20 [Reserved]

§ 58.21 Exempt activities.

(a) *Limited review required.* Certain activities eligible for assistance under Title I are of such nature that they clearly do not involve environmental consequences. A project consisting solely of such exempt activities, while nevertheless requiring an environmental review record, does not require the applicant to carry out all the steps involved in the environmental review process.

(b) *Elements of limited review.* Where the project of the applicant consists entirely of activities which are listed at § 58.21(d) and are thus exempt from certain steps otherwise required in the environmental review process, the applicant shall prepare an environmental review record which shall consist of the following:

(1) A description of the project.

(2) A finding that the project is not a major Federal action significantly affecting the quality of the human environment as described at § 58.14(a).

(3) A certification by the applicant of the fact that the project consists entirely of activities which are listed at § 58.21(d) as exempt activities. Such certification will suffice as the statement of the reasons for the finding required at § 58.14(a).

(4) (Where applicable) A Statement of NEPA Responsibility, as described at § 58.23.

(c) *Release of funds for exempt projects.* An applicant making the finding described at § 58.21(b), respecting a project consisting solely of exempt activities, shall be excused from the requirements of § 58.30 and from the notice and publication requirements of § 58.15(e)(1): *Provided, however,* That the environmental review record of the applicant, prepared in accordance with this paragraph shall be subject to the requirements of § 58.15(e)(1)c. Funds for such exempt projects may be released at any time after approval of the application and execution of the grant agreement.

(d) *Exemptions.* The following eligible activities shall be exempt from all requirements of the environmental review process, excepting only as described herein:

(1) Relocation payments and relocation assistance (not activities causing relocation) for individuals, families,

businesses, organizations and farm operations displaced by activities assisted under Title I.

(2) Activities necessary to develop a comprehensive plan.

(3) Activities necessary to develop a policy-planning-management capacity.

(4) Payment of administrative costs, carrying charges and costs incurred in providing information and resources to affected residents, related to planning and execution of community development activities.

(5) Payment of administrative costs, carrying charges and costs incurred in providing information and resources to affected residents, related to planning and execution of housing activities.

(6) Activities and costs incurred in carrying out environmental studies.

(7) Activities involving the continuation of projects or programs under Title I of the Demonstration Cities and Metropolitan Development Act of 1966 (Model Cities), where such projects or programs were previously the subject of an adequate environmental clearance, and there are no substantial changes in the area, nature or extent thereof, or other changed circumstances sufficient to constitute a major amendatory, or otherwise require future review.

(8) Activities involving the continuation of projects or programs under Title I of the Housing Act of 1949 (Urban Renewal), where such projects or programs were previously the subject of an adequate environmental clearance, and there are no substantial changes in the area, nature or extent thereof, or other changed circumstances sufficient to constitute a major amendatory, or otherwise require future review.

(9) Activities involving the planning and preparation for the implementation of activities to be assisted under Title I.

(10) Improvement of public services not involving construction for persons residing in areas affected by the applicant's program, including those concerned with employment, economic development, crime prevention, child care, health, drug abuse, education, welfare, or recreation.

(11) The following activities, commenced and completed within six months after any Federally declared disaster, which are certified by the chief executive officer of the applicant as being required for the protection of public health, safety and welfare in the area of the disaster:

(i) Acquisition of real property and any interests in real property (including air rights, water rights and incorporeal hereditaments); provided, that a Statement of NEPA Responsibility shall be required as to such acquisition.

(ii) Retention, for public purposes, of any real property acquired in whole or in part by the use of Title I funds, where the purpose or intended use of the property to be retained is substantially the same purpose or use thereof which existed or was defined or determined at the time the property was acquired; provided, that a Statement of NEPA Responsibility, if not executed at the time of

acquisition, shall be required as to such retention.

§ 58.22 [Reserved]

§ 58.23 Statement of NEPA Responsibility.

Where an activity is listed as an exemption at § 58.21, and it is indicated that a Statement of NEPA Responsibility shall be required, the exemption shall not apply unless and until such statement is executed and made a part of the environmental review record of the applicant. The purpose of such statement is to provide assurance, in cases where an activity is listed as an exemption, but the ultimate nature or consequences of such activity cannot be immediately determined, that when the ultimate nature or consequences thereof become determinable, the applicant will cause any appropriate and applicable environmental review and clearance to be completed, in accordance with this part.

(a) *Form.* The statement shall be entitled "Statement of NEPA Responsibility" and shall: (1) Identify and describe the exempt activity; (2) state that the applicant understands and agrees that any appropriate and applicable environmental clearance, in accordance with this part, will be carried out, or caused to be carried out, by the applicant, with respect to such exempt activity, or the subject thereof, at such time as the ultimate nature or consequences of such activity shall become determinable; (3) state that the assurances therein contained shall be deemed an obligation of the applicant and of the chief executive officer of the applicant, enforceable in any court of competent jurisdiction, by any person or agency having an interest in the matter; (4) be executed by the chief executive officer of the applicant, on behalf of the applicant and such officer; (5) be dated; and (6) be authenticated by the clerk or other authenticating officer of the applicant.

(b) *Disposition.* A Statement of NEPA Responsibility shall be attached to and shall become a part of the environmental review record of the applicant.

§ 58.24 Historic preservation.

Applicants must comply with the following requirements relating to section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.) and Executive Order 11539, whenever, any property or district included in, or nominated to, the National Register provided for by such Act (hereinafter "historic property") is in the boundaries, or within the vicinity of, a project which is to be funded, in whole or in part, by Title I funds:

(a) As part of the environmental review process each project shall be examined in accordance with the Procedures for Protection of Historic and Cultural Properties (35 CFR 800 et seq) for the purpose of determining whether or not the project may affect the historic property. If the historic property is not affected by the project, the applicant

shall so state, in the Environmental Review Records.

(b) If the project will affect the historic property, the applicant, as part of the environmental review process shall carry out the procedures set forth at 36 CFR 800 et seq.

§ 58.25 Projects requiring an EIS.

The following types of projects clearly require the preparation and dissemination of an EIS:

(a) projects involving maximum sound, signal or substance emitting levels which exceed those established by law or competent regulation.

(b) projects having an adverse impact (which cannot be satisfactorily removed or mitigated) upon any historic property.

(c) projects involving any violation, which cannot be satisfactorily removed or mitigated, of criteria or standards under applicable laws or regulations governing environmental considerations, such as: the Clean Air Act; the Federal Water Pollution Control Act; HUD Noise Regulation (§ 1390.2); the Coastal Zone Management Act; the Fish and Wildlife Coordination Act; the National Flood Insurance Act; and similar Federal and state laws and regulations.

(d) projects involving the removal, demolition, conversion or emplacement of a total of 500 or more dwelling units.

(e) projects wherein or whereby water or sewer facilities will pass through, be adjacent to, or serve underdeveloped areas of 100 acres or more.

§ 58.26 Projects warranting special attention.

All projects meeting or exceeding the following criterion of size or environmental impact should receive special attention in the form of a more comprehensive environmental review, including consideration of the preparation of an EIS:

(a) Projects which will result in a 50 percent change in the density, vehicular traffic, demand for energy, or demand for other public services in the area environmentally affected by the project.

(b) Neighborhood facilities projects having site acreage of 50,000 square feet, or gross floor area of 30,000 square feet.

(c) All open space land projects involving (1) sanitary landfill; (2) impoundment of two surface acres or twenty five acre feet of water; (3) 50 acres, or more; and (4) conversions of open space land to non-open space land uses.

(d) All neighborhood development projects and conversions from conventional urban renewal to neighborhood development; all changes in NDP area of plans.

(e) All above ground reservoirs and standpipes; all source development projects, including major river impoundments, raw water reservoirs, well fields, treatment plants, treated water transmission or sewage collection lines which pass through, are adjacent to, or serve undeveloped areas of 50 acres or more.

§ 58.27 Interaction of applicant and Federal agencies.

(a) *Interaction with agencies other than HUD.* Where a project is to be jointly funded by Federal agencies other than HUD and by HUD under Title I, it is desirable that only one environmental clearance proceeding be carried out for all the Federal actions involved. In such cases, a single agency (the "lead agency") should assume responsibility for the clearance procedure, with the other agencies providing assistance.

(b) *Joint reviews; designation of lead agency.* All determinations respecting joint environmental review or designation of a "lead agency" to perform an environmental review shall be made and agreed upon between the applicant and the other Federal agencies involved, where practicable. In the event an applicant and one or more Federal agencies are unable to reach such agreement, the applicant shall notify HUD, and HUD, with the advice and assistance of CEQ, will seek to obtain such agreement.

(c) *Review agreements.* In all cases where, pursuant to an agreement between the applicant and one or more Federal agencies, it is determined that an agency other than the applicant will assume the "lead agency" role and will carry out the environmental responsibilities which would otherwise be carried out by HUD, the applicant shall inform such other Federal agencies that such agreement is subject to the approval of HUD. The applicant shall then submit such agreement to HUD, together with the name and office or division of the Federal agency designated as "lead agency" and HUD shall promptly review the same and shall notify the applicant and the other Federal agencies involved of its approval or disapproval. It shall be the policy of HUD to approve all such interagency agreements, unless HUD has reason to believe that an environmental review carried out pursuant to such arrangement would not substantially satisfy the environmental review policy, standards and procedures of these regulations. In the event HUD should finally disapprove such arrangement or agreement, then the applicant shall proceed with the environmental review.

§ 58.28-58.29 [Reserved]

Subpart C—Releases of Funds for Particular Projects

§ 58.30 Release of funds upon certification.

An applicant which has completed all applicable environmental review and clearance requirements as provided in this part with respect to a proposed project and desiring to submit a request to HUD for the release of Title I funds for the project, shall comply with the following:

(a) *Request for release of funds—Form.* A request for release of funds pursuant to this part shall be addressed to the HUD officer authorized to receive the application of applicant shall be executed by the chief executive officer of applicant

and may be submitted with or as part of an application, or at any time after submittal of an application. Such request shall in all cases be accompanied by the certification of the applicant as stated at § 58.30(c) and shall:

(1) State the name and address of the applicant;

(2) State that the applicant requests the release of funds for particular projects, identify such projects and state the amount of funds requested to be released as to each;

(b) *Certification—Form.* A certification pursuant to this part shall be addressed to the HUD officer authorized to receive the application of applicant, shall accompany the request for release of funds, and shall:

(1) State the name and address of the applicant and be executed by the chief executive officer of the applicant;

(2) Specify that the applicant has fully carried out all of the responsibilities for environmental review, clearance and decision-making respecting the projects named in the request for release of funds;

(3) Specify the levels of all environmental clearances carried out by the applicant respecting each project affected by the certification;

(4) Specify the dates upon which any statutory or regulatory time period for review, comment, or other response or action respecting each such environmental clearance expired, or will expire, together with the basis for applicant's determination of such dates;

(5) Specify that the chief executive officer of the applicant, being duly authorized and empowered to do so, does consent to assume the status of a responsible Federal official, under NEPA, insofar as the provisions of NEPA apply to the HUD responsibilities for environmental review, clearance and decision-making assumed and carried out by the applicant;

(6) Specify that the chief executive officer of the applicant, being duly authorized and empowered to do so, consents, personally, and on behalf of the applicant, to accept the jurisdiction of the Federal courts, for the enforcement of all responsibilities referred to in § 58.30(5);

(7) Be accompanied by a statement,

over the signature of the attorney for the applicant, indicating that the applicant and the chief executive officer of the applicant, are authorized and empowered by law to make the certification, and that the same was duly made by the applicant and the chief executive officer of the applicant, in accordance with such authority and power;

(8) Be accompanied by a statement, over the signature and seal of the clerk or other authenticating officer of the applicant, stating that the chief executive officer of applicant is duly authorized to execute this certification, and that he did execute the same.

§ 58.31 Objections to release of funds.

No commitment of funds to the affected projects can be made by the applicant or by HUD, prior to the lapse of at least fifteen (15) days from receipt by HUD of the related request for release of funds and certification. During such 15 day period, persons and agencies may submit objections to HUD, upon the grounds and in accordance with the procedures herein provided. HUD can refuse to approve the request and certification upon the grounds and in accordance with the procedures herein provided.

(a) *Permissible Grounds.* 1. that the certification was not, in fact, executed by the chief executive officer of the applicant;

2. that the chief executive officer of the applicant was not legally authorized or empowered to consent to assume the status of a responsible Federal official, under NEPA, as specified in the certification;

3. that the applicant, or the chief executive officer of the applicant, or either of them, was not legally authorized or empowered to consent to accept the jurisdiction of the Federal courts, or that the chief executive officer was not authorized to so consent on behalf of the applicant as specified in the certification;

4. that the certification of the applicant was not made in accordance with the State or local laws governing the making of such certification by the applicant.

(b) *Public and agency objections.* The only grounds upon which HUD will entertain the objection of any person or agency to the certification of an appli-

cant, or to the approval by HUD of such certification are set forth at § 58.31(a). Other objections will not be entertained by HUD, but may be addressed to the applicant, and the chief executive officer of the applicant.

(c) *Procedure.* A person or agency, objecting to the certification of an applicant, or to the approval by HUD of a certification, shall submit such objection, in writing, to the HUD officer authorized to receive the application of the applicant, and such objection shall:

1. Specify the name, address and telephone number of the person or agency submitting the objection, and be signed by the person or authorized official of the agency, and be dated;

2. Specify the grounds for objection, and the facts or legal authority relied upon in support of the objection;

3. Indicate that a copy of the objections has been mailed or delivered to the chief executive officer of the applicant. Such written objections must be received by HUD within the 15 day period specified in § 58.31. Any decision by HUD respecting the approval or disapproval of the request for fund release and certification in light of the objections and any reply of the applicant shall be final.

§ 58.32 Effect of approval of certification.

(a) *NEPA responsibilities of HUD.* The approval by HUD of the certification of an applicant is deemed to satisfy the responsibilities of HUD (i.e., of the Secretary, as a responsible Federal official) under NEPA insofar as those responsibilities relate to the application and release of funds under Title I for projects which are covered by such certification.

(b) *Public and agency redress.* Persons and agencies seeking redress under NEPA respecting any of the matters covered by an approved certification, and having inquiries, complaints and actions which would otherwise be directed to HUD or to the Secretary, shall direct the same to the applicant. It shall be the policy of HUD, following the approval of a certification, not to respond to such inquiries, complaints and actions, excepting only to refer such persons and agencies to the applicant and the certifying officer of the applicant.

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